

EXECUTIVE AND PLANNING COMMITTEE

Thursday, October 9, 2014
(*teleconference*)

12:10 p.m.–1:40 p.m.

Room 5619 (*for S.F. staff*)

Call-in number: (877) 820-7831
Passcode: 492-809



JUDICIAL COUNCIL
OF CALIFORNIA



Executive and Planning Committee
Meeting Materials

Thursday, October 9, 2014



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JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

OPEN MEETING WITH CLOSED SESSION AGENDA

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c)(1))

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: Thursday, October 9, 2014
Time: 12:10 to 1:40 p.m.
Location: Teleconference
Public Call-in Number: 877-820-7831; passcode 846-8947

Meeting materials for open portions of the meeting will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

II. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-5)

Item 1

Trial Court Budget Advisory Committee (TCBAC): Rule Amendments (Action Required)

Present RUPRO with a proposal amending California Rules of Court, rule 10.64, the rule governing TCBAC to make a change to the membership category for presiding judges. The rule would also be amended to eliminate a provision concerning the appointment of cochairs and to make minor technical changes. Determine the disposition of the report for the October Judicial Council meeting agenda.

Presenter: Justice Harry E. Hull, Jr., Chair, Rules and Projects Committee

Item 2

Trial Court Budget Advisory Committee (TCBAC): Term Extensions (Action Required)

Review request from TCBAC chair regarding term extensions for all existing members through December 31, 2014, in order to continue addressing critical budget challenges facing the trial courts during this interim period.

Presenters: Judge Laurie Earl, Cochair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

Item 3

Approval of Minutes

Approve minutes of the August 12 and 19, 2014, Executive and Planning Committee meetings.

Item 4

Subordinate Judicial Officer (SJO) Positions

Review and approve requests from trial courts to change the number of SJO positions in their courts.

Presenter: Ms. Leah Rose-Goodwin, Court Operations Services

Item 5

Agenda Setting for the October 27–28, 2014, Judicial Council Meeting (Action Required)

Review available draft reports and set agenda for the October Judicial Council meeting.

Presenters: Various

- Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships
- Criminal Justice: Recidivism Reduction Fund Court Grant Program
- Update to Court Technology Governance and Strategic Plan
- Special Juvenile Immigration Status and the California Courts
- Appellate Procedure: Confidential Records
- Appellate Procedure: Extensions of Time to File Briefs
- Appellate Procedure: Judicial Notice Requests
- Appellate Procedure: Record in Juvenile Appeals
- Criminal Justice Realignment: Petition and Order for Dismissal
- Criminal Justice Realignment: Petitions for Revocation of Supervision
- Fee Waivers: Payments Over Time and Specific Fees Included in Waivers
- Child Support: Revise Income Withholding for Support and Related Instructions
- Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership
- Family Law: Uniform Standards of Practice for Providers of Supervised Visitation
- Family and Juvenile Law: Parentage
- Juvenile Dependency: Attorney Training
- Juvenile Dependency: Information Form for Parents
- Judicial Administration: Rule for Trial Court Budget Advisory Committee
- Rules and Forms: Miscellaneous Technical Changes
- Decedents' Estates: Waiver of Bond by Beneficiaries of Estates

- Probate Conservatorship and Guardianship: Accounting Schedules for Gains and Losses on Sales of Estate Assets
- 2014 Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice
- Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants
- Judicial Administration: Change of the Duties of the Advisory Committee on Financial Accountability and Efficiency of the Judicial Branch
- Judicial Council Report to the Legislature: Allocations and Reimbursements to the Trial Courts for Fiscal Year 2013–2014
- Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in FY 2013–2014
- Judicial Council Report to the Legislature: Electronic Recording Equipment
- Juvenile Dependency: Proposed Allocation for Fiscal Year 2014–2015 for Court Appointed Special Advocate Local Assistance
- Judicial Council Report to the Legislature: Cash-Flow Loans Made to Trial Courts in Fiscal Year 2013–2014
- Adoption and Permanency Month: Judicial Council Resolution
- Court Facilities: The Napa Seismic Experience (No materials for this item.)
- Final Report of the Implementation Task Force on Self-Represented Litigants
- Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring
- Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 4 of Fiscal Year 2013–2014
- Trial Courts: Annual Investment Report for Fiscal Year 2013-2014

III. ADJOURNMENT

Adjourn to Closed Session

IV. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(D))

Item 6

Pursuant to California Rules of Court, rule 10.75(d)(1)

Review materials and develop recommendations to be sent to the Chief Justice regarding out-of-cycle vacancies on advisory bodies.

Item 7

Pursuant to California Rules of Court, rule 10.75(c)(1)

Facilities Policy Development

Adjourn Closed Session



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Judicial Administration: Rule for Trial Court Budget Advisory Committee	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 10.64	October 28, 2014
Recommended by	Date of Report
Executive and Planning Committee Hon. Douglas P. Miller, Chair	September 24, 2014
	Contact
	Susan R. McMullan, 415-865-7990 susan.mcmullan@jud.ca.gov

Executive Summary

The Executive and Planning Committee recommends amending California Rules of Court, rule 10.64, the rule for the Trial Court Budget Advisory Committee, to make a change to the membership category for presiding judges. It would provide that “presiding judge,” as used in the rule, means a current presiding judge or an immediate past presiding judge. The rule would also be amended to eliminate a provision concerning the appointment of cochairs and to make minor technical changes.

Recommendation

The Executive and Planning Committee (E&P) recommends that the Judicial Council amend, effective October 28, 2014, rule 10.64 of the California Rules of Court to provide that “presiding judge,” as used in the rule, means a current presiding judge or an immediate past presiding judge; to eliminate subdivision (d), concerning the appointment of cochairs; and to make technical changes.

The text of the amended rule is attached at page 5.

Previous Council Action

Effective February 20, 2014, the Judicial Council adopted rule 10.64 setting out the area of focus, additional duties, and membership provisions for the Trial Court Budget Advisory Committee. Adoption of the rule followed a council initiative to review the governance, structure, and organization of the council's advisory groups and the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*,¹ which included a recommendation to establish by rule the Trial Court Budget Advisory Committee.

Rationale for Recommendation

The primary amendment to rule 10.64

Rule 10.64(c) would be amended to allow an immediate past presiding judge to serve as a member. Membership on the advisory committee is limited to presiding judges and court executive officers. Under the current rule, a judicial officer member must be a current presiding judge, although the rule permits a presiding judge to complete his or her term on the advisory committee even if his or her term as presiding judge of a trial court ends. Thus, a presiding judge could be appointed to the advisory committee at the beginning of his or her first or second year as presiding judge and continue to serve the three-year advisory committee term after stepping down as presiding judge.² But the committee has found that a member's experience as a presiding judge is invaluable and believes that allowing an immediate past presiding judge to be appointed would benefit the work of the committee and, ultimately, the Judicial Council, as it makes decisions about the allocation of funds to trial courts. Presiding judges and court executives, who lead and manage trial courts and are most familiar with and experienced in courts' needs and budgets, are essential to the committee's work and exclusively make up its membership. A court executive officer usually remains in that position for many years beyond the three-year membership term of the advisory committee and can therefore serve multiple terms, if appropriate. A presiding judge, by contrast, usually serves for two years in that capacity and can serve out only one advisory committee term before becoming ineligible under the current rule. The proposal would rectify this problem by allowing an immediate past presiding judge to serve. A judge who just completed a term as presiding judge would have recent experience in leading and managing a court and would be well aware of a court's current needs and challenges, while also being removed from the day-to-day leadership of a trial court. A judge in this position would benefit the committee.

The motivation for this change is to increase the pool of presiding judge applications for upcoming nomination cycles. In the 2014–2015 cycle, the number of presiding judge applicants was insufficient for the number of available membership slots. The proposed change would

¹ The report can be found at www.courts.ca.gov/documents/jc-20130426-item4.pdf.

² Most advisory committee terms are three years. "The Chief Justice appoints advisory committee members to three-year terms unless another term is specified in these rules." (Cal. Rules of Court, rule 10.31(b).)

address these recruitment issues as well as provide a mechanism, as noted above, for retaining critical budget knowledge acquired by presiding judges.

Because the proposal would define *presiding judge* as a “current presiding judge or an immediate past presiding judge,” and current rule 10.64 permits a presiding judge on the committee to complete his or her term even if his or her term as presiding judge of a trial court ends, a member who is appointed when he or she is an immediate past presiding judge could serve a three-year term on the committee.

Other amendments to rule 10.64

Rule 10.64(c)(2) would also be amended to provide that no more than two members of the committee may be from the same court. Currently, the rule provides that a presiding judge and a court executive officer may not be from the same court. With the amendment that defines a presiding judge as a “current presiding judge or an immediate past presiding judge,” two presiding judges and a court executive officer from the same court could simultaneously serve on the committee unless subdivision (c)(2) is changed as proposed.

Subdivision (c)(5) would be amended to replace “Administrative Office of the Courts’ ” with “Judicial Council’s,” reflecting the recent retirement of the name Administrative Office of the Courts. Also, a change in the cochair structure would be made by deleting subdivision (d), which currently provides that “[t]he Chief Justice appoints a presiding judge and the Director of the Fiscal Services Office to serve as cochairs.” With this amendment, the director of the Fiscal Services Office would no longer serve as cochair. The rule would not need a provision concerning the chair or cochairs of the committee because rule 10.31(c) addresses this issue for all advisory committees.

Comments, Alternatives Considered, and Policy Implications

The proposal was circulated for comment from August 20 to September 19, 2014. Comments were received from the Superior Courts of Los Angeles and Ventura Counties.³ Both commentators agreed with the proposal and neither submitted a narrative comment.

Alternatives

E&P did not consider alternatives because of the need to gain the benefits of an immediate past presiding judge’s experience and knowledge.

³ A chart containing the comments and the committee responses is attached at page 6.

Implementation Requirements, Costs, and Operational Impacts

Immediately after the rule is amended, a solicitation for nominations for membership will occur for a period of approximately two weeks. This will allow the appointment of members who are immediate past presiding judges, among other members. Member appointments are expected to occur by January 1, 2015, so that the Trial Court Budget Advisory Committee can begin meeting when the Governor releases the January budget proposal. This timeline allows continuity in membership through the budget cycle so that the advisory committee can most effectively analyze the proposed trial court budget and assist in developing data necessary to support trial court budget advocacy efforts.

Attachments and Links

1. Cal. Rules of Court, rule 10.64, page 5
2. Chart of comments, at page 6

Rule 10.64 of the California Rules of Court is amended, effective October 28, 2014, to read:

1 **Rule 10.64. Trial Court Budget Advisory Committee**

2
3 ~~(a)–(b) * * *~~

4
5 **(c) Membership**

- 6
7 (1) The advisory committee consists of an equal number of trial court presiding
8 judges and court executive officers reflecting diverse aspects of state trial
9 courts, including urban, suburban, and rural locales; the size and adequacy of
10 budgets; and the number of authorized judgeships. For purposes of this rule,
11 “presiding judge” means a current presiding judge or an immediate past
12 presiding judge.
13
14 (2) ~~A presiding judge and court executive officer~~ No more than two members
15 may be from the same court.
16
17 (3) The chairs of the Trial Court Presiding Judges Advisory Committee and the
18 Court Executives Advisory Committee serve as ex officio voting members.
19
20 (4) Notwithstanding rule 10.31(e), a presiding judge is qualified to complete his
21 or her term on the advisory committee even if his or her term as presiding
22 judge of a trial court ends.
23
24 (5) ~~The Administrative Office of the Courts’~~ Judicial Council’s chief of staff,
25 chief administrative officer, chief operating officer, and director of ~~the fiscal~~
26 ~~services office~~ Finance serve as non-voting members.

27
28 **~~(d) Cochairs~~**

29
30 ~~The Chief Justice appoints a presiding judge and the Director of the Fiscal Services~~
31 ~~Office to serve as cochairs.~~

SP14-06**Judicial Administration: Rule for Trial Court Budget Advisory Committee** (amend Cal. Rules of Court, rule 10.64)

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

	Commentator	Position	Comment	Proposed Committee Response
1.	Superior Court of California, County of Los Angeles	A	No narrative comments submitted.	No response required.
2.	Superior Court of California, County of Ventura by Michael Planet, Executive Officer	A	No narrative comments submitted.	No response required.



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MEMORANDUM

Date	Action Requested
August 21, 2014	Approve Concept; Direct Judicial Council Staff to Develop Reappointment Order and Letters
To	Deadline
Executive and Planning Committee	October 9, 2014
From	Contact
Hon. Laurie Earl, Co-chair	Bob Fleshman
Mr. Zlatko Theodorovic, Co-chair	Finance
Trial Court Budget Advisory Committee	415-865-7531 phone
Subject	bob.fleshman@jud.ca.gov
Term Extensions for Current Trial Court Budget Advisory Committee Members	

On August 19, 2014, the Executive and Planning Committee as well as the Rules and Projects Committee approved the invitation for comment on a proposal to amend California Rules of Court, rule 10.64, the rule for the Trial Court Budget Advisory Committee (TCBAC). As you know, the proposal—if implemented—would amend the existing rule to make a change to the membership category for presiding judges in order to increase the pool of presiding judge applications for future nominations cycles.

The current comment period runs through the third week of September with the council expected to act on the proposed rule change at the October 2014 meeting. Immediately after the rule amendment is approved, a solicitation for nominations would occur over the first two weeks of November with new appointments effective January 1, 2015.

The primary issue at hand is that all existing members' terms expire on October 31, 2014. As co-chairs of the TCBAC, we formally request term extensions for all existing members through December 31, 2014, in order to continue addressing critical budget challenges facing the trial courts during this interim period.



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

August 12, 2014
12:10 to 1:10 p.m.
Conference Call

Advisory Body Members Present: Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice-Chair); Judges Stephen H. Baker, David De Alba, Teri L. Jackson, Mary Ann O'Malley, and Brian C. Walsh; Mr. James P. Fox and Mr. David H. Yamasaki

Advisory Body Members Absent: Commissioner Sue Alexander and Mr. Mark P. Robinson, Jr.

Invited Guests Present: Judge James E. Herman, Chair, Judicial Council Technology Committee

Committee Staff Present: Ms. Jody Patel and Ms. Nancy Carlisle

Judicial Council Staff Present: Mr. Cliff Alumno, Ms. Eunice Calvert-Banks, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Christine Cleary, Ms. Jessica Craven, Ms. Shelley Curran, Mr. Douglas Denton, Ms. Donna Hershkowitz, Mr. Alan Herzfeld, Ms. Bonnie Hough, Mr. John Judnick, Ms. Maria Kwan, Ms. Susan McMullan, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Robin Seeley, Mr. David Smith, Mr. Curt Soderlund, Ms. Laura Speed, Mr. Zlatko Theodorovic, Ms. Julia Weber, and Ms. Bobbie Welling

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m., and committee staff took roll call.

DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

Item 1

Technical and Administrative Case Management System Standards

Judge James E. Herman, chair of the Judicial Council Technology Committee, presented for the committee's approval, a project for developing technical and operational administration standards for interfacing court case management systems and state justice partner information systems. Judge Herman recommended that the project be accomplished under the new technology governance structure that the Judicial Council will consider for adoption on August 21, 2014, with the Technology Committee's oversight.

Action: *The committee conceptually approved the Judicial Council Technology Committee proposal. Project details will be determined in the annual agenda for the advisory*

committee assigned to the project, following the Judicial Council's decision on the proposal for a branchwide Technology Governance, Strategy, and Funding Plan.

Item 2

Approval of Minutes (Action Required)

The committee reviewed draft minutes of its July 21, 2014, committee meeting.

Action: The committee approved the minutes of its July 21, 2014, meeting.

Item 3

Agenda Setting for the August 21–22, 2014, Judicial Council Meeting (Action Required)

The committee reviewed available draft reports for the August Judicial Council meeting.

Action: The committee set the agenda for the August council meeting by approving the following reports for placement on the business meeting agenda:

- **Budget: Department of Finance Outlook on the State Budget for 2014–2015**
- **Children in Foster Care: Final Report from the California Blue Ribbon Commission on Children in Foster Care**
- **Civic Education: Final Report of the California Task Force on K-12 Civic Learning Task Force and the Fair and Free Video**
- **Collaborative Justice Project: Substance Abuse Focus Grant Funding Allocation Recommendations for Fiscal Year 2014–2015**
- **Court Facilities: Disposition of Vacant State-Owned Court Facilities**
- **Court Facilities: Senate Bill 1407 Project Funding Requests and Judicial Branch AB 1473 Five-Year Infrastructure Plan for Fiscal Year 2015–2016**
- **Family Law: New Online “Parenting After Separation” Course**
- **Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks’ Office Hours (Gov. Code, § 68106—Report No. 26)**
- **Judicial Administration: Designation of the Violence Against Women Education Project Planning Committee as a Standing Subcommittee of the Family and Juvenile Law Advisory Committee**
- **Judicial Branch Administration: Court Technology Governance and Strategic Plans**
- **Judicial Branch Administration: Council Oversight of Judicial Council Contracts**
- **Judicial Branch Education: Demonstration of New Judicial Branch Education Website CJER Online**
- **Judicial Branch Technology: Budget Change Proposal Update**
- **Judicial Council: Implementation of Judicial Council Staff Restructuring Directives**
- **Judicial Council Distinguished Service Awards and Aranda Access to Justice Award: Recipients for 2014**
- **Jury Instructions: Revisions to Criminal Jury Instructions (conditionally approved subject to approval by the Rules and Projects Committee)**
- **Subordinate Judicial Officers: Approval of Notification to Legislature on Conversions**
- **Trial Courts: Benefit Funding Process**

- **Trial Courts: Court Realignment Data (Calendar Year 2013)**
- **Update on Development of the Strategic Plan for Language Access in the California Courts**

Item 4

Subordinate Judicial Officer (SJO) Conversion for Superior Court of California, County of Yolo (Action Required)

The committee reviewed a recommendation from the Judicial Council's Court Operations Services staff that the Executive and Planning Committee confirm the conversion of one vacant SJO position in the Superior Court of Yolo County.

Action: *The committee confirmed a request from the Superior Court of Yolo County to convert one vacant subordinate judicial officer position to a judgeship. The vacancy will result when Commissioner Janene Beronio succeeds retiring Judge Stephen L. Mock when his current term ends January 5, 2015. The conversion is effective on the date of Judge Mock's retirement. When the position is vacated, the court is authorized to temporarily fill the position until a judge is named and sworn in to fill the position.*

Item 5

Mental Health Implementation Task Force (No Action Required)

The committee received a status report on the task force's request to defer its June 2014 sunset date, which the Judicial Council initially set in April 2013, for up to another six months.

No committee action

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 12:45 p.m.

C L O S E D S E S S I O N

Item 6

Pursuant to California Rules of Court, rule 10.75(d)(6) and rule 10.75(d)(9)

The committee reviewed available draft reports for the August Judicial Council meeting.

Action: *The committee continued to set the agenda for the August council meeting by approving reports for placement on the business meeting agenda.*

Item 7

Pursuant to California Rules of Court, rule 10.75(d)(1)

The committee reviewed nominations for out-of-cycle vacancies on the Appellate Advisory Committee and the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch.

Action: *The committee determined its recommendations to the Chief Justice for out-of-cycle vacancies on the Appellate Advisory Committee and the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch.*

Item 8

Pursuant to California Rules of Court, rule 10.75(d)(5)

The committee discussed issues and concerns regarding security for open meeting venues.

No committee action

Item 9

Pursuant to California Rules of Court, 10.75(c)(1)

The committee reviewed draft minutes of its July 28, 2014, closed meeting.

Action: The committee approved the minutes of its July 28, 2014, closed meeting.

Adjourned closed session at 1:05 p.m.

Approved by the advisory body on enter date.

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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

August 19, 2014
3:30 to 4:00 p.m.
Teleconference

Advisory Body Members Present: Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice-Chair); Judges David De Alba, Teri L. Jackson, Mary Ann O'Malley, and Brian C. Walsh; Commissioner Sue Alexander; Mr. James P. Fox and Mr. David H. Yamasaki

Advisory Body Members Absent: Judge Stephen H. Baker and Mr. Mark P. Robinson, Jr.

Committee Staff Present: Ms. Jody Patel and Ms. Nancy Carlisle

Judicial Council Staff Present: Mr. Cliff Alumno, Ms. Eunice Calvert-Banks, Ms. Deborah C. Brown, Ms. Roma Cheadle, Ms. Shelley Curran, Ms. Cristina Foti, Mr. Michael I. Giden, Ms. Donna Hershkowitz, Mr. Burt Hirschfield, Mr. Mark Jacobson, Judge Steven Jahr, Mr. John Judnick, Ms. Susan McMullan, Ms. Diane Nunn, Mr. John Prestianni, Mr. Zlatko Theodorovic

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 3:30 p.m. and committee staff took roll call.

Approval of Minutes

The committee deferred approval of the August 12, 2014, meeting minutes to its September meeting.

DISCUSSION AND ACTION ITEMS (ITEMS X-X)

Item 1

Agenda Setting for the August 21–22, 2014, Judicial Council Meeting

The committee review remaining draft reports for the August Judicial Council meeting.

Action: *The committee set the agenda for the August council meeting by approving the following reports for placement on the business meeting agenda:*

- *Budget: Fiscal Year 2015–2016 Budget Requests for the Supreme Court, Courts of Appeal, the Judicial Council, and Judicial Branch Facilities Program*
- *Disposition of Judicial Council of California Equity in Calexico Courthouse*
- *Jury Instructions: Revisions to Criminal Jury Instructions*

Item 2

Recidivism Reduction Grant Administration Procedure

The committee reviewed a proposal on procedures for the staff of the Judicial Council's Criminal Justice Services to administer a grant program to support trial court programs and practices on reducing recidivism.

Action: *The committee approved the proposal.*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 4:00 p.m.

Approved by the advisory body on enter date.

DRAFT



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MEMORANDUM

Date

September 25, 2014

To

Members of the Executive and Planning
Committee

From

Donna Hershkowitz, Director
Judicial Council Court Operations Services

Leah Rose Goodwin, Manager, Office of
Court Research
Judicial Council Court Operations Services

Subject

Status of Subordinate Judicial Officer (SJO)
Positions in the Superior Courts of Imperial,
Kern, Kings, Lake, Marin, San Francisco,
Santa Cruz, and Tulare Counties

Action Requested

Approve Staff Recommendation for Changes
in the Status of SJO Positions Among
Requesting Courts

Deadline

October 9, 2014

Contact

David A. Smith
415-865-7696 phone
david.smith@jud.ca.gov

Executive Summary

Judicial Council staff recommend that the Judicial Council's Executive and Planning Committee (E&P) approve a fractional increase in the workload of an SJO position in the Superior Court of Kings County and a reduction in the numbers of authorized SJO positions in the Superior Courts of Lake, Marin, and San Francisco Counties. The courts have notified Judicial Council staff of their intentions of making these changes permanent and have forwarded or will be forwarding letters describing their plans to E&P.¹ In addition to these changes, three courts have reclassified referee positions to commissioner positions, and one court will be reducing its authorized Assembly Bill 1058 commissioner full-time equivalent (FTE). Since these types of changes are

¹ Letters from the Superior Courts of Kings, Lake, and San Francisco are attached as Appendix B.

not covered by the Council's policy they are not being submitted as part of the requested action, but as an informational item only.

Recommendation

Judicial Council staff recommend that E&P approve a fractional increase in the workload of an SJO position in the Superior Court of Kings County and a reduction in the numbers of authorized SJO positions in the Superior Courts of Lake, Marin, and San Francisco Counties. The permanent changes to be made are as follows:

- Kings: Increase the FTE associated with one commissioner position by 0.1 FTE.
- Lake: Reduce the workload of one SJO position by 0.2 FTE.
- Marin: Reduce SJO FTE by 1.7.
- San Francisco: Reduce SJO FTE by 9.1.

The courts have notified Judicial Council staff of their intention to make the foregoing changes permanent should their requests be approved by E&P.

Previous Council Action

In 2007 the Judicial Council adopted a policy for the review and approval of requests from trial courts to change the number of subordinate judicial officer positions and delegated approval authority to its Executive and Planning Committee. Government Code section 71622(a) grants authority to the council to determine the number and type of subordinate judicial officer positions in each trial court.

More specifically, the Judicial Council adopted the following policy regarding changes in the number and status of SJO positions.

1. To establish a new SJO position, permanently eliminate an SJO position, or change the time base of an existing SJO position, a court must request and obtain approval from E&P. The requesting court must fund and bear all costs associated with an additional or augmented SJO position.
2. If an increase in the number of SJO positions is sought, the court must submit a request in writing to the appropriate Judicial Council regional administrative director². A request must contain a certification by the presiding judge that the court has sufficient funds in its ongoing budget to cover the cost of any additional or augmented position. Judicial Council staff must provide E&P with (a) an estimation of the requesting court's ability to fund one-time and ongoing costs resulting from the establishment or augmentation of a new position and (b) a confirmation of need, both SJO workload and overall judicial need, based on the most recent council-approved Judicial Needs Assessment.

² Please note: The position of regional administrative director was eliminated in 2012 as a result of the restructuring of the AOC.

3. E&P will authorize new or augmented SJO positions only if (a) the court can continuously fund the associated increased costs and (b) the most recent council-approved Judicial Needs Assessment demonstrates that the requesting court's SJO workload justifies additional SJO positions and cannot be handled with existing judicial resources. E&P's decision to change the number or type of SJO positions must be in writing and contain an analysis of the factors underlying the decision.
4. E&P will eliminate or decrease the time base of an SJO position on the request of a trial court.
5. Judicial Council staff members are directed to work with all trial courts to establish an official baseline number of authorized SJO positions in each court and to report this information to E&P. Once a court's baseline is established, E&P may consider and approve according to these criteria that court's request to approve currently unauthorized SJO positions that have been added since January 1, 2001.
6. This policy applies to SJO positions authorized under section 22 of article VI of the California Constitution and that are paid from a trial court's budget. Court commissioner and court referee positions are subject to this policy. The following positions are not covered by this policy: mental health hearing officers serving under Welfare and Institutions Code sections 5256.1 or 5334(c), referees appointed under Code of Civil Procedure sections 638 and 639, and child support commissioners supported by Assembly Bill 1058 funding.³

Rationale for Recommendation

Since the significant budget reductions sustained by judicial branch in 2009, the superior courts have sought to manage their greatly reduced budgets in ways that maximized the efficiency and effectiveness of court operations while continuing to serve California residents equitably. Part of this effort has included the Judicial Council's adoption of the Workload-based Allocation and Funding Model (WAFM), which now helps guide the allocation of general fund resources throughout the branch.

The use of this workload data has encouraged many courts to temporarily reallocate their greatly reduced resources to core court functions and away from those that they have the budgetary discretion to reduce in times of financial austerity. This reallocation includes temporary adjustments to expenditures for the financial support of SJO positions in the courts. In certain instances courts are seeking to make these budget reallocations permanent and on that basis are requesting review and approval of these changes by E&P.

³ The Judicial Council determines the number of AB 1058 child support commissioners under somewhat different criteria in accordance with caseload, case processing, and staffing standards specifically for child support commissioners.

Approving these changes is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a)⁴, which delegated authority to E&P for review and approval of courts' requests to permanently adjust the workload or number of SJOs serving in a court.⁵ However, E&P's policy in this area may not be as widely understood as it should be. Over the past several years, some courts have submitted requests to E&P for changes to numbers of authorized commissioner FTEs, but it appears that others were not aware of the obligation to do so. Approving these adjustments to SJO FTEs will allow the requesting courts reasonable certainty and clarity concerning judicial staffing over the next few years, carry out their intent as described above, and once again communicate E&P's role in these matters to the courts.

When assessing the need for new judgeships statewide, the number of authorized judicial positions is compared to assessed judicial need. Hence, it is important that the number of authorized positions is accurate. As part of the work preceding the 2014 Judicial Needs Assessment, staff determined that review and update of the number of authorized SJO positions was necessary. Courts were contacted via e-mail and asked to verify their numbers. Information about changes to the number of authorized SJO positions was compiled into this report.

The rationale for the request from the Superior Court of Kings County is slightly different. The court has 1.5 FTE authorized SJO positions, but recently informed Judicial Council staff that they actually have had an SJO FTE of 1.6 since 2006. The 0.6 FTE is a part time AB 1058 commissioner: 0.5 FTE of the commissioner's time is reimbursed by the AB 1058 program and the remaining 0.1 FTE is reimbursed by the court. Under the policy regarding changes in SJO FTE, a court must demonstrate both the financial resources as well as the FTE need to support any increase in SJO FTE.

The most recent analysis of SJO-appropriate workload (2007) shows that Kings has a need for 1.0 FTE subordinate judicial officer. Furthermore, the most recent judicial needs assessment shows that Kings need 2.8 FTE judicial officers to meet their workload-based need. The court has been on the list to receive a new judgeship since at least 2007, when a priority ranking list was established to allocate 50 new judgeships under AB 159 (stats 2007, ch. 722). Even using more current workload data, Kings would still be on the list to receive one of the first 50 new judgeships authorized.

The E&P policy regarding changes in SJO time base does not include AB 1058 commissioners, but the request from the court is included here because the court is funding the additional 0.10 FTE with general funds and not through the AB 1058 program and because workload need for

⁴ Each trial court may establish and may appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court." Gov. Code, §71622(a).

⁵ Judicial Council Meeting of February 23, 2007, San Francisco, California, Item 10 Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts.
<http://www.courts.ca.gov/documents/min0207.pdf>

those commissioners is included as part of a court's number of authorized judicial positions. With no new judgeships forthcoming, it is reasonable for E&P to approve this request for a small augmentation in authorized SJO FTE to help the court meet its workload-based need for judicial officers. In terms of financial resources, the court has been paying for the additional 0.10 FTE for many years and feels it has the funds to continue to do so. The court has forwarded a letter to Judicial Council staff indicating its intention and ability to continue to fund the additional FTE.

Within this framework, Judicial Council staff recommend that E&P approve requests by the Superior Courts of Kings, Lake, Marin, and San Francisco Counties to adjust the allocation of SJO FTE in their respective courts as described earlier.

In addition to these changes, three courts have reclassified referee positions to commissioner positions; because this type of change is not covered by the council's policy, it is being submitted not as part of the requested action, but as an informational item only. Those changes are as follows:

- Kern: Reclassify 1.0 FTE referee to 1.0 FTE commissioner.
- Santa Cruz: Reclassify 1.0 FTE referee to 1.0 FTE commissioner.
- Tulare: Reclassify 1.0 FTE referee to 1.0 FTE commissioner.

Further, the Superior Court of Imperial County will be reducing its AB 1058 commissioner from 0.38 FTE to 0.3 FTE, effective January 1, 2015. AB 1058 commissioners are also not included under E&P's policy, but this change is included as an information item because it changes the court's authorized judicial position count.

Comments, Alternatives Considered, and Policy Implications

This proposal was not circulated for comment. This proposal complies with the council policy on the status of SJO positions. Supporting the proposed modifications in SJO FTE would be consistent with well-established council policy in this area.

Implementation Requirements, Costs, and Operational Impacts

The policy regarding changes in the status of SJO positions requires that courts be able to fund the cost associated with additional or augmented positions. The Superior Court of Kings County is the only court that is requesting an increase in its commissioner FTE; the court has funded the additional 0.10 FTE for many years and is now just updating its authorized FTE numbers to match the number of funded FTE.

Attachments

1. Attachment A: Gov. Code, § 71622
2. Attachment B: Letters of Intent from the Superior Courts of Kings, Lake, and San Francisco Counties.

Government Code Section 71622

(a) Each trial court may establish and may appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court. (Emphasis added.)

(b) The appointment or termination of a subordinate judicial officer shall be made by order of the presiding judge or another judge or a committee to whom appointment or termination authority is delegated by the court, and shall be entered in the minutes of the court.

(c) The Judicial Council shall promulgate rules establishing the minimum qualifications and training requirements for subordinate judicial officers.

(d) The presiding judge of a superior court may cross-assign one type of subordinate judicial officer to exercise all the powers and perform all the duties authorized by law to be performed by another type of subordinate judicial officer, but only if the person cross-assigned satisfies the minimum qualifications and training requirements for the new assignment established by the Judicial Council pursuant to subdivision (c).

(e) The superior courts of two or more counties may appoint the same person as court commissioner.

(f) As of the implementation date of this chapter, all persons who were authorized to serve as subordinate judicial officers pursuant to other provisions of law shall be authorized by this section to serve as subordinate judicial officers at their existing salary rate, which may be a percentage of the salary of a judicial officer.

(g) A subordinate judicial officer who has been duly appointed and has thereafter retired from service may be assigned by a presiding judge to perform subordinate judicial duties consistent with subdivision (a). The retired subordinate judicial officer shall be subject to the limits, if any, on postretirement service prescribed by the Public Employees' Retirement System, the county defined-benefit retirement system, as defined in subdivision (f) of Section 71624, or any other defined-benefit retirement plan from which the retired officer is receiving benefits. The retired subordinate judicial officer shall be compensated by the assigning court at a rate not to exceed 85 percent of the compensation of a retired judge assigned to a superior court.

Attachment B

Letters of Intent from the Superior Courts of Kings, Lake, and San Francisco Counties.



Superior Court
State of California
County of Lake
255 N. Forbes Street
Lakeport, California 95453
707-263-2374

STEPHEN O. HEDSTROM

PRESIDING JUDGE

KRISTA D. LeVIER

COURT EXECUTIVE/CLERK
JURY COMMISSIONER

September 23, 2014

Hon. Douglas P. Miller, Chair
Executive & Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Reduction in Subordinate Judicial Officer Positions

Dear Justice Miller and member of Executive and Planning:

This letter serves to inform you that the Superior Court of California, County of Lake has reduced the Subordinate Judicial Officer position time base from .8 FTE to .6 FTE. This reduction is strictly the result of budgetary restrictions and not a reflection of a reduction in workload.

Feel free to contact me should you or any member have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Stephen O. Hedstrom".

Stephen O. Hedstrom



Superior Court of the State of California County of Kings

Chambers of Presiding Judge Thomas DeSantos

October 1, 2014

RE: Authorized Judicial Positions

Dear Members of the Judicial Council's Executive and Planning Committee:


The Superior Court of Kings County is requesting that the committee approve an increase to the Court's authorized Commissioners FTE from 1.5 FTE to 1.6 FTE.

Background:

- In 2006 the Court was authorized to hire a .5 FTE Child Support Commissioner under the AB 1058 Child Support Commissioner grant.
- Due to the workload, the Court opted to supplement this position with an additional .10 FTE, which is paid from the Court's general fund.
- This arrangement has been in place since March 2006, but has not been updated on the Court's list of authorized judicial positions.
- The Court has the funding to support the additional 0.10 FTE.
- The Court has the workload need to support the additional 0.10 FTE.
- The Court currently has fewer judicial officers than its assessed judicial need.

On behalf of the Superior Court of Kings County, I respectfully request that the committee approve the increase in authorized judicial positions for Commissioner from 1.5 FTE to 1.6 FTE.

Respectfully,


Thomas DeSantos
Presiding Judge of the
Superior Court of Kings County

Avenal Division
501 E. Kings Street
Avenal, CA 93204
(559)582-1010, ext. 4094

Corcoran Division
1000 Chittenden Ave.
Corcoran, CA 93212
(559)582-1010, ext. 3003

Hanford Division
1426 South Drive
Hanford, CA 93230
(559)582-1010, ext.5002

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

400 McAllister Street, Room 205
San Francisco, CA 94102-4512
Phone: 415-551-5707
FAX: 415-551-5701



CYNTHIA MING-MEI LEE
PRESIDING JUDGE

T. M. RECEIVED
COURT EXECUTIVE OFFICER

SEP 22 2014

JUDICIAL COUNCIL
ADMINISTRATIVE OFFICE OF THE COURTS

September 19, 2014

Hon. Steven Jahr
Administrative Director
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Request to Decrease Authorized SJOs

Dear Judge Jahr:

We write to request a reduction in the number of authorized subordinate judicial officer (SJO) positions at the San Francisco Superior Court from 13 to 2.9 SJO positions. This request makes permanent the Court's current level of actual SJOs and more closely aligns the Court's judicial officer positions to its assessed judicial need.

Since 2009, the Court has decreased the level of actual SJO positions as an austerity measure to deal with budget cuts from the state. For more than three years now, the Court has operated with the current level of 2.9 SJOs. Despite this reduction, the Court has continued to meet the demands of our caseload to provide access to justice in San Francisco.

A reduction in authorized SJO positions in San Francisco is yet another step toward embracing data to set budget priorities. With the Workload-Based Allocation and Funding Methodology (WAFM), the branch now makes budget decisions based on data. Assuming current state funding levels, WAFM will continue to decrease the Court's budget annually, which will prevent the Court from funding a higher level of actual SJOs.

Additionally, an authorized SJO reduction also relies on data to make sound policy decisions. While WAFM sets budget allocations, it also determines a baseline for a court's staffing and average salary. Similarly, the Assessed Judicial Need (AJN) for each court provides a baseline for a court's total number of SJOs. The Court's request to reduce the level of authorized SJO positions to 2.9 SJOs reduces the total number of authorized judicial officers to 55.9, which is closer to the 55.5 AJN benchmark (using data through Fiscal Year 2011-12).

It is important to note that consistent with the Judicial Council's policy for number of SJOs, which was adopted on February 23, 2007, the 2.9 SJO position count does not include the Court's mental health hearing officer serving under Welfare and Institutions Code sections 5256.1 or 5334(c) and child

Hon. Steven Jahr
September 19, 2014
Page 2

support commissioner supported by Assembly Bill 1058 funding. The Court employs one SJO for each of these respective case types.

It is for these reasons that the Court requests the Judicial Council or its delegate to reduce the number of authorized SJOs in San Francisco to 2.9 positions. Thank you for your consideration.

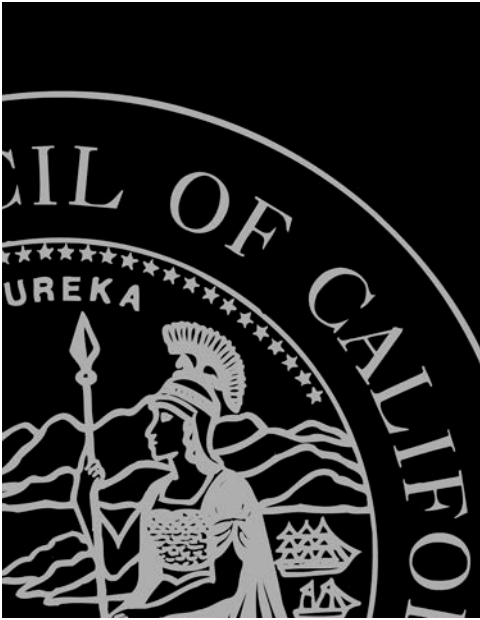
Sincerely,



Cynthia Ming-mei Lee
Presiding Judge



T. Michael Yuen
Court Executive Officer



EXECUTIVE AND PLANNING COMMITTEE

Thursday, October 9, 2014
(teleconference)

12:10 p.m.-1:40 p.m.

Room 5619 (for S.F. staff)

Call-in number: (877) 820-7831
Passcode: 492-809



JUDICIAL COUNCIL
OF CALIFORNIA



Executive and Planning Committee
Meeting Materials

Thursday, October 9, 2014



Executive and Planning Committee
Meeting Materials

Thursday, October 9, 2014



Executive and Planning Committee
Meeting Materials

Thursday, October 9, 2014



Executive and Planning Committee
Meeting Materials

Thursday, October 9, 2014





JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

Monday, October 27, 2014 • 1:30 p.m.–4:25 p.m.

Tuesday, October 28, 2014 • 8:30 a.m.–12:50 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by
Judicial Council Support. Please check the agenda at [CHECK FOR UPDATED LINK](#)
for recent postings of hyperlinked reports.

CLOSED SESSION (RULE 10.6(b))

Session 1:30–1:50 p.m.

Break 1:50–2:00 p.m. (approx.)

OPEN SESSION (RULE 10.6(a))—MEETING AGENDA (ITEMS 1–4)

2:00–2:15 p.m. **Swearing in of New and Reappointed Judicial Council Members and the Administrative Director**
The Chief Justice will administer the oath of office to new and reappointed council members and the Administrative Director.

2:15–2:20 p.m. **Approval of Minutes**
Approve minutes of the August 21–22 and September 2, 2014, Judicial Council meetings.

2:20–2:35 p.m. **Chief Justice’s Report**
Chief Justice Tani G. Cantil-Sakauye will report.

NOTE: Time is estimated. Actual start and end times may vary.

2:35–2:50 p.m. Administrative Director’s Report

Mr. Martin Hoshino, Administrative Director, will report.

2:50–3:20 p.m. Public Comment

The Judicial Council welcomes public comment, as it can enhance the council’s understanding of the issues coming before it. To accommodate members of the public, the Judicial Council encourages those who wish to comment at the meeting, on either a specific agenda item or on a more general topic of judicial administration, to provide notice in order to ensure that all requests are acknowledged during the meeting.

Notice can be provided in two ways:

1) Written notice by **4:00 p.m., Thursday, October 23, 2014**

- by e-mail to judicialcouncil@jud.ca.gov, or
- by postal mail or delivery in person to:
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

In the notice, please state the speaker’s first and last name and the specific agenda item to be addressed or, if not on the agenda, the topic to be addressed.

- 2) Sign in at the meeting reception, on the day of the meeting
- before the call for general public comment, or
 - before the specific agenda item of interest is introduced.

All requests will be allocated three minutes.

Please note that anyone wishing to speak on a specific agenda topic should arrive at the beginning of the meeting on which the agenda item will be heard, as agenda times are subject to change.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

Written Comments Received

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov, or mailed or delivered to:

Judicial Council of California
455 Golden Gate Avenue

San Francisco, California 94102-3688
Attention: Cliff Alumno

Written comments received by **1:00 p.m. on Friday, October 24, 2014**, will be distributed to council members at the meeting. All comments received will be posted directly to the public Judicial Council web page.

Item 1 3:20–3:45 p.m.

Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships (Action Required)

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the *Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. This report fulfills the requirements of Government Code section 69614(c)(1). This report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3). The advisory committee further recommends that the Judicial Council adopt a revision to the current methodology that is used to prioritize any new judgeships that may be authorized and funded by the Legislature for the trial courts. The proposed revision to the Judicial Council's methodology would allow smaller courts whose workload need is substantial, but less than the one full-time equivalent (FTE) threshold currently needed, to be eligible for consideration for a new judgeship.

Presentation (15 minutes) • Discussion (10 minutes)

Speakers: Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee
Ms. Leah Rose-Goodwin, Manager, Court Operations Services

Item 2 3:45–4:00 p.m.

Criminal Justice: Recidivism Reduction Fund Court Grant Program (No Action Required)

The Budget Act of 2014 (Senate Bill 852; Stats. 2014, ch. 25) appropriated \$15 million from the Recidivism Reduction Fund (RRF) for a competitive grant program to be administered by the Judicial Council. The funds are designated to support the administration and operation of trial court programs and practices known to reduce adult offender recidivism and enhance public safety, including collaborative courts, pretrial programs, and court use of risk and needs assessments. The purpose of this report is to provide information on the establishment of the RRF, the RRF Request for Proposals, and the next steps in the process of awarding grants.

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Speakers: Mr. Curtis L. Child, Chief Operating Officer
Ms. Shelley Curran, Criminal Justice Services

Item 3 4:00–4:10 p.m.

Update to Court Technology Governance and Strategic Plan (Action Required)

The Judicial Council Technology Committee recommends that the Judicial Council adopt the updated Court Technology Governance and Strategic Plan. This document outlines a new judicial branch technology governance and funding model, strategic plan, and tactical plan, which will provide a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level. The Governance and Strategic Plan was submitted to the Judicial Council at the August 2014 meeting with the understanding that updates to reflect the importance of language access as a component of the plan would be added to the plan and distributed at the October 2014 meeting.

Public Comment and Presentation (5 minutes) • Discussion (5 minutes)

Speaker: Hon. James E. Herman, Chair, Judicial Council Technology Committee

Item 4 4:10–4:25 p.m.

Special Juvenile Immigration Status and the California Courts (No Action Required)

In response to the escalating number of foreign minors crossing into California and other border states, state courts have been confronted with an unprecedented number of cases which involve federal immigration law; specifically the Special Immigrant Juvenile Status visa procedure. In practical terms, eligibility for this visa status rides on factual findings made in state court during juvenile or guardianship proceedings and not in immigration court. In response to this situation, recently enacted California legislation, Senate Bill 873, clarifies the role and responsibility of the Superior Courts in making these findings. This report provides information regarding the background for this legislation as well as the efforts underway to assist the courts (i.e., providing education, resources, and other services).

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Speaker: Mr. Curtis L. Child, Chief Operating Officer

TUESDAY, OCTOBER 28, 2014 AGENDA

OPEN SESSION (RULE 10.6(a))—MEETING AGENDA

8:30–8:50 a.m. Judicial Council Committee Presentations

Policy Coordination and Liaison Committee

Hon. Kenneth K. So, Chair

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

Technology Committee

Hon. James E. Herman, Chair

8:50–9:15 a.m. Judicial Council Members' Liaison Reports

Judicial Council members will report on their liaison work.

CONSENT AGENDA (ITEMS A1–A17 THROUGH K)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.

ITEMS A1–A17 RULES AND FORMS

Appellate

Item A1 Appellate Procedure: Confidential Records (Action Required)

The Appellate Advisory Committee recommends amending the advisory committee comments accompanying the rules regarding confidential records to: (1) highlight that many laws establish specific requirements regarding the confidentiality of particular records, and those laws supersede the rules of court; (2) note that, under case law, much of the contents of probation reports is not confidential; and (3) remove probation reports as one of the examples of confidential records cited in these advisory committee comments. These changes are intended to address concerns raised about the application of the general rule regarding references to confidential records in appellate filings to information contained in probation reports.

Hon. Raymond Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services

NOTE: Time is estimated. Actual start and end times may vary.

Item A2 Appellate Procedure: Extensions of Time to File Briefs (Action Required)

The Appellate Advisory Committee recommends (1) amending the rule governing stipulations for extensions of time to file a brief in a civil appeal to clarify that such stipulations are not available if the time to file the brief has already been extended by the court on application of the party and to reflect the recent amendments to the rules on sealed records; (2) revising the existing form for applying to the Court of Appeal for extensions of time to file briefs in civil appeals to, among other things, give form users the option of specifying the reasons for an extension on the form or on an attached declaration; (3) adopting new optional forms for applying to the Court of Appeal for extensions of time to file briefs in criminal and juvenile cases; and (4) adopting a new optional form for stipulations to extend briefing time in civil appeals. These changes are intended to reduce courts' costs associated with the preparation of individualized applications for extensions of time by appointed counsel and the review of applications and stipulations for extensions of time that are in a wide variety of formats.

Hon. Raymond Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services

Item A3 Appellate Procedure: Judicial Notice Requests (Action Required)

The Appellate Advisory Committee recommends amending the rules relating to motions for judicial notice to require that the pages of documents submitted with the motion be consecutively paginated. This change will facilitate more accurate citation by parties and make it easier for the court to locate cited material.

Hon. Raymond Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services

Item A4 Appellate Procedure: Record in Juvenile Appeals (Action Required)

The Appellate Advisory Committee recommends that the rules relating to the record on appeal in juvenile dependency cases be amended to (1) provide that a copy of the record will only be provided to a child who is not the appellant if either the child is represented by counsel or a recommendation for appointment of counsel for the child is pending; (2) require that a copy of the record be provided to an Indian tribe that has intervened in either a case concerning termination of parental rights or other dependency proceedings in certain counties; and (3) make other nonsubstantive changes. These changes are primarily intended to reduce costs by eliminating the preparation of unnecessary copies of the record in juvenile cases.

Hon. Raymond Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services

Criminal Law

Item A5 Criminal Justice Realignment: Petition and Order for Dismissal (Action Required)

In response to criminal justice realignment legislation that provides a new statutory basis for dismissals, the Criminal Law Advisory Committee recommends revising the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to add data fields to facilitate dismissals under Penal Code section 1203.41 for cases in which the petitioner received a felony county jail sentence under Penal Code section 1170(h)(5). The committee recommends revising forms CR-180 and CR-181 to assist courts in specifying the granting or denial of a dismissal request under Penal Code sections 1203.4, 1203.4a, or 1203.41 for each conviction in a case, and to confirm which convictions, if any, are reduced from felonies to misdemeanors under Penal Code section 17(b). The committee also recommends related revisions to the format, advisements, and instructions on both forms.

Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

Ms. Eve Hershcopf, Criminal Justice Services

Item A6 Criminal Justice Realignment: Petitions for Revocation of Supervision (Action Required)

The Criminal Law Advisory Committee recommends revising the *Petition for Revocation* (form CR-300) to apply the form to proceedings to revoke probation or mandatory supervision under Penal Code section 1170(h)(5)(B) in response to recent legislation that applied long-standing probation revocation procedures to all categories of supervision engendered by criminal justice realignment. This proposal was developed at the request of courts to promote uniform revocation procedures.

Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

Ms. Kimberly DaSilva, Criminal Justice Services

Civil and Small Claims

Item A7 Fee Waivers: Payments Over Time and Specific Fees Included in Waivers (Action Required) MAY BE MOVED TO DISCUSSION AGENDA

The Civil and Small Claims Advisory Committee recommends modifying the fee waiver rules and forms to (1) permit parties to waive the right to a hearing prior to the court's issuing an order denying a fee waiver application if the court has authorized payments over time following the denial and the parties are satisfied with making payments over time; (2) limit payments over time to first appearance fees and a payment period of three months; and (3) make other clarifying changes to the *Request to Waive Court Fees* (form FW-001). These changes should eliminate the costs to parties and the court for unnecessary hearings and limit the administrative burden of payments over time.

In addition, the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee jointly recommend amendments to the rules that list the court fees that must be

waived as part of an initial fee waiver and those that may be waived at the court's discretion. The Appellate Advisory Committee recommends amending these rules to consolidate the list of mandatorily waived fees in one rule and to also list the new \$50 fee for the court to hold in trust funds deposited to pay court reporters for a transcript. The Civil and Small Claims Advisory Committee recommends further rule amendments to reflect a recent change in law that mandates that any fees charged for the court's cost for court reporting services be included in a waiver. Several fee waiver forms and information sheets would be revised to reflect these changes.

Hon. Patricia M. Lucas, Chair, Civil and Small Claims Advisory Committee

Ms. Heather Anderson and Ms. Anne M. Ronan, Legal Services

Family and Juvenile Law

Item A8 Child Support: Revise Income Withholding for Support and Related Instructions (Action Required)

The Family and Juvenile Law Advisory Committee recommends revising *Income Withholding for Support* (form FL-195/OMB No. 0970-0154) and *Income Withholding for Support—Instructions* (form FL-196/OMB No. 0970-0154) to comply with Family Code section 5208 and federal law.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Anna L. Maves, Center for Families, Children and the Courts

Item A9 Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (Action Required)

In light of the changes to federal and state laws legalizing marriages between persons of the same sex, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the use of one petition (*Petition—Marriage/Domestic Partnership* (form FL-100)) and one response (*Response—Marriage/Domestic Partnership* (form FL-120)) in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. The committee also recommends that the council revoke forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123), which were previously adopted for use by persons in a same-sex marriage or domestic partnership (or both); amend rule 5.76 (Domestic partnership); and revise other forms so they conform to these changes.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Bonnie Rose Hough and Ms. Gabrielle D. Selden, Center for Families, Children, and the Courts

Item A10 Family Law: Uniform Standards of Practice for Providers of Supervised Visitation (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending standard 5.20 of the California Standards of Judicial Administration, governing providers of supervised visitation, to conform to the requirements of recently enacted Family Code section 3200.5. The committee also recommends making additional changes to standard 5.20 to enhance its internal consistency. In addition, the committee recommends revising the *Supervised Visitation Order* (form FL-341(A)) to eliminate references to “therapeutic visitation” to maintain consistency with the provisions of section 3200.5 and to make technical changes to make the form consistent with other Judicial Council forms that relate to child custody matters.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Tracy Kenny and Ms. Shelly LaBotte, Center for Families, Children, and the Courts

Item A11 Family and Juvenile Law: Parentage (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending 11 rules of court and revising two mandatory Judicial Council forms to conform to recent legislation. Assembly Bill 1403 (Stats. 2013, ch. 510) updated California’s version of the Uniform Parentage Act to clarify that a *natural parent* need not be biologically related to his or her child and to replace the terms *father* and *paternity* with the gender-neutral terms *parent* and *parentage* where appropriate. The amendments and revisions ensure that the rules and forms are consistent with statute and case law. They also make technical corrections and clarifications.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Mr. Corby Sturges, Center for Families, Children, and the Courts

Item A12 Juvenile Dependency: Attorney Training (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending rule 5.660 to conform to a recent statutory change to the education and training requirements for attorneys appointed to represent children in juvenile dependency proceedings. Assembly Bill 868 amended section 317(c) of the Welfare and Institutions Code, effective January 1, 2014, to require that this training include instruction on sensitivity to the needs of lesbian, gay, bisexual, and transgender youth. The proposed amendment would add this topic to those required by the rule and make other minor, nonsubstantive modifications to clarify the text.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Mr. Corby Sturges, Center for Families, Children, and the Courts

Item A13 Juvenile Dependency: Information Form for Parents (Action Required)

The Family and Juvenile Law Advisory Committee recommends revoking two existing dependency court information forms and approving a new information form that complies with the statutory requirements of Welfare and Institutions Code section 307.4, which requires the Judicial Council, in consultation with the County Welfare Directors Association of California, to adopt a form to provide to parents or guardians whose children are being removed that explains their procedural rights and the preliminary stages of the dependency process.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Tracy Kenny, Center for Families, Children, and the Courts

Miscellaneous

Item A14 Judicial Administration: Rule for Trial Court Budget Advisory Committee (Action Required)

The Executive and Planning Committee recommends amending California Rules of Court, rule 10.64, the rule for the Trial Court Budget Advisory Committee, to make a change to the membership category for presiding judges. It would provide that “presiding judge,” as used in the rule, means a current presiding judge or an immediate past presiding judge. The rule would also be amended to eliminate a provision concerning the appointment of cochairs and to make minor technical changes.

Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Ms. Susan R. McMullan, Legal Services

Item A15 Rules and Forms: Miscellaneous Technical Changes (Action Required)

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, as well as changes resulting from legislation. Staff to the Judicial Council recommends making the necessary corrections to avoid confusion for court users, clerks, and judicial officers.

Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee

Ms. Susan R. McMullan, Legal Services

Probate and Mental Health

Item A16 Decedents’ Estates: Waiver of Bond by Beneficiaries of Estates (Action Required)

In response to concerns expressed by judicial officers in the probate departments of several superior courts, the Probate and Mental Health Advisory Committee recommends the adoption of a mandatory form that beneficiaries of decedents’ estates would be required to

sign to waive surety bonds that otherwise would be required of the proposed personal representatives of these estates.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Mr. Douglas C. Miller, Legal Services

Item A17 Probate Conservatorship and Guardianship: Accounting Schedules for Gains and Losses on Sales of Estate Assets (Action Required)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise the accounting schedules that may be, or in some cases must be, used by conservators and guardians of estates to show the gains and losses on the sale of estate assets. The revision would request the total of the carry values of the property sold and the total of the sale prices, in addition to the total of the gains or losses on the sales. This change is recommended to facilitate reconciliation of the accountings by judicial officers and court staff in their review and analysis of the accounts filed by these fiduciaries.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Mr. Douglas C. Miller, Legal Services

Item B 2014 Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice (Action Required)

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the transmittal of the attached report to the Legislature, “Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice.” Government Code section 77001.5 requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) Providing equal access to courts and respectful treatment for all court participants; (2) Case processing, including the efficient use of judicial resources; and (3) General court administration.”

Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee

Ms. Leah Rose-Goodwin, Court Operations Services

Item C Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)

As stated in its report on the *Equal Access Fund: Distribution of Fourteenth Year Equal Access Fund Grants*, the State Bar Legal Services Trust Fund Commission notes that the Budget Act of 2014 includes \$15,409,250 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access funds are distributed primarily in two parts, IOLTA-Formula Grants and Partnership Grants (with a small amount also distributed for administration). The State Bar Legal Services Trust Fund Commission requests approval of the distribution of \$14,462,250 in IOLTA-Formula Grants for fiscal year (FY) 2014–2015,

according to the statutory formula in the state Budget Act. It further requests that the Judicial Council approve distribution of \$1,445,635 in partnership grants for 2015 and approve the commission's findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

Mr. Adrian Dollard, Cochair, Legal Services Trust Fund Commission

Ms. Bonnie Rose Hough, Center for Families, Children, and the Courts

Item D Judicial Administration: Change of the Duties of the Advisory Committee on Financial Accountability and Efficiency of the Judicial Branch (Action Required)

The Executive and Planning Committee (E&P) recommends that the frequency of the reports on Judicial Council contracts prepared by the Advisory Committee on Financial Accountability and Efficiency of the Judicial Branch (A&E) be changed from semiannually to biennial. On August 23, 2013, the council adopted guidelines that require the reports on contracts to be made semiannually. Such frequent reporting is not considered necessary due to the biennial review of contracts by the California State Auditor (CSA) and therefore E&P recommends that the guidelines be modified to require the A&E Advisory Committee to review and report on contracts to the council biennially instead of semiannually (alternating years from the CSA).

Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Mr. John Judnick, Audit Services

Item E Judicial Council Report to the Legislature: Allocations and Reimbursements to the Trial Courts for Fiscal Year 2013–2014 (Action Required)

Judicial Council Staff recommends approving the *Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2013–2014*. Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature on all approved allocations and reimbursements to the trial courts in each fiscal year to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary.

Mr. Zlatko Theodorovic and Mr. Steven Chang, Finance

Item F Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in FY 2013–2014 (Action Required)

Judicial Council staff recommend approval of the attached *Report on Allocation of Funding in Fiscal Year (FY) 2013–2014 for Support of New Judgeships Authorized in FY 2007–2008*. The Budget Act of 2007 requires that this report be submitted each year until all judgeships are appointed and new staff hired.

Mr. Zlatko Theodorovic and Mr. Patrick Ballard, Finance

Item G Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)

Judicial Council staff recommend approval of the attached *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2014)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

Mr. Zlatko Theodorovic and Mr. Patrick Ballard, Finance

Item H Juvenile Dependency: Proposed Allocation for Fiscal Year 2014–2015 for Court Appointed Special Advocate Local Assistance (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year 2014–2015. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at the August 2013 business meeting. Allocations will fund 45 programs serving 50 counties. The committee also recommends a modification to the allocation methodology to temporarily reserve funding for counties which were served by a CASA program at the time of the last grant allocation, but are currently developing new programs and do not have a designated CASA program.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Amy Nuñez, Center for Families, Children, and the Courts

Item I Judicial Council Report to the Legislature: Cash-Flow Loans Made to Trial Courts in Fiscal Year 2013–2014 (Action Required)

Judicial Council Staff recommends approving the *Report of Cash-Flow Loans Made to Trial Courts Pursuant to Government Code Section 68502.6 in Fiscal Year 2013–2014*. Government Code section 68502.6 requires that Judicial Council Staff report to the Legislature and the Department of Finance on loans made to trial courts pursuant to Government Code section 68502.6.

Mr. Zlatko Theodorovic, Finance

Item J Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund for Fiscal Year 2014–2015 (Action Required)

After the council approved the FY 2014–2015 allocations funded from the State Trial Court Improvement and Modernization Fund in April 2014, the California Judicial Education and Research Governing Committee presented the FY 2014–2015 and FY 2015–2016 Judicial Branch Education Plan to the council. Subsequently, the proposed plan was approved by the council. In order to implement this newly approved plan, the allocation for several education

programs needs to be adjusted to reflect the required funding amounts for the programs with no change to the total previously approved allocation amount of \$1.414 million.

Hon. Laurie Earl, Cochair, Trial Court Budget Advisory Committee

Mr. Zlatko Theodorovic, Finance

Item K Juvenile Dependency Counsel Collections Program: Proposed Allocation for Fiscal Year 2014–2015 (Action Required)

The Juvenile Dependency Counsel Collections Program (JDCCP) is a program under which courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The Trial Court Budget Advisory Committee (TCBAC) recommends that the council allocate \$525,139 remitted through the JDCCP in fiscal year (FY) 2013-2014 to the trial courts, according to the methodology adopted by the council at its August 23, 2013 meeting.

Hon. Laurie Earl, Cochair, Trial Court Budget Advisory Committee

Mr. Zlatko Theodorovic, Finance

DISCUSSION AGENDA (ITEMS L–P)

Item L 9:15–9:45 a.m.

Adoption and Permanency Month: Judicial Council Resolution (Action Required)

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has for the past 14 years in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California’s juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The proclamation will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

Public Comment and Presentation (20 minutes) • Discussion (10 minutes)

Speakers: Hon. Michael Nash, Superior Court of California, County of Los Angeles
Ms. Diane Nunn, Center for Families, Children and the Courts
Adoptive Family, San Francisco County

Item M 9:45–10:15 a.m.

Trial Court Budget: 2 Percent State-Level Reserve Process and Minimum Operating and Emergency Fund Balance Policy (Action Required)

The TCBAC recommends changes to the current Judicial Council–approved process for the allocation of the 2 percent state-level reserve in the Trial Court Trust Fund (TCTF), in 2014–2015, to expedite the distribution of the unexpended reserve funds to trial courts earlier in the fiscal year, and to establish a process for courts to apply for funding for emergencies after these funds have been distributed. For 2015–2016, the TCBAC recommends proposing amendments to the statute that establishes the 2 percent state-level reserve. The TCBAC also recommends that the Judicial Council extend the suspension of the minimum operating and emergency fund balance policy for two fiscal years, and requests that the policy be in addition to the 1 percent reserve cap required by statute.

Public Comment and Presentation (15 minutes) • Discussion (15 minutes)

Speakers: Hon. Laurie Earl, Chair, Trial Court Budget Advisory Committee
Mr. Michael Planet, Executive Officer, Superior Court of Ventura County

Break 10:15–10:30 a.m. (approx.)

Item N 10:30 a.m.–12:00 p.m.

**Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve (Action Required)
REPORT BY OCTOBER 6 (PATRICK BALLARD STAFF CONTACT)**

Judicial Council staff present options on seven courts’ applications for supplemental funding. There is \$37.9 million set aside in the Trial Court Trust Fund for FY 2014–2015, of which by statute only up to 75 percent or \$28.4 million may be allocated by the Judicial Council by October 31.

Public Comment and Presentation (45 minutes) • Discussion (45 minutes)

Speakers: Mr. Curt Soderlund, Chief Administrative Officer
Mr. Zlatko Theodorovic, Finance
VARIOUS COURT STAFF FROM MULTIPLE COUNTIES (TBD)

Item O 12:00–12:30 p.m.

Court Facilities: The Napa Seismic Experience (No Action Required. There are no materials for this item.)

Review Napa Superior Court of Napa County and Judicial Council response to the August 24, 2014, earthquake that damaged the Napa Historic Courthouse and surrounding communities, and

discuss implications for existing courthouses statewide and the need for additional funding to modernize or replace aging infrastructure.

Public Comment and Presentation (20 minutes) • Discussion (10 minutes)

Speakers: Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee
Hon. Rodney G. Stone, Presiding Judge, Superior Court of California, County of Napa

Item P 12:30–12:50 p.m.

Final Report of the Implementation Task Force on Self-Represented Litigants (Action Required)

This is the final report of the Implementation Task Force on Self-Represented Litigants. This task force was charged by the council to implement the Statewide Action Plan for Serving Self-Represented Litigants (Action Plan) which was approved on February 27, 2004. This report identifies those recommendations in the Action Plan that have been put into place, those that remain to be done, and those that require ongoing education, technical assistance, research and evaluation. In accordance with the direction given by the Executive and Planning and Rules and Projects Committees the task force is recommending that the Advisory Committee on Providing Access and Fairness be directed by the council to be responsible for the ongoing implementation of the Action Plan and the remaining tasks of the Implementation Task Force on Self-Represented Litigants.

Public Comment and Presentation (10 minutes) • Discussion (10 minutes)

Speaker: Hon. Kathleen E. O’Leary, Chair, Implementation Task Force on Self-Represented Litigants

Lunch 12:50 p.m. (approx.)

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring

The chair of E&P presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 27) REPORT BY OCTOBER 10 (NICOLE DAVIS STAFF CONTACT)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 27th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, NUMBER superior courts—those of COUNTY NAME(S)—have issued new notices.

INFO 3 Trial Courts: Fiscal Year 2013–2014 50/50 Excess Split Revenue Distribution to Trial Courts

This report provides the status of the FY 2013–2014 fee, fine, and forfeiture revenue deposited in the State Trial Court Improvement and Modernization Fund. Government Code section 77205(a) and California Rule of Court 10.105 require the Judicial Council to allocate of 80 percent of the 50/50 excess split revenues that exceed the total amount from FY 2002–2003 base level, among the following: the trial court in the county from which the revenue was deposited; other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085; and for retention in the State Trial Court Improvement and Modernization Fund (STCIMF).

INFO 4 Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 4 of Fiscal Year 2013–2014

The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the fourth quarter of fiscal year 2013–2014. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 4, Fiscal Year 2013–2014* as information for the council. This report summarizes the activities of the Trial Court Facility Modification Advisory Committee from April 1, 2014, to June 30, 2014.

INFO 5 Trial Courts: Annual Investment Report for Fiscal Year 2013–2014

This *Trial Court Annual Investment Report* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2013, through June 30, 2014.

Circulating Orders since the last business meeting.

Appointment Orders since the last business meeting.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27-28, 2014

Title	Agenda Item Type
Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships	Action Required
	Effective Date
	October 27-28, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
n/a	September 29, 2014
Recommended by	Contact
Workload Assessment Advisory Committee	Leah Rose-Goodwin, (415) 865-7708
Hon. Lorna A. Alksne, Chair	leah.rose-goodwin@jud.ca.gov
Leah Rose-Goodwin, Manager, Court Operations Services	

Executive Summary

The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council approve the *Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. This report, which fulfills the requirements of Government Code section 69614(c)(1), shows that nearly 270 new judicial officers are needed to meet the workload-based need for new judgeships. This report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3). The Advisory Committee further recommends that the Judicial Council adopt a revision to the current methodology that is used to prioritize any new judgeships that may be authorized and funded by the Legislature for the trial courts. The proposed revision to the Judicial Council's methodology would allow smaller courts whose workload need is substantial, but less than the one full-time equivalent (FTE) threshold currently needed, to be eligible for consideration for a new judgeship.

Recommendation

1. The Workload Assessment Advisory Committee recommends that the Judicial Council approve the attached report, *The Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment*, for transmission to the Legislature and the Governor.
2. The Workload Assessment Advisory Committee further recommends that the Judicial Council approve a modification to the methodology used to prioritize any new judgeships that may be authorized and funded for the trial courts.

Previous Council Action

The methodology for determining the number of judgeships needed in the trial courts was approved by the Judicial Council in August 2001.¹ At that meeting, the Judicial Council also directed AOC staff to assess statewide judicial needs using workload standards developed by the National Center for State Courts. That initial needs assessment and priority ranking was approved by the Judicial Council at its October 26, 2001, meeting.²

At its August 9, 2004, meeting, the council approved technical modifications to the judicial workload methodology and modified the priority ranking of the new judgeships.³ At its February 23, 2007, meeting, after the state Legislature created 50 new judgeships,⁴ the council approved a subsequent reranking of the remaining 100 top-priority judgeships to reflect changes in workload since the 2004 report. The council also approved the methodology for identifying the number and location of subordinate judicial officer positions that should be converted to judgeships.

In October 2007, Assembly Bill 159 (Stats. 2007, ch. 722) was enacted, authorizing 50 additional new judgeships; these positions, however, remain unfunded and unfilled. AB 159 also authorized the conversion of 162 vacant subordinate judicial officer positions, identified according to the council-approved methodology, at a rate of no more than 16 per year. Assembly Bill 2763 (Stats. 2010, ch. 690) authorized 10 additional conversions per year if the conversions were to result in judges being assigned to family or juvenile law calendars previously presided over by SJOs.

¹ <http://www.courts.ca.gov/documents/judneedsreview.pdf>

² <http://www.courts.ca.gov/documents/stateassess.pdf>

³ <http://www.courts.ca.gov/documents/0804item6.pdf>

⁴ In September 2006, Senate Bill 56 was enacted (Stats. 2006, ch. 390), authorizing 50 new judgeships; funding in fiscal year 2006–2007 was provided for one month and ongoing thereafter.

Updates of the assessed judicial need were approved by the Judicial Council, as directed by statute, in 2008, 2010, and 2012.⁵

The Council has made two recent revisions to the methodology used to calculate judicial need. In December 2011, the council approved updated caseweights that measure the amount of time that judicial officers need for case processing work.⁶ And, in December 2013, the council adopted a recommendation that any judgeships approved and funded be based on the most recent Judicial Needs Assessment approved by the council.⁷

Rationale for Recommendation

The ability to have a critical criminal, family law, domestic violence, or civil matter addressed by the court should not be based on the judicial resources in the county in which one happens to reside. Access to the courts is fundamentally compromised by judicial shortages, and securing adequate judicial resources for the courts is a top priority for the Judicial Council. Reports on the critical shortage of judicial officers have been submitted to the Council since 2001 and, since that time, have formed the basis of council requests to the Legislature to create new judgeships.

Government Code 69614(c)(1) requires that the Judicial Needs Assessment be updated biennially in even-numbered years. The 2014 Needs Assessment, which reports on the filings-based need for judicial officers in the trial courts, shows that 269.8 FTE judicial officers are needed in 35 courts.⁸ Without these needed resources, courts that have been determined to have a critical need for new judgeships will have to continue to try to process their caseloads with an insufficient number of judicial and support staff.

In addition to updating the Judicial Needs Assessment, the Workload Assessment Advisory Committee is charged with making periodic updates to the models used to assess the need for judicial officers and to allocate any new judgeships that may be authorized and funded for trial courts. The methodology for prioritizing judgeships has remained unchanged since its adoption. When the Judicial Workload Study was updated in 2009-2011, the SB 56 Working Group (the precursor to WAAC) discussed the need to review the methodology, but tabled it for review for after the workload study was updated. WAAC's approved 2014 Annual Agenda called for reviewing the prioritization methodology and determining if changes should be made.

Courts whose assessed judicial need, as measured in the biennial Judicial Needs Assessment, is greater than courts' number of authorized judicial positions are eligible for consideration for a

⁵ <http://www.courts.ca.gov/documents/100808item1.pdf> (2008); <http://www.courts.ca.gov/documents/20101029infojudge.pdf> (2010); and <http://www.courts.ca.gov/documents/jc-20121026-item2.pdf> (2012)

⁶ <http://www.courts.ca.gov/documents/jc-121211-item3.pdf>

⁷ Assembly Bill 2745 (Stats. 2014, ch. 311) amends Government Code section 69614.2 to reflect this change.

⁸ The 2014 Needs Assessment is based on a three-year average of filings from FY 10-11 through FY 12-13.

new judgeship. Currently, courts must have a need for at least 1.0 FTE judicial officer to become eligible for a new judgeship.

Eligible courts are then ranked in priority order using a methodology based on the same process used to allocate congressional seats following the decennial census. The methodology applies a percentage factor to a court’s net need (difference between authorized positions and workload-based need). A subsequent adjustment is made to the list to evaluate the need for subsequent judgeships in the same court, based on the relative need in other courts. A ranking score is assigned to each judgeship needed in each court on the basis of these criteria and then a priority list is generated based on the ranking score assigned to each needed judgeship.

To illustrate, table 1 shows the first ten courts, in rank order of need, that appear on the ranking list that is based on the 2014 Judicial Needs Assessment. The Superior Court of the County of San Bernardino has the highest rank score, and is thus assigned the first judgeship to be allocated; the Superior Court of the County of Riverside has the second highest score, and thus received the second judgeship. Courts can appear on the list multiple times; in the list shown below, the Superior Courts of San Bernardino and Riverside each occupy three positions on the list because the judicial need in those courts is so acute.

Table 1: Portion of Priority Ranking for New Judgeships

County	2014 Judicial Need	Authorized and funded judgeships	Net need	Rank Score	Priority Ranking for New Judgeship
San Bernardino	143.0	86	57.0	1,242,691.5	1
Riverside	127.4	76	51.4	1,134,909.4	2
San Bernardino	143.0	86	57.0	352,438.0	3
Riverside	127.4	76	51.4	321,246.0	4
Kern	58.0	43	15.0	211,234.7	5
Los Angeles	629.5	585.3	44.2	169,732.4	6
San Bernardino	143.0	86	57.0	163,172.9	7
Riverside	127.4	76	51.4	148,432.0	8
Stanislaus	32.6	24	8.6	125,034.3	9
Fresno	60.7	49	11.7	124,270.1	10

The proposed modification would reduce the eligibility threshold from the current 1.0 FTE needed to get on the list for a new judgeship to 0.8 FTE. The lower threshold would benefit smaller courts with relatively low numbers of authorized judicial positions and workload need that falls just below the 1.0 FTE threshold. Those courts are disadvantaged by the current policy, even though their workload need, expressed as a percent of total available judicial resources, may exceed that of larger courts. To illustrate, a court with 2.3 FTE authorized judicial positions and a judicial workload need equivalent to 3.1 FTE has a need for 0.8 FTE judicial officers (3.1 minus 2.3). That difference represents a 35% shortfall over the number of authorized positions

(0.8 over 2.3); put another way, the court is operating with 35% fewer judicial resources than their workload-based need.

Lowering the threshold to qualify for a new judgeship to 0.8 FTE does not mean that the court would be authorized or funded for a partial judgeship. Judges are authorized in whole number increments, and any court receiving a judgeship under this revised policy would receive a full time judge.

The next few tables compare the current methodology to the proposed policy. Table 2 shows the list of courts that would be eligible for consideration for a judgeship using the results of the 2014 Judicial Needs Assessment. The list is sorted by the number in the far right column—the number of judgeships needed based on the 2014 Judicial Workload Assessment. Under the current prioritization methodology, all of the courts in the non-shaded area of the chart (San Bernardino through Butte) would be eligible to get on the ranking list for a new judgeship because the net judicial need is greater than 1.0 FTE.

If the proposed 0.8 FTE threshold were approved, then three additional courts would qualify for consideration for a new judgeship: the Superior Courts of Del Norte, Lassen, and El Dorado. Each of these courts needs at least 0.8 FTE of a judicial officer, but less than 1.0 FTE. And, in each of these courts, that judicial officer FTE need translates to a significant shortfall in judicial resources compared to authorized positions. For Del Norte, that need is 34% above authorized positions (0.9 divided by 2.8); for Lassen, 40%, and El Dorado, 10%.

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Table 2: Courts Eligible for Consideration for a New Judgeship Based on 2014 Assessed Judicial Need

County	2014 Assessed Judicial Need	Authorized Judicial Positions	Need (AJN-AJP)
San Bernardino	143.0	86.0	57.0
Riverside	127.4	76.0	51.4
Los Angeles	629.5	585.3	44.2
Kern	58.0	43.0	15.0
Fresno	60.7	49.0	11.7
Orange	155.6	144.0	11.6
Sacramento	81.8	72.5	9.3
San Joaquin	42.3	33.5	8.8
Stanislaus	32.6	24.0	8.6
Ventura	40.4	33.0	7.4
Placer	19.4	14.5	4.9
Merced	16.7	12.0	4.7
Shasta	16.4	12.0	4.4
Sonoma	26.1	23.0	3.1
Kings	11.4	8.6	2.8
Tulare	25.9	23.0	2.9
San Luis Obispo	17.9	15.0	2.9
Humboldt	10.6	8.0	2.6
Imperial	13.8	11.3	2.5
Solano	25.0	23.0	2.0
Madera	10.9	9.3	1.6
Tehama	5.8	4.3	1.5
Sutter	6.7	5.3	1.4
Butte	14.2	13.0	1.2
Del Norte	3.7	2.8	0.95
Lassen	3.2	2.3	0.92
El Dorado	9.9	9.0	0.86
Santa Cruz	14.2	13.5	0.69
Monterey	21.8	21.2	0.62
San Benito	2.8	2.3	0.53
Calaveras	2.8	2.3	0.46
Amador	2.7	2.3	0.43
Lake	5.2	4.8	0.41
Yuba	5.6	5.3	0.25
Napa	8.2	8.0	0.21
Total New Judgeships Needed:			269.8

Though revising the threshold to a lower number increases the number of courts that qualify for a new judgeship, getting on the qualification list does not guarantee that a court would receive a judgeship if fewer than the full number of needed judicial positions were allocated to the courts. Previous requests for new judgeships have been based on only the first 150 new judgeships needed. If the new methodology were adopted, a court could qualify for a new judgeship, but have a lower position on the priority list and therefore not receive a new judgeship until enough new judgeships were authorized.

The following tables show how the proposed change in methodology would affect the prioritization of new judgeships. To evaluate the effect of the proposed policy change, the following two tables compare how new judgeships would be allocated based on the 2014 Judicial Needs Assessment under both the current and proposed methodology.⁹

⁹ The first 50 judgeships shown would be those that were authorized but never funded under AB 159 (Stats. 2007, ch. 722). In 2013, the Judicial Council adopted a recommendation that any new judgeships authorized and *funded* by

Table 3 shows the allocation using the current methodology and qualifying threshold, whereas Table 4 shows how the new judgeships would be allocated if the threshold were lowered to 0.8 FTE. Judges are allocated in whole-number increments (e.g. the Superior Court of Riverside County would be allocated 51 judgeships, even though their need is 51.4 FTE, and the Superior Court of Tulare County would be allocated 2 judgeships, even though their need is 2.9 FTE). Therefore, the total judgeships allocated in table 3 is 250, which is the total number of whole-number judgeships needed for all courts who need at least 1.0 FTE judicial officer. Table 4 shows the allocation for all courts who need at least 0.8 FTE of a judicial officer. Three additional courts qualify using this threshold; therefore, table 4 shows the allocation of 253 new judgeships.

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the Legislature would be allocated according to the most recent judicial needs assessment. The statute was updated as part of AB 2745 (Stats. 2014, ch. 311)

Table 3: Allocation of Judgeships using 2014 Judicial Needs Assessment and Current Allocation Methodology (1.0 FTE threshold)

	1-50	51-100	101-150	151-200	201-250	Total
San Bernardino	10	9	11	13	13	56
Riverside	9	8	11	12	11	51
Los Angeles	3	4	6	10	21	44
Kern	3	4	3	3	1	14
Fresno	2	3	3	2	1	11
Orange	1	2	3	3	2	11
Sacramento	2	1	3	2	1	9
San Joaquin	2	2	2	2	0	8
Stanislaus	2	3	2	1	0	8
Ventura	2	2	1	2	0	7
Merced	2	1	1	0	0	4
Placer	2	1	1	0	0	4
Shasta	2	1	1	0	0	4
Sonoma	1	1	1	0	0	3
Humboldt	1	1	0	0	0	2
Imperial	1	1	0	0	0	2
Kings	1	1	0	0	0	2
San Luis Obispo	1	1	0	0	0	2
Solano	0	1	1	0	0	2
Tulare	1	1	0	0	0	2
Butte	0	1	0	0	0	1
Madera	0	1	0	0	0	1
Sutter	1	0	0	0	0	1
Tehama	1	0	0	0	0	1
Total	50	50	50	50	50	250

Table 4: Allocation of First 250 judgeships using the 2014 Judicial Needs Assessment and Proposed New Allocation Methodology (0.8 FTE threshold)

	1-50	51-100	101-150	151-200	201-253	Total
San Bernardino	9	9	11	14	13	56
Riverside	9	8	10	12	12	51
Los Angeles ¹	3	4	6	9	22	44
Kern	3	3	4	3	1	14
Fresno	2	3	3	2	1	11
Orange	1	2	3	2	3	11
Sacramento	2	1	2	3	1	9
San Joaquin	2	2	2	2	0	8
Stanislaus	2	3	2	1	0	8
Ventura	2	2	1	2	0	7
Merced	2	1	1	0	0	4
Placer	2	1	1	0	0	4
Shasta	2	1	1	0	0	4
Sonoma	1	1	1	0	0	3
Humboldt	1	1	0	0	0	2
Imperial	1	1	0	0	0	2
Kings	1	1	0	0	0	2
San Luis Obispo	1	1	0	0	0	2
Solano	0	1	1	0	0	2
Tulare	1	0	1	0	0	2
Butte	0	1	0	0	0	1
Del Norte	0	1	0	0	0	1
El Dorado	0	1	0	0	0	1
Lassen	1	0	0	0	0	1
Madera	0	1	0	0	0	1
Sutter	1	0	0	0	0	1
Tehama	1	0	0	0	0	1
Total	50	50	50	50	53	253

As a means of illustrating the effect of the proposed policy, the shaded boxes in Tables 3 and 4 show changes in the allocation list over the first 100 judgeships. For example, if the new methodology were adopted, the Superior Court of Lassen County would receive one of the judgeships in the first group of 50 allocated, while San Bernardino would lose one. In the second set of 50 judgeships shown (judgeships 51-100), the Superior Courts of Kern and Tulare counties would lose judgeships, and the Superior Courts of Del Norte and El Dorado would each gain a judgeship.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal was discussed at the March 13, 2014 WAAC meeting. It was not circulated for public comment. Smaller courts have spoken informally with the Trial Court Liaison Office in support of such an adjustment.

Alternatives Considered

WAAC members discussed alternatives to the 0.8 FTE threshold, considering higher and lower options. After discussion, the committee reached a consensus that setting the threshold at 0.8 FTE struck the right balance between creating an opportunity for smaller courts with high workload need and allocating any new judicial resources as effectively as possible.

Policy Implications

The committee considered the timing of making this recommendation to the council, given that the branch has not received any new judgeships since 2007 when the second 50 judgeships were authorized (though not funded) with AB 159. While the lack of new authorized judgeships makes discussion of an allocation methodology somewhat abstract, the committee decided to move forward with its recommendation because it presented an opportunity to make a policy change at a more neutral time when new resources aren't at stake. Also, since the Chief's Blueprint for a Fully Functioning Judiciary and the Trial Court Budget Advisory Committee have prioritized funding of new judgeships, the committee felt it made sense to do this work now in preparation for a future funding request.

Implementation Requirements, Costs, and Operational Impacts

There are no costs to the branch associated with these recommendations, other than the staff time needed to prepare said reports and analyses. The funding associated with any new judgeships that may be authorized for the judicial branch as a result of this analysis are incorporated into the Budget Change Proposals and/or the legislation that is submitted to request new judgeships.

Relevant Strategic Plan Goals and Operational Plan Objectives

The workload study update is consistent with Goal II, Independence and Accountability, of the strategic plan, and related operational plan Objective II.B.2.d, in that a statewide workload model creates “nonpartisan mechanisms for creating new judgeships” (Objective II.B.2.d).

Attachments

1. The Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment

DRAFT



The Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION
69614(C)(1)&(3)

NOVEMBER 2014



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OF CALIFORNIA

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ADVISORY COMMITTEE

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Access to Justice Requires Having Sufficient Judicial Resources

Government Code section 69614(c)(1) requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the need for new judgeships in each superior court, using the uniform criteria for the allocation of judgeships described in Government Code section 69614(b). Government Code section 69614(c)(3) requires the Judicial Council to report on the status of the conversion of additional subordinate judicial officer positions to family or juvenile assignments.

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload, leaving many courts with serious shortfalls—as high as nearly 70 percent—between the number of judgeships needed and the number that have been authorized and filled.

Securing new judgeships is one of the core elements of the Chief Justice's Three-Year Blueprint for a Fully Functioning Judiciary and has been a top priority for the Judicial Council for many years.¹

Quantifying the Need for New Judgeships in the Superior Courts

California is a pioneer in the measurement of judicial workload-based need, having been the first state to use a weighted caseload methodology to assess the need for judicial officers, beginning in 1963.² Since then, weighted caseload has become a nationally-accepted methodology for measuring judicial workload. The current methodology used to assess the need for judicial officers in the superior courts is based on a time study conducted in 2010, in which over 500 judicial officers in 15 courts participated. The time study findings resulted in the development of a set of caseweights that quantify the amount of case processing time needed for different case types, taking into account the full range of possible case processing outcomes and their relative probability of occurrence. The caseweights that resulted from the 2010 time study were approved by the Judicial Council in December 2011.

The caseweights are used to estimate judicial officer need by multiplying each caseweight by a three-year rolling average of filings for that casetype and dividing by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalent judicial positions (FTEs).

¹ See, for example, Judicial Council reports from August 24, 2001; October 26, 2001; August 27, 2004; February 23, 2007; October 24, 2008; October 29, 2010; and October 25, 2012.

² Lawson, Henry O. and Barbara J. Glente, *Workload Measures in the Courts* (Williamsburg, VA, National Center for State Courts, 1980)

2014 Statewide Judicial Need Shows a Critical Need for New Judgeships

Consistent with reports submitted in previous years, the 2014 Judicial Needs Assessment shows that there is a critical shortage of judges relative to the workload needs in California’s trial courts. Table 1 summarizes the statewide judicial need compared to available resources based on a three-year average of filings from fiscal years 2010-11 through 2012-13, showing that 2,171.3 FTE judicial officers are needed statewide, compared to 1,963.3 FTE authorized and funded positions. While AB 159 (Stats 2007, Ch. 722) authorized fifty new judgeships for the superior courts, those positions have neither been funded nor filled.

Table 1 shows the total assessed statewide need for judicial officers has declined by 5% since the 2012 Judicial Needs Assessment. Lower overall filings counts in recent years account for the slight decline in statewide assessed judicial need.

Table 1: Statewide Need for Judicial Officers, 2012 and 2014 Judicial Needs Assessment

Year	Authorized Judicial Positions (AJP) ¹	Authorized and Funded Judicial Positions (AJP)	Assessed Judicial Need (AJN)
2012	2,022	1,972	2,286.1
2014 ²	2013.3	1,963.3	2,171.3
Change (2012 to 2014)	-8.7	-8.7	-114.8

¹ Includes the 50 judgeships that were authorized by AB 159 (Stats. 207, ch. 722) but never funded nor filled.

² AJP changed since the last assessment because the Superior Court of California, County of San Bernardino, was authorized to add two SJO positions in FY 11-12 based on workload need. Also, several courts have requested that the Executive and Planning Committee of the Judicial Council approve changes in the number of authorized commissioner FTE following a refresh of that data in September 2014. These changes, which are reflected in the table, are mostly requests for reductions in FTE and are in the process of being confirmed by E&P.

Nearly 270 Judicial Officers Needed Statewide to Meet Workload Demand

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized/funded positions in each court. The assessed judicial need in each court compared to the number of authorized and filled positions is shown in Appendix A. Calculating the *statewide* need for judgeships is not as simple as subtracting the number of authorized and funded positions from the assessed judicial need. That calculation would show a need of just over 200 judgeships; however, net statewide calculations of judicial need do not accurately identify the branch’s need for new judgeships because judgeships are not allocated at the statewide level but are allocated to individual trial courts.

By way of illustration, the branch’s smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 FTE of a federally-funded child support commissioner, for a total of 2.3 FTE judicial officers, even though the workload need in those courts may translate to a much smaller number of judge FTE. As Appendix A shows, under a pure workload analysis, one of California’s two-judge courts would need only 0.2 FTE judicial

officers, but it has 2.3 FTE authorized positions. That court thus shows a negative number in the need for new judicial officers. This negative number does not and should not offset the 57 judicial officers that San Bernardino needs to meet its workload-based need. In other words, the fact that some courts may have more authorized positions than assessed judicial need under a pure application of the weighted caseload methodology does not take away from the needs in other courts. As a result, a net calculation of need, adding these positives and negatives, provides an artificially low estimate of judicial need in California courts.

The actual statewide need for new judgeships is calculated by adding the judicial need among only the courts that have fewer judgeships than their workload demands. Based on the 2014 Judicial Needs Assessment, thirty-five courts need new judgeships, for a total need of 269.8 FTE (Table 2). This is nearly 14% higher than the 1,963.3 authorized and funded judicial positions.

Table 2: Need for New Judgeships, by Court

County	A Authorized and funded Judicial Positions ¹	B 2014 Assessed Judicial Need	C Funded AJN- AJP (B-A)	D % need over AJP (C/B)
Amador	2.3	2.7	0.4	19%
Butte	13.0	14.2	1.2	9%
Calaveras	2.3	2.8	0.5	20%
Del Norte	2.8	3.7	0.9	34%
El Dorado	9.0	9.9	0.9	10%
Fresno	49.0	60.7	11.7	24%
Humboldt	8.0	10.6	2.6	33%
Imperial	11.3	13.8	2.5	22%
Kern	43.0	58.0	15.0	35%
Kings	8.6	11.4	2.8	33%
Lake	4.8	5.2	0.4	9%
Lassen	2.3	3.2	0.9	40%
Los Angeles	585.3	629.5	44.2	8%
Madera	9.3	10.9	1.6	17%
Merced	12.0	16.7	4.7	39%
Monterey	21.2	21.8	0.6	3%
Napa	8.0	8.2	0.2	3%
Orange	144.0	155.6	11.6	8%
Placer	14.5	19.4	4.9	34%
Riverside	76.0	127.4	51.4	68%
Sacramento	72.5	81.8	9.3	13%
San Benito	2.3	2.8	0.5	23%
San Bernardino	86.0	143.0	57.0	66%
San Joaquin	33.5	42.3	8.8	26%
San Luis Obispo	15.0	17.9	2.9	19%
Santa Cruz	13.5	14.2	0.7	5%
Shasta	12.0	16.4	4.4	36%
Solano	23.0	25.0	2.0	9%
Sonoma	23.0	26.1	3.1	14%
Stanislaus	24.0	32.6	8.6	36%
Sutter	5.3	6.7	1.4	27%
Tehama	4.3	5.8	1.5	34%
Tulare	23.0	25.9	2.9	13%
Ventura	33.0	40.4	7.4	22%
Yuba	5.3	5.6	0.3	5%
Total need:			269.8	

¹ Authorized judicial positions, not including judgeships that were authorized under AB 159.

Status of Conversion of Additional SJO Positions to Family and Juvenile Assignments

As directed by Government Code section 69614(c)(3), this report also addresses the implementation of conversions of additional subordinate judicial officer (SJO) positions (above the 16 authorized per year) that result in judges being assigned to family or juvenile assignments previously held by SJOs (as authorized by Gov. Code, § 69615(c)(1)(C)).

Conversions of additional positions were authorized for fiscal year 2011–2012 (Gov. Code, § 69616). Under this authority, four SJO positions were converted to judgeships in the Superior Courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties. At the time of the 2012 Judicial Needs Assessment, the Governor had not yet appointed judges to fill those newly created judgeships; however, the courts in which the conversions took place committed to assigning judges (whether the newly appointed judges or other sitting judges) to either family or juvenile calendars that were previously presided over by subordinate judicial officers. The courts who converted those positions have confirmed that those family and juvenile calendars are now presided over by judges.

Conversions of ten additional positions were authorized for fiscal year FY 2013-14 (Gov. Code, § 69617). No SJO positions were converted under this authority.

Lack of Adequate Judicial Resources is a Barrier to Access to Justice

The public's right to timely access to justice should not be contingent on the resource levels in the county in which they reside or bring their legal disputes. All Californians deserve to have the proper number of judicial officers for the workload in a jurisdiction. This report highlights the critical and ongoing need for new judgeships in the superior courts.

Appendix A: Assessed Judicial Need Compared to Authorized and Funded Positions

County	A Authorized and funded Judicial Positions ¹	B 2014 Assessed Judicial Need	C Funded AJN- AJP (B-A)	D % need over AJP (C/B)
Alameda	85.0	70.1	-14.9	n/a
Alpine	2.3	0.2	-2.1	n/a
Amador	2.3	2.7	0.4	19%
Butte	13.0	14.2	1.2	9%
Calaveras	2.3	2.8	0.5	20%
Colusa	2.3	1.6	-0.7	n/a
Contra Costa	46.0	42.5	-3.5	n/a
Del Norte	2.8	3.7	0.9	34%
El Dorado	9.0	9.9	0.9	10%
Fresno	49.0	60.7	11.7	24%
Glenn	2.3	2.0	-0.3	n/a
Humboldt	8.0	10.6	2.6	33%
Imperial	11.3	13.8	2.5	22%
Inyo	2.3	1.6	-0.7	n/a
Kern	43.0	58.0	15.0	35%
Kings	8.6	11.4	2.8	33%
Lake	4.8	5.2	0.4	9%
Lassen	2.3	3.2	0.9	40%
Los Angeles	585.3	629.5	44.2	8%
Madera	9.3	10.9	1.6	17%
Marin	12.8	11.8	-1.0	n/a
Mariposa	2.3	1.3	-1.0	n/a
Mendocino	8.4	7.3	-1.1	n/a
Merced	12.0	16.7	4.7	39%
Modoc	2.3	0.8	-1.5	n/a
Mono	2.3	1.1	-1.2	n/a
Monterey	21.2	21.8	0.6	3%
Napa	8.0	8.2	0.2	3%
Nevada	7.6	5.4	-2.2	n/a
Orange	144.0	155.6	11.6	8%
Placer	14.5	19.4	4.9	34%
Plumas	2.3	1.4	-0.9	n/a
Riverside	76.0	127.4	51.4	68%
Sacramento	72.5	81.8	9.3	13%
San Benito	2.3	2.8	0.5	23%
San Bernardino ²	86.0	143.0	57.0	66%
San Diego	154.0	153.3	-0.7	n/a
San Francisco	55.9	53.8	-2.1	n/a
San Joaquin	33.5	42.3	8.8	26%
San Luis Obispo	15.0	17.9	2.9	19%
San Mateo	33.0	31.1	-1.9	n/a
Santa Barbara	24.0	23.4	-0.6	n/a
Santa Clara	89.0	69.6	-19.4	n/a
Santa Cruz	13.5	14.2	0.7	5%
Shasta	12.0	16.4	4.4	36%
Sierra	2.3	0.2	-2.1	n/a
Siskiyou	5.0	3.4	-1.6	n/a
Solano	23.0	25.0	2.0	9%
Sonoma	23.0	26.1	3.1	14%
Stanislaus	24.0	32.6	8.6	36%
Sutter	5.3	6.7	1.4	27%
Tehama	4.3	5.8	1.5	34%
Trinity	2.3	1.6	-0.7	n/a
Tulare	23.0	25.9	2.9	13%
Tuolumne	4.8	4.3	-0.5	n/a
Ventura	33.0	40.4	7.4	22%
Yolo	12.4	11.2	-1.2	n/a
Yuba	5.3	5.6	0.3	5%

¹ Authorized judicial positions, not including judgeships that were authorized under AB 159.

² AJP has changed since the last assessment because the Superior Court of California, County of San Bernardino, was authorized to add two SJO positions in FY 11-12 based on workload need. Also, several courts have requested that the Executive and Planning Committee of the Judicial Council approve changes--mostly reductions--in the number of authorized commissioner FTE following a refresh of that data in September 2014. The table has been updated to reflect those requested changes and will be reviewed by E&P in October 2014.



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Criminal Justice: Recidivism Reduction Fund Court Grant Program	Information Only
Submitted by	Date of Report
Curtis L. Child, Chief Operating Officer Shelley Curran, Senior Manager, Criminal Justice Services	September 30, 2014
	Contact
	Shelley Curran, 415-865-4013 shelley.curran@jud.ca.gov

Executive Summary

The Budget Act of 2014 (“Act”)¹ appropriated \$15 million from the state Recidivism Reduction Fund (RRF) for a competitive grant program designated to support the administration and operation of trial court programs and practices known to reduce adult offender recidivism and enhance public safety. The grant program must be developed and administered by the Judicial Council, and the designated court programs include collaborative courts for adult offenders, pretrial programs, and court use of risk and needs assessments. The purpose of this report is to provide information on the establishment of the RRF, the RRF Request for Proposals, and the next steps in the process of awarding grants.

Previous Council Action

At its August 19, 2014, meeting, the Judicial Council’s Executive and Planning Committee approved a timeline and procedures for staff of the council’s Criminal Justice Services (CJS) office to administer the Recidivism Reduction Fund Court Grant Program, including the development and scoring of the proposals submitted in response to the Request for Proposals (RFP), and recommendations to the Executive and Planning Committee and the Judicial Council for awarding of grants.

¹ Senate Bill 852; Stats. 2014, ch. 25.

Methodology and Process

For over two decades, California's prison system faced many challenges with overcrowding and lawsuits related to the provision of health and mental health services in prison. The population increased from approximately 60,000 inmates in 1986 to an all-time high of 173,479 in 2006. In 2011, the United States Supreme Court upheld a lower court ruling requiring the California Department of Corrections and Rehabilitation (CDCR) to reduce the population in its institutions to 137.5 percent of the system's design capacity by June 30, 2013. Subsequent orders extended the deadline, and on February 10, 2014, the lower court issued a final order granting the state a two-year extension to meet the cap by February 28, 2016. As of September 10, 2014, the State's prison population is approximately 140.6 percent of design capacity.

SB 105, passed in 2013, provided \$315 million to CDCR to house inmates in contracted facilities to avoid early release and comply with the court-imposed population cap. It specified that if a sufficient time extension were granted by the court and all of the funding was not used for increased prison capacity, the first \$75 million of any savings would be transferred into the Recidivism Reduction Fund (RRF) created by SB 105. Savings beyond the \$75 million would be split, with half going to the RRF and half going to the General Fund. As a result, \$91 million is available in the RRF in Fiscal Year 2014–2015, and \$15 million of the fund is designated for court programs known to reduce adult offender recidivism. The judicial council is charged with developing and administering this competitive grant program.

In developing the RFP for the grant program, CJS consulted with experts in the areas of collaborative courts, pretrial programs, and risk and needs assessments. CJS sought assistance in the review and development of the RFP from appellate court justices, retired judges, out-of-state judges, and representatives of national organizations with relevant experience. These individuals reviewed various drafts of the RFP and provided valuable input.

In addition, to benefit from the subject matter expertise of individual judges and court executive officers CJS developed a brief survey of general questions designed to elicit substantive feedback on elements that should be included in the RFP – both subject matter feedback and feedback that would assist courts in the administration of the grant program. These questions were provided to all of the presiding judges, court executive officers, and members of the Criminal Law Advisory Committee and Collaborative Justice Courts Advisory Committee. Feedback was received, reviewed, and incorporated into the RFP, as appropriate.

The RFP was issued on September 15, potential applicant calls were held on October 7 and 16, and interested courts submitted notices of intent to apply on October 8.

Concerns of Stakeholders

CJS sought input from the Department of Finance, Governor's office, and legislative staff in order to ensure that the program accurately reflected the objectives of the RRF. These entities were asked to review the RFP in its draft form. CJS specifically requested feedback on the

emphasis on funding many courts of various sizes. These stakeholders were supportive of this approach.

Because these programs will rely heavily upon the support of local criminal justice system partners, CJS sought input from representatives of the Chief Probation Officers and the California State Association of Counties. Their comments focused primarily on the role of stakeholders in the application process and operation of the program, and their feedback was incorporated into the RFP.

Implementation Efforts

Proposals submitted in response to the RFP are due on December 15, 2014. CJS staff will score the proposals based on specific criteria included in the RFP. An effort will be made to adequately fund as many grants as possible, emphasizing a diversity of program types throughout the state. Total grant awards will typically range from \$300,000 to \$600,000. Applications outside of the range will be considered when the cost proposals clearly demonstrate a need for an increased or reduced level of funding.

In order to make funds available to courts of various sizes, applications will be considered in one of four designated pools based on the number of offenders supervised in each county as a percent of the statewide total. The supervised populations include offenders on probation, mandatory supervision, postrelease community supervision, and parole.

Funding priority will be given to planning grants for initial program development and implementation grants for new programs. CJS will submit recommendations for funding proposals to the Executive & Planning Committee and Judicial Council for consideration and approval on February 19-20, 2015.

Next Steps

- December 15, 2014, at 5:00 p.m. — Latest date and time proposal may be submitted
- February 19 or 20, 2015 — Presentation of recommendations to the Judicial Council
- February 23, 2015 — Notice of Intent to Award
- February 23–April 1, 2015 — Negotiation and execution of contracts
- April 1, 2015 — Contracts start date
- April 30, 2017 — Contracts end date
- May 5, 2017 — Final reimbursement submissions received by the Judicial Council

Attachments and Links

1. Attachment A: Senate Bill No. 105, Chapter 310, 2013
2. Attachment B: Request for Proposals, Recidivism Reduction Fund Court Grant Program

Senate Bill 852 BUDGET ACT OF 2014

0250-101-3259—

For local assistance, Judicial Branch, payable from the Recidivism Reduction Fund.....15,000,000

Schedule:

(1) Program 45.10-Support for Operation of the Trial Courts15,000,000

Provisions:

1. Funds appropriated in this item shall be used for the establishment or ongoing operation and staffing of programs known to reduce recidivism and enhance public safety, including collaborative courts that serve moderate and high-risk adult criminal offenders, pretrial programs, and the use of risk and needs assessment instruments at sentencing of felony offenders subject to local supervision.
2. Funds shall be designated for a competitive grant program developed and administered by the Judicial Council and shall be used to support the administration and operation of programs and practices known to reduce offender recidivism including the use of risk and needs assessments, evidence-based practices, and programs that specifically address the needs of mentally ill and drug addicted offenders.
3. Participating courts shall submit a joint application on behalf of the court, county, and other local justice system partners that clearly details the initiative for which funding is sought; the associated staffing activities, programs, and services to be delivered by the partner organizations; and how the grant program will cover those costs.
4. In consultation with the California Department of Corrections and Rehabilitation and the Chief Probation Officers of California, the Judicial Council shall establish performance based outcome measures appropriate for each program including, but not limited to, the number of offenders participating in these programs who fail to appear, are revoked to county jail or state prison, or commit new crimes and are sentenced to county jail or state prison. Participating courts shall provide the required data, including individual offender level data, on a quarterly basis to the Judicial Council.
5. Annually, the Judicial Council shall report aggregate level data related to these programs to the Department of Finance and the Joint Legislative Budget Committee. The first report shall include information related to the establishment and operation of the grantee programs. The Judicial Council shall provide a report to the Joint Legislative Budget Committee and the Department of Finance that addresses the effectiveness of the programs based on the reports of the established outcome measures described in Provision 4 and the impact of the moneys appropriated pursuant to this act to enhance public safety and improve offender outcomes four years after the grants are awarded. Five percent of the funds shall be designated to the Judicial Council for the administration of the program, including the collection and analysis of data from the grantee courts, the California Department of Corrections and Rehabilitation, and local justice system partners; the provision of technical and legal assistance to the courts; and evaluation of the program. Funds appropriated in this item may be expended until June 30, 2017, after which any unexpended funds shall revert to the General Fund.

REQUEST FOR PROPOSALS

**JUDICIAL COUNCIL OF CALIFORNIA
CRIMINAL JUSTICE SERVICES**

Recidivism Reduction Fund Court Grant Program

GRANT PERIOD: April 1, 2015 – April 30, 2017

TYPICAL GRANT AWARDS: \$300,000 - \$600,000

ELIGIBLE APPLICANTS: Superior Courts of California

PROPOSALS DUE: 5:00 p.m. on Monday, December 15, 2014

NOTICE OF INTENT TO APPLY:

Applicant courts should submit a “Notice of Intent to Apply” via email to crimjusticeoffice@jud.ca.gov by 5:00 p.m. on October 8, 2014. Notice should include program category and phase.

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1.0 BACKGROUND INFORMATION

1.1 Organizational Background

- 1.1.1 The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. Judicial Council staff implements the council's policies.
- 1.1.2 The staff arm of the Judicial Council of California is comprised of three divisions, including the Operations and Programs Division, of which Criminal Justice Services (CJS) is a part. CJS oversees and coordinates the Judicial Council staff's efforts related to adult criminal justice, including the 2011 Criminal Justice Realignment Act and community corrections, in order to improve efficiencies and provide assistance to the courts, justice system partners, and the public. CJS also provides legal, program, and research assistance.

1.2 Creation of Recidivism Reduction Fund by Senate Bill 105 (SB 105)¹

- 1.2.1 For over two decades, California's prison system faced many challenges with overcrowding and lawsuits related to the provision of health and mental health services in prison. The population increased from approximately 60,000 inmates in 1986 to an all-time high of 173,479 in 2006. In 2011, the United States Supreme Court upheld a lower court ruling requiring the California Department of Corrections and Rehabilitation (CDCR) to reduce the population in its institutions to 137.5 percent of the system's design capacity by June 30, 2013. Subsequent orders extended the deadline, and on February 10, 2014, the lower court issued a final order granting the state a two-year extension to meet the cap by February 28, 2016. As of September 10, 2014, the State's prison population is approximately 140.6 percent of design capacity.
- 1.2.2 SB 105 provided \$315 million to CDCR to house inmates in contracted facilities to avoid early release and comply with the court-imposed population cap. It specified that if a sufficient time extension were granted by the court and all of the funding was not used for increased prison capacity, the first \$75 million of any savings would be transferred into the Recidivism Reduction Fund (RRF) created by SB 105. Savings beyond the \$75 million would be split, with half going to the RRF and half going to the General Fund. As a result, \$91 million is available in the RRF in Fiscal Year 2014–2015, and is allocated to various entities. Fifteen million dollars of the fund is designated for court programs that

¹ Senate Bill No. 105, Chapter 310, 2013. See also, California State Budget 2014–2015, Public Safety, pages 31–33.

are known to reduce adult offender recidivism including collaborative courts, pretrial programs, and court use of risk and needs assessment information.

2.0 RECIDIVISM REDUCTION FUND COURT GRANT PROGRAM

2.1 Program Overview and Purpose

As part of the Budget Act of 2014, the Legislature allocated \$15 million from the RRF for a competitive grant program to be administered by the Judicial Council of California. The funds are designated for courts to use in the administration and operation of programs and practices known to reduce offender recidivism and enhance public safety, including the use of validated² risk and needs assessments, other evidence-based practices,³ and programs that specifically address the needs of mentally ill and drug addicted offenders. Because these funds are specifically designated for court programs, judicial leadership is critical for all funded programs.

These funds are available to the Superior Courts of California for the establishment or ongoing operation and staffing for three categories of programs known to reduce adult recidivism and enhance public safety:

- Adult criminal collaborative courts that serve moderate and high-risk offenders (hereafter referred to as collaborative courts),
- Pretrial programs, and
- Court use of validated risk and needs assessment information.

Within each grant category courts may apply for either a planning/implementation grant or an enhancement grant. See Sections 2.4.1 and 2.4.2 for additional information.

Note: This is a competitive bidding process and therefore courts will not automatically receive RRF court grant program funding.

² For the purpose of this RFP, risk and needs assessments must be validated on a similar offender population.

³ Programs and practices are considered to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. As defined in California Penal Code section 1229(d), evidence-based practices refers to supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision. Specific examples of evidence-based practices can be found on the National Institute of Justice web page at www.crimesolutions.gov. The Substance Abuse and Mental Health Services Administration provides information related to the use of evidence-based practices when working with adult criminal offenders with substance abuse and mental health disorders. (See www.samhsa.gov.)

2.2 Grant Category Descriptions

Background information is provided below for the three grant categories that will be funded by the RRF court grant program.

2.2.1 Adult criminal collaborative court programs that serve moderate and high-risk offenders

Adult criminal collaborative court programs combine intensive judicial supervision and collaboration among justice system partners with rehabilitation services to reduce recidivism and improve outcomes for moderate and high-risk offenders with significant treatment needs. Examples of eligible criminal collaborative courts include community courts, drug courts, mental health courts, reentry courts, and veterans courts. Eligible collaborative courts may address various offender needs (mental health, substance abuse, etc.) and/or varied adult populations (veterans, women with substance abuse issues, etc.).

Although program models differ among court types and local jurisdictions, eligible adult criminal collaborative courts are generally led by a judge and include an interdisciplinary team consisting of a defense attorney, a prosecutor, a representative from probation or parole, and treatment staff and/or case managers or other representatives specific to the particular court. Participants are assessed for their risk of reoffending and for their mental health, substance abuse/dependence, and other treatment needs. Community supervision and treatment plans are created based on the information obtained from these assessments. Participants also attend regularly scheduled court sessions, usually one to four times a month, to discuss their adherence to the individualized supervision/treatment plans and other program requirements. Graduated sanctions, such as admonishments, increased frequency of court sessions, and jail sanctions are used to respond to noncompliant behaviors. Incentives, such as verbal praise, reduced frequency of court hearings, and transportation or food vouchers are used to reward and encourage participants' progress. Participants typically remain in the program and receive case management and treatment services for approximately 12 months or other length of time as determined in the treatment plan.

All collaborative court programs funded under this court grant program must:

- Target moderate and high-risk felony offenders using a validated risk assessment tool;
- Develop appropriate supervision and treatment recommendations based upon risk and needs assessment information;

- Collect program data to evaluate the effectiveness of the program; and
- Adhere to the collaborative court principles as defined by the Judicial Council's Collaborative Justice Courts Advisory Committee,⁴ as follows:
 - Collaborative justice courts integrate services with justice system processing.
 - Collaborative justice courts emphasize achieving the desired goals without using the traditional adversarial process.
 - Eligible participants are identified early and promptly placed in the collaborative justice court program.
 - Collaborative justice courts provide access to a continuum of services, including treatment and rehabilitation services.
 - Compliance is monitored frequently.
 - A coordinated strategy governs the court's responses to participants' compliance, using a system of sanctions and incentives to foster compliance.
 - Ongoing judicial interaction with each collaborative justice court participant is essential.
 - Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
 - Effective collaborative justice court operations require continuing interdisciplinary education.
 - Forging partnerships among collaborative justice courts, public agencies, and community-based organizations increases the availability of services, enhances the program's effectiveness, and generates local support.
 - Effective collaborative justice courts emphasize a team and individual commitment to cultural competency. Awareness of and responsiveness to diversity and cultural issues help ensure an attitude of respect within the collaborative justice court setting.

2.2.2 Pretrial Programs

Pretrial programs are an integral component of local criminal justice systems. Their three primary functions are to:

- Collect and analyze information about pretrial detainees for use in determining risk for committing new crimes during the pretrial phase of case adjudication, and risk of failure to appear for court hearings;
- Make recommendations to the court regarding pretrial release including, where appropriate, recommendations for release on own recognizance or conditions of pretrial release; and,

⁴ These collaborative court principles are based on the National Association of Drug Court Professionals' (NADCP) key components described in "Defining Drug Courts: The Key Components." <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf>, (accessed September 12, 2014).

- Supervise defendants who are released from secure custody during the pretrial phase, where appropriate.

Pretrial supervision programs provide county justice systems with intermediate options between releasing a detainee on his/her own recognizance and remanding him/her to jail. Risk-based assignment to a continuum of pretrial supervision options, with intensity of supervision matched to risk level, can help assure that offenders return to court, maintain public safety, address jail overcrowding, and conserve resources for more intensive supervision of high-risk caseloads.

Pretrial programs may use a variety of tools, including validated risk assessment instruments, to gather relevant information for assessing defendants' risk of failure to appear in court for hearings and risk of committing a new crime if released pending trial. Pretrial programs also incorporate the use of specialized domestic violence, substance abuse/dependence, and/or mental health assessments. Components of a program often include automated reminders of court dates, expanded use of citation releases by law enforcement, designated prosecutors to review new arrests before the initial appearance in court for bail setting, defense representation at bail hearings, electronic monitoring of the offender, a needs assessment for individuals on supervised release, and periodic check-ins with supervision officers. Pretrial programs funded under this court grant program may operate to release defendants pre- or post-arraignment.

Many different pretrial program models may be used to reduce the risk of failure to appear and the likelihood of re-arrest while on pretrial status. The following components must be included in programs funded under this court grant program:

- The program must be designed to work closely with the court and other justice system partners.
- If a program is based in an entity other than the court—probation departments, jail or sheriff's department, or in an independent organization that contracts with the court—the court and judge must play a central role as the lead of the program.
- Funded programs must incorporate the use of a pretrial risk assessment tool and provide appropriate supervision and monitoring based on risk level and type of risk.
- Courts must be provided with risk assessment information for making release decisions; these decisions should be made at the earliest stages of case processing, including pre-arraignment.
- Data must be collected on individuals participating in the program.

2.2.3 Court use of validated risk and needs assessment information

Validated risk and needs assessments provide judges with additional information to consider when making sentencing decisions and determining the courts' responses to violations of supervision, including probation, postrelease community supervision, mandatory supervision and parole.

Courts funded under this grant category should use the funds to facilitate the incorporation of risk and needs assessment information at sentencing and/or in responding to noncompliant offender behavior. Courts, in consultation with their probation department or other assessment agency, and consistent with the California Rules of Court, should determine the format and content of the risk and needs assessment information provided to the court, and develop a formal and consistent protocol to enable courts to integrate this information into sentencing decisions and in responding to violations of supervision.

Jurisdictions are encouraged to assist probation departments in the development of integrated models that incorporate additional evidence-based practices, including targeted interventions that:

- Structure treatment, supervision, and responses to offender behavior based on offender risk level, needs, and personal characteristics;
- Enhance intrinsic motivation by applying the use of communication techniques that assist offenders in identifying their own reasons and readiness for change;
- Integrate substance abuse/dependence, mental health, and other treatment services with sentence/sanction requirements;
- Use cognitive behavioral treatment methods to disrupt criminal thinking, and provide opportunities to practice pro-social behaviors;
- Affirm and reward compliant behavior including, where possible, at a greater rate than punishing non-compliant behavior;
- Connect offenders to pro-social family, friends, and activities in the community so that their time is structured positively;
- Collect data on the effectiveness of the program; and
- Analyze and use the data to provide feedback to systems, agencies, teams, and individuals.

2.3 Eligibility and Application

2.3.1 All California superior courts are eligible to apply for a planning/implementation grant or an enhancement grant for any one of the three categories of the RRF

court grant program described in Section 2.2 above. Courts may apply for more than one grant category (i.e., collaborative court, pretrial programs, or court use of validated risk and needs assessment information). Note that separate applications must be submitted if a court is applying in more than one grant category.

2.3.2 Regional/joint court applications will be accepted provided there is a designated lead court.

2.3.3 Courts shall submit a proposal on behalf of the court, county,⁵ and other appropriate local justice system partners that clearly details the initiative(s) for which funding is sought, including the grant category and program phase; the associated staffing activities, programs, and services to be delivered by each of the partner organizations; and how the grant funds will be used to cover those costs. Courts must consult with relevant local justice system partners for the development of the proposal to avoid duplication of services that may be provided by a partner. Letters of support for the project from justice system partners must be submitted with the proposal. Information that briefly describes the process by which this proposal for funding was developed must also be submitted. (Detailed information regarding proposal contents can be found in Section 6.0.)

2.4 Phases of the Recidivism Reduction Fund Court Grant Program

For each of the three grant categories (collaborative courts, pretrial programs, and court use of validated risk and needs assessment information), the RRF court grant program provides funding for two program phases: planning/implementation, and enhancement.

2.4.1 Planning/Implementation Phase for Initial Program Development

Planning/implementation grants are available for jurisdictions that have not yet established but are committed to instituting one or more of the following: an adult criminal collaborative court that serves moderate and high-risk offenders, a pretrial program, and/or a court program that incorporates the use of risk and needs assessment information.

⁵ Persons authorized to act on behalf of the county include a member of the board of supervisors, the county administrative officer (CAO), or a designee named by the board or CAO.

Allowable uses of award funds for planning the program include the following:

- Support of, and training for, a Project Management Team (PMT) comprised of the court and local justice system partners and representatives of relevant agencies, service providers, nonprofit organizations, and other key stakeholders (See Section 3.1);
- Costs for court staff and local justice system partners involved in planning the program;
- Collection and analysis of local data that will be used in the development of a project plan;
- Development of a project plan by the PMT; and
- Contracts with subject matter experts for technical assistance in developing the project plan.

Allowable uses of award funds for implementing the program include the following:

- Court operations and services, including court staff;
- Staffing costs for local justice system partners involved in the program;
- Program training of judicial officers, staff, volunteers, mentors, and other partners involved in the program;
- Contracts for treatment services;
- Purchase or development of validated risk assessment tools and associated reporting and tracking software, drug testing and electronic monitoring equipment, and other program elements;
- Collection and reporting of data, as required; and
- Technical assistance.

2.4.2 Enhancement Phase for Ongoing Program Support and Expansion

Enhancement grants are available to courts with fully operational programs.

Allowable uses of award funds for program enhancement include the following:

- Ongoing operation of an existing program that meets all of the requirements of this grant program;
- Costs for court staff and local justice system partners involved in the program;
- Collection and reporting of data, as required;
- Program training of judicial officers, staff, volunteers, mentors, and other partners involved in the program;
- Increasing the number of participants served who meet the existing criteria for the target population;

- Expansion of the criteria for the target population to serve additional participants who meet the expanded description; and
- Enhancement of court or other local justice system operations, including supervision and treatment services.

2.5 Recidivism Reduction Fund Court Grant Awards and Funding

- 2.5.1 The Judicial Council seeks to adequately fund as many qualified RRF court grant programs as possible, emphasizing a diversity of program types throughout the state. Funding priority will be given to planning/implementation grants for new programs.

Total grant awards will typically range from \$300,000 to \$600,000. Applications outside of the range will be considered when the cost proposals clearly demonstrate a need for funding outside of the range.

In order to make funds available to courts of various sizes, applications will be considered in one of four designated pools based upon the number of offenders supervised in each county as a percent of the statewide total. The supervised populations include: probation, mandatory supervision, postrelease community supervision, and parole. Pools are broken down as follows:

- Pool 1 Supervised population is less than 0.4% of the statewide total
- Pool 2 Supervised population is between 0.4 and 1% of the statewide total
- Pool 3 Supervised population is between 1 and 5% of the statewide total
- Pool 4 Supervised population is greater than 5% of the statewide total

Courts are assigned to one of the designated pools based upon data provided to the Judicial Council by the Chief Probation Officers of California (CPOC) and the California Department of Corrections and Rehabilitation. Please see Appendix A for individual court designations.

It is the intent of the Judicial Council to fund applicants in each of the pools. Funds will not necessarily be allocated equally among the four pools.

Applications within the same pool will be scored against other applications of the same grant category (i.e., collaborative courts, pretrial programs, court use of validated risk and needs assessment information). In order to be awarded a grant, a proposal must score at least 65 percent of the possible points. (See Section 7.0.)

- 2.5.2 Funds must be fully expended by April 30, 2017, after which any unexpended funds shall revert to the State. Courts must submit final invoices prior to May 5,

2017. Invoices received by the Judicial Council after this date will not be accepted.

- 2.5.3 Grant funds will be disbursed as one payment in Fiscal Year 2014-2015 (up to 20% of the total grant award) upon receipt of a deliverable (see Section 3.3.1) and shall be reimbursement-based in Fiscal Years 2015–2016 and 2016–2017 (see Section 3.3.2). The purpose in distributing the funds in this manner is to assist courts with program start-up costs.
- 2.5.4 To ensure that all RRF court grant program funds are fully spent, the Judicial Council will conduct a mid-term financial evaluation. If the Judicial Council determines that courts will not be able to spend their full grant allocation, the Judicial Council may redistribute funds as necessary to support other RRF court grant programs. The Judicial Council may also redistribute any unspent funds if a court terminates its program prior to the end of the grant period.
- 2.5.5 The Judicial Council may offer partial grant awards, and courts may be asked to submit modified project plans and revised budgets that reflect the award amounts offered.

2.6 General Approved Use of Recidivism Reduction Fund Court Grant Program Funds

- 2.6.1 The Court shall follow applicable federal, state, and local laws and regulations, including but not limited to the following:
- The Judicial Branch Contracting Manual and Trial Court Financial Policies and Procedures Manual, as applicable; and,
 - The State of California’s Manual of Accounting for Audit Guidelines for Trial Courts as published by the State Controller’s Office, which is applicable when the court utilizes county administrative services.
- 2.6.2 Acceptable uses of funds include the following:
- Salary and benefits for court employees necessary to meet the operational requirements of the program;
 - Contractor/subcontractor/consultants/professional services, including training. Subcontracts may include salaries and benefits for employees of local justice system partners necessary to meet the operational requirements of the program. A copy of all subcontracts must be provided to Judicial Council Grant Accounting before any reimbursement can be made;
 - Services including but not limited to electronic monitoring and ongoing supervision, assessment, job/educational training, residential or outpatient

treatment for mental health or substance abuse/dependence treatment, health screening, transitional/temporary housing;

- Drug testing, alcohol monitoring, and related supplies;
- Registration fees for trainings and conferences, with proof of attendance, that are directly related to the grant programs;
- Travel as required pursuant to items in Section 3.2;
- Equipment, defined as non-expendable items costing \$5,000 or above. Such items must be clearly related to the program objectives and directly contribute to program activities and be pre-approved in writing by the Judicial Council project manager;
- Purchase, production, or reproduction of educational and training materials;
- Courts' indirect costs calculated as a percentage of court employee salaries and benefits charged to this grant (as outlined in Section 6.4.1);
- Costs of incentives given to program participants. Incentives may include gift cards, food coupons, bus and other transportation passes, field trip passes, movie tickets, etc. Funds must not be distributed as cash. Maximum amount of incentive reimbursements per program is \$1,500 per year. The Judicial Council will provide a form for reporting incentive distribution. Funds are reimbursed only upon submission of both proof of purchase and proof of distribution to program participants within the grant contract period. Court employees, subcontractors, or anyone other than a program participant are not allowed to receive incentives;
- Computers, staffing, and other costs associated with collecting, maintaining and reporting required data; and
- Any other expenses directly related to the project not listed herein, as properly budgeted and approved by Judicial Council Grant Accounting.

2.6.3 Ineligible use of funds includes the following except in situations where prior approval has been obtained by the Judicial Council program manager:

- Duplication of services that are already being provided by a justice system partner;
- Food and/or drink of any kind including bottled water and related purified water dispensers (either by the court and/or subcontractor except as outlined in incentives or associated with approved travel);
- Membership dues;
- Penalties, fines, late fees, licenses, interest, damages, and/or settlements resulting from violations or noncompliance by program participants;
- Costs for fundraising, scholarships, tuition, stipend, contributions and donations, or non-incentive-related gifts;

- Construction, rehabilitation, and/or remodeling of any building and/or structure;
- Entertainment costs such as show tickets, sporting events, and/or any other events except for use as participant incentives as described above; and
- Participant living expenses including rent, hotel lodging, food, utility bills, vehicle expenses, parking, medical insurance premiums, etc.

3.0 COURT GRANT PROGRAM REQUIREMENTS

3.1 Project Management

Each court will be required to establish a project management team (PMT) chaired by a judge, and include, as appropriate, a court manager and a representative of: the sheriff, probation chief, district attorney, criminal defense, pretrial services, parole, treatment provider, etc. The PMT should meet at least two times per year to discuss shared issues.

3.2 Program Training

The Judicial Council will host meetings related to each of the grant categories in the RRF. Court grant program funds may be used for travel expenses for attendance at required meetings.

- Pretrial programs: Applicant courts and their PMTs are strongly encouraged to attend an initial Pretrial Summit scheduled for February 17-18, 2015, in San Francisco. Applicant courts that are awarded a pretrial program grant may use RRF grant funding for expenses associated with attendance. Because courts will not receive the notice of intent to award until after the Summit, applicant courts that are not awarded a pretrial program grant will be reimbursed by the Judicial Council for the expenses associated with attendance at the Pretrial Summit.
- Court use of validated risk and needs assessment information: Courts awarded grants for court use of validated risk and needs assessment information are required to attend, with their PMT, a meeting scheduled for April 2, 2015, in San Francisco.
- Collaborative court programs: Courts awarded grants for collaborative court programs are required to attend, with their PMT, a meeting that will be scheduled for fall 2015.

3.3 Process for Funding Courts

- 3.3.1 Program Start-up Costs, Fiscal Year 2014-2015 (April 1 to June 30, 2015): Deliverable-based program start-up costs. At any time, but no later than four weeks after contract execution, courts must submit a Program Start-up Cost Report to the satisfaction of the Judicial Council project manager that documents the funding needed to initiate program planning/implementation or enhancement. This Program Start-up Cost Report must detail the amount of funds needed by the courts until June 30, 2015, how the funding will be utilized, and include an itemized budget. This report will serve as the deliverable referenced in Section 2.5.3 and a template will be provided.

Before the reimbursement portion of the grant contract is initiated as described below, courts must submit a narrative and budget report that describes and accounts for the use of these initial funds, which must be reviewed and approved by the Judicial Council project manager. A template will be provided for this report.

- 3.3.2 Fiscal Year 2015–2016 and Fiscal Year 2016–2017: Reimbursement-based contracts payable with proper financial documentation. Requests for reimbursement, with proper financial documentation, should be submitted monthly by the 20th of the following month. Only approved, allowable expenses incurred during the contractual funding grant period will be considered reimbursable.
- 3.3.3 Courts may request funds from the Judicial Council in advance for expenses that are necessary to implement the program. A copy of a fully executed contract, approved invoice, and explanation of the services must be provided to the Judicial Council program manager for review and approval at the time of the request. Payments in advance will not be made for amounts less than \$25,000 and generally should not be requested by a court more than once per year. Proof of payment by the court must be provided and approved within 90 days of the Judicial Council advance. After this time period, no other reimbursements will be paid until the court’s proof of payment is received and approved by the Judicial Council program manager.
- 3.3.4 Funds must be fully expended by April 30, 2017, and final reimbursement submissions must be received by the Judicial Council no later than May 5, 2017. Invoices received by the Judicial Council after this date will not be accepted.

3.4 Grant Administration Reporting and Tracking

- 3.4.1 Quarterly Grant Administration Reports: Award recipients must submit quarterly

grant administration reports that summarize grant-related activities, including progress towards goals and objectives, program achievements and challenges, collaboration with justice system and other local partners, and changes to key staff or procedures. Reports are due no later than 30 days following the end of each calendar quarter. A template will be provided.

- 3.4.2 **Fiscal Tracking:** Award recipients agree to track, account for, and report on all funds from the RRF court grant program separately from all other funds used for the same or similar purposes or programs. RRF court grant program funds may be used in conjunction with other funding as necessary to complete projects; however, tracking and reporting of these funds must be separate. Accordingly, the accounting systems of award recipients must ensure that funds from the RRF court grant program are not commingled with funds from any other source.
- 3.4.3 **Supporting Documentation:** Award recipients agree to maintain supporting documentation (e.g., timesheets, invoices, contracts, etc.) used to compile reports, and to provide copies of this supporting documentation to the Judicial Council, if requested.

3.5 Program Evaluation and Data Collection

- 3.5.1 Grant recipients agree to adhere to quarterly data collection and reporting requirements as outlined by the Judicial Council. The CJS will provide data collection tools, reporting templates, and instructions for submitting data using the Judicial Council's secure file transfer protocol (FTP) site, where necessary. CJS staff will provide data collection technical assistance and will work with funded programs to ensure that data can be collected and reported to the Judicial Council.
- 3.5.2 Judicial Council staff will compile data reported by courts awarded RRF court grant program funds and annually report aggregate level data related to awarded programs to the Department of Finance and the Joint Legislative Budget Committee, as required in the Budget Act of 2014. In consultation with CDCR and CPOC, the Judicial Council shall establish performance-based outcome measures appropriate for each program.
- 3.5.3 Awardees must report program process data as well as aggregate level outcome data. Depending on program type, size, and data collection capacity, participant (i.e., individual) level data may be required. Courts must submit required data and participate in data quality conference calls. Required data elements will differ depending on the program type (i.e., collaborative court, pretrial program, court use of validated risk and needs assessment information). Judicial Council staff will finalize the data elements necessary to measure required outcomes before

contract execution. Examples of the types of data that will likely be required appear below.

Program Data

- Program operations and polices (e.g. eligibility criteria, referral and admission processes, validated risk and needs assessment instruments utilized, termination and completion criteria, program phases, etc.);
- Aggregate program data for each program category to determine whether the program plan was adhered to and whether the program was implemented as intended (e.g., number of persons assessed and/or referred, number of persons in the program, service referrals, services provided, participant outcomes, other program outcomes, etc.).

Individual Level Data

- Participant demographic characteristics such as race, ethnicity, gender, and age;
- Risk and needs assessment information including risk level and substance abuse/dependence or mental health issues identified;
- Participant criminal activity information such as arrests, convictions, jail and prison stays;
- Participant case disposition information, if applicable, including length of sentence;
- Participant failures to appear at court hearings.

4.0 TIMELINE FOR THIS RFP

4.1 Grant Applicants' Teleconference

Judicial Council staff will host four applicant teleconferences for superior courts interested in applying for this grant. The purpose of the applicant teleconferences is to provide an opportunity for courts to ask specific questions regarding the RFP grant application, grant program requirements, and terms and conditions for funding.

The applicant teleconferences are scheduled for:

Tuesday, October 7, 2014, from 10:00–11:30 a.m., and from 2:00–3:30 p.m.

Thursday, October 16, 2014, from 9:00–10:30 a.m., and from 3:00–4:30 p.m.

Interested applicants should email crimjusticeoffice@jud.ca.gov to RSVP for a teleconference.

To ensure a fair process, applicants (including interested justice system partners, and co-applicants) should submit their questions in advance to crimjusticeoffice@jud.ca.gov. Questions must be received by 12:00 p.m. on October 3, 2014, for the October 7, 2014, calls; and by 12:00 p.m. on October 14, 2014, for the October 16, 2014, calls. Requests for clarification or guidance should indicate the RFP page number and section, and state the question clearly. Judicial Council staff will consolidate or paraphrase questions for efficiency and clarity. Questions and answers will be posted here <http://www.courts.ca.gov/RecidivismReduction.htm> within one week following the conference call and may be updated, as needed.

4.2 List of key events related to this RFP.

All dates are subject to change at the discretion of the Judicial Council.

EVENT	DATE
RFP issued	Monday, September 15, 2014
Deadline for questions for applicant teleconferences on October 7, 2014	Friday, October 3, 2014, no later than 12:00 p.m.
Applicant calls – October 7, 2014	Tuesday, October 7, 2014, 10:00–11:30 a.m.
	Tuesday, October 7, 2014, 2:00–3:30 p.m.
Deadline for Notice of Intent to Apply	Wednesday, October 8, 2014, no later than 5:00 p.m.
Deadline for questions for applicant teleconferences on October 16, 2014	Tuesday, October 14, 2014, no later than 12:00 p.m.
Applicant calls – October 16, 2014	Thursday, October 16, 2014, 9:00–10:30 a.m.
	Thursday, October 16, 2014, 3:00–4:30 p.m.
Latest date and time proposal may be submitted	Monday, December 15, 2014, no later than 5:00 p.m.
Presentation to Judicial Council	Thursday, February 19, 2015 or Friday, February 20, 2015
Notice of Intent to Award	Monday, February 23, 2015
Negotiation and execution of contract	Monday, February 23, 2015–Wednesday, April 1, 2015

EVENT	DATE
Contract start date	Wednesday, April 1, 2015
Contract end date	Friday, April 30, 2017
Final reimbursement submissions received by the Judicial Council	Friday, May 5, 2017

5.0 SUBMISSIONS OF PROPOSALS

- 5.1 Proposals should provide information that satisfies the requirements outlined in this RFP. Expensive bindings, color displays, etc., are not necessary or desired. Emphasis should be placed on conformity to the RFP's instructions and requirements, and completeness and clarity of content.
- 5.2 The Applicant must submit one (1) original and five (5) copies of the proposal in a sealed envelope. The original must be signed by the court's executive officer or presiding judge. The original proposal (and the copies) must be submitted to Judicial Council of California/Criminal Justice Services. The Applicant must write the RFP title on the outside of the sealed envelope.
- 5.3 The Applicant must submit an electronic version of the entire proposal to crimjusticeoffice@jud.ca.gov.
- 5.4 Proposals must be delivered by Monday, December 15, 2014, no later than 5:00 p.m., to:
- Judicial Council of California
Criminal Justice Services
Attn: Barbara Whiteoak, Executive Secretary
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102-3688
- 5.5 Late proposals will not be accepted.

6.0 PROPOSAL CONTENTS

The following information must be included in the proposal and must cover the full twenty-five month grant period (April 1, 2015 to April 30, 2017). A proposal lacking any of the following information may be deemed non-responsive.

6.1 Court Contact Information

Provide lead court name, address, and telephone number in addition to the name, title, and email address of the individual who will act as the court Project Manager for purposes of this RFP.

6.2 Project Abstract

Maximum 1 page, 12 point, Times New Roman, double-spaced.

Clearly state: the grant category(s) (i.e., collaborative court, pretrial program, court use of validated risk and needs assessment information); the program phase (i.e., planning/implementation or enhancement) for which the court is applying; the target population and eligibility criteria; the projected number of persons to be served with funding under this grant, and the total number of persons served by the program, if different; the total dollar amount requested; and a brief description of the proposed use of funds.

6.3 Project Narrative

Maximum 15 pages, 12 point, Times New Roman, double-spaced.

The project narrative should address the requirements of this RFP and include the components described below depending on the grant category(s) (i.e., collaborative court, pretrial program, court use of validated risk and needs assessment information) and program phase (i.e., planning/implementation or enhancement). If an item listed below is not applicable to the program, briefly explain why it does not apply.

6.3.1 Problem statement

- Describe the local problem to be addressed by the project, including contributing factors (be specific and concise), and include local data where possible.
- Describe previous efforts to address the identified local problem including effectiveness and limitations of these efforts.

6.3.2 Project plan

- Describe the purpose, goals, and objectives of the proposed program, including how the program meets the requirements outlined in Section 2.2. Goals are broad statements of what the program seeks to achieve in the long term, and are generally not measurable. Objectives focus on the strategies that

will be used to achieve the program goals and should be clearly stated, specific, realistic, and measurable. Objectives should reflect the project description and support the achievement of project goals. It is not necessary to list specific program activities in the program narrative as they must be identified in Attachment B, Project Time-Task Plan (described in more detail below).

- If applying for a planning/implementation grant and significant planning activities have already taken place, describe those planning efforts and any changes proposed to the plan to meet the requirements of this RFP. If applying for an enhancement grant, describe how the grant will be used to enhance or expand an existing program and how the program meets the requirements of Section 2.2.
- Describe program operations and policies, as applicable:
 - Identify the target population, projected number of persons the program is designed to serve over the grant period, and whether the target population includes persons with a mental illness or substance abuse/dependence issue;
 - Describe program eligibility criteria and any excluded populations;
 - Describe the referral and admission process;
 - Describe program components/services and identify the agency that will oversee/provide each component/service. Indicate whether the component/service(s) described qualifies as an evidence-based practice, and;
 - Describe criteria for successful program completion or revocation/termination.
- In the template provided in Attachment B, Project Time-Task Plan, identify key project activities (for planning/implementation or enhancement, as applicable) and link these activities to each goal and objective described in the program narrative, as well as expected completion dates and the agency responsible for each activity. Activities are the key operational elements of the program. Description of the activities must be specific, and must correspond with the project timeline.

6.3.3 Capabilities, Roles, and Competencies

- Describe relevant experience related to implementing or managing the proposed project or a similar project.
- Provide overall management/staffing plan for the project, including information on the establishment and role of the required PMT outlined in Section 3.1. Include a brief description of proposed key program staff, their roles and responsibilities, and their training and qualifications.
- List justice system partners who may be involved in the project but not included as part of the overall management/staffing plan, and their roles,

responsibilities, and qualifications. In order to avoid duplication of services, describe how the services to be provided under this proposal differ from those already offered by other local justice system partners.

- Describe ability to collect data as outlined in Section 3.5, including current data collection practices. Identify possible data sources and explain the plan for collaborating with justice system partners to collect and report required data. Include anticipated challenges related to collecting data as well as data quality issues. Briefly describe methods for assuring data quality and maintaining data confidentiality.

6.3.4 Local Collaboration

Describe how the court developed this proposal and grant program in collaboration with other local justice system partners. In addition to this description, letters of support from each agency involved in the project must be attached. (See Section 2.3.3.)

6.4 Cost Proposal

The cost proposal is not included in the Project Narrative's 15 page limit.

6.4.1 Proposed Costs

Budget Detail Worksheets: Using the attached Budget Detail Worksheet template, Attachment C, include a detailed line item budget showing costs of the proposed services. This worksheet is broken out into three sections: 1) Program Start-up Budget; 2) Annual Fiscal Year 2015–2016 Budget; and, 3) Annual Fiscal Year 2016–2017 Budget.

- 1) Program Start-up Budget (April 1 to June 30, 2015): The proposed funding request detailed in the Program Start-up Budget should document the amount of funding needed for program start-up costs.
- 2) Annual Budget Fiscal Year 2015–2016 (July 1, 2015 to June 30, 2016): The estimated funding need for Fiscal Year 2015–2016 must be included in this section.
- 3) Annual Budget Fiscal Year 2016–2017 (July 1, 2016 to April 30, 2017): The estimated funding need for Fiscal Year 2016–2017 must be included in this section.

All Budget Detail Worksheets include four main budget categories: Personnel Services/Benefits, Operating Expenses, Consultants/Contractors, and Indirect Costs.

- Expense items listed under Personnel Services/Benefits should list each position by title and name of employee (if known), show the monthly salary rate, the percentage of time to be devoted to the project or number of months

the employee will be needed for the project. A full benefit breakdown should also be included for the same time base and number of months.

- Project expense items listed under Operating Expenses, including travel expenses, equipment, supplies, and other costs, should consist of actual costs paid by the court and/or the court's contractor, not to exceed the contract amount.
- Consultant expense items should include a breakdown of type and cost of services to be provided and estimated time on the project.
- Courts' indirect costs are costs that cannot be directly assigned to a particular activity but are necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of indirect costs. In order to qualify to be reimbursed for indirect costs, the program must comply with the following:
 - Court staff salaries and benefits funded by this grant must appear in the Personnel Services cost category on the budget sheet;
 - The indirect cost rate of no more than 20% of the court staff salaries and benefits funded by this grant may be reimbursed if the court has a current Judicial Council approved indirect cost rate on file; and
 - Partner agency and subcontractor indirect costs are not allowed.
- Calculating indirect costs: Add the court employee salary and benefits funded through this grant and multiply that total by the Judicial Council approved indirect cost rate or 20% (whichever is lower). This is the maximum amount that will be reimbursed to the court.

6.4.2 **Budget Justification:** A full explanation of all budget line items in narrative form. The Budget Justification should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheets. Proposed budgets should be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Applicants should describe cost effectiveness in relation to potential alternatives, goals of the project, and number of individuals served. For example, the narrative could detail why some in-person meetings are necessary, or how collaboration with an outside organization could reduce costs. The narrative should explain how the applicant estimated and calculated costs, and how those costs are relevant to the completion of the proposed project.

7.0 EVALUATION OF PROPOSALS

The Judicial Council staff will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Applicants may be asked to respond to questions from Judicial Council staff to clarify elements set forth in their proposals.

Grant awards will be posted at <http://www.courts.ca.gov/RecidivismReduction.htm>.

CRITERION	RFP SECTION	MAXIMUM NUMBER OF POINTS
Problem statement	6.3.1	15
Project plan	6.3.2	25
Capabilities, roles, and competencies	6.3.3	20
Local collaboration	6.3.4	15
Cost proposal	6.4	25

APPENDIX A: COURT POOLS

Pools are based on statewide percentage of supervised populations (i.e. felony probation, mandatory supervision, post-release community supervision, and parole) as of 3/31/14.

Pool 1: Supervision population is less than 0.4% of the statewide total.

Court	Total supervised population	% of statewide total
Alpine	34	0.0%
Amador	380	0.1%
Calaveras	458	0.1%
Colusa	176	0.0%
Del Norte	300	0.1%
Glenn	436	0.1%
Imperial	1,342	0.3%
Inyo	246	0.1%
Lake	965	0.3%
Lassen	269	0.1%
Marin	910	0.2%
Mariposa	124	0.0%
Mendocino	873	0.2%
Modoc	86	0.0%
Mono	270	0.1%
Nevada	581	0.2%
Plumas	167	0.0%
San Benito	695	0.2%
Sierra	29	0.0%
Siskiyou	745	0.2%
Sutter	1,079	0.3%
Tehama	1,060	0.3%
Trinity	223	0.1%
Tuolumne	969	0.3%
Yuba	913	0.2%

Pool 2: Supervised population is between 0.4 and 1% of the statewide total.

Court	Total supervised population	% of statewide total
Butte	2,202	0.6%
El Dorado	1,481	0.4%
Humboldt	1,750	0.5%
Kings	2,735	0.7%
Madera	3,436	0.9%
Merced	3,523	0.9%
Napa	1,511	0.4%
Placer	2,673	0.7%
San Luis Obispo	2,771	0.7%
Santa Cruz	3,296	0.9%
Shasta	2,127	0.6%
Solano	3,238	0.8%
Sonoma	3,275	0.8%
Yolo	3,075	0.8%

Pool 3: Supervised population is between 1 and 5% of the statewide total.

Court	Total supervised population	% of statewide total
Alameda	13,875	3.6%
Contra Costa	4,806	1.2%
Fresno	13,031	3.4%
Kern	11,639	3.0%
Monterey	4,035	1.0%
San Francisco	4,837	1.3%
San Joaquin	9,146	2.4%
San Mateo	4,126	1.1%
Santa Barbara	5,690	1.5%
Santa Clara	14,910	3.9%
Stanislaus	7,653	2.0%
Tulare	8,295	2.1%
Ventura	4,544	1.2%

Pool 4: Supervised population is greater than 5% of the statewide total.

Court	Total supervised population	% of statewide total
Los Angeles	103,217	26.7%
Orange	31,345	8.1%
Riverside	27,661	7.2%
Sacramento	20,401	5.3%
San Bernardino	25,294	6.6%
San Diego	21,091	5.5%



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: October 27, 2014

Title	Agenda Item Type
Judicial Branch Administration: Update to Court Technology Governance and Strategic Plan	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	November 1, 2014
Recommended by	Date of Report
Judicial Council Technology Committee Hon. James E. Herman, Chair	October 2, 2014
	Contact
	Hon. James E. Herman jherman@sbcourts.org Ms. Virginia Sanders-Hinds, 415-865-4617 Virginia.Sanders-Hinds@jud.ca.gov Ms. Jessica Craven, 818-558-3103 Jessica.Craven@jud.ca.gov

Executive Summary

The Judicial Council Technology Committee recommends that the Judicial Council adopt the updated Court Technology Governance and Strategic Plan. This document outlines a new judicial branch technology governance and funding model, strategic plan, and tactical plan, which will provide a comprehensive and cohesive technology strategy, with clear, measurable goals and objectives at the branch level. The Governance and Strategic Plan was submitted to the Judicial Council at the August 2014 meeting with the understanding that updates to reflect the importance of language access as a component of the plan would be added to the plan and distributed at the October 2014 meeting.

Recommendation

The Judicial Council Technology Committee recommends that the council, effective November 1, 2014 adopt the updated Court Technology Governance and Strategic Plan that includes an executive summary, Technology Governance and Funding Model, Strategic Plan for Technology, and Tactical Plan for Technology.

The text of the updated Court Technology Governance and Strategic Plan is included with this report as Attachment 1. The version showing updates in redline is included as Attachment 2.

Previous Council Action

In March 2012, the Judicial Council voted to terminate deployment of the California Court Case Management System (CCMS) as a statewide court technology solution. The council directed the CCMS Internal Committee to work in partnership with the trial courts to develop timelines and recommendations to the council for strategies to assist trial courts with existing critical case management system needs, to establish a judicial branch court technology governance structure that would best serve the implementation of technology solutions, and to provide technology solutions in the near term to improve efficiencies in court operations by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public.

In June 2012, the Judicial Council updated the name and structure of the CCMS Internal Committee to the Judicial Council Technology Committee (JCTC) to be in alignment with the Judicial Council direction. The new committee charge was to oversee the council's policies concerning technology, with responsibility in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners, and stakeholders on technological issues relating to the branch and the courts.

In October 2012, the Judicial Council Technology Committee hosted a Judicial Branch Technology Summit where branch stakeholders assembled for a collaborative discussion on branch technology governance, vision, and planning. The discussions and feedback from the summit reinforced the need for a new governance and funding model and a long-term strategic plan for branch technology.

In February 2013, the Chief Justice authorized the creation of the Technology Planning Task Force (TPTF). The task force was charged with working collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

In January 2014, the Judicial Council approved the [concept of the court technology governance and strategic plan](#), prepared by the Technology Planning Task Force, based on the information provided in the executive summary for the governance and funding model and plans.

In August 2014, the Judicial Council approved the [Court Technology Governance and Strategic Plan](#). The chair of the JCTC stated that the plan would return to the council with updates related to language access.

The Judicial Council Technology Committee Chair reports on the work of the JCTC at every Judicial Council meeting.

Rationale for Recommendation

The Court Technology Governance and Strategic Plan has been updated to include the feedback of the Joint Working Group for California's Language Access Plan as stated at the August 2014 Judicial Council meeting.

Comments, Alternatives Considered, and Policy Implications

Branch circulation

The Executive Summary, the Technology Governance and Funding Model, and the Strategic and Tactical Plans for Technology were distributed for branch review in March 2014. Thirty-two individual comments from 13 courts and 1 working group were received. The documents were updated to reflect the input received.

Formal public circulation

The updated plans were formally circulated for public comment in April 2014. Extensive outreach to judicial branch stakeholders helped ensure awareness of the work underway. Stakeholders had an important opportunity to provide feedback. This opportunity was also extended to judicial officers and justice partners outside California, through organizations such as the National Center for State Courts. Thirteen comments were received. The documents were again updated to reflect the input received.

Additional feedback from Joint Working Group for California's Language Access Plan

The Joint Working Group for California's Language Access Plan provided additional feedback following the formal public circulation. At the August 2014 Judicial Council meeting, it was announced that the Court Technology Governance and Strategic Plan would return to the council at its October 2014 meeting to include the joint working group's feedback and requested updates related to language access.

Implementation Requirements, Costs, and Operational Impacts

Enhancing electronic access to justice and promoting more efficient business practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Tani G. Cantil-Sakauye's recently announced vision for

restoring access to our courts, Access 3D, includes remote access as one of its principles. In order to achieve the vision for remote access, the judicial branch has adopted a governance and funding model, as well as strategic and tactical plans for technology, and now needs to adopt amendments related to language access, which is part of the equal access principle of Access 3D. The “digital court” with the capability of 21st century data exchange will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

Attachments

1. Update to Court Technology Governance and Strategic Plan, at pages 5–215
 - Executive Summary
 - Governance and Funding Model
 - Strategic Plan for Technology
 - Tactical Plan for Technology
2. Redline of update to Court Technology Governance and Strategic Plan, at pages 216–427.
 - Executive Summary
 - Governance and Funding Model
 - Strategic Plan for Technology
 - Tactical Plan for Technology

CALIFORNIA JUDICIAL BRANCH

Technology Governance, Strategy, and Funding Proposal

Executive Summary

Technology Planning Task Force

October 2, 2014

Introduction

This document provides an **executive summary** of the **proposed recommendations for judicial branch technology governance, strategy, and funding**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Additional documents

Results from the Technology Planning Task Force include the following documents:

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary (this document)	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Background

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)¹ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

This document contains a summary of the proposed recommendations for judicial branch technology governance, strategy, and funding.

¹ BSA has been renamed to California State Auditor.

GOVERNANCE

Governance models provide a framework for answering the following questions:

- Which decisions need to be made?
- Who is involved in making them?
- How are they made?
- What process is used to ensure decisions are implemented?
- How are results monitored and corrective action taken when expected results are not achieved?

A governance framework relies on the foundation of a desired end-state vision, a set of operating principles, and clear, well-defined roles and responsibilities.

Technology Vision

The proposed technology vision for the branch is:

“Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.”

Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. The Judicial Council has adopted a set of Guiding Principles that articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

At its August 31, 2012 meeting, The Judicial Council adopted principles 1–10 below. The Technology Planning Task Force recommends the addition of principles 11–14.

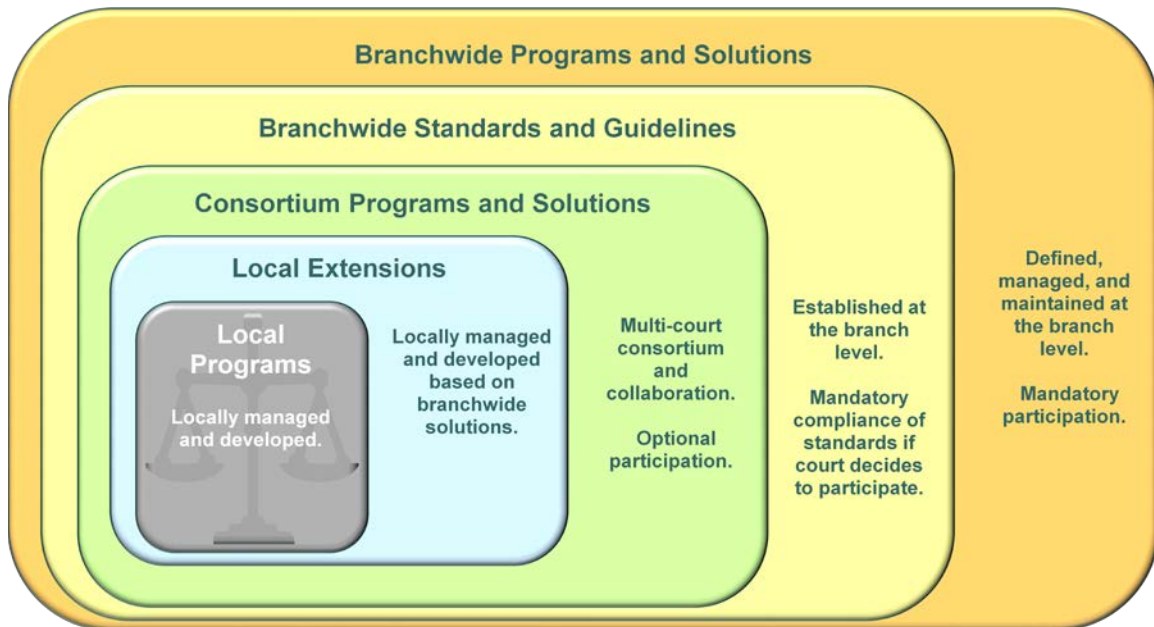
1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.

4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **(NEW) Improve Branchwide Compatibility through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **(NEW) Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **(NEW) Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **(NEW) Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

While technology deployment and implementation typically focuses on providing new capabilities, Principle 1: Ensure Access and Fairness must always be considered. Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. This principle does not imply that technology solutions should be avoided, but rather that they should be fully accessible.

Technology Initiative Categories

The following categories and criteria provide a framework and scope of responsibility for strategic technology decisions for the judicial branch. Although some initiatives may cross multiple categories, they are intended to provide guidance as to how technology solutions could be managed, standardized, implemented, or supported at the state or local level.



Branchwide programs and solutions

- Solution is defined, managed, and maintained through the judicial branch technology governance structure and subject to the oversight of the Judicial Council in collaboration with the courts.
- Participation is mandatory or mandated if a court decides to implement a specific branchwide technology.
- Branchwide operation is driven by economy of scale and/or the need to have centralized access, uniform policies, data collection, and analysis across all courts.
- Examples: California Courts Protective Order Registry, Judicial Branch Statistical Information System, Phoenix Financial.

Branchwide standards and guidelines

- Standards and guidelines are established through the judicial branch governance structure and approved by the Judicial Council in collaboration with the courts.
- Courts may still be responsible for implementing the technology solution, but any such implementation must comply with the standards.
- Some guidelines may be permissive and are recommendations more than mandates.
- Examples: NIEM (National Information Exchange Model) e-filing standards, *Trial Court Records Manual*.

Consortium programs and solutions

- Multi-court collaborations; may involve Judicial Council staff assistance.
- Participation by local courts is optional.
- Subject to any branchwide standards adopted for consistency in access.
- May be driven by economy of scale and/or a need for centralized access across courts or within a region.
- Examples: multi-court document management system RFP, case management system RFP.

Local extensions of branchwide/shared programs

- Local court-developed solutions that leverage branchwide programs or shared programs.
- Completely local court controlled as long as there is no impact on other courts (if branchwide) or impact is approved (if shared).
- Technological advancements may be models that can be shared branchwide.
- Examples: Electronic Legal File (Orange County), Judicial Education Tracking Tools.

Local programs and solutions

- Local court issue and decision-making.
- Local court funding.
- Subject to any branchwide standards adopted for consistency in access.
- Examples: Audio/visual in the courtroom, personal computers, electronic probable cause statements.

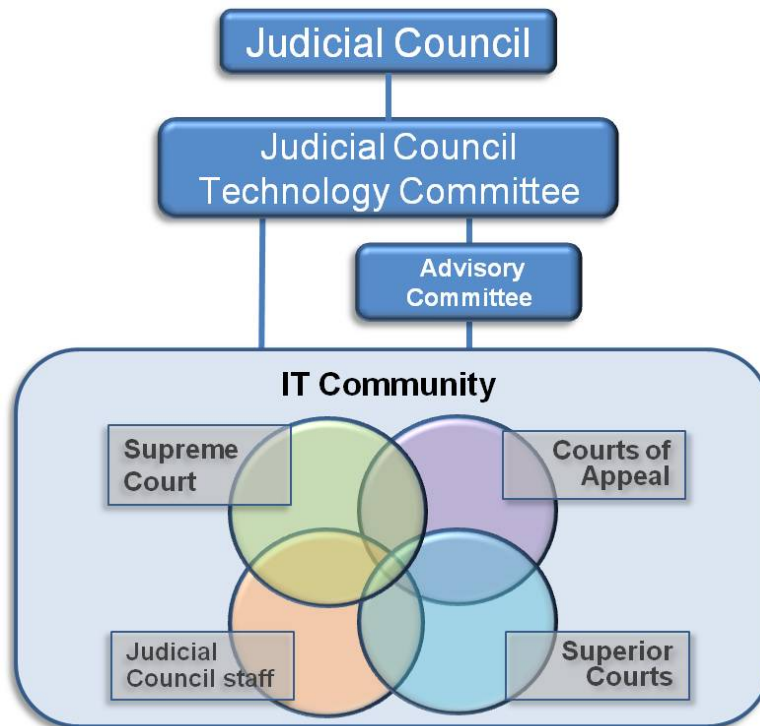
To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

Roles and Responsibilities

Working together as an IT community

The Technology Planning Task Force recommends creating a governance structure that is based on working together as an IT community. This structure will ensure that we have broad support for branchwide initiatives and leverage the resources we have across the branch.

We should work together as an IT community with appropriate governance and oversight by the Judicial Council and the Judicial Council Technology Committee. In some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee. The primary goal of this model is to encourage collaboration and leverage the courts as innovation centers.



Summary of major elements in the proposed model

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the

courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.

- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide, consortia (groups of courts working together) and local innovations that solve local business problems with a view towards their application in other jurisdictions.

Evolving the Court Technology Advisory Committee (CTAC)

The following chart summarizes the current structure and responsibilities for CTAC and the recommended structure for the new Information Technology Advisory Committee.

	Current Structure Court Technology Advisory Committee	Recommended Structure Information Technology Advisory Committee
Membership	60% Judicial Officers 15% Court Executive Officers 10% Chief Information Officers 15% External members	Increase technology subject matter expertise and strengthen executive sponsorship capabilities.
Responsibilities	1. Rules and Legislative Proposals 2. Technology Projects	1. Technology Projects 2. Rules and Legislative Proposals
Project Source	Selected by committee members.	Determined by branch strategic plan and tactical plan as approved by the Judicial Council.
Project Staffing	Primarily from Judicial Council staff.	IT Community—appellate courts, trial courts, and Judicial Council staff.

Increasing the technology subject matter expertise and strengthening the executive-level sponsorship capabilities of ITAC can be achieved by increasing the percentage of membership who have acted in a leadership role in activities that promoted major change, who have technology project or program management backgrounds, and increasing the expertise of ITAC members through direct participation in technology projects.

Governance roles and responsibilities—General

For the majority of the governance roles, there are no changes in responsibilities. The changes previously discussed are intended to put more project emphasis on the Information Technology Advisory Committee and more responsibility on the courts to provide participants, sponsors, and facilitators for those projects.

	Role	Change in responsibility?
Judicial Council	The council establishes policies and sets priorities for the judicial branch of government.	No
Technology Committee	Assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.	No
Information Technology Advisory Committee	Promotes, coordinates, and acts as executive sponsor for the application of technology to the work of the courts.	Yes
Judicial Council staff (Information Technology Services Office)	Assists the council and its chair in carrying out their duties under the Constitution and laws of the state. Provides support to the Supreme Court, Courts of Appeal, and superior courts as requested.	No
Courts	Contribute to technology initiatives as participants or facilitators. Participate as consortia and may provide services to other courts.	Yes

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Supplementing limited program resources from the Judicial Council and the courts.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.

Governance of the strategic plan

General responsibilities for governing the strategic plan are summarized below. For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves. For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

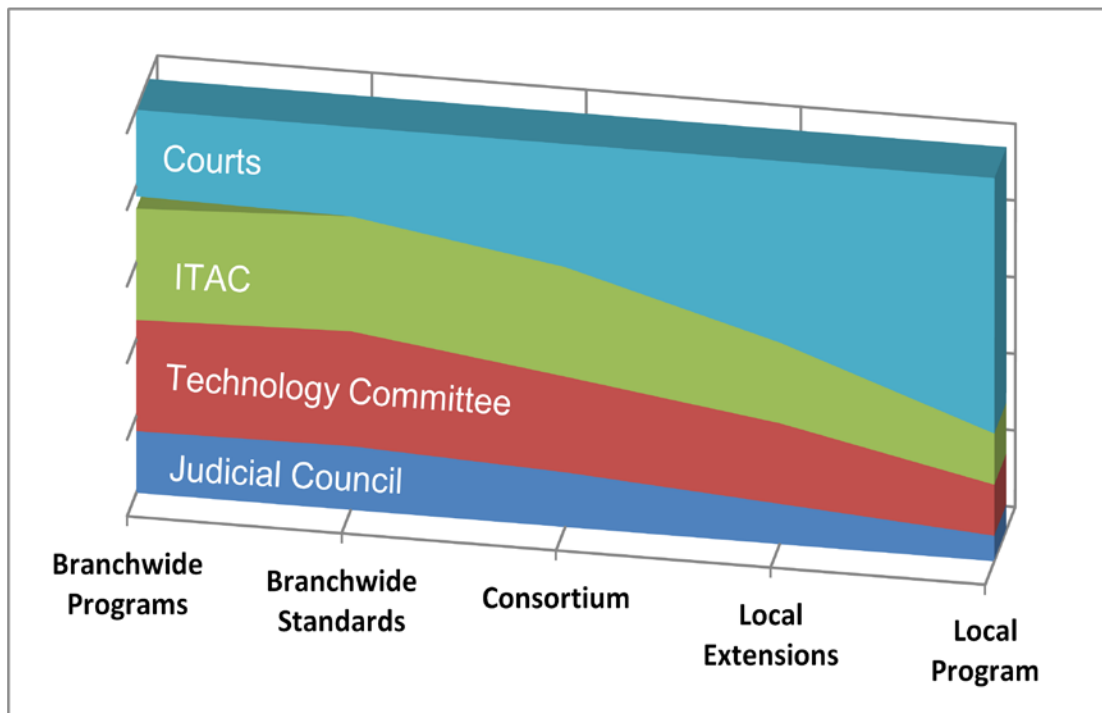
	IT Strategic Plan (4 Year)	IT Tactical Plan (2 Year)
Judicial Council	Final Approval	Final Approval
Technology Committee	Develops, recommends, seeks input, oversees.	Oversight approval and determination of priorities.
Information Technology Advisory Committee	Provides input.	Develops, recommends, seeks input, and acts as sponsor of initiatives.
Individual Courts	Provides input.	Provides input. Leads/ participates in initiatives.

Governance of technology initiatives—Participation by initiative type

The governance roles and responsibilities can be illustrated in terms of the amount of participation of each group in the different types of technology initiatives. In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives.

The chart below illustrates the areas of focus for each group.

Governance Focus Areas by Technology Initiative Type



Governance of technology initiatives—Summary

A more detailed view of the responsibilities for each group is summarized below.

	Branchwide Programs/Standards	Consortium	Local Extensions	Local Program
Judicial Council	Final Approval	Final Approval	N/A	N/A
Technology Committee	Oversight and approval. Prioritize.	Oversight and approval.	Oversight and approval.	N/A
Information Technology Advisory Committee	Develop and recommend initiative.	Recommend (branch funded) or monitor.	Recommend (branch funded) or monitor.	N/A
Individual Courts	Participate/facilitate, design, and execute.	Participate/facilitate, design, and execute.	Recommend, participate/lead design, and execute.	Develop and oversee initiative.
Administrative Presiding Justices Advisory Committee	Fiscal review for General Fund expenditures.	Fiscal review for General Fund expenditures.	Fiscal review for General Fund expenditures.	N/A
Trial Court Budget Advisory Committee	Fiscal review for state-level fund expenditures.	Fiscal review for state-level fund expenditures.	Fiscal review for state-level fund expenditures.	N/A

Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee.

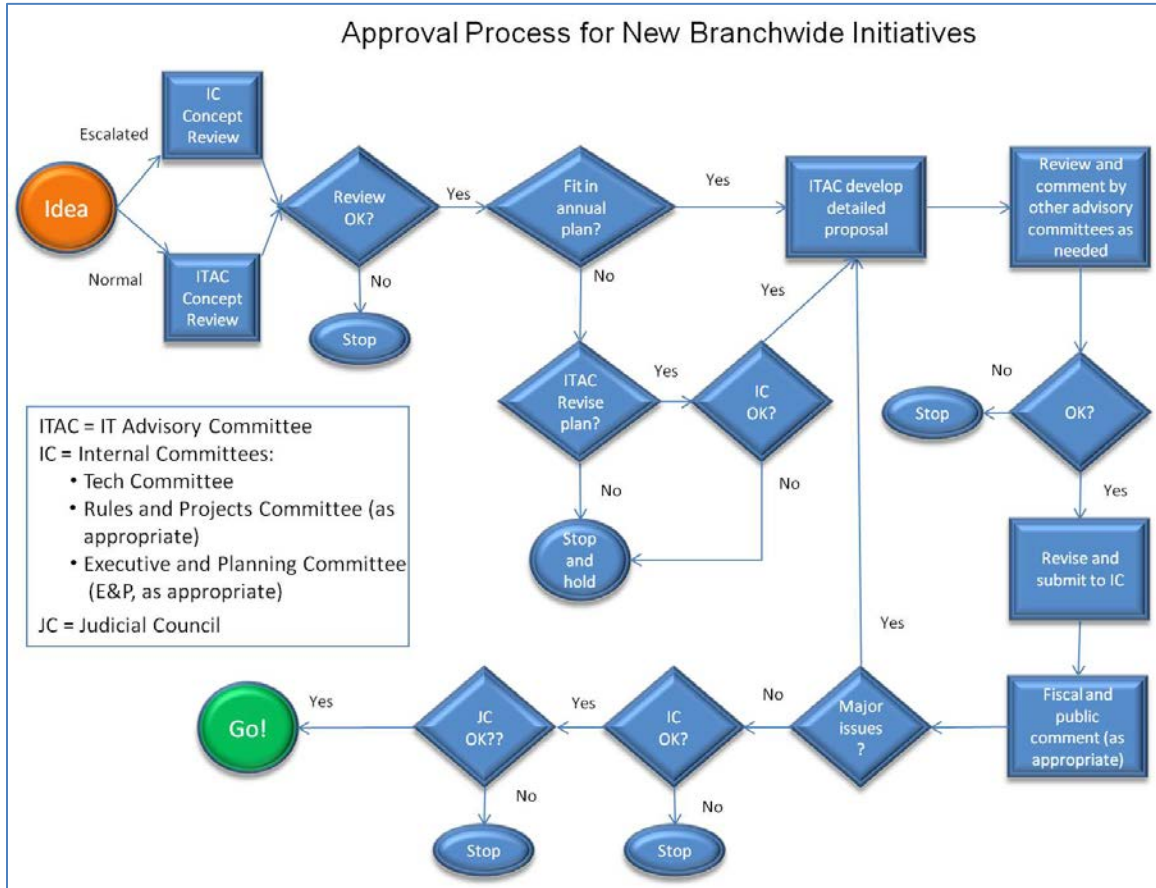
Approval of New Branchwide Initiatives

A branchwide initiative is one from the “branchwide programs and solutions” initiative category or one from another initiative category that requires funding at the branch level. Ideas for new branchwide initiatives can originate from anywhere inside or outside the branch.

Ideas can be submitted by preparing a short “Initiatives Proposal” document to describe the proposal, benefits, costs, expected outcomes, and other basic information that will be used to evaluate the proposal. Proposals will typically be submitted to the Information Technology Advisory Committee. If the proposal requires escalated consideration due to urgency or impact, then it can be submitted directly to the Judicial Council Technology Committee.

Once an initiative is approved, it is added to the list of programs sponsored by the Information Technology Advisory Committee and they are responsible for working with the proposing party to determine the appropriate program structure for executing and monitoring the initiative.

A high-level summary of the approval process is illustrated below.



Program Prioritization Criteria

The Judicial Council Technology Committee should use a balanced scorecard approach to prioritize branchwide initiatives. This scorecard provides a transparent and consistent model for evaluating projects by considering overall return on investment (ROI), business risk, and alignment with strategic goals.

The scorecard is not intended to be the sole decision-making tool. It is intended to provide analytical data to help the Judicial Council Technology Committee make decisions.

A sample scorecard is illustrated below.

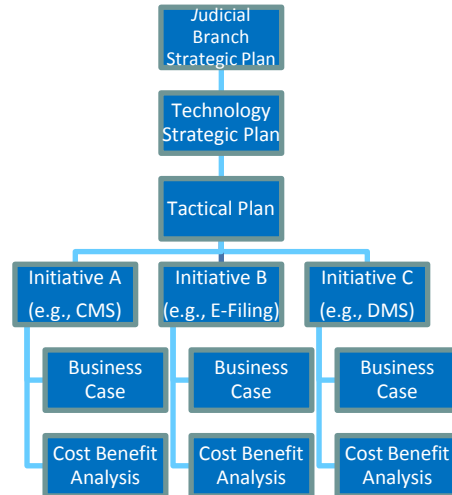
DRAFT Project Prioritization Scorecard						
Court Name		<h1>DRAFT</h1>				
Submitter's Name						
Requested Funds						
Project Description						
Project Evaluation Criteria		Response	Score	Weight	Weighted	Comments
Strategic Alignment	Alignment with Branch Strategic Goals (Access)	2-3 Goals	2	5	10	
	Alignment with Branch Technology Priorities	High	3	3	9	
	External partner Alignment	None	0	3	0	
					19	
External Impact	Public Benefit	High	3	5	15	
	Justice Partner Benefit	"some"	2	5	10	
					25	
Benefit Realization	Scope of impact	Consortia	2	3	6	
	Financial ROI	0-2 Years	3	5	15	
	Likelihood of benefit realization	Medium probability	2	5	10	
					31	
Organizational Risk Mitigation	Urgency for change - operations	Urgent	3	5	15	
	Urgency for change - legal/regulatory/compliance	Not urgent	0	5	0	
	Organization readiness	Minor concerns	2	5	10	
					25	
Technology Alignment / Fit	Level of alignment with branch-wide technology standards	Aligned	3	4	12	
	Level of alignment with branch-wide vendors	Aligned	3	2	6	
	Level of alignment with branch architecture	Aligned	3	3	9	
					27	
Technology Risk	Existing infrastructure can support this project	Covered	3	3	9	
	Identified tech staff can support this technology	No	0	3	0	
	Product / technology maturity	New / Mature	2	3	6	
					15	
					142	

In the example above, the scorecard has been filled out for a sample project. Each of the evaluation criteria in the first column was used to assess the project and 0-3 points assigned based upon the result. For example, on the first row, the project aligns with 2-3 of the branch strategic goals and 2 points were assigned. Had it aligned with 4 or more goals, 3 points would have been assigned. Each of the criteria is weighted to emphasize its relative importance and a final weighted score calculated. All scores are then added up for a total score which can then be compared with other projects that have been assessed in the same manner.

STRATEGIC PLAN AND TACTICAL PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

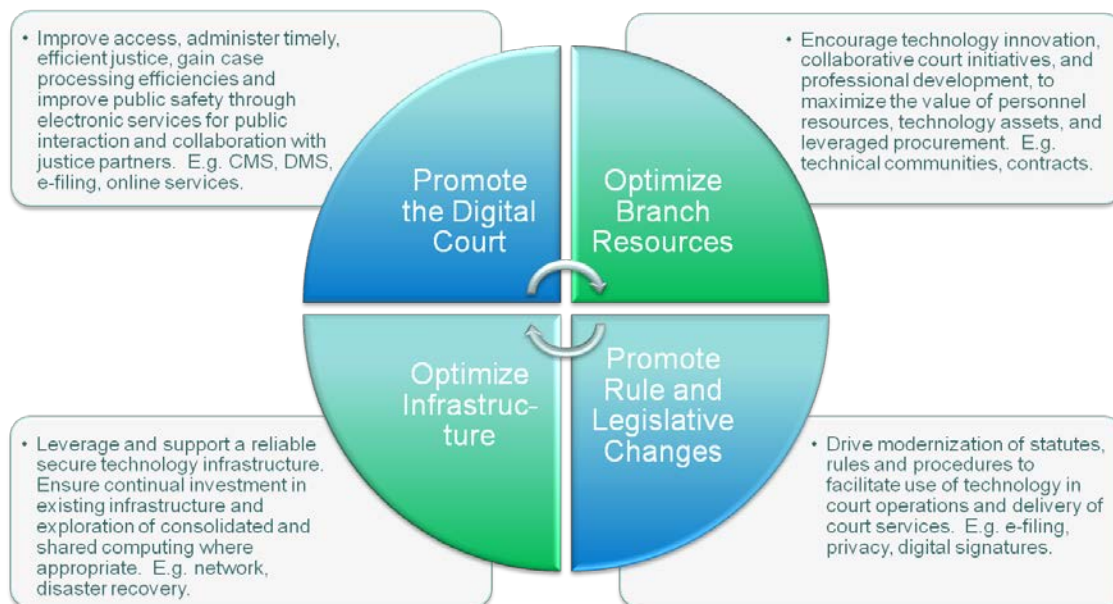
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.



All of these activities will align with the overall goals of the branch.

Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Goal 1: Promote the Digital Court

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California. The Digital Court includes a comprehensive set of services for interaction with the courts, and for collaboration with branch justice partners.

The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services. These include modern case and document management systems, fiscal and human resource systems and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

Furthermore, the Digital Court will also facilitate data and information sharing across the courts and provide enhanced collaboration and cooperation between and among courts.

Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

Technology solutions should not create barriers to access, especially to indigent clients, people with disabilities, and those who need language access assistance. Instead, technology solutions should actively seek to bridge gaps and affirmatively expand access.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology.

Goal 2: Optimize Branch Resources

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally. Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

Goal 3: Optimize Infrastructure

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where the official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, and to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure which includes technology to support local area networks, wide area networks, infrastructure and information security, local, shared, and centralized data centers, unified communications (voice, video), an enterprise service bus, and disaster recovery technologies.

Goal 4: Promote Rule and Legislative Changes

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

Technology Initiatives (2014–2016)

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Strategic Goal	Initiative	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	Determine strategy and plan
	Document management system (DMS) expansion	Deploy where appropriate
	Courthouse video connectivity	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	Continue deployment
	Implement a portal for self-represented litigants	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	Develop process
	E-filing deployment	Determine implementation plan
	Identify and encourage projects that provide innovative services	Investigate and prepare proposal
	Establish an “open source” application-sharing community	Investigate and prepare proposal
	Develop standard CMS interfaces and data exchanges	Investigate and prepare proposal
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	Expand program
	Transition to next-generation branchwide hosting model	Investigate and prepare proposal
	Security policy framework for court information systems	Investigate and prepare proposal
	Court disaster recovery framework and pilot	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	Identify and draft changes

FUNDING

The current funding situation for technology in the branch is bleak. The source for funding branchwide initiatives is facing a deficit, restrictions on year-to-year carryover of funds results in de-prioritizing technology investments, and there is no guarantee one-time budget change proposals requesting additional General Fund monies will be funded.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. Ultimately, funding for technology must be restored by the Legislature and the Governor.

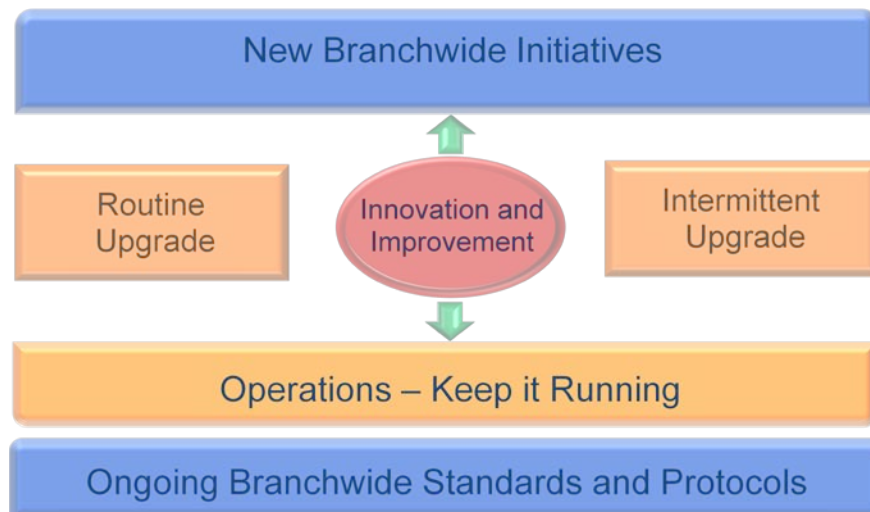
Once funding is restored, the following funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably.

Technology Funding Categories

The following categories and criteria provide a framework for making strategic technology funding decisions for the judicial branch. Although some initiatives may change categories over time depending upon the maturity or stage of the program, they are intended to provide guidance as to how technology funding could be managed, sourced, and allocated.

With this framework, there are different funding approaches for each category. Furthermore, there are different processes for governing funds at the branch and local court levels.

A summary of the funding categories is illustrated below.



The funding for New Branchwide Initiatives and Ongoing Branchwide Standards and Protocols will be managed at the branch level.

The funding for Routine Upgrade, Intermittent Upgrade, and Operations – Keep it Running will be managed at the local court level for local court expenses and at the branch level for expenses associated with branchwide initiatives.

The funding for Innovation and Improvement is managed at the branch level and dedicated to innovation and improvement projects that can be initiated anywhere in the branch.

Operations—Keep It Running

- Routine, ongoing information technology costs supporting core court operations.
- Year-to-year costs are typically stable and predictable. These costs are either fixed or vary based on number of users or level of use.
- This category also includes costs associated with court staff or professional services needed to keep the core operations running.
- These expenses may be associated with the operations of technology programs at a local court or with ongoing operations of branchwide initiatives.
- Examples: Annual hardware and software maintenance; telecommunications services; e-mail services; data center costs; support and maintenance for the Appellate Court Case Management System; hardware and software maintenance and support costs for trial court case management systems.

Routine upgrade

- Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment.
- Examples: Replacement of desktop/laptops every few years; replacement of servers every few years.

Intermittent upgrade

- Some upgrade expenditures are more episodic and are often unpredictable. The triggering event is often a vendor's decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software, including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.
- Examples: Upgrade to a newer version of an operating system, Microsoft Office; upgrade or replacement of a case management system (CMS), document management system (DMS), or jury management system (JMS); or a technology stack upgrade.

Innovation and improvement

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.

- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.
- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

New branchwide initiatives

- If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Some branchwide initiatives may be mandatory; e.g., Phoenix Financial. Other branchwide initiatives may be mandated if a court decides to implement a specific branchwide technology; e.g., Phoenix Human Resources (HR), California Courts Protective Order Registry (CCPOR).
- Funding is needed for the one-time costs of hardware, software, and deployment. Funding would also be required for any increases in maintenance costs that would occur in the “Operations—Keep It Running” category.
- Examples: Phoenix Financial, Phoenix HR; CCPOR; Judicial Branch Statistical Information System (JBSIS); e-citations from the California Highway Patrol (CHP); remote video appearances; language access kiosks, appellate e-filing.

Ongoing branchwide standards and protocols

- A coordination effort is required where trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. There is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols.
- There are a number of services and tasks that might be accomplished more economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.
- Ongoing maintenance of branchwide standards and protocols differs from typical operations and “keep it running” activities since there is periodic ongoing development required to keep the standards and protocols up to date.
- Examples: State-level data exchanges and data integration with justice partners for programs like CCPOR, CHP e-citations, and California Department of Child Support Services (DCSS) child support data; master service agreements for IT equipment, software, data centers, etc.

Funding Sources and Governance

	Funding Sources	Governance
Operations—Keep It running	<ul style="list-style-type: none"> • Court operations budget • Judicial Council operating budget • Budget Change Proposal (BCP) for gap in needed funds 	<ul style="list-style-type: none"> • Allocated by formula by the Judicial Council. • Expended by courts based upon local priorities and needs. • Expended by the Judicial Council for branchwide initiatives.
Routine upgrade		
Intermittent upgrade		
Innovation and improvement	<ul style="list-style-type: none"> • Limited amount of funds set aside at the branch level 	<ul style="list-style-type: none"> • Reviewed and recommended by the Judicial Council Technology Committee. • Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee. • Expended by appropriate agency, the Judicial Council, local trial court, and/or the appellate courts based upon the approved plan.
New branchwide initiatives	<ul style="list-style-type: none"> • Funds set aside at the branch level • Grants • BCP for gap in needed funds 	
Ongoing branchwide standards and protocols	<ul style="list-style-type: none"> • Funds set aside at the branch level • Grants • BCP for gap in needed funds 	

CONCLUSION

Expected Outcomes

Once we implement the recommended governance and funding model, strategic plan, and tactical plan, we expect to have:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency of how funds are managed and allocated for technology projects;
- Increased credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

We believe we can realize these outcomes by working collaboratively as an IT community within this new structure.

CALIFORNIA JUDICIAL BRANCH

Technology Governance and Funding Model

Technology Planning Task Force

October 2, 2014

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Message from the Technology Planning Task Force Chair

Dear Friends of the Courts,

The Technology Planning Task Force, appointed by Chief Justice Tani G. Cantil-Sakauye, and the Judicial Council Technology Committee are pleased to present the Judicial Branch Technology Governance and Funding Model.

A comprehensive and collaborative technology governance structure and planning update and redesign, grounded in the technology needs of the courts, is the key to branch technology progress and funding. Dramatic changes have occurred both in the evolution of information technology and needs of the courts. We need to advance to better support our justice partners and the people of California.

We are and should be an IT community with input and participation by all the courts. In order to assess court needs, the Judicial Council Technology Committee began, shortly after the termination of the California Court Case Management System (CCMS), by surveying the trial courts on case management system status, failure potential, and replacement plans. One of the lessons learned from CCMS was the importance of court input and buy-in relative to information technology projects and plans. Soon after, the courts attended a two-day information technology summit with the participation of the California Department of Technology (CalTech). CalTech emphasized the need for an updated technology plan and governance structure in order to obtain support from other branches of government for technology funding.

These efforts not only pointed to the need for a new technology plan but also the need for a court-focused technology planning task force to execute that planning process. The success of the planning process is grounded in the broad coalition of constituencies represented by the task force membership. Throughout the process, Administrative Presiding Justices, Presiding Judges, Court Executive Officers, and Chief Information Officers have been kept abreast of progress, most recently through presentations at regional meetings. In addition, the task force has continued to brief both legislative and executive branch agencies, including the Department of Finance, CalTech, the Legislative Analyst's Office, and legislative staff, on the progress of our planning.

Enhancing electronic access to justice and promoting more efficient business practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Cantil-Sakauye's recently announced vision for restoring access to our courts, Access 3D, includes remote access as one of its principles. The "digital court" with the capability of 21st century data exchange will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

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and Technology Planning Task Force

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INTRODUCTION

This document presents the judicial branch **Technology Governance and Funding Model**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which included judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Technology Planning Documents

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model (this document)	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people, 7 million of whom have limited English proficiency. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts and other agencies.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities, and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;

- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and
- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for this governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council but also provided an opportunity for the branch to work in a new model and invigorate the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)¹ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that

¹ BSA has been renamed to California State Auditor.

the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model. After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;
- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortiums for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

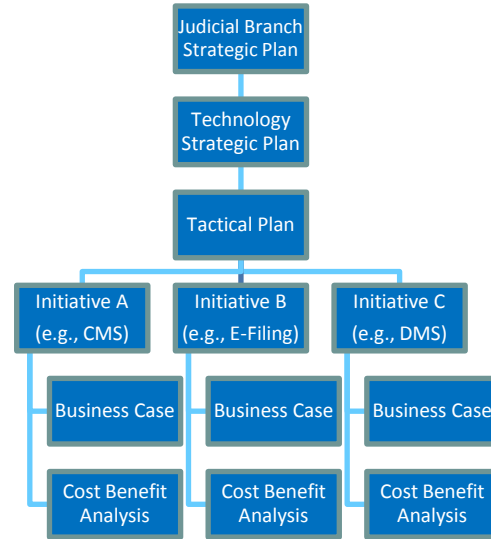
Technology Planning Task Force Structure

The task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices that focused on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> • Jake Chatters (Lead) (CEO Placer) • Justice Ashmann-Gerst (2nd Appellate) • Judge Buckley (Los Angeles) • Judge Herman (Santa Barbara) • Judge Moss (Orange) 	<ul style="list-style-type: none"> • Brian Cotta (Lead) (CIO Fresno) • Justice Bruiniers (1st Appellate) • Judge Buckley (Los Angeles) • Jim Kalyvas (Attorney Los Angeles) • Robert Oyung (CIO Santa Clara) • Charlene Ynson (5th Appellate) 	<ul style="list-style-type: none"> • Judge Slough (Lead) (San Bernardino) • Sherri Carter (CEO Los Angeles) • Judge Kaufman (Plumas) • Judge Reiser (Ventura)
Track Participants (27)	<ul style="list-style-type: none"> • Judge Barnes (Kings) • Rick Feldstein (CEO Napa) • James P. Fox (Attorney San Mateo) • Lisa Galdos (AEO Santa Clara) • Darrel Parker (CEO Santa Barbara) • Heather Pettit (CIO Sacramento) • Mike Roddy (CEO San Diego) • Renea Stewart (ITSO staff) 	<ul style="list-style-type: none"> • Mark Dubeau (CFO Orange) • Mark Dusman (CIO ITSO staff) • Kim Flener (CEO Butte) • Judge Nadler (Sonoma) • Snorri Ógata (CIO Los Angeles) • Pat Patterson (CIO Ventura) • Mike Planet (CEO Ventura) • Ahn Tran (CIO San Joaquin) • Jeannette Vannoy (CIO Napa) • Gary Whitehead (CIO Riverside) 	<ul style="list-style-type: none"> • Alan Carlson (CEO Orange) • Jessica Craven (ITSO staff) • Alan Crouse (CIO San Bernardino) • Rebecca Fleming (CEO Stanislaus) • Joseph Lane (2nd Appellate) • Mark Robinson (Attorney Orange) • Virginia Sanders-Hinds (ITSO staff) • Zlatko Theodorovic (CFO council staff) • Mary Beth Todd (CEO Sutter)

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

GOVERNANCE

Governance models provide a framework for answering the following questions:

- Which decisions need to be made?
- Who is involved in making them?
- How are they made?
- What process is used to ensure decisions are implemented?
- How are results monitored and corrective action taken when expected results are not achieved?

A governance framework relies on the foundation of a desired end-state vision, a set of operating principles, and clear, well-defined roles and responsibilities.

Technology Vision

As part of its charge to adopt a statewide strategic plan for technology, the judicial branch must begin with a vision of where it needs to be moving forward given the financial, personnel, geographic, and consumer opportunities and challenges. Future success in technology funding and project implementation depends on a solid, clear vision that can be communicated to internal and external stakeholders. A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens.

Recommendation 1: The Judicial Council should adopt a new judicial branch technology vision:

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.

The judicial branch must advance its technological efforts in a systematic and comprehensive manner in order to enhance and expand its delivery of services and modernize court practices. This recommended branchwide vision fosters statewide collaboration while recognizing that local capacity, community, and culture play an important and vital role in innovating, developing, and delivering services enabled by technology.

This recommended vision sets forth the goals of where the branch must be to not only secure adequate funding for technology, but, equally important, to keep pace with the ever-changing demands placed on the branch from all court users to provide faster and higher quality service through the use of technology.

This recommended vision also sets forth the framework within which the guiding principles can readily be applied.

Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. At its August 31, 2012 meeting, the Judicial Council adopted a set of guiding principles that articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

Guiding Principles—Adopted August 2012²

Court technology and the new ways it facilitates interaction with the courts should always advance access and participation in the justice system in order to improve the trust and confidence Californians have in their court system.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.

² Excerpt from “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives” adopted by the Judicial Council August 31, 2012

These original 10 principles published in the document “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives” were intended to:

further the Judicial Council’s commitment to access and fairness while pursuing modernization of court practices through technology. Therefore, the introduction of technology or changes in the use of technology should advance access and increase participation whenever possible.

They focused on the aspect of access to justice. The Technology Planning Task Force recommends the addition of four additional principles. These new principles do not change the intent or objective of the already adopted 10 principles. As with the original set they are intended to:

advise justice system decision-makers to consider and take steps to use technology to enhance access to justice.

Although it is critical that the courts comply with the relevant laws and policies that may affect technology services, particularly related to privacy and access, these guiding principles do not—and are not intended to—specify the legal obligations of the courts. Technology initiatives can push the boundaries of current laws and rules in providing access for conducting business in ways not previously considered. As a result, technology is a relatively dynamic area for judicial branch laws and policy. Thus, it is important that the judicial branch communicate advances and changes in policy and that those within the branch closely track these developments.

These new principles focus more on *how* we desire to proceed with an initiative. They are designed to work in concert with the initial principles and support them with additional detail that addresses the branch governance and funding structure.

Recommendation 2: The Judicial Council should augment the Guiding Principles for California Judicial Branch Initiatives by adopting four additional principles:

11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch’s goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

The additional principles are intended to provide guidance and consideration to foster collaboration across the branch, leverage solutions when appropriate, and encourage innovation at all levels.

While technology deployment and implementation typically focuses on providing new capabilities, Principle 1: Ensure Access and Fairness must always be considered.

Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. Instead, technology solutions should actively seek to bridge gaps and affirmatively expand access.

The original 10 principles described the branch’s overall goals for technology, while the additional 4 principles describe how those goals can be realized. The pages that follow provide additional detailed context for these principles in the same form and format as the original 10 principles were discussed in the report “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives.”

Guiding Principle 11. Improve Branchwide Compatibility Through Technology Standards**Statement**

Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.

Rationale

Californians require and deserve consistent access to our judicial system. There are already established rules and standards relating to fees and format of paper filings to make interaction with our court systems more consistent and predictable. These same consistencies should be applied to technology-based interactions with the branch.

Standards and rules define the consistent framework upon which both state-level and local decision-makers construct technology solutions to both unique and common business problems. Where these solutions define how the public interacts with the court, there is benefit from a consistent set of rules and standards to ensure a general uniformity of experience by the public across multiple venues.

Implications

This establishes consistent guidelines between the courts and users (e.g., standards on form and format of electronic pleadings). While necessarily establishing some restrictions on the variation that can be developed by a local court, standardized protocol does so in a way that should not limit *how* a court handles its work, only the standards by which users access the court.

Guiding Principle 12. Consider Branchwide Collaboration and Economies of Scale**Statement**

Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.

Rationale

Although operating in a decentralized decision-making model, the challenges confronted by individual courts are often shared by others. These challenges are at times universal among jurisdictions. Some challenges are unique to large courts, to rural courts, or courts with a heavier caseload of one type.

Sharing of information and resources can reduce project costs, leverage the work of others, and reduce the time to implementation. Universal solutions are not always appropriate, but this should not dissuade branch entities from seeking to collaborate when possible to ensure the best use of taxpayer funds.

Further, technology continues to evolve and it becomes increasingly difficult for each entity to maintain expertise in all emerging fields. Collaborative projects between entities can serve to leverage unique expertise while still creating technology solutions tailored to a single or small group of courts.

Implications

Technology initiatives at the state and local level should carefully consider opportunities to collaborate early in the project process. Through collaboration, the opportunity to develop a technology solution that is scalable, valuable, and affordable for other courts is improved. Collaboration will not always be appropriate, but should be at least a key consideration prior to the expenditure of public funds.

Guiding Principle 13. Foster Local Decision-Making**Statement**

Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.

Rationale

Principles for collaboration and consistency are balanced by the need to ensure technology built upon those tenets serve the local business need.

Finances, facilities, case mix, and local culture can all impact the viability and need for a particular solution. Where a solution addresses a local business problem at a single court, local decision-makers are in the best position to evaluate and implement technology solutions.

Local solutions should, wherever possible, consider the potential for broader use of the technology to support consistency among courts and to act as a potential pilot for other entities within the branch.

Implications

State-level discussions of technology solutions should carefully evaluate whether the business problem being solved relates to *how* an entity performs its function. In such instances, it may be most appropriate to allow local decisions to dictate the timing and feasibility of a particular technology solution.

Guiding Principle 14. Encourage Local Innovation**Statement**

When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

Rationale

Statewide rules, guidelines, and technology solutions should provide sufficient direction to be useful and increase consistency of access among the courts, and wherever possible, encourage innovation and creativity.

Individual courts and consortiums of courts should be allowed the freedom to explore and improve upon the ideas developed at the state level. These innovations, in turn, should be shared as envisioned by Principle 12, with other entities using or embarking on similar technologies. Adaptations should not alter the underlying core functionality of the branchwide solution or otherwise force other entities using the branchwide solution to change technology or business processes without prior consultation at the branch level.

Implications

Rules, standards, and applications should be written and designed in ways that foster creativity and improvement. Where a single branchwide solution is in use, the allowance for innovation will need to strike a delicate balance between allowing for some local adaptation for local needs and the goal of providing uniformity of experience.

Technology Initiative Categories

Any governance model will need to have established definitions to determine what decisions need to be made and how to make them.

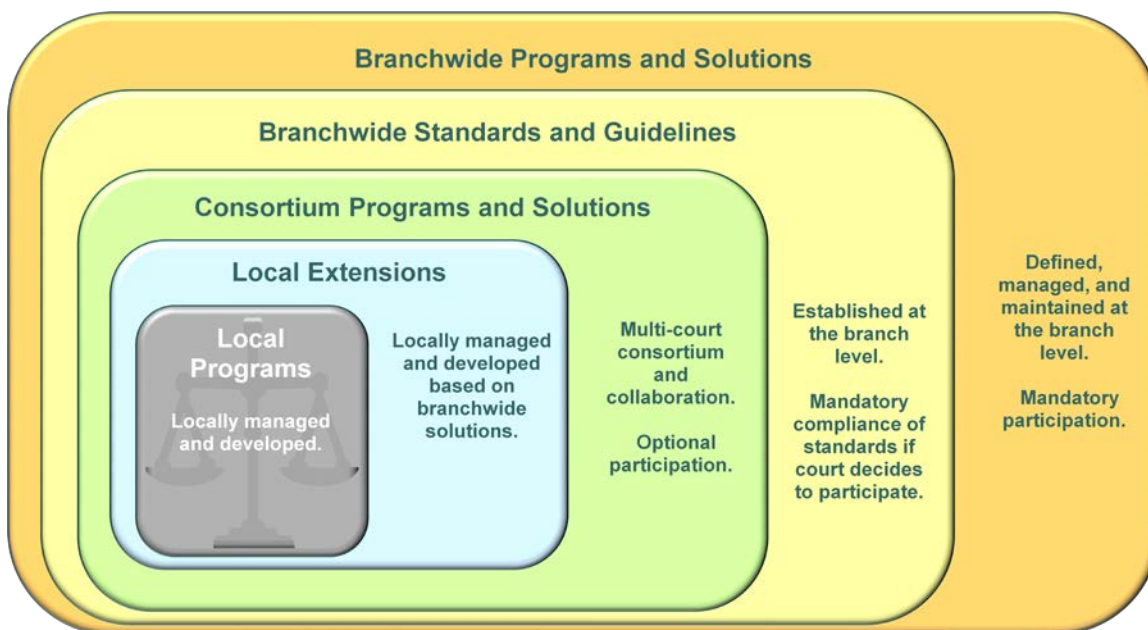
Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.

The Technology Planning Task Force is recommending that projects and initiatives be governed and funded in different manners depending on their specific nature. Therefore, they will need to be categorized based on a defined, agreed-upon, and documented set of criteria. To that end, the Technology Planning Task Force recommends five categories be established and defined as discussed below. These categories are:

- Branchwide Programs and Solutions
- Branchwide Standards and Guidelines
- Consortium Programs and Solutions
- Local Extensions of Branchwide/Shared Programs
- Local Programs and Solutions

The primary purpose of identifying these categories and their related characteristics provides an agreed-upon scope of responsibility for how judicial branch technology initiatives can be governed by taking a cohesive look at what can be done most effectively from a state or local perspective.

The following categories and criteria provide a framework and scope of responsibility for strategic technology decisions for the judicial branch. Although some initiatives may cross multiple categories, they are intended to provide guidance as to how technology solutions could be managed, standardized, implemented, or supported at the state or local level.



Technology programs, solutions, standards, and guidelines are defined as follows:

Branchwide Programs and Solutions

- Solution is defined, managed, and maintained through the judicial branch technology governance structure and subject to the oversight of the Judicial Council in collaboration with the courts.
- Participation is mandatory or mandated if a court decides to implement a specific branchwide technology.
- Branchwide operation is driven by economy of scale and/or the need to have centralized access, uniform policies, data collection, and analysis across all courts.
- Examples: California Courts Protective Order Registry, Judicial Branch Statistical Information System, Phoenix Financial.

Branchwide Standards and Guidelines

- Standards and guidelines are established through the judicial branch governance structure and approved by the Judicial Council in collaboration with the courts.
- Courts may still be responsible for implementing the technology solution, but any such implementation must comply with the standards.
- Some guidelines may be permissive and are recommendations rather than mandates.
- Examples: NIEM (National Information Exchange Model) e-filing standards, *Trial Court Records Manual*.

Consortium Programs and Solutions

- Multi-court collaborations; may involve Judicial Council staff assistance.
- Participation by local courts is optional.
- Subject to any branchwide standards adopted for consistency in access.
- May be driven by economy of scale and/or a need for centralized access across courts or within a region.
- Examples: multicourt document management system RFP, case management system RFP.

Local Extensions of Branchwide/Shared Programs

- Local court–developed solutions that leverage branchwide programs or shared programs.
- Completely local court controlled as long as there is no impact on other courts (if branchwide) or impact is approved (if shared).
- Technological advancements may be models that can be shared branchwide.
- Examples: Electronic Legal File (Orange County), Judicial Education Tracking Tools.

Local Programs and Solutions

- Local court issue and decision-making.
- Local court funding.
- Subject to any branchwide standards adopted for consistency in access.
- Examples: Audio/visual in the courtroom, personal computers, electronic probable cause statements.

To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

Categorizing Technology Initiatives

As new technology initiatives and programs are proposed, technology governing bodies will require a set of criteria to correctly categorize initiatives, programs, and solutions. Such criteria are necessary to ensure consistency in the governance and funding determinations.

Recommendation 4: The Judicial Council and its committees should classify projects into the defined technology categories based on a set of predefined and transparent criteria.

Each recommended category is listed below with a set of related criteria. It is important to note that while the majority of the criteria assigned to a particular category should normally be met, it is not necessary for any specific program, initiative, or solution to strictly meet all listed category criteria.

Branchwide Programs and Solutions Criteria

- Represents substantial economies of scale.
- Technology has a high cost of entry and unique skill set that cannot be easily achieved by all courts.
- Supports public safety through uniform access to vital information.
- Data and information are required by the Judicial Council or established by another “control” agency and therefore must be consistent.
- Program or solution is scalable—it can work for the smallest and largest court.
- Single state agency integration.
- Branch development will not slow local adoption.
- Funding is available or can be sought at a branch level to pay for development and implementation for all impacted judicial branch entities.

Branchwide Standards and Guidelines Criteria

- Consistency is desired, but adoption is dependent on other local technologies, making a branchwide program infeasible but standards desirable.
- Uniformity in standards, guidelines, and rules makes it easier on the public, attorneys, and justice partners to access every court.
- Rules are necessary to protect confidential information.
- Consistent policy decisions make technology faster to implement at the local level.
- Concept is known but solution not yet defined.
- It is more important to define what must be done, leaving how to be done to local decision-makers.

Solutions, concepts, or programs that do not fall into the branchwide programs or standards categories may still require branch-level support. These are:

Consortium Programs and Solutions Criteria

- Solution offers moderate economies of scale.
- Majority of requirements are common, but implementation is dependent on other local technology or culture.
- Program or solution is a commodity and candidate for master service agreement or branchwide contract (optional adoption).
- Single state agency integration, but lack of branchwide funding or state program development would slow local adoption.
- Small set of courts already hold expertise and can expand to additional courts as they volunteer.
- Incremental, collaborative implementation will speed adoption.

During the above evaluation it may also be beneficial for technical staff and policymakers to consider whether initiatives and programs that meet the criteria for a branchwide approach should be initiated at a regional or local level and then expanded branchwide. This approach may provide greater ease of modification and adjustment to local trial court requirements while giving the Judicial Council more flexibility to reevaluate branchwide involvement at a later date.

Local Extensions of Branchwide/Shared Programs Criteria***Local Programs and Solutions Criteria***

Technologies that do not meet the previous criteria are local programs or solutions. This may include local solutions that are completely independent of branchwide or shared programs and initiatives or local extensions of branchwide or shared programs and initiatives. This category's purpose is to allow the local trial courts to pursue innovative solutions that:

- Meet local strategic priorities;
- Address the needs of local court cultures and communities; and
- Foster the innovation and flexibility necessary to meet desired goals and outcomes such as operational efficiencies and improved access.

An example of a local extension of a branchwide or shared solution would be where a trial court expands a branchwide document management solution for case documents to also include administrative matters, e.g., budgetary and human resource management documents. An example of a completely independent local initiative is a trial court's acquisition and implementation of a document management system that is not one sponsored through a multicourt shared solution or program.

While local programs and solutions may be vital to a trial court's operations, their development and implementation is a local decision and effort that typically does not have financial or policy support from the Judicial Council. Such programs, initiatives, and solutions, however, may still need to follow state standards or interface with state programs. It also is possible that any individual trial court program or solution could become a shared program or solution through trial court collaboration. In the situation where very small courts do not have local IT staff, their local technology programs and support may be provided by Judicial Council staff.

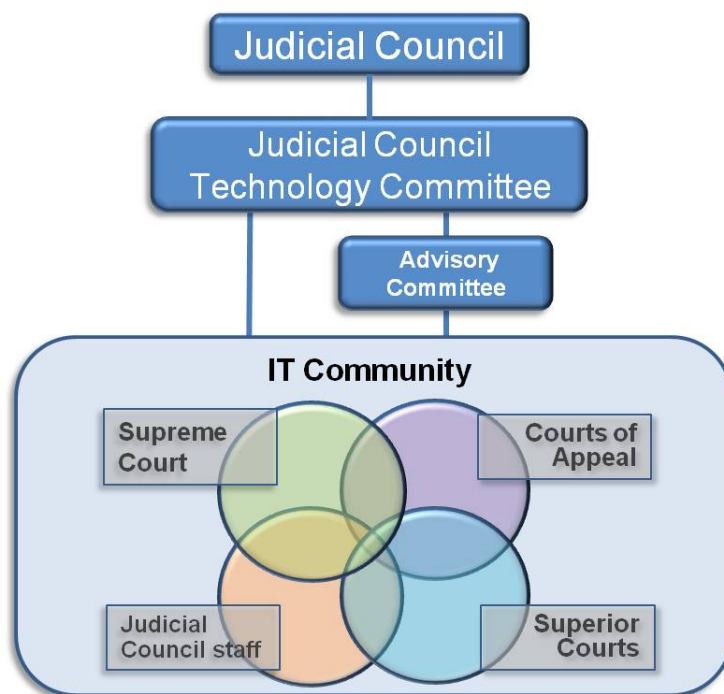
Roles and Responsibilities

Working Together as an IT Community

Recent successes have been accomplished, in part, due to greater use of expertise that is located throughout the judicial branch's information technology community. The more open use of the full IT community, coupled with utilizing the courts as innovation centers, helps develop buy-in and focuses resources on a small number of vital efforts. The recommendations in this document seek to institutionalize these concepts as a set of defined roles and responsibilities that concentrate branch-level committees on branchwide efforts while also encouraging innovation led by courts and collaborative groups of courts.

The Technology Planning Task Force recommends creating a governance structure that is based on working together as an IT community. This structure will ensure that we have broad support for branchwide initiatives and leverage the resources we have across the branch.

We should work together as an IT community with appropriate governance and oversight by the Judicial Council and the Judicial Council Technology Committee. In some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee. The primary goal of this model is to encourage collaboration and leverage the courts as innovation centers.



Even during a time when resources are scarce, the collaborative culture within the judicial branch has fostered the efforts of the IT community to contribute to focused technology initiatives that are important to the public, the branch, and individual courts.

However, it has been and will continue to be especially challenging for smaller courts with extremely limited staff to identify personnel who can participate in branchwide initiatives. One option to address this situation could be for other members of the IT community to gain a better understanding of small courts' requirements and represent them in discussions. Additionally, small court consortia have made excellent progress in the areas of common technology solutions such as case management systems, and similar models could be used in the future.

Current Judicial Council Technology Committee and Technology Advisory Committee Structure

The current technology governance structure is defined by the California Rules of Court, rules 10.10, 10.16, and 10.53. Pursuant to rule 10.16, the Judicial Council Technology Committee:

- Oversees the council's policies concerning information technology. The committee is responsible for determining that council policies are complied with and that specific projects proceed on schedule and within scope and budget.
- Coordinates the activities of the Administrative Director of the Courts, council internal committees and advisory committees, the courts, justice partners, and stakeholders on matters relating to court technology.
- For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the Judicial Council Technology Committee ensures that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:
 - (1) Communicates the council's annual charge to each; and
 - (2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

Rule 10.53 defines the role of the Court Technology Advisory Committee (CTAC), specifying that CTAC:

- Makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.

Technology governance in the branch has not been the sole authority of these groups, and multiple models for technology governance have been used over the past decade. Some, such as the CCMS initiative, included steering committees separate from CTAC; others were closely managed by Judicial Council staff with subject matter participation by the appellate or trial courts; and some were governed directly by CTAC with support from Judicial Council staff.

The varied approach to governance, while well intentioned and the result of reasoned consideration of each initiative, became an increasing focal point of concern for both internal and external stakeholders. In addition, the perception that appellate and trial court voices were lost in the technology development process led the Judicial Council Technology Committee to initiate a new concept for project governance and management in 2012.

The Technology Initiatives Working Group was created, with oversight from the Judicial Council Technology Committee, to focus on technology workstreams—a small number of discrete technology initiatives using a community-style model. This model sought to execute projects using experts from all areas of the judicial branch—trial courts, appellate courts, and Judicial Council staff—to lead and be accountable for project completion.

This new concept resulted in a number of rapidly completed projects with increased participation in branchwide initiatives. The quick success of this model was a major input to the Technology Planning Task Force’s recommendations.

In addition to these successes, the task force recognized the need for clarification of the roles and responsibilities of the Judicial Council Technology Committee and CTAC. Prior to making any recommendations for a more mature decision-making model, the roles of these two groups, and their relationship with one another, needed to be more clearly defined and communicated.

A key goal of the task force was to ensure greater participation and buy-in from the courts and branch stakeholders. The task force explored the elimination of CTAC and a model that instead used subcommittees to the Judicial Council Technology Committee to evaluate and facilitate technology strategy and projects.

While such a model may have held merit, the task force quickly determined it would not be feasible. Rule 10.10 of the California Rules of Court does not make any provision for the creation of subcommittees to Judicial Council internal committees.

In addition, the task force considered the Judicial Council’s recent actions in restructuring internal committees and advisory committees and how recommendations could and should be made to the Judicial Council and the Judicial Council Technology Committee. Task force members felt strongly that the Judicial Council Technology Committee should continue to receive input from the perspective of making a business case for technology and that the input should come from a technology advisory committee. The Judicial Council Technology Committee could then consider these recommendations along with input from other advisory committees such as the Administrative Presiding Justices Advisory Committee (APJAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), the Court Executives Advisory Committee (CEAC), the Advisory Committee on Providing Access and Fairness, and the Trial Court Budget Advisory Committee (TCBAC) before making a recommendation on technology initiatives to the full Judicial Council.

Recommendation 5: The Judicial Council should retain the internal Technology Committee and the supporting technology-related advisory committee.

Such a structure will allow the technology-related advisory committee to make recommendations on the business need for technology, while allowing the Judicial Council Technology Committee to consider those recommendations alongside the opinions of priority expressed by the APJAC, TCPJAC, and CEAC and the funding options and limitations identified by the budget advisory groups (APJAC and TCBAC).

Technology Advisory Committee Name

The task force is recommending a change in the name of the technology-related advisory committee. This name change is intended to accomplish two goals. First, the modified name will highlight that a change is being made to the charge and function of the advisory committee as described later in this document. Second, the name seeks to clarify that the role of the advisory committee is focused on information technology for the entire branch. The current title appears to limit the functions of the committee solely to the work of the courts. A slightly broadened title makes it more clear that projects and initiatives may be undertaken to support the needs of those within the justice community but external to individual courts. The name also intends to carve out a focus on *information*-related technology and to signal that this advisory committee may not be involved in *facility* or other technologies that are the purview of other advisory committees.

Recommendation 6: Rename the Court Technology Advisory Committee as the Information Technology Advisory Committee.

This name change—from the Court Technology Advisory Committee (CTAC) to the Information Technology Advisory Committee (ITAC)—will require modification of rule 10.53 of the California Rules of Court. ITAC will continue to have its annual agendas and work approved and prioritized by the Judicial Council Technology Committee.

Technology Advisory Committee Structure

CTAC has been very successful historically in developing and making recommendations for changes to rules of court and law to enable technology adoption. The advisory committee's role and activities around development of specific technology solutions has, however, been less well defined. While some projects, such as remote video appearances, have received extensive input and participation from the advisory committee, other branch technology projects, such as the LAN/WAN network refresh, have not. This has led to perceptions of an ad hoc approach to IT project oversight.

As previously stated, a major input to the work of the task force was the recent success of the workstream concept used in 2012 and 2013. The workstream concept leveraged a small group of leaders, in that case through the temporary Technology Initiatives Working Group, to identify executive sponsors for each initiative. Those sponsors, who were accountable to the larger working group, were responsible for forming teams of technology experts from throughout the branch and facilitating work plans for these initiatives. This concept helped to (1) leverage the expertise of the branch's technology community, (2) ensure accountability to the larger group, and (3) increase buy-in by having a larger group of participants.

Leveraging this success, the task force is recommending that ITAC's role be clarified to specifically define its role to act as sponsor of specific initiatives that are approved as part of its overall annual work plan. To act as an effective sponsor, ITAC needs to comprise technology subject matter experts who can be assigned lead executive sponsorship roles for each type of initiative.

As a sponsor, ITAC will need to rely on experienced program and project managers to structure, track, and manage the progress of individual tasks and milestones. These program

managers could be members of the IT community, from Judicial Council staff, court staff, or from external partners or vendors if appropriate. In this model, the executive sponsor will not have responsibility for project management, but will assume overall executive responsibility for project deliverables and will provide high level project status updates to ITAC, and to JCTC as requested.

Recommendation 7: Modify the charge and structure of the Information Technology Advisory Committee to include the responsibility of ITAC to sponsor technology initiatives, as directed by the Judicial Council Technology Committee, consistent with the branch Strategic Plan for Technology and Tactical Plan for Technology.

The task force is not recommending a change in the groups represented in ITAC. Existing positions for justices, judges, court executives, IT professionals, and external stakeholders should remain. Instead, the task force is recommending that appointments be made with a consideration toward candidates who have skill sets that best equip them to act as executive sponsors of future initiatives. The recommendation is intended to assist the Chief Justice in making future appointment decisions.

Summary of Major Elements in the Proposed Model

The proposed model is designed to ensure that all branch-level technology initiatives fall under the governance of the Judicial Council Technology Committee, with a large majority receiving routine oversight from the advisory committee.

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.
- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide consortia (groups of courts working together) and local innovations that solve local business problems with a view toward their application in other jurisdictions.

Evolving the Court Technology Advisory Committee (CTAC)

The following chart summarizes the current structure and responsibilities for CTAC and the recommended structure for the new Information Technology Advisory Committee (ITAC).

	Current Structure Court Technology Advisory Committee	Recommended Structure Information Technology Advisory Committee
Membership	60% Judicial officers 15% Court executive officers 10% Chief information officers 15% External members	Increase technology subject matter expertise and strengthen executive sponsorship capabilities.
Responsibilities	1. Rules and legislative proposals 2. Technology projects	1. Technology projects 2. Rules and legislative proposals
Project Source	Selected by committee members.	Determined by branch strategic plan and tactical plan as approved by the Judicial Council.
Project Staffing	Primarily from Judicial Council staff	IT community—appellate courts, trial courts, and Judicial Council staff.

Increasing the technology subject matter expertise and strengthening the executive-level sponsorship capabilities of ITAC can be achieved by increasing the percentage of membership who have acted in a leadership role in activities that promoted major change, who have technology project or program management backgrounds, and increasing the expertise of ITAC members through direct participation in technology projects.

The newly formed Joint Appellate Technology Subcommittee between CTAC and the Appellate Advisory Committee will continue to exist in the new ITAC model.

Governance Roles and Responsibilities

For the majority of the governance roles, there are no changes in responsibilities. The changes previously discussed are intended to put more project emphasis on the Information Technology Advisory Committee and more responsibility on the courts to provide participants, sponsors, and facilitators for those projects.

	Role	Change in responsibility?
Judicial Council	The council establishes policies and sets priorities for the judicial branch of government.	No
Judicial Council Technology Committee	Assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.	No
Information Technology Advisory Committee	Promotes, coordinates, and acts as executive sponsor for the application of technology to the work of the courts.	Yes
Judicial Council staff (Information Technology Services Office)	Assists the council and its chair in carrying out their duties under the Constitution and laws of the state. Provides support to the Supreme Court, Courts of Appeal, and superior courts as requested.	No
Courts	Contribute to technology initiatives as participants or facilitators. Participate as consortia and may provide services to other courts.	Yes

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Encouraging consortium arrangements between groups of courts.
- Supplementing limited program resources from the Judicial Council and the courts.
- Providing closer oversight of branchwide programs and solutions.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.
- Increased interaction and integration with existing advisory committees.

This format also helps to more clearly define the interrelated roles of other Judicial Council advisory committees and groups. While the Information Technology Advisory Committee is reviewing technology initiatives in terms of business need, technology capability, and risk and providing this information to the Judicial Council Technology Committee, the APJAC and the TCBAC are doing the same related to funding each technology initiative. Specific input from Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) is also defined to ensure a level of priority among

court leaders is also included in the Judicial Council Technology Committee's ultimate recommendations to the full Judicial Council.

These relationships among the advisory committees can be summarized by looking at the types of questions they are answering, as illustrated in the table below.

Basic Objective	Responsible Body	How?	Specific Contributions
Where should the branch go with technology?	Judicial Council	Policy and fiscal direction	Approval of 4-year Strategic Plan for Technology and 2-year Tactical Plan for Technology
How does the branch get there?	Judicial Council Technical Committee	Policy and fiscal determinations	Recommendations to Judicial Council
	IT Advisory Committee	Technical and fiscal impact determinations	Recommendations to Judicial Council Technology Committee
How can the branch pay for it?	TCBAC and APJAC	Fiscal determinations	Recommendations to the Judicial Council Technology Committee and comments to the IT Advisory Committee
How does this initiative rate in terms of priority?	APJAC, TCPJAC, and CEAC	Prioritization evaluation	Recommendations to the Judicial Council Technology Committee and comments to the IT Advisory Committee
How can the branch implement technology on the local level to support the branchwide strategic plan goals?	Local courts	Local technology and fiscal determinations and requirements	Reporting and recommendations to the IT Advisory Committee regarding: <ul style="list-style-type: none"> ▪ Identification of local impacts and requirements ▪ Establishment of best practices ▪ Project management ▪ Evaluation of challenges and successes

Governance of the Strategic Plan

General responsibilities for governing the strategic plan and the tactical plan are summarized below.

	Technology Strategic Plan (4-Year)	Technology Tactical Plan (2-Year)
Judicial Council	Final approval	Final approval
Judicial Council Technology Committee	Develops, recommends, seeks input, and oversees.	Oversight approval and determination of priorities
Information Technology Advisory Committee	Provides input.	Develops, recommends, seeks input, and acts as sponsor of initiatives.
Individual Courts	Provide input.	Provide input. Lead/ participate in initiatives.

For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves.

For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

Governance Focus Areas

Recommendation 3 states that technology initiatives should be governed based on the type of solution being sought and implemented. These categories have varied from a local project that solves a local problem with no need for any branch-level support or funding to a branchwide system that requires extensive planning, implementation, and ongoing program management.

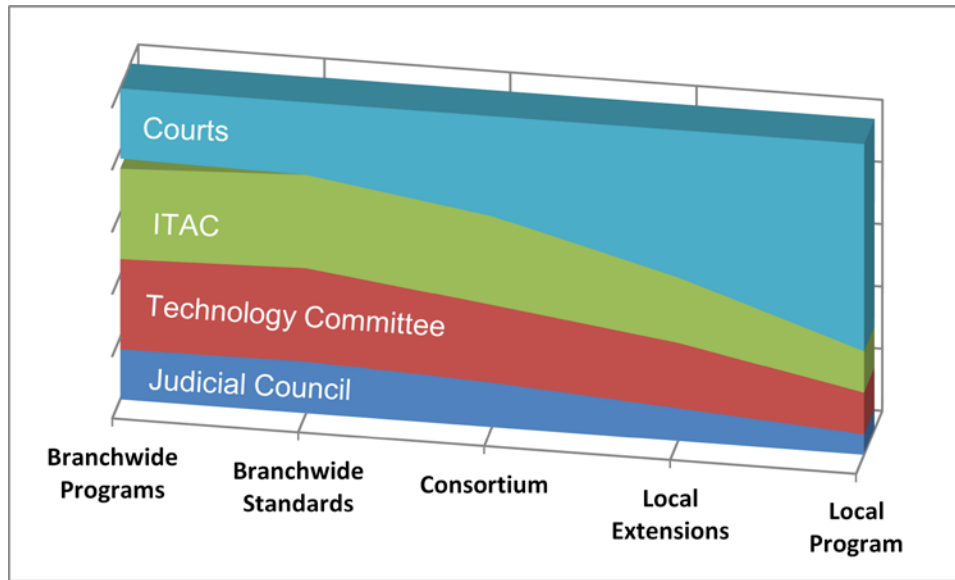
The governance roles and responsibilities can be illustrated in terms of the amount of participation by each group in the different types of technology initiatives.

Recommendation 8: Project governance, oversight, and facilitation activities should be dependent upon the amount of branch-level resources required/requested.

In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives. In situations where Judicial Council staff provides support and services to smaller local courts, those courts will still retain overall governance of and decision-making about the scope and implementation of those services, taking into consideration the constraints of their allocated funding and available resources.

The chart below illustrates the areas of focus for each group.

Governance Focus Areas by Technology Initiative Type



Governance of Technology Initiatives

A more detailed view of the responsibilities for each group is summarized below.

	Branchwide Programs/Standards	Consortium	Local Extensions	Local Program
Judicial Council	Final approval	Final approval	N/A	N/A
Judicial Council Technology Committee	Oversee and approve. Prioritize.	Oversee and approve.	Oversee and approve.	N/A
Information Technology Advisory Committee	Develop and recommend initiatives.	Recommend (branch funded) or monitor.	Recommend (branch funded) or monitor.	N/A
Individual Courts	Participate/facilitate, design, and execute.	Participate/facilitate, design, and execute.	Recommend, participate/lead design, and execute.	Develop and oversee initiative.
Administrative Presiding Justices Advisory Committee	Fiscal review of General Fund expenditures	Fiscal review of General Fund expenditures	Fiscal review of General Fund expenditures	N/A
Trial Court Budget Advisory Committee	Fiscal review of state-level fund expenditures	Fiscal review of state-level fund expenditures	Fiscal review of state-level fund expenditures	N/A

Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee.

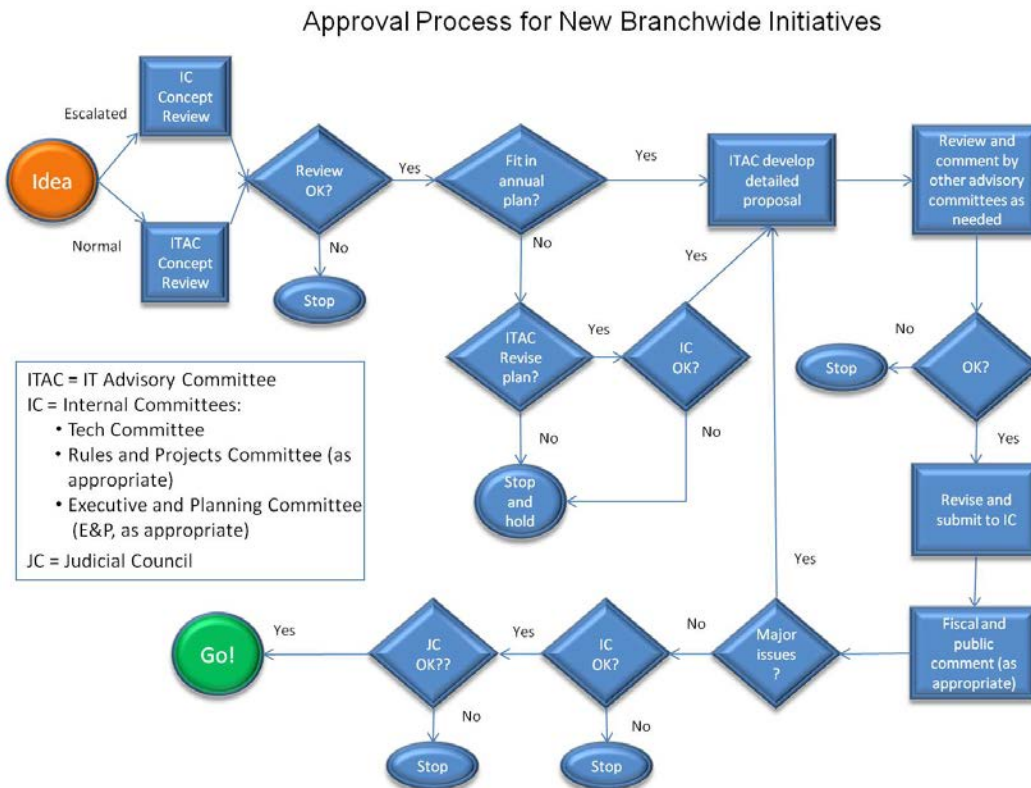
Overview of Approving New Branchwide Initiatives

A branchwide initiative is one from the “branchwide programs and solutions” initiative category or one from another initiative category that requires funding at the branch level. Ideas for new branchwide initiatives can originate from anywhere inside or outside the branch.

Ideas can be submitted by preparing a short “Initiative Proposal” document to describe the proposal, benefits, costs, expected outcomes, and other basic information that will be used to evaluate the proposal. Proposals will typically be submitted to the Information Technology Advisory Committee. If the proposal requires escalated consideration due to urgency or impact, then it can be submitted directly to the Judicial Council Technology Committee.

Once an initiative is approved, it is added to the list of programs sponsored by the Information Technology Advisory Committee, which is responsible for working with the proposing party to determine the appropriate program structure for executing and monitoring the initiative.

A high-level summary of the approval process is illustrated below.



Advisory Committee Input

The flowchart provided above includes input from the fiscal advisory committees (APJAC and TCBAC) and from leadership advisory committees (e.g. APJAC, TCPJAC, and CEAC). This is intended to ensure that the Judicial Council Technology Committee is receiving input from the:

- Business and technology advisors—via the recommendations from ITAC.
- Funding advisors—from the fiscal committees, APJAC for the appellate courts and TCBAC for the trial courts.
- Leadership advisors—from APJAC and appellate clerk/administrators for the appellate courts and TCPJAC and CEAC for the trial courts.

This process is intended to ensure input from all perspectives, while also ensuring that each group is able to focus on its charge. The fiscal advisory committees often grapple with insufficient funding to support all requests. Discussions in these committees can then become frustrated as the funding committee members have insufficient information to make decisions on priority of projects.

Recommendation 9: The Judicial Council Technology Committee should consider input from the fiscal advisory committees and leadership advisory committees prior to making recommendations to the Judicial Council.

The proposed process will allow the funding groups to identify available funding, or lack thereof, and provide this information to the Judicial Council Technology Committee (JCTC). Likewise, the leadership advisory committees will be included to provide their perspectives on relative priority of initiatives, balancing technology initiatives with other important access to justice issues and priorities for resources (both political and financial).

By receiving information from these two groups along with ITAC, the JCTC will be better able to prioritize initiatives and annual planning efforts and communicate a full set of facts and opinions to the full Judicial Council during budget planning meetings as well as annual planning meetings.

Workstream Approach

The judicial branch has achieved a large degree of success over the past 12 to 18 months due to a renewed focus on collaboration and inclusiveness. The workstream concept piloted by the Technology Initiatives Working Group achieved large degrees of success and buy-in. This was largely attributed to four factors:

1. Identifying project sponsors who were accountable to a larger committee.
2. Defining and limiting the scope of projects with clear direction from the project initiative.
3. Leveraging the expertise of the entire judicial branch IT community as needed for each initiative.
4. Using courts as innovation centers.

The task force recommends that this approach be adopted as one option for future technology initiatives sponsored by both the JCTC (where appropriate) and ITAC. For initiatives utilizing this workstream approach, the following would apply:

1. One or two members of either JCTC or ITAC would be identified as the executive sponsor of a specific initiative.
2. The executive sponsor would be responsible for assembling a team of experts to serve as staff on the initiative.
3. Team members would be identified from throughout the judicial branch, including appellate courts, trial courts, and Judicial Council staff.
4. In many cases, staff-level support will still be required to complete detailed technical tasks, but the workstream would be responsible for monitoring the work to ensure that it was performed to complete the project for the benefit of the branch.

This structure allows groups to form based on a specific interest area or skill set needed to work on a defined schedule and to disband when the work is complete. It also ensures each sponsor's accountability to ITAC (or JCTC where appropriate) so that initiatives do not stall due to lack of leadership.

Initiatives that require branch resources or funding can be managed either through a workstream approach, a traditional approach, or a hybrid of the two where Judicial Council staff resources help coordinate the work under the oversight of ITAC (or JCTC where appropriate) while gathering input from the courts. Funding identified for branchwide initiatives would customarily be managed by Judicial Council staff. For example, a new initiative that requires broad discussion and input from the courts, such as updating the e-filing deployment plan, could be managed through a workstream approach while the continued deployment of a mature existing program, such as the California Courts Protective Order Registry (CCPOR), could be managed in a traditional manner. When the initiative is in the planning stage, ITAC or JCTC can determine which model would be most appropriate to use.

Recommendation 10: Branch-supported technology projects should leverage the workstream approach for facilitating efforts when appropriate.

This recommendation is central to the development and acknowledgment of the power of the branch's IT community. Successive years of funding reductions have reduced the workforces of all courts and Judicial Council staff. This reduced level of support individually provides an opportunity to better leverage the expertise located throughout the branch to simultaneously avoid duplication of effort while increasing buy-in.

Finally, this structure places the focus on the courts as innovation centers. Encouraging involvement by courts from the initiation of ideas, allowing a court or small consortia of courts to be involved from the 'ground up' on technology development. This local court participation will allow the branch to implement proof of concepts and allow innovations to occur at the local courts and then expand to broader implementation.

Whether a workstream approach, traditional approach, or hybrid is used to manage initiatives that require branch resources or funding, a common Program Management Office could be utilized to ensure that branchwide initiatives are tracked and reported consistently. The Program Management Office is discussed later in this document.

Processes and Decision Flows

The judicial branch utilizes a project management life cycle approach to ensure proper planning and execution of initiatives. The overall strategic planning activity can be integrated into this life cycle as illustrated below.

Phase	Strategic Planning	Concept Initiation	Project Planning	Project Development and Implementation
Components	<ul style="list-style-type: none"> ▪ Strategic Plan ▪ Tactical Plan ▪ Annual Plan 	<ul style="list-style-type: none"> ▪ Idea Generation ▪ Concept Approval ▪ Initiative Categorization ▪ Business Analysis and Funding Approval 	<ul style="list-style-type: none"> ▪ Establish Project Team ▪ Create Project Plan 	<ul style="list-style-type: none"> ▪ Design ▪ Develop ▪ Deploy ▪ Operate ▪ Maintain ▪ Retire

The remainder of this section contains detailed process descriptions that illustrate the recommended review, approval, and execution of initiatives based on the above life cycle.

Strategic Planning Process

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan based upon the overall Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Individual projects will have a clearly stated business case and cost-benefit analysis. All of these activities will align with the overall goals of the branch.

Recommendation 11: The Judicial Council should adopt a Strategic Plan for Technology every four years that will guide branch technology decisions.

The task force is recommending an initial plan to be included in the document titled “Strategic Plan for Technology 2014–2018.”

The task force is further recommending that the Judicial Council Technology Committee be responsible for updating the technology strategic plan on a four-year cycle. They would be tasked with identifying key technology goals, soliciting input from all stakeholders, drafting the initial plan, communicating and developing buy-in to the plan, and ultimately recommending the new plan to the Judicial Council.

Once the strategic plan is adopted, the Judicial Council Technology Committee will be responsible for monitoring and overseeing the branch’s activities toward meeting the goals set forth in the strategic plan. This includes oversight of any tactical plans, annual work plans for ITAC, or new technology initiatives.

The high-level responsibilities for this process are outlined below.

Process for Developing and Updating the Strategic Plan for Technology

Judicial Council	<ul style="list-style-type: none"> • Directs Technology Committee to adopt/revise plan • Adopts recommended plan (4-year)
Technology Committee	<ul style="list-style-type: none"> • Develops ideas for the plan • Seeks input on potential plan • Produces draft plan • Produces recommended plan
All Advisory Committees	<ul style="list-style-type: none"> • Provide input
Court Community and State Stakeholders	<ul style="list-style-type: none"> • Provide input

Exhibit 1 in Appendix B provides the complete workflow diagram illustrating the process for development and modification of the strategic plan.

Tactical Planning Process

The task force is recommending that the Judicial Council adopt a two-year technology tactical planning cycle. These tactical plans should support the four-year Strategic Plan for Technology. The first such plan is included in the document titled “Judicial Branch Tactical Plan for Technology 2014–2016.”

The task force is recommending that the Information Technology Advisory Committee (ITAC) be responsible for drafting each tactical plan based on the strategic direction set forth in the adopted strategic plan. ITAC would be responsible for identifying the more-detailed projects; soliciting input on these concepts from court leaders, stakeholders, and other advisory committees; and recommending the tactical plan to the Judicial Council Technology Committee (JCTC).

Recommendation 12: The Judicial Council should adopt a Tactical Plan for Technology every two years that will guide branch technology decisions.

The tactical plan is scoped for a two-year time frame that allows for two tactical plans to be created for each four-year strategic plan. This structure provides a mechanism for dividing the work necessary to achieve the goals in the strategic plan into two manageable sets of tactical initiatives.

The JCTC will be responsible for reviewing the proposed tactical plan, considering the input from other advisory committees and groups, verifying fit with the strategic plan, and reevaluating prioritization within the tactical plan. Ultimately, the JCTC would recommend the tactical plan to the Judicial Council for approval.

Once the tactical plan is adopted, ITAC will be responsible for monitoring and overseeing the branch’s activities toward meeting the goals set forth in the tactical plan. This includes using the tactical plan as the primary input to ITAC’s draft annual work plan and for evaluating new technology initiative ideas.

Further, consistent with the recommendation for ITAC roles, ITAC will be responsible for facilitating tactical plan IT initiatives, as approved by the JCTC as part of the ITAC annual plan, through its new project approach.

The high-level responsibilities for this process are outlined below.

Process for Developing and Updating the Tactical Plan for Technology

Judicial Council	<ul style="list-style-type: none"> Adopts recommended plan (2-year)
Technology Committee	<ul style="list-style-type: none"> Directs ITAC to develop plan
Information Technology Advisory Committee	<ul style="list-style-type: none"> Develops ideas for the plan Seeks input on potential plan Produces draft plan Incorporates comments/revises as appropriate Produces recommended plan
Other Advisory Committees and Court Stakeholders	<ul style="list-style-type: none"> Review Provide input
Fiscal Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> Review for state-level fiscal impacts Identify funding sources or methods (if any) Produce fiscal analysis Comment on plan

Exhibit 2 in Appendix B provides the complete process flow diagram illustrating the process for development and modification of the tactical plan.

Information Technology Advisory Committee (ITAC) Annual Plan

Strategic and tactical plans that outline what an organization hopes to accomplish are meaningless unless actual projects and effort conform to these planning efforts. The existing advisory committee planning structure addresses this issue by requiring each advisory committee to develop an annual plan that is subject to review by an internal committee to the Judicial Council and ultimately approval by the Judicial Council.

Recommendation 13: The Information Technology Advisory Committee’s annual plan should be developed and adopted consistent with the Tactical Plan for Technology and approved by the Judicial Council Technology Committee.

The task force is not recommending any change to this process but is instead clarifying the relationship between the annual plan for ITAC and the branch tactical plan. The tactical plan establishes a two-year technology roadmap for the branch. The annual plan identifies the individual projects scheduled for the next year. The annual planning process includes an overall evaluation and prioritization of any new ideas to be considered for the year as well as projects that will be continued from the previous year. Any modifications to an annual plan, once adopted, should go through a well-defined review and approval process and be reconciled with the tactical plan.

The high-level responsibilities for this process are outlined below.

Process for Developing and Updating the ITAC Annual Plan

Judicial Council	<ul style="list-style-type: none"> Adopts recommended annual plan
Technology Committee	<ul style="list-style-type: none"> Validates consistency with tactical plan Recommends annual plan adoption
Information Technology Advisory Committee	<ul style="list-style-type: none"> Develops Annual Plan Produces Recommended Annual Plan

Exhibit 3 in Appendix B provides the complete process flow diagram illustrating the annual planning process for ITAC.

Concept Approval Process

Technology change is rapid. The task force's recommendations for a tiered planning cycle seek to allow opportunities for adjusting activities to account for new ideas and sudden advancements in technology. The task force acknowledges that a good technology idea now may be out of date in four years due to major advances in the industry. Because of this possibility, any planning process must remain fluid enough to allow for new innovations and ideas due to potentially significant improvements that they bring to information efficiencies for access to justice.

Recommendation 14: The technology planning process should allow for new ideas and innovations to be evaluated and assessed during the planning cycle to determine if further evaluation and investigation would be beneficial.

Competing with the need for innovation is the need to remain focused on goals and outcomes. Planning processes can fail under the weight of new ideas and the desire to meet all goals simultaneously. Staff can be pulled into too many projects, resulting in a dilution of time and energy and an inability, despite all best efforts, to bring projects to conclusion. To that end, the task force is recommending a concept evaluation approach that acknowledges the need for flexibility while building in controls to ensure this flexibility does not move technology efforts away from the core technology goals of the branch.

This initial process provides a screening or triage function for new ideas to determine if additional resources and time should be invested in fully investigating the idea.

The triage process will determine if a new idea should be added to the work of ITAC (and by extension the Judicial Council Information Technology Services Office and court staff participants).

First, new ideas can come from anywhere. Some may be a directive from the Judicial Council due to some major initiative, legislative change, or a need to respond to some critical failure. Others may be of such critical or time-sensitive nature that the JCTC desires to retain direct oversight of any project activities.

For all other projects, the task force is recommending that new technology ideas be directed to ITAC for initial concept review. This review will include an assessment of how well the ideas fit with the strategic plan and the tactical plan; whether a specific idea is already in ITAC's annual plan; whether an idea that is not in the annual plan can be accomplished with existing resources; and whether capacity exists to complete the project. During a subsequent Business Analysis Process, the court community and state stakeholders will have an opportunity to provide input on the concept. Projects will be funded per the funding model described later in this document.

Recommendations are then made by ITAC, based on this initial fast and limited assessment, whether to add the idea to the current annual plan, save it for the next annual plan, or take no action. These recommendations are then reviewed by the JCTC and any additions to plans are subject to Judicial Council approval.

The high-level responsibilities for this process are outlined below.

Process for Evaluating New Branchwide Technology Ideas (Triage)

Judicial Council	<ul style="list-style-type: none"> • Determines if concepts are internally or externally mandated • Approves ITAC Annual Plan revisions (as required) • Adopts recommended plan
Technology Committee	<ul style="list-style-type: none"> • Determines priorities • Determines if direct oversight by the Technology Committee is appropriate • Develops projects and executes projects with direct oversight • Recommends adoption of annual plan revisions (as required)
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Defines ideas for discussion with appropriate level of detail • Reviews ideas related to annual plan, technology principles, and tactical and strategic plans • Reviews ideas for risk, rewards, and capacity to complete • Determines if ideas are already in the plan and/or if they are a required addition • Recommends annual plan revisions • Develops and executes projects
Funding Advisory (TCBAC and APJAC) and Other Advisory Committees	<ul style="list-style-type: none"> • Define ideas for discussion with appropriate level of detail

Exhibit 4 in Appendix B includes the complete process flow diagram illustrating the process for initial review and screening of new ideas and how to evaluate these ideas.

The task force believes this structure will encourage innovation while balancing the desire for new ideas against the need for a formal planning process.

Technology Initiative Categorization Process

After assessing a new idea and making a decision to continue with a more-detailed analysis and evaluation, the idea should be categorized and evaluated based upon the type of initiative. In general, the more branch-level resources are required, the more formal and detailed the branch-level involvement by the Judicial Council and its committees.

For example, a local trial court or consortium innovation that requires no branch-level support would not require approval by the Judicial Council and its committees. A local trial court initiative where special funds are needed or support from Judicial Council staff is being requested would require review by ITAC, JCTC, and potentially the Judicial Council.

The high-level responsibilities for this process are outlined below.

Process for Categorizing Initiatives

Judicial Council	<ul style="list-style-type: none"> • Approves new technology initiatives • Monitors the progress of branchwide programs
Technology Committee	<ul style="list-style-type: none"> • Determines if direct oversight by the Technology Committee is appropriate • Determines project model, workstream, traditional, or hybrid, for projects with direct oversight • Establishes workstream team for projects with direct oversight, when workstream model is selected • Categorizes the initiative • Monitors the progress of projects with direct oversight
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Determines project model, workstream, traditional, or hybrid, for projects • Establishes workstream team for project, when workstream model is selected • Categorizes the initiative • Monitors the progress of project
Local Courts	<ul style="list-style-type: none"> • Establish local teams for local projects

The previously recommended criteria described in the “Categorizing Technology Initiatives” section of this document can be used to help with this process. Exhibit 5 in Appendix B includes the full-sized process flow diagram illustrating the process for initial review and screening of new ideas and how to evaluate these ideas. The appellate courts have a separate process.

The appellate courts have historically worked as a consortium for technology needs, with guidance and direct support from the Judicial Council Information Technology Services Office (ITSO). To realize efficiencies and achieve economies of scale, the ITSO budget for core services is shared with the appellate courts. The appellate courts share a single case management system, developed, hosted, and maintained by Judicial Council staff.

Application and infrastructure upgrades are supported by Judicial Council staff and coordinated across the courts.

The current appellate court technology roadmap was developed in June 2013, through a joint effort between ITSO and the California Appellate Court Clerks Association (the association), comprised of the clerk/administrators and assistant clerk/administrators from the Supreme Court and each Court of Appeal district. The courts use a technology roadmap to prioritize and guide technology initiatives. The appellate courts work with ITSO to adhere to a standard change management review and approval process. The appellate court user group, assisted by Judicial Council staff and comprised of representatives from each court (including system administrators), submits proposals for technology initiatives to the association for prioritization, approval, and authorization to proceed.

The association is responsible for forwarding recommendations for statewide initiatives to the Administrative Presiding Justices Advisory Committee (APJAC) for approval. APJAC reviews recommendations from the association for funding of local court enhancements, applications, and services. Initiatives originating from advisory committees and statewide initiatives requiring Judicial Council action or approval are submitted to the JCTC for final approval, in alignment with the overall governance model.

Business Analysis Processes

After categorizing an initiative either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, performs a detailed business analysis to determine risk, costs, benefits, and return on investment (ROI).

The process for detailed business analysis will vary based upon the type of initiative. The following pages provide decision diagrams for this process. The task force directs the reader to the following two key decision points:

1. Are branch resources being requested?
2. Does this project fit within the strategic and tactical plans?

These two questions guide the amount of branch-level involvement in the initiative.

The high-level responsibilities for these processes are outlined below.

Project Execution: General Process for Statewide Program (Business Case/Approval)

Judicial Council	<ul style="list-style-type: none"> • Confirms need for statewide program development • Approves statewide program development
Technology Committee	<ul style="list-style-type: none"> • Confirms applicability of statewide program development • Receives report on ITAC recommendation
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Establishes workstream team (where appropriate and if not already established) • Develops high-level business case and scope for statewide program (e.g., why it's needed, capability of establishing) • Seeks input • Determines recommendation if a statewide program is appropriate • Prepares full business case/report for statewide program, including cost benefit
All Advisory Committees	<ul style="list-style-type: none"> • Provide input on concept • Identify potential funding sources and recommendations for funding (TCBAC and APJAC)
Court Community and State Stakeholders	<ul style="list-style-type: none"> • Provide input on concept

Exhibit 6 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential branchwide programs and solutions.

Project Execution: General Process for Statewide Standards

Judicial Council	<ul style="list-style-type: none"> • Confirms applicability of standards development • Adopts recommended judicial branch standards
Technology Committee	<ul style="list-style-type: none"> • Recommends creation of standards • Recommends adoption of standards • Receives report of ITAC recommendation
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Establishes workstream (where appropriate and if not already established) • Develops business case for standards (why needed, why capable of establishing) • Seeks input • Determines appropriateness of creating standards • Proposes standards be developed • Develops standards • Seeks formal public comment
All Advisory Committees	<ul style="list-style-type: none"> • Provide input on standards concept(s) • Provide input on standards
Court Community and State Stakeholders	<ul style="list-style-type: none"> • Provide input on standards concept(s) • Provide input on standards

Exhibit 7 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential branchwide standards and guidelines.

Project Execution: General Process for Analyzing Potential Consortium Programs and Solutions

Judicial Council	<ul style="list-style-type: none"> • Approves project and funding source
Technology Committee	<ul style="list-style-type: none"> • Determines if sufficient technology innovation funds are available • Determines if Judicial Council staff support is required (if applicable) • Recommends projects and funding source to the Judicial Council • Approves projects
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Compares project idea against strategic and tactical plans • Evaluates risk, including capacity to complete • Evaluates all requests submitted by local courts and consortiums • Recommends approval • Receives project reports and includes in annual report to the Technology Committee
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> • Review funding methods • Identify current year funding • Identify potential future funding and make recommendation (for or against)
Consortia of Courts	<ul style="list-style-type: none"> • Prepare and submit technology and funding requests • Manage project(s); may require Judicial Council staff assistance • Report on progress (reporting detail requirement determined by level of funding)

Exhibit 8 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential consortium programs and solutions.

Project Execution: General Process for Local (or Consortium) Extensions of Branchwide Programs

Judicial Council	<ul style="list-style-type: none"> • Approves project and alternate funding source (if applicable)
Technology Committee	<ul style="list-style-type: none"> • Recommends projects for approval • Confirms sufficient technology innovation funds are available • Recommends funding source (non-innovation fund)
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Evaluates requests for modifications of branchwide programs • Confirms conformance with standards (as applicable) • Evaluates impact of underlying system(s) • Determines if state funding is requested • Recommends approval • Receives report and includes in annual reporting to the Technology Committee
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> • Review funding methods • Identify current-year funding • Identify potential future funding and make recommendation (for or against)
Consortia of Courts	<ul style="list-style-type: none"> • Prepare and submit local extension requests • Manage project; may require Judicial Council staff involvement • Report on progress (reporting detail requirement determined by level of funding)

Exhibit 9 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential local extensions.

Project Execution: General Process for Local Programs Requiring Branch Funds

Judicial Council	<ul style="list-style-type: none"> • Approves project and alternate funding source (if applicable)
Technology Committee	<ul style="list-style-type: none"> • Confirms sufficient technology innovation funds are available • Recommends projects for approval • Recommends funding source (non-innovation fund) • Approves projects
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Compares project idea against strategic and tactical plans • Evaluates risk, including capacity to complete • Evaluates all requests submitted by local courts and consortia • Recommends approval • Receives project reports and includes in annual report to the Technology Committee
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> • Review funding methods • Identify current-year funding • Identify potential future funding and make recommendation (for or against)
Local Courts	<ul style="list-style-type: none"> • Prepare and submit local extension requests • Manage projects • Report on progress (reporting detail requirement determined by level of funding)

Exhibit 10 in Appendix B includes a complete process flow diagram illustrating the process for analyzing potential local programs requiring branch funds.

Project Execution Process

After a project is approved, either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, forms a project team and executes the program using the workstream model to develop the solution. These project teams are not formal subcommittees or working groups but rather informal project teams identified for the specific purpose of executing the development of a branchwide program, standard, or guideline.

This process applies when developing branchwide programs and solutions or branchwide standards and guidelines. There is no intent to impose or enforce a particular development process for local court or consortia programs, which should be managed under the discretion of the local court or consortium. However, the task force encourages the use of this process and its checkpoints where appropriate in the spirit of information sharing and collaboration.

The high-level responsibilities for this process are outlined below.

Project Execution: General Process for Statewide Program (Build)

Judicial Council	<ul style="list-style-type: none"> • Approves or denies scope/funding changes • Adopts deployment plan
Technology Committee	<ul style="list-style-type: none"> • Receives status reports • Recommends approval scope/funding changes • Approves/recommends deployment plans
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Develops detailed requirements • Seeks internal/stakeholder comment • Prepares status reports • Prepares change orders (including funding) • Builds solutions • Recommends adoption of program / deployment plan
All Advisory Committees	<ul style="list-style-type: none"> • Provide input on requirements • Review/make recommendations on fiscal (TCBAC and APJAC) • Provide input on deployment plans
Court Community and State Stakeholders	<ul style="list-style-type: none"> • Provide input on requirements testing • Provide input on deployment plan (may include each court submitting readiness information)

Exhibit 11 in Appendix B includes the complete process flow diagram illustrating the process for developing branchwide programs and solutions.

Program Management Office Responsibility

The Judicial Council Information Technology Services Office provides individual staff support to branchwide initiatives. That responsibility is essential for ensuring that branchwide initiatives are tracked and reported consistently.

The primary goal of a program management office (PMO) is to achieve benefits from standardizing and following project management policies, processes and methods based on industry standards. The PMO defines and maintains standards for project management, tracks project progress, and reports on project status. Providing visibility to project status helps project teams, managers, and sponsors understand whether activities are on track, within budget, or need assistance.

Recommendation 15: The Judicial Council Technology Committee should work with the Judicial Council Information Technology Services Office to establish a basic PMO function to support branchwide initiatives.

Careful consideration should be made when establishing a PMO function. The PMO exists to support projects and improve the opportunity for their success. It should be staffed to accomplish its main purpose but it does not have a governance role nor should it become an impediment to executing projects. A successful PMO supports project teams and their sponsors and does not act as a gatekeeper or bureaucratic organization to be avoided. It should focus on expediting the decision making process, eliminating redundancies and creating efficiencies. The PMO function for branchwide initiatives should be formed from existing staff with any additional resource requirements approved by the Judicial Council Technology Committee.

Program Prioritization Criteria

In the processes and decision flows described previously, projects and initiatives will need to be evaluated. Furthermore, scarce resources and funding result in the need to prioritize initiatives so that investments will provide the highest returns.

Recommendation 16: The Judicial Council Technology Committee should implement an equitable, transparent methodology for prioritizing technology projects.

The Technology Planning Task Force recommends that the Judicial Council Technology Committee use a balanced scorecard approach to prioritize branchwide initiatives. This scorecard provides a transparent and consistent model for evaluating projects by considering overall return on investment (ROI), business risk, and alignment with strategic goals.

A balanced scorecard approach relies on measuring several individual criteria grouped into key business categories. By applying weights to each of the criteria, more importance can be placed on some aspects.

The scorecard is not intended to be the sole decision-making tool. It is intended to provide analytical data to help the Judicial Council Technology Committee make decisions.

A sample scorecard developed by the Technology Planning Task Force is included in Appendix C.

Pilot Use of the Scorecard

At the end of September 2013, the Judicial Council Technology Committee needed to identify a list of trial courts that had the highest need for funding to replace their aging case management systems. An initial survey indicated interest from 32 courts to participate in a budget change proposal (BCP) to request funding from the California Department of Finance. Recognizing the scarcity of available funding, the Judicial Council Technology Committee decided to pilot the use of the scorecard to prioritize the requests.

The Judicial Council Technology Committee used a transparent process involving broad and clear communications to the trial courts to ensure everyone had an opportunity to participate and that expectations were set appropriately. The sample scorecard was shared with the courts to be filled out. Fourteen formal requests were received and the Judicial Council Technology Committee used the scorecard to help facilitate their decision-making process, resulting in six proposals being included in the BCP.

The Technology Planning Task Force recommends the continued use of the scorecard with refinement over time to ensure that the measures best reflect the priorities and constraints of the branch when it is used.

FUNDING

The current funding situation for technology in the branch is bleak. The source for funding branchwide initiatives is facing a deficit; restrictions on year-to-year carryover of funds results in de-prioritizing technology investments; and there is no guarantee that budget change proposals requesting additional General Fund monies will be funded.

A series of deep budget reductions to the branch has led to courthouse and courtroom closures, service hour reductions, furloughs, and other painful cuts to services the public needs and has come to rely on the courts to provide. On the technology front, many courts have outdated and sometimes unsupported systems, many of which are in critical need of replacement. Current court technology funding sources do not meet the need to operate on an ongoing basis. Only the continued use of trial court reserve funds has forestalled serious problems for most courts, and trial court reserve funds have been restricted to 1 percent of operational expenditures by the end of fiscal year 2013–2014. The statewide trial court budget has been severely impacted by previous reductions and redirection to trial court operations away from technology.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. Ultimately, funding for technology must be restored by the Legislature and the Governor.

Once funding is restored, funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably. In the interim, the governance process will provide the framework for managing funding requests.

Existing Funding Sources

Five sources of funding support court technology for the trial courts and one ongoing source is available for the appellate courts.

Trial Court Technology Funding

Sources of funding for trial court technology include:

1. Two percent automation fund revenue;
2. Government Code section 77207.5 (replacement of 2 percent automation fund) trial court distributions;
3. State Trial Court Improvement and Modernization Fund (IMF; allocated by the Judicial Council);
4. Trial Court Trust Fund (allocated by the Judicial Council); and
5. Trial Court Trust Fund (allocated by the trial courts).

Of the five listed sources of available funding for trial court technology, the first two are statutorily dedicated to court technology and the other three have committed resources for those purposes.

The “2 percent automation fund” was established by the Legislature through Government Code section 68090.8 and restricted to the “development of automated administrative systems, including automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems” (excluding electronic reporting systems for use in a courtroom). Initially retained locally, beginning June 30, 1996, these monies became state funds and are now remitted to the IMF. Comprising 2 percent of criminal fines, penalties, and forfeitures collections, the average amount remitted to the IMF over the past three fiscal years has been \$16.7 million.

In addition, since January 1, 2006,³ Government Code section 77207.5 has required the Judicial Council to allocate \$10.9 million annually from the Trial Court Trust Fund to trial courts for the development, implementation, and maintenance of automated systems as described in section 68090.8(a).⁴

The IMF funds are allocated by the Judicial Council to fund a variety of branchwide projects and programs that benefit the trial courts (Gov. Code, § 77209), not just to fund technology. Technology programs and projects have received approximately \$46.6 million annually from this source. In addition to funding technology, IMF allocations fund a range of services, including trial court security grants, the Litigation Management Program, self-help centers, and judicial leadership training. However, the IMF already faces a structural deficit as expenses have exceeded revenues and the existing reserve balance is being depleted. Current revenue and expenditure projections indicate an ongoing structural deficit of approximately \$25 million and a funding shortfall in FY 2014–2015 of between \$5 million and \$10 million.

The Judicial Council has traditionally made certain allocations of Trial Court Trust Fund (TCTF) monies to technology projects and currently funds programs providing direct, ongoing services to the trial courts. These allocations have been partially funding branchwide initiatives such as the Phoenix Financial and Human Resources systems, the California Courts Technology Center, and case management initiatives and operations. The total allocation has been approximately \$13 million annually in recent years, of which \$5.3 million has been offset by contributions from trial courts receiving the services.

The bulk of technology funding within the branch has come from TCTF allocations to each trial court for general court operations. The allocations do not separately identify a technology allocation component. The trial courts expend approximately \$180 million annually from their operational budgets to support the current level of technology. The expenditure levels of individual courts vary widely across courts and across fiscal years

³ With enactment of the Uniform Civil Fees and Standard Fee Schedule Act (Assem. Bill 145; Stats. 2005, ch. 75).

⁴ Previously, Government Code section 77209(h) had required the Judicial Council to distribute to the trial courts a portion of the “2 percent automation funds” remitted at the time to the Trial Court Improvement Fund “not less than the revenues collected in the local 2 percent automation funds in fiscal year 1994–95.” The amount in FY 1994–1995 was \$10.9 million.

depending on the management decisions of each court concerning new initiatives and system replacements. These expenditures are subject to serious reduction in FY 2014–2015 as the trial courts are faced with the full impacts of budget cuts to the branch and the virtual elimination, through the imposed 1 percent cap on trial court reserves, of prior flexibility to mitigate these impacts.

Appellate Court Technology Funding

The appellate courts have only one dedicated source of funding—\$660,000 in General Fund monies, managed by Judicial Council staff and allocated through an ongoing budget change proposal (BCP). Beyond the BCP funding the appellate courts use their operating budget for salaries and benefits for their technical support staff, while the Judicial Council Information Technology Services Office (ITSO) budget for core services is shared with the appellate courts for technology initiatives.

Existing Technology Funding Approval Structure

Historically, the technology funding structure of the branch has been derived through a complex process that included direct allocation, special allocation, loans, and some reimbursement. The organizational flow of funding to courts and projects was not based on a branchwide model and therefore was not always consistent. To further assist the courts, the Judicial Council implemented a process for providing “supplemental” funding based on emergency requests for financial assistance. This process has undergone some changes. In addition to the work of the Technology Planning Task Force, the Trial Court Budget Advisory Committee is also reviewing automation funding and allocation.

Recommendation 17: Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology and funding issues.

This clarification will also ensure that resulting recommendations will align with the proposed models for technology governance and the judicial branch Strategic Plan for Technology.

Current Technology Funding Approaches in Other U.S. Jurisdictions

The discussion of the existing funding sources (above) describes the source and amounts of existing technology funding for California’s state courts. In an effort to explore funding options, a survey of the technology funding streams for the judicial branches in other states and the federal government was undertaken (see Appendix A).

While the judicial branches in the majority of states generally depend upon general fund revenues from their state legislatures, the federal Public Access to Court Electronic Records (PACER) system and several states fund technology through specific filing fees and/or information access fees.

The Technology Planning Task Force is mindful that such fees may represent a barrier in access to justice even though technology is essential to the operation of the judicial system. Any new fees must balance these interests.

Underlying Principle and Strategy

Most of the funding recommendations in the remainder of this document are based upon the principle of “*linking the funding source with the type of technology task to be accomplished.*” The recommendations also reflect a funding strategy that:

- Maximizes the benefit from existing funds;
- Seeks stable General Fund resources for core costs such as case management systems; and
- Searches for new funding sources to fund new initiatives.

Technology Funding Categories

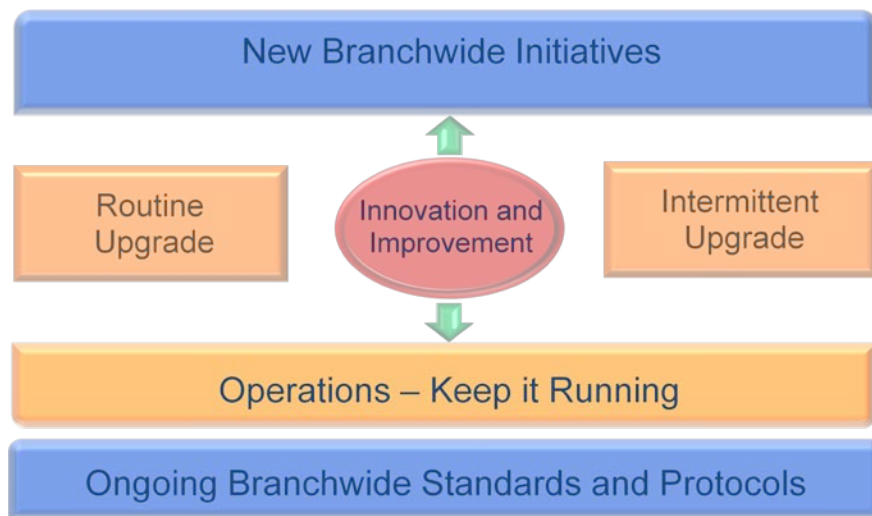
Funding for technology is used to cover a broad variety of expenses. These include one-time and ongoing expenses, investments in new technology as well as maintenance of existing solutions.

Recommendation 18: Technology funds should be allocated according to technology expenditure categories.

The following categories and criteria provide a framework for making strategic technology funding decisions for the judicial branch. Although some initiatives may change categories over time depending upon the maturity or stage of the program, they are intended to provide guidance on how technology funding could be managed, sourced, and allocated.

With this framework, there are different funding approaches for each category. Furthermore, there are different processes for governing funds at the branch and local court levels.

A summary of the funding categories is illustrated below.



The funding for New Branchwide Initiatives and Ongoing Branchwide Standards and Protocols will be managed at the branch level.

The funding for Routine Upgrade, Intermittent Upgrade, and Operations—Keep It Running will be managed at the local court level for local court expenses and at the branch level for expenses associated with branchwide initiatives.

The funding for Innovation and Improvement is managed at the branch level and dedicated to innovation and improvement projects that can be initiated anywhere in the branch.

Operations—Keep It Running

- Routine, ongoing information technology costs supporting core court operations.
- Year-to-year costs are typically stable and predictable. These costs are either fixed or vary based on the number of users or level of use.
- This category also includes costs associated with court staff or professional services needed to keep the core operations running.
- These expenses may be associated with the operations of technology programs at a local court or with ongoing operations of branchwide initiatives.
- Examples: Annual hardware and software maintenance; telecommunications services; e-mail services; data center costs; support and maintenance for the Appellate Court Case Management System; hardware and software maintenance and support costs for trial court case management systems; support and maintenance for the Court Interpreter Data Collection System (CIDCS) and other language access tools.

Routine upgrade

- Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment.
- Examples: Replacement of desktop/laptop computers every few years; replacement of servers every few years.

Intermittent upgrade

- Some upgrade expenditures are more episodic and their timing is often unpredictable. The triggering event is often a vendor's decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software, including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.
- Examples: Upgrade to a newer version of an operating system, Microsoft Office; upgrade or replacement of a case management system (CMS), document management system (DMS), or jury management system (JMS); or a technology stack upgrade.

Innovation and improvement

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.
- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.

- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

New branchwide initiatives

- If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Some branchwide initiatives may be mandatory; e.g., Phoenix Financial. Other branchwide initiatives may be mandated if a court decides to implement a specific branchwide technology; e.g., Phoenix Human Resources (HR), California Courts Protective Order Registry (CCPOR).
- Funding is needed for the one-time costs of hardware, software, and deployment. Funding would also be required for any increases in maintenance costs that would occur in the “Operations—Keep It Running” category.
- Examples: Phoenix Financial, Phoenix HR; CCPOR; Judicial Branch Statistical Information System (JBSIS); e-citations from the California Highway Patrol (CHP); remote video appearances; appellate e-filing; early identification of language access needs and resource requirements.

Ongoing branchwide standards and protocols

- A coordination effort is required when trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. There is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols.
- There are a number of services and tasks that might be accomplished more economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.
- Ongoing maintenance of branchwide standards and protocols differs from typical operations and “keep it running” activities since there is periodic ongoing development required to keep the standards and protocols up to date.
- Examples: State-level data exchanges and data integration with justice partners for programs like CCPOR, CHP e-citations, and California Department of Child Support Services (DCSS) child support data; master service agreements for IT equipment, software, data centers, etc.

Funding Sources and Governance

For each type of expense defined, the source for funding could vary as could the management requirements for those funds.

Recommendation 19: Technology funds should be sourced and managed according to technology expenditure categories.

The following chart summarizes the recommended funding sources and governance for each category of fund. A detailed description can be found in Appendix D.

	Funding Sources	Governance
Operations—Keep It Running	<ul style="list-style-type: none"> ▪ Court operating budget ▪ Judicial Council operating budget ▪ BCP for gap in needed funds 	<ul style="list-style-type: none"> ▪ Allocated by formula by the Judicial Council. ▪ Expended by courts based upon local priorities and needs. ▪ Expended by the Judicial Council for branchwide initiatives.
Routine upgrade		
Intermittent upgrade		
Innovation and improvement	<ul style="list-style-type: none"> ▪ Limited amount of funds set aside at the branch level 	<ul style="list-style-type: none"> ▪ Reviewed and recommended by the Judicial Council Technology Committee. ▪ Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee. ▪ Expended by appropriate agency, the Judicial Council, local trial court, and/or the appellate courts based upon the approved plan.
New branchwide initiatives	<ul style="list-style-type: none"> ▪ Funds set aside at the branch level ▪ Grants ▪ BCP for gap in needed funds 	
Ongoing branchwide standards and protocols	<ul style="list-style-type: none"> ▪ Funds set aside at the branch level ▪ Grants ▪ BCP for gap in needed funds 	

Linking Funding with the Technology Task to Be Accomplished

Several actions must be taken to implement the previously described technology expenditure categories, proposed funding approaches, and appropriate governance. These actions can be summarized as follows:

1. Establish formula-driven funding from a stable, state-provided source for the routine costs of maintaining a court technology infrastructure and services. The rationale for this

set of expenditures is that they can be identified and quantified within the current trial court funding allocation formula, the Workload-based Allocation and Funding Methodology (WAFM), and formula funding/allocation of these costs within the trial court funding allocation formula can be established. A budget change proposal (BCP) would be prepared to cover the difference between the current state funding received and the actual cost of these expenditures. The funding would be allocated to individual trial courts each year by the Judicial Council based on WAFM. Once allocations are distributed, each court would continue to make its own decisions about actual expenditure of the funds. However, each court would have been equitably funded to meet its needs. These include:

- a. Keep it running—Ongoing information technology costs supporting basic core court operations. These costs remain fairly constant over time.
- b. Routine upgrade/update/refresh—Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment. These costs may vary annually but are generally constant over time.
- c. Intermittent upgrade—More episodic and less predictable as to timing due to unplanned events. The triggering event is often a vendor’s decision to upgrade/sell/discontinue a product.

The routine costs of maintaining branchwide infrastructure and services is also included in this category but would be allocated to the Judicial Council operating budget based upon approved plans.

2. A limited amount of innovation and improvement money should be allocated each year on a one-time competitive basis administered by the Judicial Council Technology Committee. These funds would not cover ongoing operating, license, or maintenance costs. The committee should consider factors such as the business case; how the proposed project increases access to justice, provides efficiencies, or provides information; innovation; potential for broader application; time required; matching monies; savings to be realized; collaboration with others; and compliance with guidelines in the Judicial Branch Contracting Manual for projects in excess of \$1 million and \$5 million. Not every technology innovation will result in a successful project scalable for branchwide adoption and therefore a ‘guarantee’ of branchwide application should not be required up-front.
3. New branchwide initiatives should follow the review and approval process described earlier in this document. Mandated initiatives, e.g., Phoenix Financial system, should provide both start-up and ongoing funding to cover the new costs. Where a mandated initiative replaces an existing cost, a “maintenance of effort” fee from the courts or an adjustment to the trial court funding allocation formula may be appropriate. Optional service offerings, e.g., Phoenix HR, should be reimbursed by the participating courts. New branchwide initiatives could be funded by BCPs, grant funds, consortia of courts, partnerships with other agencies, and/or public-private partnerships.
4. A limited amount of technology funding should be set aside each year in order to develop and maintain standards and protocols in areas where a single branchwide policy or standard would be beneficial, such as data exchanges and information security. It is essential to coordinate across courts with justice partners, the federal government, state executive branch agencies, and local law enforcement agencies on these tasks.

Immediate Potential Sources of Funds

While reviewing the existing technology funding and the funding approval process, it was apparent to the Technology Planning Task Force that while many programs have been working well and providing great benefit to the branch, the prior funding process was perceived as being nontransparent, in part because it was not based on a branchwide model or formula and in part because of the complexity of the prior funding models. Work to address this concern within the Trial Court Budget Advisory Committee has already started.

Recommendation 20: Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.

This review should address the necessity for the programs themselves; how program funding has been established; the context in which the funding was established; and the impacts of the proposed change in direction on any courts affected. Initial review indicates there are examples of state funds supporting optional programs that have benefited a limited number of participating trial courts. These circumstances have built up over time and cannot reasonably be changed overnight. However, they can, and should be, addressed over time to be more consistent with the new funding expenditure categories and the equity principles established with the WAFM implementation.

New Funding Options

Merely redirecting existing funds would not resolve the technology funding shortfall for the branch. Similarly, relying upon the BCP process and a steady stream of General Fund revenues is unlikely to resolve the ongoing challenges. As recent experience has demonstrated, even relatively dependable funding sources can become unreliable in times of economic turmoil.

Recommendation 21: Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential users of information or records.

There may be fee opportunities that have the advantage of tying the revenues received to the service provided; for example, increasing existing fees, adding fees for specific services, and/or eliminating certain fee exemptions.

The Technology Planning Task Force also identified the following funding opportunities that are not fee based:

1. **Grants.** The judicial branch has historically had some modest success in attracting grants from external sources. While these have not provided major sources of funding, it may be possible to initiate new pilot or branchwide systems through grants in areas such as public safety, homeland security, criminal reporting, access to justice, language access, remote interpretation, etc.

2. ***Partner agencies.*** The judicial branch has historically had some success in attracting funds by working with its partner agencies. Particularly in the area of electronic data exchange, working with our partners has served to improve the efficiency of both agencies by avoiding re-creation and re-keying of data.
3. ***Voluntary fee, as part of State Bar dues, dedicated to expanding access to justice through automation of self-help.*** As we work through the automation of the court process, we cannot leave the less-advantaged behind, and this is highlighted in the principles adopted by the Judicial Council. State Bar members are sensitive to this issue and may be willing to partially offset a portion of the cost of supporting this population through a voluntary check-off program.

Issues for Large Multiyear Projects

The trial courts face a challenge in funding any large multiyear initiative due to the imposition on June 30, 2014, of a 1 percent cap on trial court reserves. The anticipated inability to save and manage funds presents a significant barrier to successful implementation of any large multiyear project, such as the replacement of any of the many failing local case management systems. When combined with the timelines and requirements of the Judicial Branch Contract Law, projects have steep, additional administrative burdens to overcome that add to project management complexity.

Recommendation 22: Establish a mechanism for funding large multiyear projects.

The Technology Planning Task Force suggests two approaches to these issues:

- Modify the list of exemptions from the 1 percent–reserve calculations under Government Code section 77203 to include funds reserved for technology projects that are expected to last more than one calendar year or span more than one fiscal year;
- Implement a ‘savings’ program through a fund held by the Judicial Council, likely the IMF or TCTF. Instead of receiving a portion of their annual allocation, trial courts could deposit their monies in the central fund where these funds would be effectively ‘saved’ until the project deliverables are received.

Immediate Issues Facing the Trial Courts

As mentioned earlier in this report, overshadowing the work of the Technology Planning Task Force have been three concerns of exigent proportion:

- Case management system replacement needs;
- Lack of adequate, dedicated funding and expenditure priority challenges, resulting in an IMF shortfall beginning in fiscal year 2014–2015; and
- Cap on the amount of unexpended funds that can be carried forward from one year to the next for larger technology projects, starting June 30, 2014.

While the work of the Technology Planning Task Force has been to focus on the long-term framework for branch technology, these looming issues require immediate attention and cannot be disregarded. In many respects, these exigent issues serve as case studies for the types of issues the budget framework proposed by the task force must address over time. The issues of immediate concern also provide a test basis for the solutions being developed. It is clear that the branch needs a long-term approach that is transparent and credible if we are to enlist the support of others to assist with the immediate problems at hand.

Case Management System Replacement Needs

The decision to terminate the California Court Case Management System (CCMS) initiative in March 2012 exacerbated the problem of outdated and often unsupported case management systems across the state. A court's case management system (CMS) is the very hub of its technology and operations. Courts had been largely 'on hold' regarding CMS technology during the CCMS effort. Not only did technology move past the systems in use during this time, but hardware changes, platform changes, and vendor support decisions also left many courts in dire situations with no clear path forward. A survey of trial courts in May 2012 indicated 5 courts with the urgent need to replace their case management system within 12 months; 17 courts in discussion, or near discussion, with their CMS vendor to upgrade their CMS; and 19 courts requiring replacement of their CMS within the next five years. A branchwide request for proposals was completed in May 2013 and established master service agreements with three commercial CMS vendors. However, the combination of the long lead times required to implement a new CMS, the massive state budget cuts, and a new 1 percent limit on reserves effective June 30, 2014, has prevented most affected courts from moving forward with new systems.

IMF Shortfall in Fiscal Year 2014–2015

The task force recognizes the impending shortfall in the IMF for the branch. The IMF supports many significant branch programs, including the Litigation Management Program, self-help centers, and judicial leadership training, as well as providing some \$46.6 million annually for branch technology. The branch response to massive state budget reductions has worked to diminish the fund balance in the IMF to the point that, in fiscal year 2014–2015, the fund will be unable to support even the existing programs. Instead, the forecasts show a reduction in expenditures of \$5 million to \$10 million may be required. As the affected branch programs have already been subject to massive cuts, it is unclear how this reduction could be achieved without further reducing the monies available for branch technology.

Cap on Amount of Funds that Can be Carried Forward

The new 1 percent limit on reserves, effective June 30, 2014, is preventing many courts from moving forward with functioning, updated case management systems. As most large automation projects will span multiple fiscal years, providing funding security is an important component for success. Further, year-end fiscal pressures should not be allowed to become a factor in determining the acceptability of project deliverables. The new fiscal constraints could mean that trial courts will be facing a choice between a lesser product that can be delivered within the fiscal deadline or no product at all.

It is evident these three immediate issues only exacerbate the technology funding problems. At the very time additional investment is needed to rectify the critical needs for case

management, a significant existing funding source is drying up and will be unable to sustain funding at even the current levels.

Addressing Immediate Issues

The following table identifies potential actions to address these immediate issues.

Action	CMS Replacement	IMF Shortfall	Notes
Provide funding based on the trial court funding allocation formula (currently WAFM) for operations and for routine and intermittent upgrades of technology and pursue a budget change proposal (BCP) for the gap between the current state funding for the courts' ongoing technology expenses and the projected actual cost, based on industry standards and norms, for operations and for routine and intermittent upgrades of technology.	Neutral	Neutral	
Establish a fixed, moderate amount of annual funding to support technology innovation and improvement and small-scale new branchwide initiatives.	Neutral	Slightly Negative as IMF would be a candidate source.	
Submit BCPs for major new branchwide initiatives, including their anticipated ongoing operating and maintenance costs, initially on an individual initiative basis but with a future goal of augmenting current ongoing statewide automation funding.	The most obvious source of CMS replacement funding if CMS is considered basic to court operations.	Assists	Could relieve some of the pressure on the IMF; not feasible for courts to accumulate funds for CMS replacement if 1% cap is not lifted.
Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology issues.	Neutral	Neutral	
Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.	Assists	Assists	
Consider the business case and take into consideration any return on investment that can be leveraged when developing funding strategies for a project.	Assists	Assists	

Action	CMS Replacement	IMF Shortfall	Notes
Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential uses of information or records.	Assists	Assists	
Options to address 1% reserve cap for large projects: Modify the list of exemptions from the 1%-reserve calculations to include technology projects that exceed the 1%-reserve limit or last more than one fiscal year; Implement a 'savings' program through a fund held by the Judicial Council allowing trial courts to 'save' funds until technology deliverables are received. (As stated earlier under " Issues for Large Multiyear Projects.")	Assists	Neutral	

The work of the Technology Planning Task Force has been to make recommendations for stable, long-term funding sources for judicial branch technology. At the same time, the task force recognizes significant and immediate issues facing the branch in technology funding.

The set of funding actions above is intended to provide a framework to rebuild some modicum of effective case management system capability and to establish a strong, equitable foundation for the ongoing operation of branch technology systems.

CONCLUSION

Recommendations for the judicial branch Technology Governance and Funding Model, along with the associated Strategic Plan for Technology and Tactical Plan for Technology, represent a comprehensive and cohesive technology strategy that includes clear measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Expected Outcomes

Once we implement the recommended governance and funding model, strategic plan, and tactical plan, we expect to have:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency of how funds are managed and allocated for technology projects;
- Increased credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

We believe we can realize these outcomes by working collaboratively as an IT community within this new structure.

SUMMARY OF RECOMMENDATIONS

Governance

Recommendation 1: The Judicial Council should adopt a new judicial branch technology vision.

Recommendation 2: The Judicial Council should augment the Guiding Principles for California Judicial Branch Initiatives by adopting four additional principles.

Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.

Recommendation 4: The Judicial Council and its committees should classify projects into the defined technology categories based on a set of predefined and transparent criteria.

Recommendation 5: The Judicial Council should retain the internal Technology Committee and the supporting technology-related advisory committee.

Recommendation 6: Rename the Court Technology Advisory Committee as the Information Technology Advisory Committee.

Recommendation 7: Modify the charge and structure of the Information Technology Advisory Committee to include the responsibility of ITAC to sponsor technology initiatives, as directed by the Judicial Council Technology Committee, consistent with the branch Strategic Plan for Technology and Tactical Plan for Technology.

Recommendation 8: Project governance, oversight, and facilitation activities should be dependent upon the amount of branch-level resources required/requested.

Recommendation 9: The Judicial Council Technology Committee should consider input from the fiscal advisory committees and leadership advisory committees prior to making recommendations to the Judicial Council.

Recommendation 10: Branch-supported technology projects should leverage the workstream approach for facilitating efforts when appropriate.

Recommendation 11: The Judicial Council should adopt a Strategic Plan for Technology every four years that will guide branch technology decisions.

Recommendation 12: The Judicial Council should adopt a Tactical Plan for Technology every two years that will guide branch technology decisions.

Recommendation 13: The Information Technology Advisory Committee's annual plan should be developed and adopted consistent with the Tactical Plan for Technology and approved by the Judicial Council Technology Committee.

Recommendation 14: The technology planning process should allow for new ideas and innovations to be evaluated and assessed during the planning cycle to determine if further evaluation and investigation would be beneficial.

Recommendation 15: The Judicial Council Technology Committee should work with the Judicial Council Information Technology Services Office to establish a basic PMO function to support branchwide initiatives.

Recommendation 16: The Judicial Council Technology Committee should implement a equitable, transparent methodology for prioritizing technology projects.

Funding

Recommendation 17: Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology and funding issues.

Recommendation 18: Technology funds should be allocated according to technology expenditure categories.

Recommendation 19: Technology funds should be sourced and managed according to technology expenditure categories.

Recommendation 20: Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.

Recommendation 21: Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential users of information or records.

Recommendation 22: Establish a mechanism for funding large multiyear projects.

Appendix A: State Funding Benchmark

As part of the data-gathering effort for the Technology Planning Task Force, a survey of how judicial branch technology is funded in other jurisdictions was undertaken. Key technology contacts were approached and interviewed in each state. The states are grouped so that similar funding strategies appear together. The federal information was taken from publically available sources.

Jurisdiction	How Technology Is Funded
Alaska	Technology monies are designated by the legislature from the state general fund. State legislators are provided low-level detail of intended use, e.g., licensing; hardware replacement, etc.
Texas	Technology funds are a specific allocation from the state general fund. How the funds are utilized is determined within the judicial branch. State-wide e-filing has been funded by additional fees paid to a private vendor. However, this was just changed so that the funds pass through the branch. Local counties fund the trial courts without support from the state or fees.
Massachusetts	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Specific requests are made to the legislature for capital projects.
Georgia	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Specific requests are made to the legislature for capital projects. Counties fund their own court technology or can use centralized, statewide case management systems at no charge. Court allocation is 0.78% of state budget.
Utah	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Approximately 10% of revenues are cost recovery from services. Credit card fees are paid by interest on accounts. E-filing service charge goes entirely to service provider. Document sales split with court producing the document.
Indiana	Filing fee of \$5 to \$7 per filing is in place statewide to support statewide technology. However, counties can fund their own case management systems if desired and upon approval of application. The centralized, statewide case management systems are available at no charge to the counties. A new oversight committee has just been established with members from the state technology agency, the court, and both parties in the state assembly and senate.
Federal Government—Public Access to Court Electronic Records (PACER)	As mandated by Congress, the public access program is funded entirely through user fees set by the Judicial Conference of the United States. The fees are published in the Electronic Public Access Fee Schedule, available on www.uscourts.gov and www.pacer.gov . Funds generated by PACER are used to pay the entire cost of the judiciary's public access program, including telecommunications, replication, and archiving expenses, the case management/electronic case files system, electronic bankruptcy noticing, Violent Crime Control Act Victim Notification, online juror services, and courtroom technology.

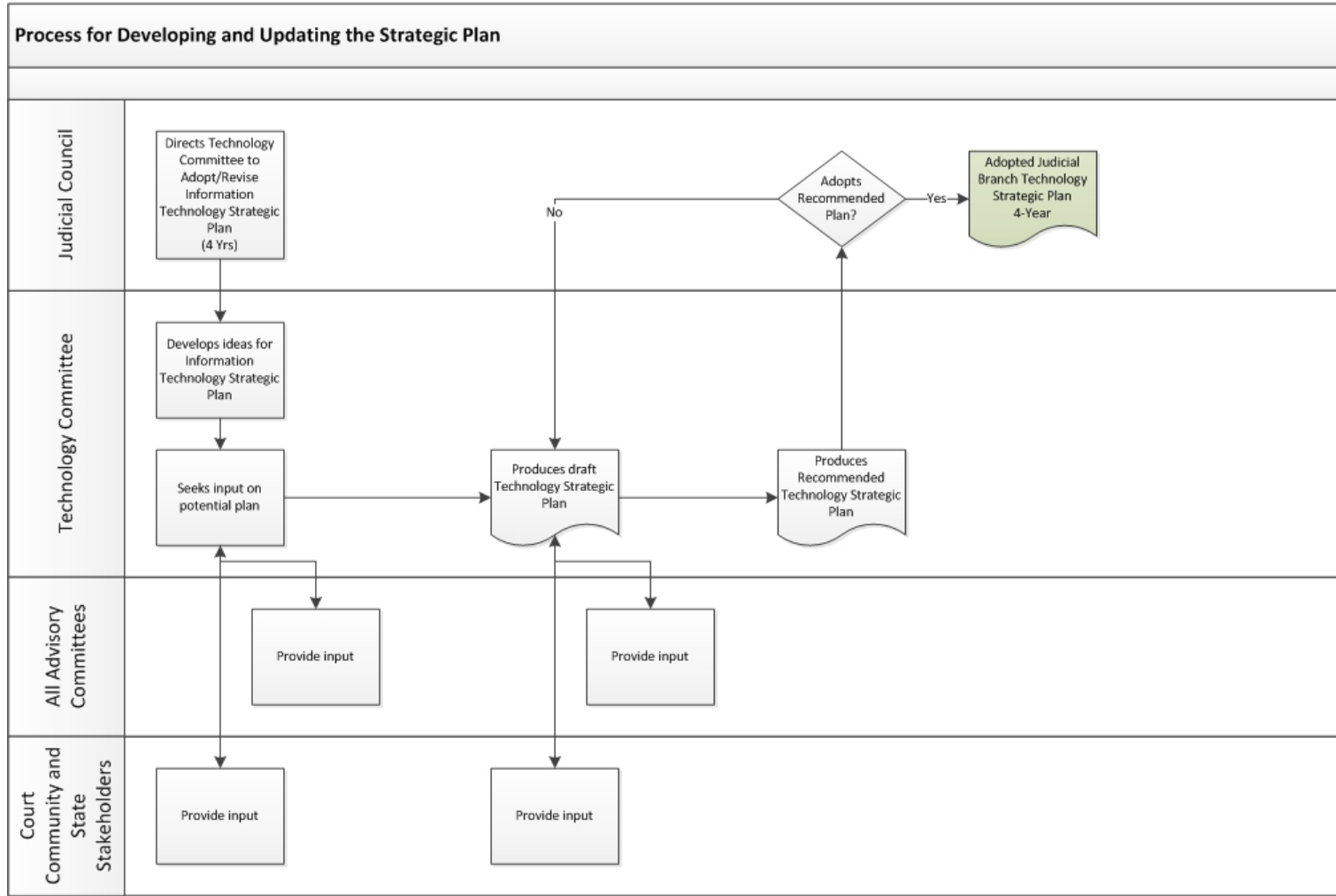
Jurisdiction	How Technology Is Funded
Colorado	Technology is funded by fees on data access and filing. Technology does not receive general fund monies, but money can be requested for capital projects.
Arizona	Non-unified system: Municipal courts funded by the cities; justice of the peace courts funded by the counties; superior and appellate courts funded by the state. Judicial branch also operates adult and juvenile probation. Probation technology is paid from state general fund monies. Court technology is paid from a civil filing fee surcharge called 'Judicial Collection Enhancement'. There are additional, targeted programs that are self-financing; e.g., e-filing; intensive payment program. Court technology funds pay for operation, infrastructure, and new development. The two largest counties operate their own case management systems, at their own cost; but tie to the statewide infrastructure and e-file, etc. Use a 'Business Technology Committee' and a 'Technologist Committee' to oversee technology.
Illinois	Technology is largely county based and each county may opt to impose filing fees for automation and/or records storage up to a maximum amount established by the legislature. There is currently some preliminary investigation of an additional fee to fund statewide automation.

Appendix B: Detailed Process and Decision Flows

Exhibit 1: Process for Developing and Updating the Strategic Plan

California Judicial Branch
Technology Governance and Funding Model

V10.8

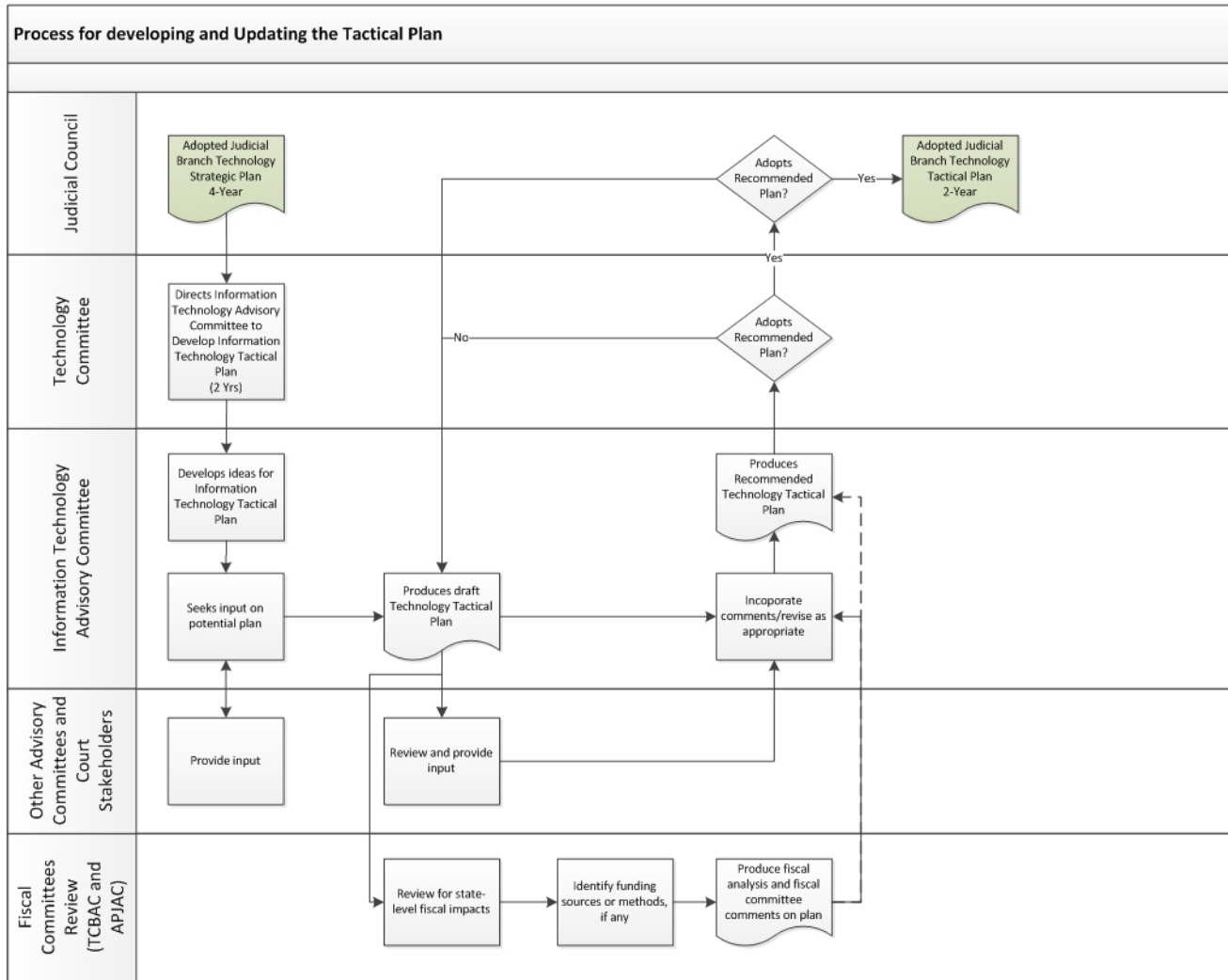


Appendix B: Detailed Process and Decision Flows

Exhibit 2: Process for Developing and Updating the Tactical Plan

California Judicial Branch
Technology Governance and Funding Model

V 10.8

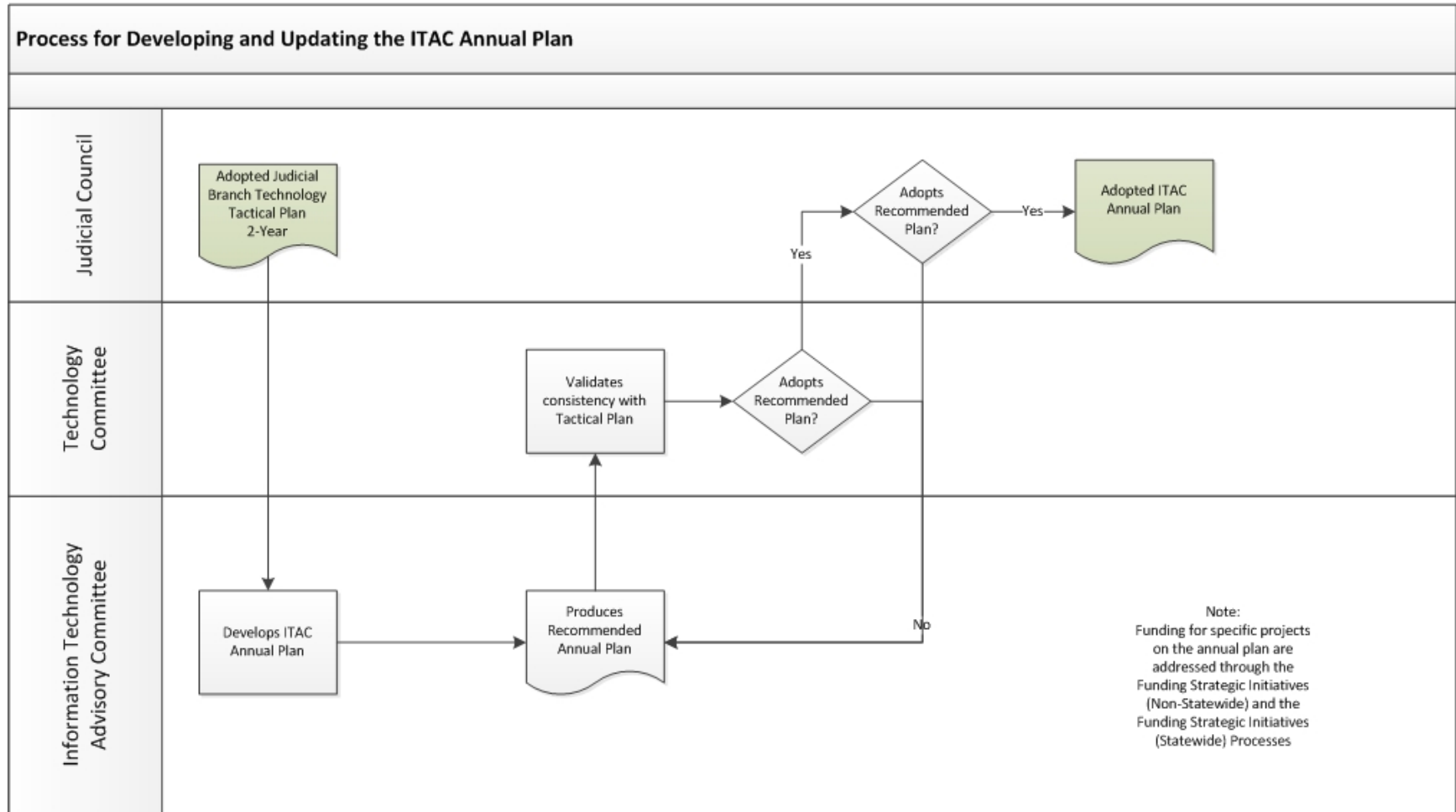


Appendix B: Detailed Process and Decision Flows

Exhibit 3: Process for Developing and Updating the ITAC Annual Plan

California Judicial Branch
Technology Governance and Funding Model

V 10.8

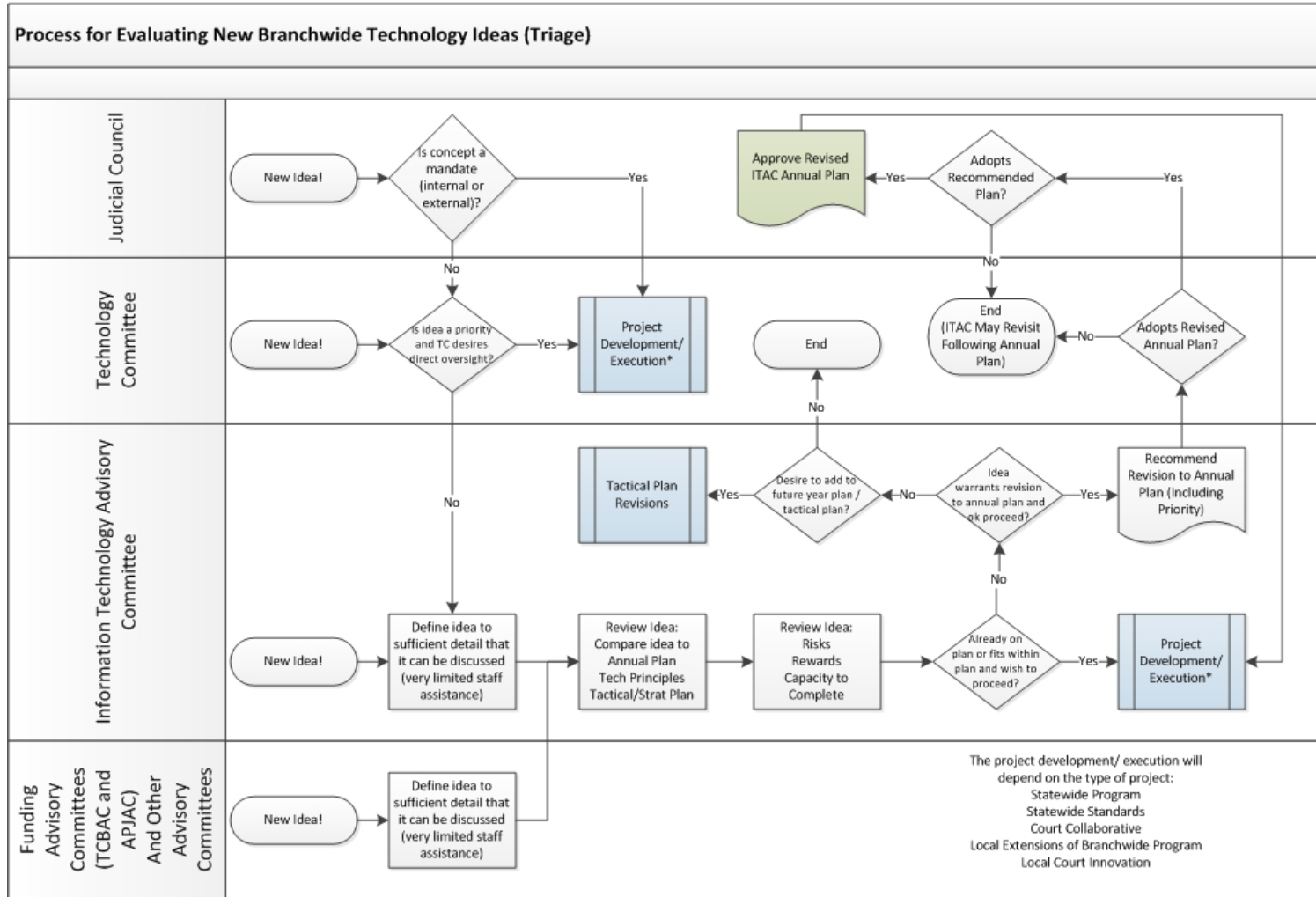


Appendix B: Detailed Process and Decision Flows

Exhibit 4: Process for Evaluating New Branchwide Technology Ideas (Triage)

California Judicial Branch
Technology Governance and Funding Model

V 10.8

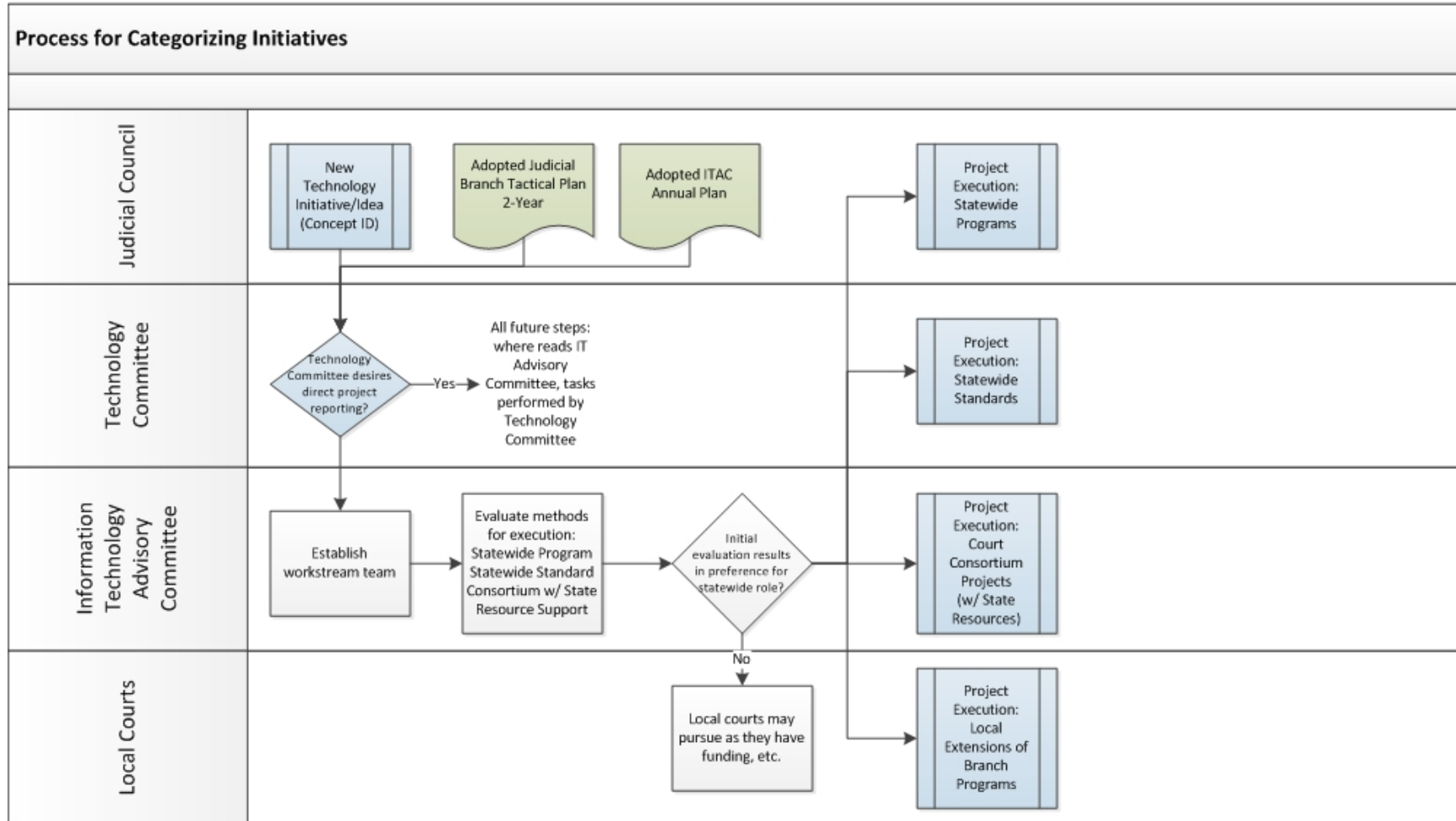


Appendix B: Detailed Process and Decision Flows

Exhibit 5: Process for Categorizing Initiatives

California Judicial Branch
Technology Governance and Funding Model

V 10.8

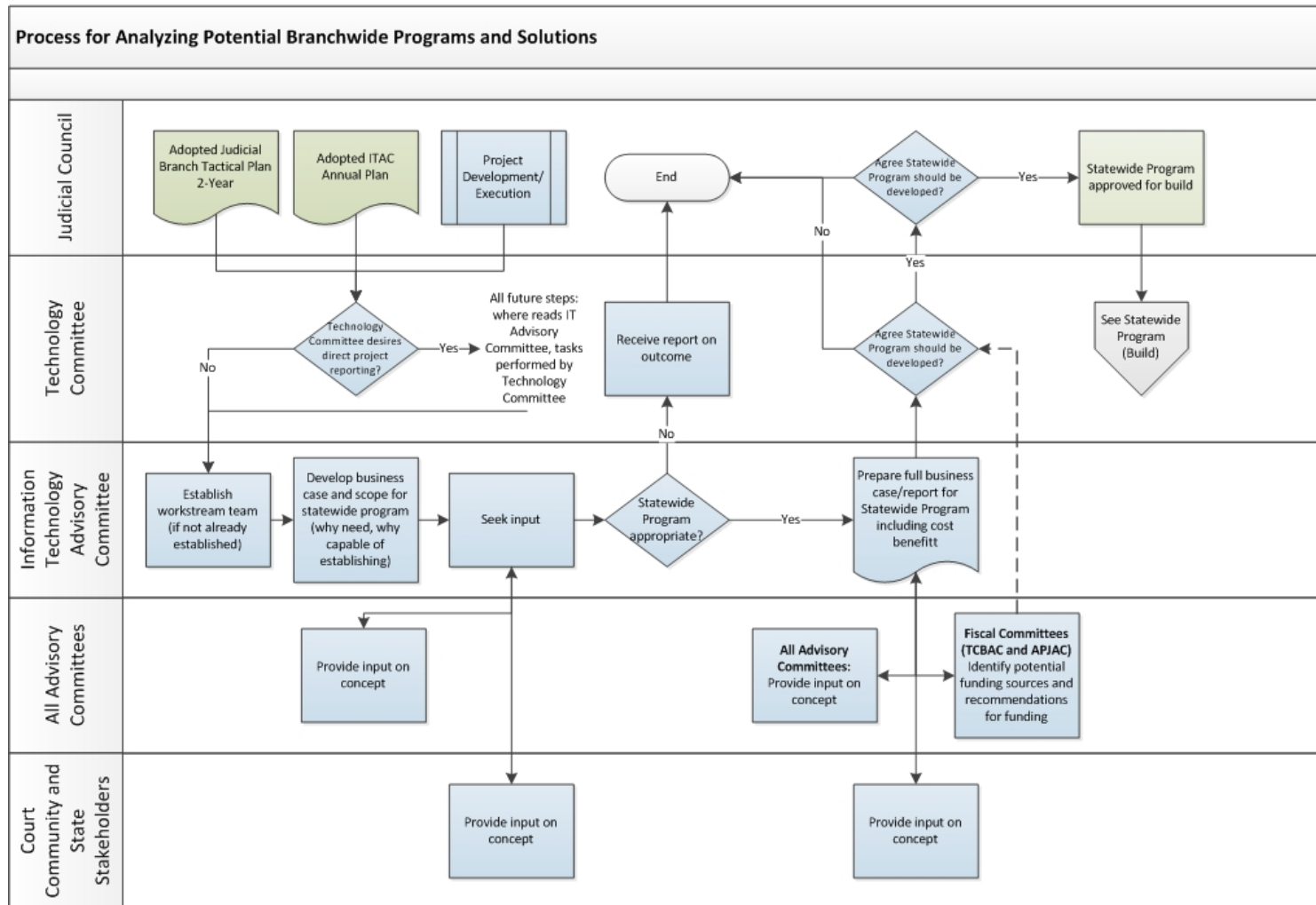


Appendix B: Detailed Process and Decision Flows

Exhibit 6: Process for Analyzing Potential Branchwide Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

V 10.8

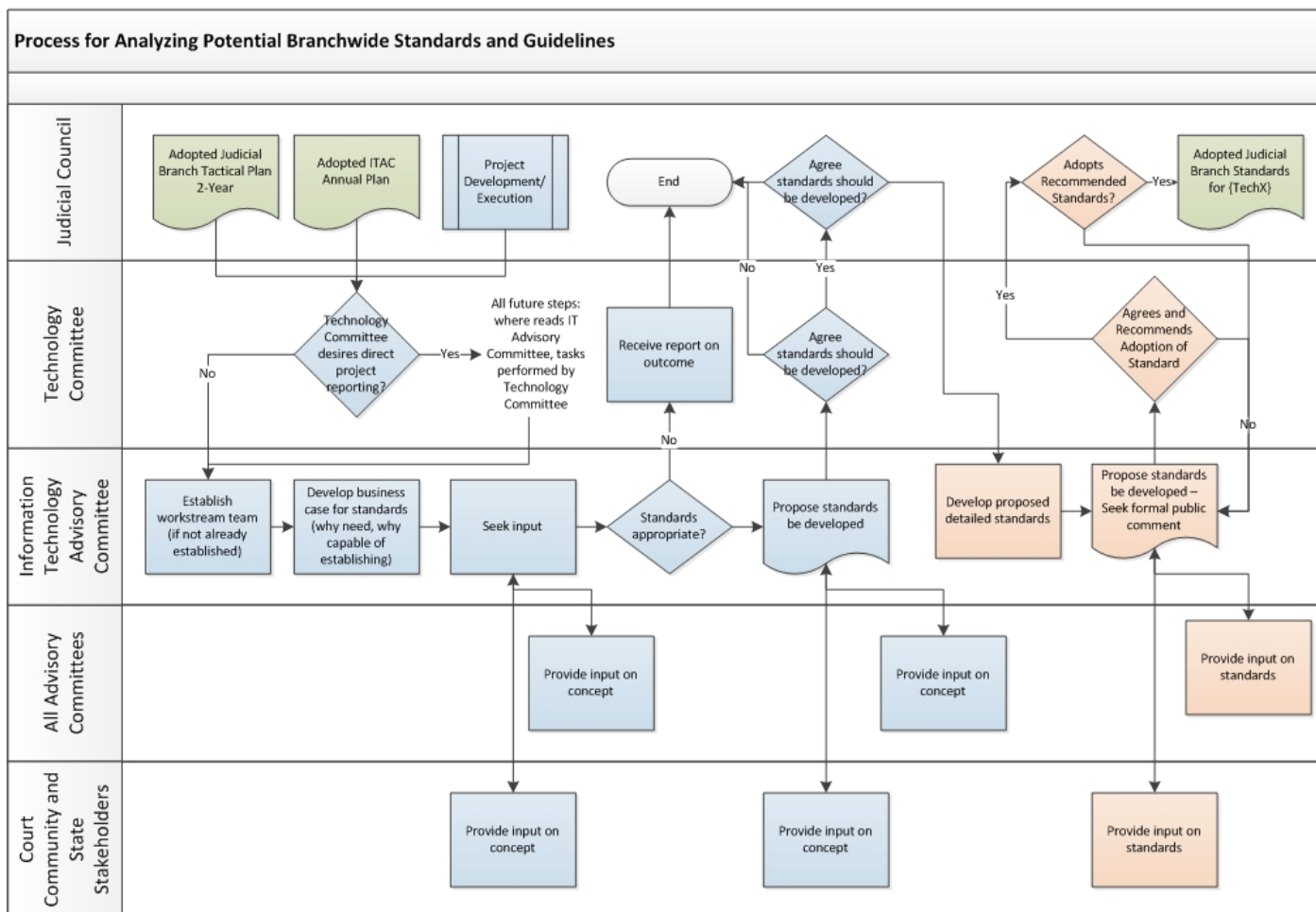


Appendix B: Detailed Process and Decision Flows

Exhibit 7: Process for Analyzing Potential Branchwide Standards and Guidelines

California Judicial Branch
Technology Governance and Funding Model

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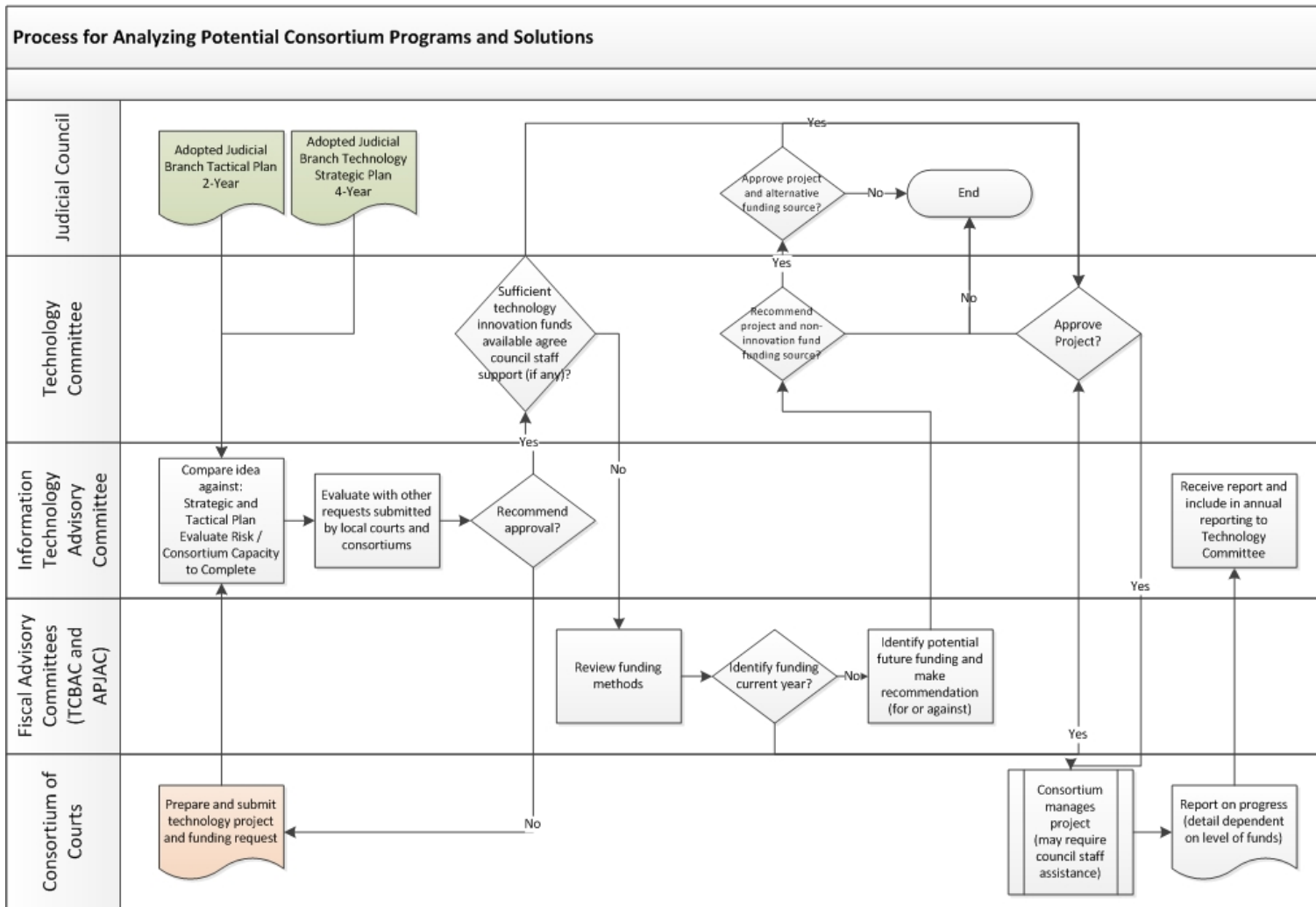


Appendix B: Detailed Process and Decision Flows

Exhibit 8: Process for Analyzing Potential Consortium Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

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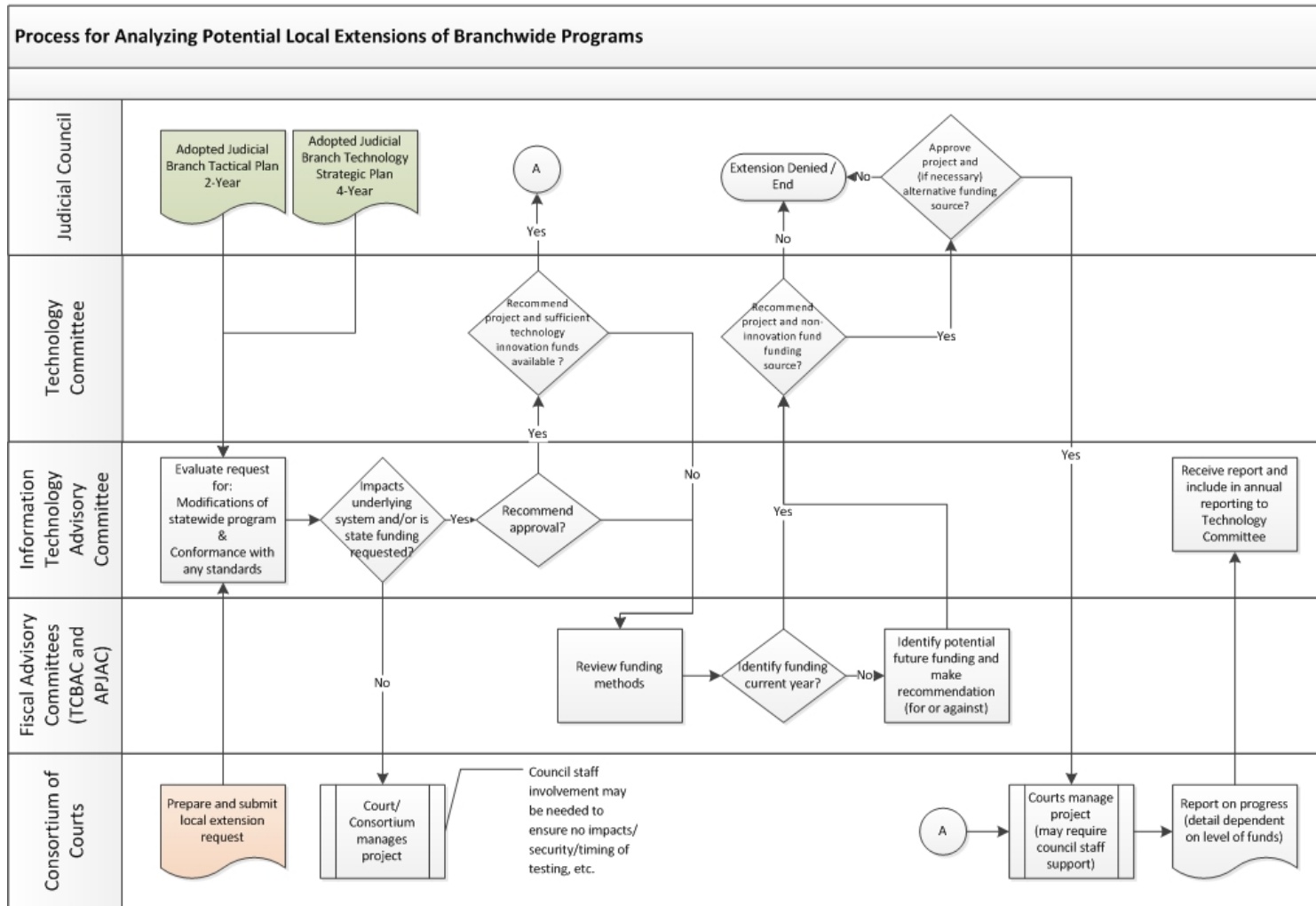


Appendix B: Detailed Process and Decision Flows

Exhibit 9: Process for Analyzing Potential Local Extensions

California Judicial Branch
Technology Governance and Funding Model

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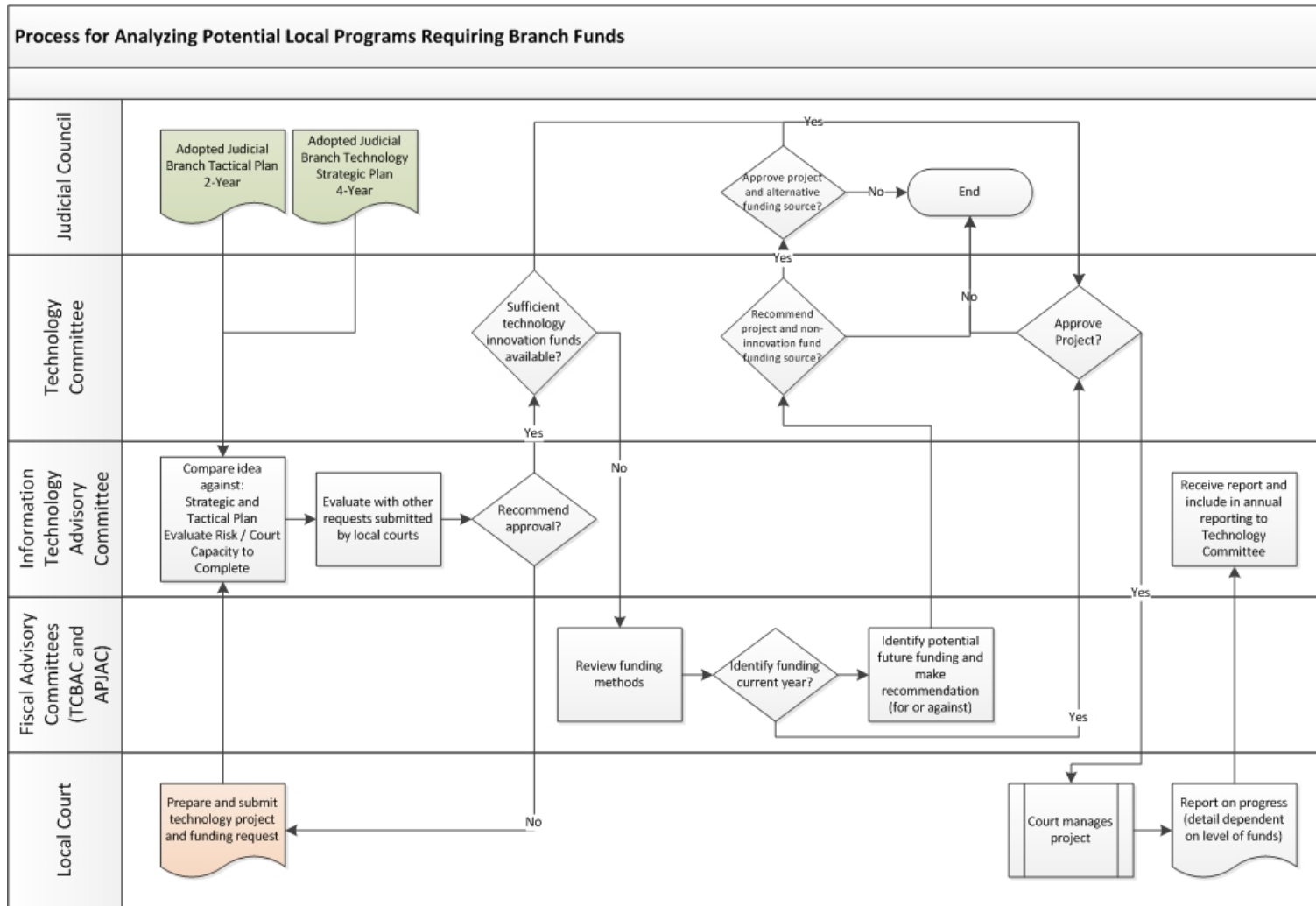


Appendix B: Detailed Process and Decision Flows

Exhibit 10: Process for Analyzing Potential Local Programs Requiring Branch Funds

California Judicial Branch
Technology Governance and Funding Model

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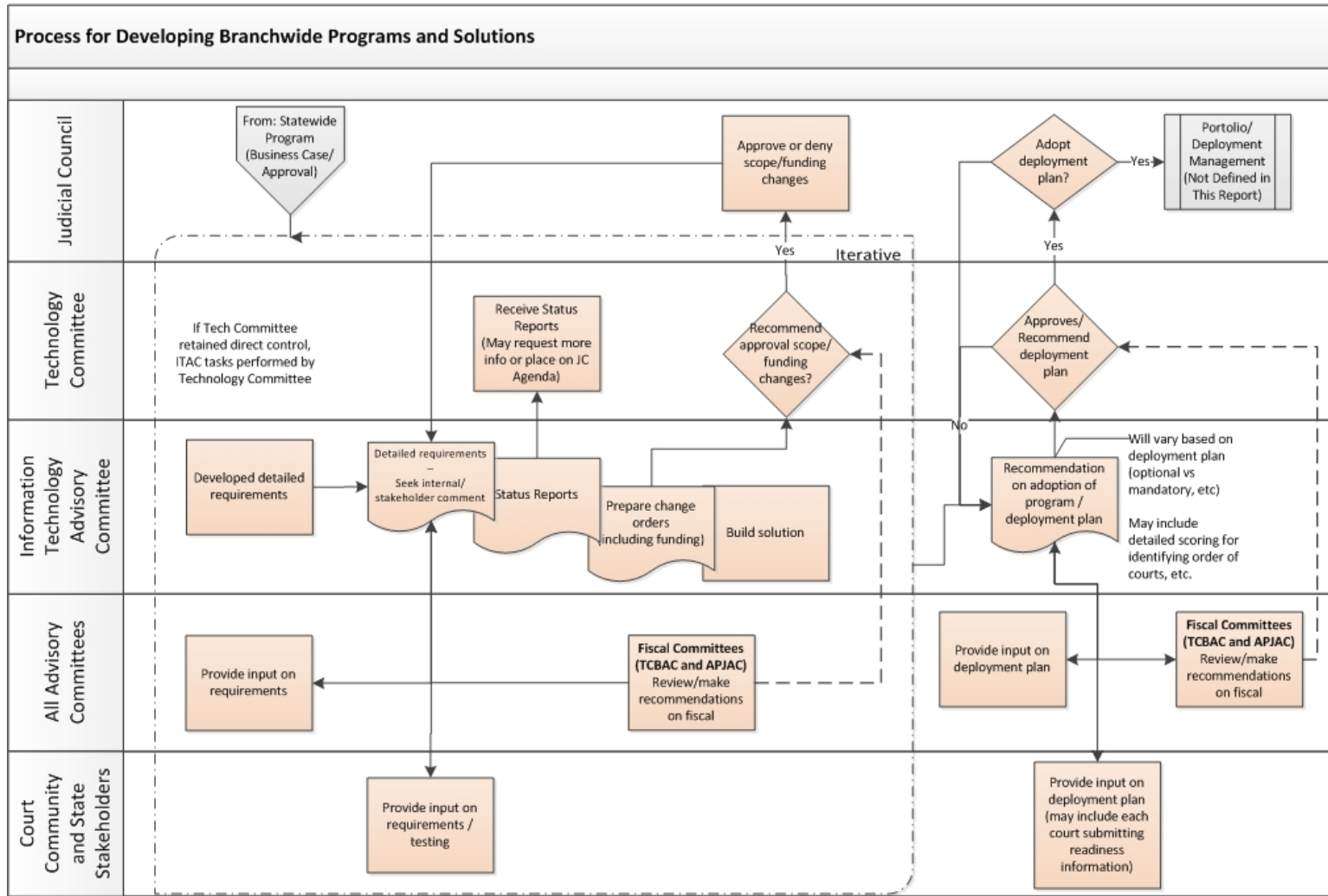


Appendix B: Detailed Process and Decision Flows

Exhibit 11: Process for Developing Branchwide Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

V10.8



Appendix C: Project Evaluation Scorecard

DRAFT Project Prioritization Scorecard						
Court Name		<h1>DRAFT</h1>				
Submitter's Name						
Requested Funds						
Project Description						
Project Evaluation Criteria		Response	Score	Weight	Weighted	Comments
Strategic Alignment	Alignment with Branch Strategic Goals (Access)	2-3 Goals	2	5	10	
	Alignment with Branch Technology Priorities	High	3	3	9	
	External partner Alignment	None	0	3	0	
					19	
External Impact	Public Benefit	High	3	5	15	
	Justice Partner Benefit	"some"	2	5	10	
					25	
Benefit Realization	Scope of impact	Consortia	2	3	6	
	Financial ROI	0-2 Years	3	5	15	
	Likelihood of benefit realization	Medium probability	2	5	10	
					31	
Organizational Risk Mitigation	Urgency for change - operations	Urgent	3	5	15	
	Urgency for change - legal/regulatory/compliance	Not urgent	0	5	0	
	Organization readiness	Minor concerns	2	5	10	
					25	
Technology Alignment / Fit	Level of alignment with branch-wide technology standards	Aligned	3	4	12	
	Level of alignment with branch-wide vendors	Aligned	3	2	6	
	Level of alignment with branch architecture	Aligned	3	3	9	
					27	
Technology Risk	Existing infrastructure can support this project	Covered	3	3	9	
	Identified tech staff can support this technology	No	0	3	0	
	Product / technology maturity	New / Mature	2	3	6	
					15	
					142	

In the example above, the scorecard has been filled out for a sample project. Each of the evaluation criteria in the first column was used to assess the project and 0-3 points assigned based upon the result. For example, on the first row, the project aligns with 2-3 of the branch strategic goals and 2 points were assigned. Had it aligned with 4 or more goals, 3 points would have been assigned. Each of the criteria is weighted to emphasize its relative importance and a final weighted scored calculated. All scores are then added up for a total score which can then be compared with other projects that have been assessed in the same manner.

Appendix D: Detailed Description of Funding Categories

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>1. OPERATIONS—KEEP IT RUNNING Description: Routine, ongoing information technology costs supporting basic core court operations. These costs are either fixed, or vary based on number of users or level of use, which is fairly constant.</p> <p>Examples: Annual software licenses; hardware maintenance, telecommunications services (such as Internet access); e-mail services; data center costs (county, Judicial Council-CCTC, or private). Software could include operating systems, e-mail, office systems, CMS, DMS, jury management, interpreter scheduling systems, HR, payroll, etc.</p> <p>Also includes costs associated with court staff or professional services needed to keep the core operations running. Court staff may include network administrators, technicians, help-</p>	<p>TRIAL COURTS: The new WAFM trial court funding allocation model recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&E expenses, which ratios are based on actual past Program 90 staffing and OE&E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>Since the shift to greater state funding there has been funding deposited and appropriated at the state level and allocated to individual trial courts for:</p> <ul style="list-style-type: none"> - 2% automation money; and - Automated Recordkeeping and Micrographics. <p>For several years there has been funding appropriated to and</p>	<p>RECOMMENDATION:</p> <p>a) “Keep it running” expenses should be funded from a steady revenue source, such as the state General Fund,¹ since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform this ‘Keep it running’ function. Note that courts may have been able to fund this through 12/13 from reserves.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from both Program 90 staff ratios and OE&E ratio as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the current funding approach is recommended.</p>	<p>Allocation: Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p> <p>Expenditure: Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>desk staff, business analysts and developers needed to maintain core operations (CMS/DMS/ etc.).</p>	<p>allocated from the State Trial Court Improvement and Modernization Fund (IMF and its predecessors) for various projects and initiatives, including CCMS, interim case management systems, Phoenix, CCTC, CCPOR, court interpreter related initiatives, etc.</p> <p>Funding has also been provided to 18 trial courts as part of the “Statewide Administrative Infrastructure Initiative”.</p> <p>COURTS OF APPEAL AND SUPREME COURT:</p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>e) Note that while this approach is intended to ensure each court can fund this function at a sustainable level, the court will retain the discretion on how the funds are actually expended. Courts may expend more or less funds on actually performing this effort according to their local priorities and approach; but will have been funded adequately and equitably.</p> <p>ALTERNATIVES CONSIDERED:</p> <p>Characterizing an expense as ‘keep it running’, as opposed to ‘routine upgrade’ (see 2 below) involves a policy choice about maintaining a software or hardware product or service. Some courts purchase maintenance agreements along with the software or hardware so that the court is always running the latest version and can upgrade whenever there is a new version covered by the maintenance agreement. The cost of the product and maintenance would be a ‘keep it running’ cost. Other</p>	

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
		<p>courts may choose to buy a product without the maintenance agreement, and upgrade when the court chooses to buy the new version. This would fall under the ‘intermittent upgrade’ category below. Which choice is more cost effective probably depends on the frequency of replacement, the benefits in upgrades, and the relative costs and the risk tolerance of the specific court. Falling behind in maintenance may increase the risk of disruption or sudden need for a major upgrade. At this time this policy choice is left to each individual trial court as part of its local budget authority.</p>	
<p>2. ROUTINE UPGRADE/UPDATE/REFRESH Description: Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment. Examples: Replacement of desktop/laptops every few years; replacement of servers every few years.</p>	<p>TRIAL COURTS: The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&E expenses, which ratios are</p>	<p>RECOMMENDATION: a) “Routine Upgrade” costs should be funded from a steady revenue source such as the state General Fund¹ since it is a basic cost of doing business. b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Routine Upgrades’. Note that</p>	<p>Allocation: Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
	<p>based on actual past Program 90 staffing and OE&E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>Since the shift to greater state funding there has been funding deposited and appropriated at the state level and allocated to individual trial courts for:</p> <ul style="list-style-type: none"> - 2% automation money; and - Automated Recordkeeping and Micrographics. <p>For several years there has been funding appropriated to and allocated from the State Trial Court Improvement and Modernization Fund (IMF and its predecessors) for various projects and initiatives, including CCMS, interim case management systems, Phoenix, CCTC, CCPOR, etc.</p>	<p>courts may have been able to fund this through 12/13 from reserves.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&E ratio and compare that to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of replacement. The funding would be allocated to individual trial courts each year. Unless alternatives to the 1% reserve cap are implemented, courts would replace a certain amount of equipment each year.</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the current funding approach is recommended.</p> <p>The Strategic Planning Track may also inform the scope of these efforts.</p>	<p>Expenditure: Monies would be expended by local trial courts and the courts of appeal based upon local priorities and needs.</p>

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
	<p>COURTS OF APPEAL AND SUPREME COURT:</p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>ALTERNATIVES CONSIDERED:</p> <p>Other options considered for funding this category of expense include:</p> <p>Budget/allocate a fixed amount at the state level and each trial court knows that in a given year it will receive funding for replacements. This has the advantage of smoothing out funding year-to-year at the state level and better ensuring that all courts get periodic replacement on the same pattern. However, this approach removes some discretion from the courts to postpone or expedite replacements for budgetary reasons.</p>	
<p>3. INTERMITTENT UPGRADE Description: Some upgrade expenditures are more episodic than regular in occurrence and are often unpredictable as to timing. The triggering event is often a vendor’s decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software,</p>	<p>TRIAL COURTS:</p> <p>The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&E expenses, which ratios are</p>	<p>RECOMMENDATION:</p> <p>a) “Intermittent Upgrade” costs should be funded from a steady revenue source such as the state General Fund¹ since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Intermittent upgrades’. Note</p>	<p>Allocation:</p> <p>Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.</p> <p>Examples: Upgrade to a newer version of an operating system, Microsoft Office, upgrade or replacement of a CMS, DMS, or JMS; or a technology stack upgrade.</p>	<p>based on actual past Program 90 staffing and OE&E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>In addition, in past years funding has been allocated by the Judicial Council from one or more of the TCTF, IMF, TCIF, or MOD⁵ fund to support CMS replacement initiatives for:</p> <ul style="list-style-type: none"> - V2 (Fresno); - V3 (SD, Orange, Ventura, Sacramento, San Joaquin); - Interim case management systems, including SUSTAIN courts; and - CCMS V4 development; - San Luis Obispo and Kings Counties. 	<p>that it should be possible to document existing examples of courts which have been unable to fund these upgrades due to budget reductions and are operating on unsupported platforms/software.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&E ratio and compared to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of upgrades. The funding would be allocated to individual trial courts each year with the expectation that the trial court would either ‘save’ the funds for periodic replacement, or reduce other spending in a year to allow for the replacement/upgrade expense (see discussion below).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the</p>	<p>Expenditure: Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p>

⁵ TCIF and MOD were predecessors of the IMF.

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
	<p>COURTS OF APPEAL AND SUPREME COURT:</p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>current funding approach is recommended.</p> <p>ALTERNATIVES/ISSUES CONSIDERED:</p> <p>The need for funding is unpredictable, but often can involve a lead time of a year or two. Funds could be ‘saved’ for a couple of fiscal years until sufficient funding is available to make the changes only if:</p> <ul style="list-style-type: none"> - the 1% reserve cap is lifted, - funds for this type of expense are exempted from the cap at the trial court level; - funds could be ‘parked’ at the state level by deferring a portion of their annual allocation, and retained until needed, thus managing the required funds within the constraints of reserve cap; - funds could be ‘loaned’ at the state level from an on-going fund and repaid over a period of years; - A sinking fund could be permitted in each court where funds are set aside each year so that sufficient 	

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
		<p> funding is available for each replacement cycle as it occurs. This would result in funds at each court that accumulate over several years, and then are spent all at once. Again, this would require modification of the 1% cap on reserve carry forward, this is not viable unless the cap is raised, or the amount exempted from the cap. </p> <p> Alternatively, funds could be budgeted each year on a branchwide basis, and a court could apply for funding from the pool. </p>	
<p> 4. NEW BRANCHWIDE INITIATIVES Description: If a branchwide policy decision is made to provide a certain type of service that was not previously provided, there will be costs to implement the service in all courts that choose to take advantage of the service offering. Some branchwide initiatives may be mandated; e.g., Phoenix Financial, other offerings may be </p>	<p> TRIAL COURTS: Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund to support new initiatives The branch has applied for and received grants from state or federal agencies, or other entities (SJI) to fund new initiatives. Individual trial courts have funded new initiatives or </p>	<p> RECOMMENDATION: The branch or a consortium of courts, possibly including partnerships with other agencies (for example, from DoJ, US DoT, SJI, LSC, etc.), could apply for a grant or BCP to fund an initiative. A pool of funds could be set aside at the state level, from TCTF, IMF, or other, to be allocated by the Judicial Council based on the review and approval process </p>	<p> Funding Request: Monies would be requested by the Judicial Council as part of the annual BCP prioritization process based upon the recommendations from the Judicial Council Technology Committee and input from the Trial Court Budget Advisory </p>

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
<p>optional; e.g., Phoenix HR. Funding is needed for the one-time costs of acquiring the hardware, software, for staff to implement and deploy, and for deployment services to roll out the new service to courts. Funding would also be required to cover any increase in maintenance costs which would occur in the ‘Keep it running’ category. Examples: Phoenix, Phoenix HR; CCPOR; JBSIS, e-citations from CHP; remote video appearances.</p>	<p>improvements from their own TCTF allocation or obtained grant funding. COURTS OF APPEAL AND SUPREME COURT: The costs of new initiatives for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>developed. Mandated initiatives should come with ongoing funding for ‘keep it running’ costs from the branch. Individual trial courts can fund new optional initiatives or improvements from their own TCTF allocation or other revenue sources, including grants. If a court achieves cost savings from an initiative funded at the state level, as opposed to individual court allocation, there should be an established split in the savings achieved. Where a court incurs additional cost as a result of a mandated initiative, the court should only incur the ‘maintenance of efforts’ cost of its previous solution, if one existed.</p>	<p>Committee. Allocation: Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee for consistency with the budget request. Expenditure: Monies would be expended by the appropriate agency, Judicial Council, local trial court, and/or the Courts of Appeal based upon the approved plan.</p>
<p>5. INNOVATION AND IMPROVEMENT Description: If the branch is to continue to innovate to discover and learn new ways of doing business, new ways of providing services, or providing new</p>	<p>TRIAL COURTS: Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund to support innovation. The branch has applied for and</p>	<p>RECOMMENDATION: A pool of money at the state level could be available to fund innovative ideas proposed by courts and approved by the Judicial Council, for example, through a grant application</p>	<p>Allocation: Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee</p>

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
<p>services not previously provided, there needs to be funding to allow courts to innovate and learn about new approaches and technologies. In addition, there needs to be funding of a one-time nature to allow a court to jump start to a more advanced technology state. Innovation Examples: remote video appearance; remote interpretation; e-filing; e-citations; improve access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines; etc. Improvement Examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents;</p>	<p>received grants from state or federal agencies, or other entities (SJI) to fund innovation. Individual trial courts have funded new initiatives or improvements from their own TCTF allocation or obtained grant funding. COURTS OF APPEAL AND SUPREME COURT: The innovation and improvement costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>process. The application process and report back must be sufficiently simple and must not be so rigid that it thwarts or inhibits real innovation. The process must recognize that there may be more than one path to a particular result and that new initiatives often involve mistakes and the need to realign scope as unintended benefits are discovered as the project proceeds. The pool needs to be sufficiently large so as to allow several courts to innovate and to do this on a meaningful scale. Funds received from this central funding pool would be restricted to funding technology. This would not preclude a court or group of courts from funding innovation internally. This category of funding could also include grants from other sources (for example, SJI), funding partnerships with other agencies, or funding from NGO or private partners. Note that the addition of a new service or product often creates ongoing costs to keep it running</p>	<p>and based upon the review and recommendation of the Technology Committee. Expenditure: Monies would be expended by appropriate agency, Judicial Council, local trial court, and/or the Courts of Appeal based upon the approved proposal.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
		<p>after the implementation has occurred. Funding for the implementation phase may come from one source, but the cost of regular upkeep should be added to the 'keep it running' category above.</p> <p>Individual trial courts can fund innovations from their own TCTF allocation or other revenue sources, including grants.</p> <p>If a project was maintained or expanded to other courts, the cost of maintenance would come out of item 1, 2, or 3 above.</p> <p>A BCP may be required to establish this pool of funding.</p> <p>OTHER ALTERNATIVES/ISSUES:</p> <p>If a court achieves cost savings from an initiative funded at the state level, as opposed to individual court allocation, the savings should be split at a ratio determined as part of the funding application process.</p>	

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
<p>6. ON-GOING BRANCHWIDE STANDARDS AND PROTOCOLS Description: A coordination effort is required where trial courts are exchanging data or otherwise interacting with state agencies, other trial courts, or local agencies, there is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols. For example, data exchanges, whether it be traffic citations or the clerk’s record on appeal, should be uniform, avoiding the need for multiple transfer protocols and associated maintenance. In addition, some courts could take advantage of master contracts for equipment, software, or other services where it is not economical for the court to act individually. There are a number of services and tasks that might be accomplished more</p>	<p>TRIAL COURTS: Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund for such initiatives. The branch has applied for and received grants from state or federal agencies, or other entities (SJI) for such initiatives.</p> <p>COURTS OF APPEAL AND SUPREME COURT: The branchwide policy and protocol costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>RECOMMENDATION: An allocation at the state level to fund efforts to develop and maintain branchwide standards, protocols, master service agreements, etc. A constant level of funding would be needed for maintenance, and an additional amount for development of new standards, either on a yearly basis, or project specific, for example, development of data exchanges with the California Department of Social Services. Services used by a court should be funded from the court’s allocations from one of the above categories. This category of funding could also include funding partnerships with other agencies, grants from other sources (for example, SJI), or funding from NGO or private partners.</p> <p>A BCP may be required if these funds cease to be available or a major initiative is undertaken.</p>	<p>Allocation: Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee and after review and recommendation of the Judicial Council Technology Committee.</p> <p>Expenditure: Monies would be expended by appropriate agency, but likely by the Judicial Council.</p>

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
<p>economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.</p> <p>Examples: State level data exchanges and data integration with justice partners, for example, CCPOR, CHP e-citations, DCSS child support data. Master service agreements for IT equipment, software, data centers, etc.</p>		<p>OTHER ALTERNATIVES:</p> <p>Services provided at the state, regional or consortium level that a court can choose to use would be paid for by each participating court out of its allocation. For example, Phoenix HR, payroll, IT contract negotiation data center hosting, assistance in vendor selection, project management, data conversion, implementation assistance, etc.</p>	

¹ It must be noted that during times of economic upheaval the General Fund may not be a steady source of funding.

CALIFORNIA JUDICIAL BRANCH

Strategic Plan for Technology

2014–2018

Technology Planning Task Force

October 2, 2014

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Message from the Technology Planning Task Force Chair

Dear Friends of the Courts,

The Technology Planning Task Force, appointed by Chief Justice Tani G. Cantil-Sakauye, and the Judicial Council Technology Committee are pleased to present the Judicial Branch Strategic Plan for Technology.

A comprehensive and collaborative technology plan, grounded in the technology needs of the courts, is the key to branch technology progress and funding. Dramatic changes have occurred both in the evolution of information technology and the needs of the courts. We need to advance to better support our justice partners and the people of California.

Enhancing electronic access to justice and promoting more efficient practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Cantil-Sakauye's recently announced vision for restoring access to our courts, Access 3D, includes remote access as one of its principles. The "digital court" with the capability of 21st century data exchange, within the judicial branch and with justice partners where appropriate, will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

James E. Herman
Chair, Judicial Council Technology Committee
and Technology Planning Task Force.

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Fifth Appellate District

INTRODUCTION

This document presents the judicial branch **Strategic Plan for Technology**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendations for the judicial branch Technology Governance and Funding Model along with this document and the associated Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership. These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, chief information officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed strategies recognize the diversity of the trial courts along with the judicial, management and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Technology Planning Documents

Results from the Technology Planning Task Force include the following documents:

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018) (this document)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people, 7 million of whom have limited English proficiency. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts and other agencies.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

Technology Vision

A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens. The vision for judicial branch technology is:

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.

This vision also sets forth the framework within which guiding principles can readily be applied.

Technology Principles

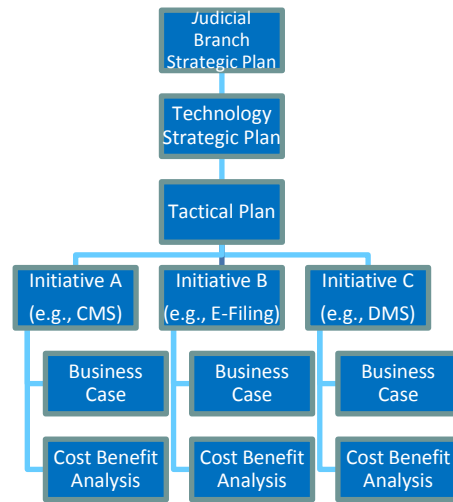
Guiding principles establish a set of considerations for technology project decision-makers. They articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

STRATEGIC PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

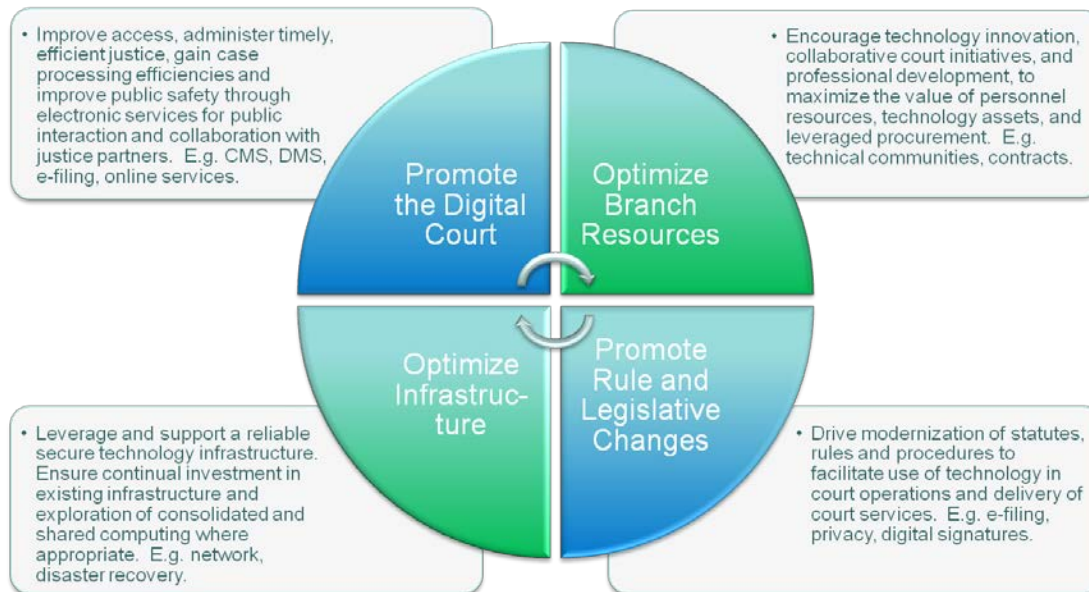
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.



All of these activities will align with the overall goals of the branch.

Summary of Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Detailed Description of Technology Goals (2014–2018)

Goal 1: Promote the Digital Court

The primary goal of this strategic plan is to promote the Digital Court environment. The Digital Court is an ambitious goal that is divided into two parts:

- Digital Court Part 1: Foundation
- Digital Court Part 2: Access, Services, and Partnerships

Part 1 focuses on core systems such as case management systems and document management systems. Part 2 focuses on providing electronic services to the public and other parties who interact with the court to increase access to justice.

Goal 1: Promote the Digital Court—Part 1: Foundation

Statement of Goal

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California.

Business Driver/Need

It is essential for the judicial branch to implement and maintain information technology solutions that better meet the needs of the public by administering timely and efficient justice, enhancing court operations, and improving public safety. The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services.

To effectively serve the needs of the public, a foundational set of technologies is required. These include modern case and document management systems, fiscal and human resource systems, and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

The 58 trial courts and the appellate courts use a broad assortment of technologies. Many of these are functionally obsolete and are incapable of supporting the needs and expectations of an increasingly technology-literate public and court personnel.

Before any court in the branch can provide the range of services and access the public expects from a true “digital court,” the necessary foundation and infrastructure must be provided. Full implementation of these modern foundational technologies that adhere to common standards will be critical to achieving both local court and branchwide efficiencies.

Objectives (prioritized)

- 1.1.1. Establish a digital court foundation by implementing modern and supportable case management systems (CMS) and document management systems (DMS) where needed to allow all courts to efficiently deliver services to the public.
- 1.1.2. Ensure that courts have the ability to operate independently of local government infrastructure for critical court operations.
- 1.1.3. Facilitate or provide shared technology infrastructure for courts without local resources and/or for those courts who wish to collaborate or leverage other opportunities for shared services.
- 1.1.4. Effectively utilize the digital court foundation to enable:
 - Extended access and services to the public, including electronic filing and enhanced access for those with limited English proficiency.
 - Enhanced judicial and administrative decision-making.
 - Data and information sharing across the courts.
 - Enhanced collaboration and cooperation between and among courts.
 - Enhanced collaboration and cooperation with local and statewide justice partners to promote public safety.

Areas of focus to enable “Digital Courts”:

- **Case Management Systems (CMS).** Implement modern and supportable court case management systems, where needed, to provide timely and accurate case information, improve public safety, support judicial decision-making, enable electronic filing (e-filing), and provide court operational efficiencies.
- **Document Management Systems (DMS)/Enterprise Content Management Systems (ECM).** Implement DMS / ECM Systems to enhance court operations, enabling automated administrative and judicial workflows. The use of electronic documents and case files will provide more immediate and reliable access to court documents for judicial officers and the public and will significantly reduce retrieval, storage, and destruction costs. Electronic case files will also permit common disaster recovery solutions.
- **Back office systems.** Implement modern financial, human resource, and productivity software systems to enhance court operations and provide accountability for use of public resources at both the local and branch levels.
- **Jury management systems.** Implement latest generation jury management systems in all trial courts to include extended automated solutions (i.e., online self-service, document management, text notifications, kiosks, etc.) to improve the convenience and quality of jury service.
- **Access.** Establish standards and methods to provide remote public access solutions to essential court information and services in all courts.
- **Decision support.** Establish judicial and administrative decision support systems integrating CMS, DMS/ECM, and justice partner information to enhance decision-making.

Anticipated Results/Benefits/Outcome

- Achieve cost savings, operational efficiencies, and enhanced case processing through the use of modern, standards-based case and document/content management systems.
- Achieve branchwide efficiencies by using common back office and jury systems where appropriate and leveraging branchwide economies of scale while balancing the need for local agility.
- Eliminate or reduce the costs associated with the storage, retrieval, archiving, and destruction of paper court records and improve access for internal court users and the public.
- Provide greater insight into court performance and guidance for local resource allocation through measurable case flow management standards.
- Help support a workforce that has been reduced over the past several years.
- Provide the court, judges, attorneys, litigants, and the public with faster access to information.

Dependencies/Requirements

Technology has inherently high costs in acquisition, deployment, and maintenance. Not all courts have the fiscal and human resources to acquire and implement current technology, or to support the technology once installed. Collaboration and cooperation between courts by sharing and leveraging resources will be necessary to support and sustain innovation. Significant technology projects require time to implement and are rarely capable of completion within a single fiscal year. Stable and predictable funding for both branch and local technology projects is essential to the success of any project, and to the future of the branch. Transparent and accountable management of technology projects and resources is essential to obtain support from other branches of government.

Overall goal dependencies:

- Clear, efficient governance.
- Adoption of a branch tactical plan/roadmap for CMS enabling, over time, highly functional modern e-business-capable case management systems in every court.
- Access to DMS/ECM for every court and the business and technical support required.
- Adoption of a tactical e-filing plan/roadmap for the branch, with clearly articulated common standards.
- Sufficient and stable funding to acquire, deploy, and maintain the programs.

Applicable to all system acquisitions:

- Assessment of current and anticipated local and branch needs.
- Prioritization of court implementations based on urgency, capability, and financial resources.
- Decisions on use of local, shared, or branchwide solutions.

- Roadmap—which courts are going to use which systems, when, hosted where, supported by whom, etc.

Metrics (measures of progress toward implementation of this goal)

- Number of courts providing full/partial Digital Court services.
- Increasing satisfaction of people who interact with the courts.

Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships

Statement of Goal

The judicial branch will improve access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by implementing a comprehensive set of services for both public interaction with the courts and collaboration with branch justice partners.

Business Driver/Need

It is essential that the judicial branch implement and maintain information technology solutions that meet the needs of the public, support the administration of timely and efficient justice, support court operations, and enhance public safety. In recent years, courts have been forced to close facilities and to eliminate or curtail many previously provided public services. Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology. Building on the “digital court” foundation, courts can provide these expanded access and service capabilities—including services to currently underserved populations. Courts can also leverage available technology through strategic business solutions such as shared services and collocated resources.

Objectives (prioritized)

- 1.2.1. Provide consistent, convenient, and secure remote digital access to court information and services for court users and practitioners, including self-represented litigants and limited English proficiency litigants, regardless of geographic and jurisdictional limitations and local resource constraints.
- 1.2.2. Increase operational efficiencies by establishing new or expanding existing e-business opportunities.
- 1.2.3. Enhance public safety through expansion of statewide programs such as the California Courts Protective Order Registry (CCPOR) to include all courts.
- 1.2.4. Establish standardized, automated, and timely data exchanges with state (e.g., California Highway Patrol (CHP), Department of Justice (DOJ), Department of Child Support Services (DCSS)) and local partners (e.g., county agencies, collections providers, etc.), to promote public safety and improve the overall effectiveness and efficiency of the California justice system.

Potential areas of focus for access, services, and partnerships include:

- **Online access to case information.** Implement online solutions to allow litigants and the public to access case data and documents where appropriate, consistent with personal privacy and confidentiality considerations.
- **Electronic filing.** Enable electronic filing across case types.
- **Self-service.** Provide “online,” instead of “in line” services for routine transactions historically provided only at the courthouse (e.g., payment of traffic citations).
- **Remote video appearances.** Implement remote video appearances and hearings in appropriate case types and matters.
- **Standards.** Create standardized state (e.g., CHP, DMV, DOJ, DCSS) and local (e.g. district attorney, public defender, and sheriff) interfaces at the branch and local levels, compatible across multiple case management systems.
- **Services for limited English proficient court users.** Expand and leverage existing technology to provide user information in multiple languages and to enable sharing of language resources among courts.

Anticipated Results/Benefits/Outcome

- Reduce the cost of court operations and increase the efficient use of court resources.
- Ensure accurate and timely processing of court-related transactions and sharing of information through technology.
- Provide immediately available services, 24/7, to everyone within the judicial branch, in authorized local agencies, and to the public throughout the state.
- Restore and enhance public access to the courts with consistent and convenient access to court information and services across jurisdictions for court users and practitioners, including self-represented litigants.

Dependencies/Requirements

Each court will vary in its ability to acquire, implement, and support the technology necessary to enable electronic access and services. Not all elements of a local “Digital Court” foundation will be available in every court. Cooperation and collaboration will be essential to making solutions consistent and coherent across the branch. The vision contained in this goal is only achievable to the extent that each court is willing to adopt it and, recognizing local constraints, is willing to work toward its fulfillment.

While technology deployment and implementation typically focuses on providing new capabilities, technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. Instead, technology solutions should actively seek to bridge gaps and affirmatively expand access.

Metrics (measures of progress toward implementation of this goal)

- Number of courts providing full/partial Digital Court services.
- Increasing satisfaction of people who interact with the courts.
- Number of courts leveraging standard data exchanges.

Goal 2: Optimize Branch Resources

Statement of Goal

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Business Driver/Need

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally. Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

Objectives (prioritized)

- 2.1. Reduce overall cost and effort when purchasing technology by forming groups and consortia to leverage procurements wherever possible.
- 2.2. Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology within the branch and to the public.
- 2.3. Maximize the value of limited branch resources through innovative technology solutions that can improve, enhance, and support the efficient and effective implementation and delivery of court programs, processes, and education.
- 2.4. Maximize the return on investment when leveraging existing technology assets and selecting new technologies.
- 2.5. Integrate branchwide strategic priorities into education and professional development programs for judicial officers and court staff.
- 2.6. Promote continual improvement of court practices by collaborating on court technology solutions, leveraging and sharing technology resources, and creating tools to educate court stakeholders and the public.
- 2.7. Identify and implement technology best practices within the branch.

Potential areas of focus for branchwide optimization include:

- **Hardware and software master agreements.** Master agreements have already been established for document management systems, case management systems, networking hardware, and other IT products. Establishing master agreements saves time by

- eliminating the need for courts to conduct individual procurements and usually reduces individual cost to the court and overall cost to the branch through economies of scale.
- **Technology communities.** Create formal and informal communities of interest to share best practices and tools, leverage expertise across the branch, discuss technology issues, and provide input to branchwide initiatives. Communities could focus on issues related to specific court environments such as a small court technology environment or appellate court environment. Other communities could be technology focused and discuss strategies for deployment, configuration, and management of case management systems or create a repository for shared software solutions developed by the courts.
 - **Shared solution catalog.** Courts often have similar issues but these issues are often solved locally by each individual court. Examples include online probable cause processing, document imaging, electronic juror check-in and notification, and electronic traffic citations. These solutions are not typically visible to other courts but could include the opportunity to be leveraged or offer insight into creating other local solutions. Creation and maintenance of a solution catalog, which could begin with publication of a list of existing solutions as a starting point, could help eliminate the redundancy of each individual court trying to solve every problem itself.
 - **Employee retention and development.** Use of typical tools such as wage increases are neither available nor practical during difficult financial times, but other nonmonetary approaches could be evaluated. Ideas include publishing a list of current and future skill requirements for staff in alignment with accomplishing the goals of the strategic plan; creating a mentorship program across the branch to foster personal growth and expand individuals' visibility into other environments; and making suggestions for how employees can self-manage their careers.
 - **Technology professional development.** Training in key technologies and technical processes such as service desk, quality assurance, change management, and program and project management. Computer-based training solutions should be considered in addition to traditional classroom training.
 - **Educational opportunities for judicial officers and court leaders.** Ideas include training in leading change initiatives related to technology, as well as discussion and appropriate networking opportunities within existing and potentially new forums.

Anticipated Results/Benefits/Outcome

- Reduced time, effort, and overall cost when procuring technology that can be used by several courts.
- Faster time to market in providing technology to the courts and public by leveraging existing solutions.
- Court employees who understand their responsibilities, have the training to do their best work, and have opportunities to grow and expand their career options.
- Court leaders who support and promote the adoption of technology solutions within the branch.

Dependencies/Requirements

The willingness and support of court leadership is necessary to facilitate the optimization of branchwide resources, including dedicating sufficient staff time and resources to accomplish this goal.

Collaboration and coordination with the Center for Judiciary Education and Research (CJER) will benefit personnel training and development objectives.

Procurement objectives will benefit from collaboration and coordination with local and branch contracting, procurement, and finance groups. All procurements must follow the policies and procedures outlined in the Judicial Branch Contracting Manual.

Metrics (measures of progress toward implementation of this goal)

- Number of master agreements signed.
- Number of courts leveraging master agreements.
- Number of active technology communities.
- Number of courts represented in each community.
- Number of solutions leveraged from the shared solution catalog.
- Number of attendees participating in recommended training classes.
- Overall job satisfaction.

Goal 3: Optimize Infrastructure

Statement of Goal

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

Business Driver/Need

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where each official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure that includes technology to support local area networks; wide area networks; infrastructure and information security; local, shared, and centralized data centers; unified communications (voice, video); an enterprise service bus; and disaster recovery technologies.

Objectives (prioritized)

- 3.1. Ensure secure and reliable data network connectivity throughout the branch.
- 3.2. Provide a consistent level of infrastructure security across the branch.
- 3.3. Determine if there is any efficiency that could be achieved through the deployment of converged voice and data technologies.
- 3.4. Develop a next-generation data center hosting model that will meet the current and anticipated future business needs of the branch.
- 3.5. Ensure that critical systems and infrastructure can be recovered in a timely manner after a disaster.

Potential areas of focus to optimize infrastructure include:

- **Support and maintain existing branch infrastructure.** The judicial branch must continue to maintain its current data network in support of its business goals to serve the needs of the courts, justice partners, and the public. The network and its supporting technologies must be up to date, effective, reliable, efficient, and secure. These objectives can be achieved by ensuring that all courts have:

- Reliable connectivity to wide-area-network and public Internet services by working with network service providers and upgrading older communication circuit technologies with more modern connectivity solutions.
- Updated information security protection settings and threat detection and prevention systems in place to secure and protect electronic data.
- Network devices that are operating at current software version levels and covered under maintenance agreements.
- **Develop an infrastructure security framework.** The Judicial Council staff provides infrastructure security guidance and provides managed intrusion detection and prevention services. However, courts do not have consistent network security measures in place and many require assistance to implement new systems, procedures, and policies. An infrastructure security framework that includes a model implementation guide, sample procedures, and accompanying policy guide will benefit courts that need assistance and ensure consistency throughout the branch.
- **Investigate an enterprise voice over Internet Protocol (VoIP) and video over Internet Protocol (video over IP) infrastructure.** Possible branchwide efficiencies may be realized by taking advantage of the convergence of communication infrastructure technology, including voice over IP (VoIP,) video, and unified messaging. Although a VoIP implementation playbook has been created for individual courts to utilize if they so choose, the judicial branch currently has no enterprise VoIP solution. This investigation would determine if such a solution would offer a benefit to the branch.
- **Next-generation data center hosting model.** Identify and evaluate options for a flexible, scalable, cost-efficient hosting model designed to provide application and data center hosting services to courts that need those services. The next-generation hosting model could potentially be enabled through a combination of consolidation, virtualization, and implementation of a secure public or private cloud environment.
- **Disaster recovery framework.** Provide a framework for recovering systems and services operated at the individual court level and at the branch level after a disaster. The framework could include a model implementation guide, sample procedures, and recommended policies for use throughout the branch.

Anticipated Results/Benefits/Outcome

Successful completion of these goals will:

- Ensure continued availability of technology infrastructure systems and services within the judicial branch that are essential for support and delivery of public services provided by courts today.
- Equip the judicial branch with a modern, scalable, efficient, reliable, and secure technology infrastructure that will enable new operational efficiencies, support development of new services and capabilities, and improve public access to justice.

Dependencies/Requirements

Stable, long-term funding must be secured to support infrastructure maintenance, replacement, and improvement.

Technology infrastructure experts from industry should be consulted on best practices and recommendations for the selection and implementation of appropriate technologies.

Metrics (measures of progress toward implementation of this goal)

- Percentage of critical infrastructure devices that operate at the required software level.
- Percentage of critical infrastructure devices covered by maintenance agreements.
- Infrastructure security framework published.
- Number of courts that have implemented the infrastructure security framework.
- Report published on the analysis of a branch-level converged voice and data infrastructure.
- Report published on next-generation data center hosting model recommendation.
- Disaster recovery framework published.

Goal 4: Promote Rule and Legislative Changes

Statement of Goal

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Business Driver/Need

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

Objectives (prioritized)

- 4.1. Determine if it is necessary to add new rules or legislation or modify any existing ones in anticipation of technology solutions that will be deployed in the near term.
- 4.2. Ensure current rules and legislation do not inhibit the use of current technology solutions.
- 4.3. Ensure rules and legislation support the four-year strategic plan and the two-year tactical plan.

Potential areas of focus for new or updated legislation include:

- **Electronic document processing.** Specific rules, legislation, and procedures that apply to a paper documents must be reviewed, modified, or supplemented appropriately to address the creation, processing, and retention of electronic documents. Examples include:

- Rules for electronic proof of service
 - Standards for filing dates and times
 - Electronic declaration under penalty of perjury
 - Uniform standards for electronic service
 - Uniform rules for electronic filing
 - Use of electronic signatures—in particular, uniform rules for electronic signing and verification.
- **Courtroom technology.** Technology has the opportunity to improve the overall courtroom experience, optimize the utilization of scarce resources, and increase access to justice. Examples include:
 - Remote hearings enabled through video technology or telephone
 - Electronic courtroom record
 - Remote interpreting—American Sign Language (ASL) and foreign languages—enabled through video technology or telephone.
 - **Data and information privacy.** A benefit of electronic information is its ease of access and distribution. This benefit must be balanced by ensuring that the proper controls exist to protect electronic data. Regardless of whether court information is paper based or electronic, access to that information can only be given to entities that have proper authorization.

Anticipated Results/Benefits/Outcome

- Rules, legislation, and procedures that support, encourage, and appropriately govern electronic information and services.
- Increased access to court services and improved service levels.
- Clear requirements that ensure fair and proper use of technology while protecting information.

Dependencies/Requirements

Proposals for additions or changes to rules, legislation, and procedures should be performed in conjunction with the execution of the judicial branch Tactical Plan for Technology. Rule and legislative changes should generally be considered as part of the planning, design, and implementation of individual tactical plan initiatives since they need to apply to the technology being deployed. Only occasionally would rule, legislation, and procedure changes be considered independent of a specific technology initiative. In those cases, the topic would typically be of a general nature applying to all technology or multiple areas. For example, data and information privacy rules and legislation would likely not be associated with just a single technology but would apply to all technology solutions.

Metrics (measures of progress toward implementation of this goal)

- Number of legislative changes proposed per year in support of the strategic plan.
- Number of legislative changes implemented per year in support of the strategic plan.

Alignment of Technology Goals

The goals of the proposed Strategic Plan for Technology strongly align with the goals of the judicial branch strategic plan. The chart below highlights the technology goals that support specific judicial branch goals. Note that all goals of the Strategic Plan for Technology support the primary goal for the overall branch of “Access, Fairness, and Diversity.”

Alignment with the Judicial Branch Strategic Plan	Branch Technology Goals			
	Promote the Digital Court	Optimize Branch Resources	Optimize Infrastructure	Promote Rule and Legislative Changes
Overall Branch Goals				
I. Access, Fairness, and Diversity	X	X	X	X
II. Independence and Accountability	X	X		X
III. Modernization of Management and Administration	X	X	X	X
IV. Quality of Justice and Service to the Public	X	X	X	X
V. Education for Branchwide Professional Excellence		X		
VI. Branchwide Infrastructure for Service Excellence	X	X	X	

There is no intention to align every technology goal with every branch goal. Each technology goal has a specific purpose, but it must support at least one of the branch goals.

The goals of the proposed Strategic Plan for Technology also strongly align with the California Department of Technology’s strategic plan for the state of California. The chart below highlights the state technology goals that support specific judicial branch goals. Note that all goals of the Strategic Plan for Technology support the primary goal for the state of “Responsive, Accessible, and Mobile Government.”

Alignment with the Department of Technology Strategic Plan	Branch Technology Goals			
	Promote the Digital Court	Optimize Branch Resources	Optimize Infrastructure	Promote Rule and Legislative Changes
Overall State Goals				
1. Responsive, Accessible, and Mobile Government	X	X	X	X
2. Leadership and Collaboration	X	X	X	X
3. Efficient, Consolidated, and Reliable Infrastructure and Services		X	X	
4. Secure and Manage Information as an Asset	X		X	X
5. Capable Information Technology Workforce		X		
6. Responsive and Effective IT Project Procurement		X	X	

Alignment with both the judicial branch strategic plan and the state’s strategic plan demonstrates how the judicial branch technology goals can support these overall goals. Furthermore, it aligns the work that court personnel perform to ensure that resources allocated to branch projects clearly understand how they are supporting the overall objectives of the branch and the state.

CONCLUSION

The California judicial branch is as complex and diverse as the population that it serves. The judicial branch has diversity in geography, court size, and case types. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the courts like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court system rather than a digital electronic one.

This Strategic Plan for Technology and the associated Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level that address the diversity and challenges the branch is facing.

The proposed strategic plan recognizes the need for judicial, management, and technical experts located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff, working together as an IT community. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

APPENDIX A: Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;
- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and
- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with the Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for this governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council, but also provided an opportunity for the branch to work in a new model and catalyze the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a Strategic Plan for Technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)¹ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee. The task force was charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;

¹ BSA has been renamed to California State Auditor.

- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortia for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

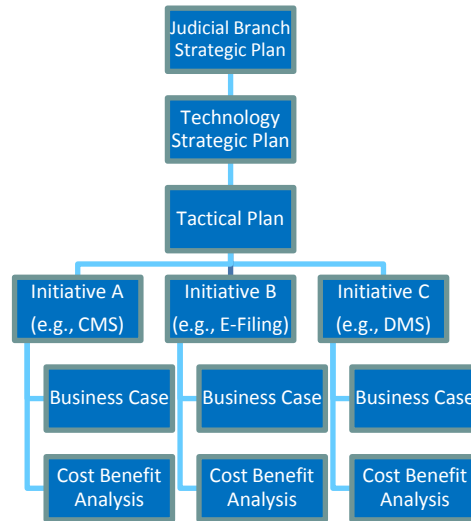
APPENDIX B: Technology Planning Task Force Structure

The task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices and focused on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

Technology Planning Task Force Participants

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> • Jake Chatters (Lead) (CEO Placer) • Justice Ashmann-Gerst (2nd Appellate) • Judge Buckley (Los Angeles) • Judge Herman (Santa Barbara) • Judge Moss (Orange) 	<ul style="list-style-type: none"> • Brian Cotta (Lead) (CIO Fresno) • Justice Bruiniers (1st Appellate) • Judge Buckley (Los Angeles) • Jim Kalyvas (Attorney Los Angeles) • Robert Oyung (CIO Santa Clara) • Charlene Ynson (5th Appellate) 	<ul style="list-style-type: none"> • Judge Slough (Lead) (San Bernardino) • Sherri Carter (CEO Los Angeles) • Judge Kaufman (Plumas) • Judge Reiser (Ventura)
Track Participants (27)	<ul style="list-style-type: none"> • Judge Barnes (Kings) • Rick Feldstein (CEO Napa) • James P. Fox (Attorney San Mateo) • Lisa Galdos (AEO Santa Clara) • Darrel Parker (CEO Santa Barbara) • Heather Pettit (CIO Sacramento) • Mike Roddy (CEO San Diego) • Renea Stewart (ITSO staff) 	<ul style="list-style-type: none"> • Mark Dubeau (CFO Orange) • Mark Dusman (CIO ITSO staff) • Kim Flener (CEO Butte) • Judge Nadler (Sonoma) • Snorri Ogata (CIO Los Angeles) • Pat Patterson (CIO Ventura) • Mike Planet (CEO Ventura) • Ahn Tran (CIO San Joaquin) • Jeannette Vannoy (CIO Napa) • Gary Whitehead (CIO Riverside) 	<ul style="list-style-type: none"> • Alan Carlson (CEO Orange) • Jessica Craven (ITSO staff) • Alan Crouse (CIO San Bernardino) • Rebecca Fleming (CEO Stanislaus) • Joseph Lane (2nd Appellate) • Mark Robinson (Attorney Orange) • Virginia Sanders-Hinds (ITSO staff) • Zlatko Theodorovic (CFO council staff) • Mary Beth Todd (CEO Sutter)

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

CALIFORNIA JUDICIAL BRANCH

Tactical Plan for Technology

2014–2016

Technology Planning Task Force

October 2, 2014

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INTRODUCTION

This document presents the judicial branch **Tactical Plan for Technology**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, chief information officers, and other stakeholders representing the trial and appellate courts and the public.

Technology Planning Documents

Results from the Technology Planning Task Force include the following documents:

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016) (this document)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people, 7 million of whom have limited English proficiency. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

Technology Vision

A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens. The vision for judicial branch technology is:

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.

This vision also sets forth the framework within which the guiding principles can readily be applied.

Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. They articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

STRATEGIC PLAN

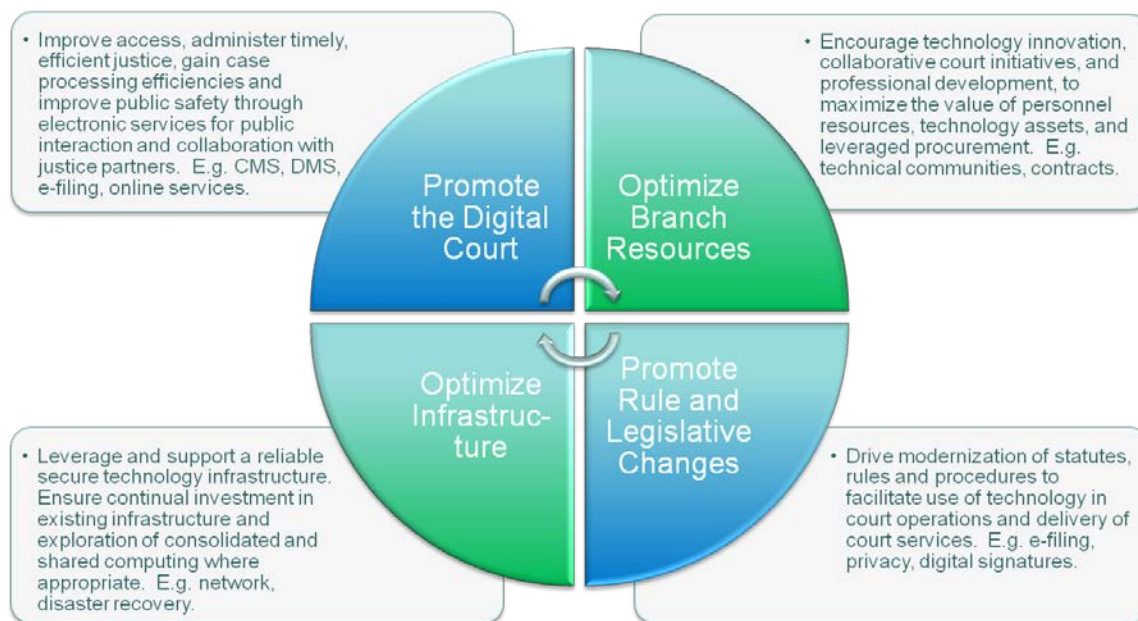
A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.

All of these activities will align with the overall goals of the branch.

Summary of Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Goal 1: Promote the Digital Court—Part 1: Foundation

Statement of Goal

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California.

Objectives (prioritized)

- 1.1.1. Establish a digital court foundation by implementing modern and supportable case management systems (CMS) and document management systems (DMS) where needed to allow all courts to efficiently deliver services to the public.
- 1.1.2. Ensure that courts have the ability to operate independently of local government infrastructure for critical court operations.
- 1.1.3. Facilitate or provide shared technology infrastructure for courts without local resources and/or for those courts who wish to collaborate or leverage other opportunities for shared services.
- 1.1.4. Effectively utilize the digital court foundation to enable:
 - Extended access and services to the public, including electronic filing and enhanced access for those with limited English proficiency.
 - Enhanced judicial and administrative decision-making.
 - Data and information sharing across the courts.
 - Enhanced collaboration and cooperation between and among courts.
 - Enhanced collaboration and cooperation with local and statewide justice partners.

Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships

Statement of Goal

The judicial branch will improve access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by implementing a comprehensive set of services for both public interaction with the courts and collaboration with branch justice partners.

Objectives (prioritized)

- 1.2.1. Provide consistent, convenient and secure remote digital access to court information and services for court users and practitioners, including self-represented litigants and limited English proficiency litigants, regardless of geographic and jurisdictional limitations and local resource constraints.
- 1.2.2. Increase operational efficiencies by establishing new or expanding existing e-business opportunities.
- 1.2.3. Enhance public safety through expansion of statewide programs such as the California Courts Protective Order Registry (CCPOR) to include all courts.
- 1.2.4. Establish standardized, automated, and timely data exchanges with state (e.g., California Highway Patrol (CHP), Department of Justice (DOJ), Department of Child Support Services (DCSS)) and local partners (e.g., county agencies, collections providers, etc.), to promote public safety and improve overall effectiveness and efficiency of the California justice system.

Goal 2: Optimize Branch Resources

Statement of Goal

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Objectives (prioritized)

- 2.1. Reduce overall cost and effort when purchasing technology by forming groups and consortia to leverage procurements wherever possible.
- 2.2. Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology within the branch and to the public.
- 2.3. Maximize the value of limited branch resources through innovative technology solutions that can improve, enhance, and support the efficient and effective implementation and delivery of court programs, processes, and education.
- 2.4. Maximize the return on investment when leveraging existing technology assets and selecting new technologies.
- 2.5. Integrate branchwide strategic priorities into education and professional development programs for judicial officers and court staff.
- 2.6. Promote continual improvement of court practices by collaborating on court technology solutions, leverage and share technology resources, and creating tools to educate court stakeholders and the public.
- 2.7. Identify and implement technology best practices within the branch.

Goal 3: Optimize Infrastructure

Statement of Goal

The judicial branch will leverage and support a reliable secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

Objectives (prioritized)

- 3.1. Ensure secure and reliable data network connectivity throughout the branch.
- 3.2. Provide a consistent level of infrastructure security across the branch.
- 3.3. Determine if there is any efficiency that could be achieved through the deployment of converged voice and data technologies.
- 3.4. Develop a next-generation data center hosting model that will meet the current and anticipated future business needs of the branch.
- 3.5. Ensure that critical systems and infrastructure can be recovered in a timely manner after a disaster.

Goal 4: Promote Rule and Legislative Changes

Statement of Goal

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Objectives (prioritized)

- 4.1. Determine if it is necessary to add new rules or legislation or modify any existing ones in anticipation of technology solutions that will be deployed in the near term.
- 4.2. Ensure current rules and legislation do not inhibit the use of current technology solutions.
- 4.3. Ensure rules and legislation support the four-year strategic plan and the two-year tactical plan.

TACTICAL PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Every two years, the branch will update its tactical plan to support the four-year strategic plan. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis. All of these activities will align with the overall goals of the branch.

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused, ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Because the judicial branch is underfunded, technology investments are severely limited. Therefore, this tactical plan reflects the reality of scarce resources. The majority of the initiatives focus on planning and investigation. Once funding is restored, the judicial branch can make further progress with the initiatives and move into design, development, and deployment.

The tactical plan initiatives were identified by the Technology Planning Task Force and selected based on their ability to support the four strategic technology goals and their overall business drivers. Initiatives were prioritized based on their foundational aspects, dependency on other initiatives, and amount of time required to realize benefits. For example, initiatives focused on core components of the Digital Court such as case management systems and document management systems were given a higher priority than initiatives such as developing case management system interfaces and data exchanges since these depend upon completion of the core components.

A comprehensive business analysis will be performed for each initiative to ensure that return on investment can be maximized. A collaborative and inclusive process will be used to form project teams with members from the trial courts, appellate courts, and Judicial Council staff.

The initiatives will be governed under the new model described in the Technology Governance and Funding Model. The majority of the initiatives will be managed by the Information Technology Advisory Committee¹ while the Judicial Council Technology Committee may identify some initiatives that they wish to oversee directly.

¹ Information Technology Advisory Committee (ITAC) is the proposed name for the advisory committee that will replace the current Court Technology Advisory Committee (CTAC). ITAC's structure is defined in the Governance and Funding Model.

Timelines for initiatives have been estimated and are assumed to begin in the third quarter (Q3) of calendar year 2014, but initiatives may be delayed if adequate funding or resources are not available at the scheduled start time.

Nevertheless, this tactical plan provides a roadmap and intended direction for the judicial branch in moving toward its vision to promote the Digital Court.

Technology Initiatives Summary (2014–2016)

Technology initiatives are listed in priority order within each of the strategic goals.

Strategic Goal	Initiative	Objectives Supported	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	1.1.1., 1.1.2., 1.1.3., 1.1.4.	Determine strategy and plan
	Document management system (DMS) expansion	1.1.1., 1.1.2., 1.1.3., 1.1.4.	Deploy where appropriate
	Courthouse video connectivity	1.2.1., 1.2.2.	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	1.2.1., 1.2.2., 1.2.3.	Continue deployment
	Implement a portal for self-represented litigants	1.2.1., 1.2.2.	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	1.1.4.	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	1.2.1., 1.2.2.	Develop process
	E-filing deployment	1.2.1., 1.2.2.	Determine implementation plan
	Identify and encourage projects that provide innovative services	1.2.1., 1.2.2.	Investigate and prepare proposal
	Establish an “open source” application-sharing community	1.2.1., 1.2.2.	Investigate and prepare proposal
Develop standard CMS interfaces and data exchanges	1.2.1., 1.2.4.	Investigate and prepare proposal	
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	2.1.	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	3.1.	Expand program
	Transition to next-generation branchwide hosting model	3.1., 3.4., 3.5.	Investigate and prepare proposal
	Security policy framework for court information systems	3.1., 3.2.	Investigate and prepare proposal
	Court disaster recovery framework and pilot	3.1., 3.5,	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	4.1., 4.3.	Identify and draft changes

Detailed Description of Technology Initiatives

This section provides a detailed description of each technology initiative along with a high-level summary project template. These templates are not intended to document approved commitments but rather to act as a tool to help project teams create detailed project plans once proper funding and resources are available. Scope, deliverables, and timelines are estimated and subject to change.

Each project template contains the following sections:

- **Description**—Detailed description of the initiative along with potential business drivers, background, and history.
- **Major Tasks**—High-level list of expected major tasks and outcomes.
- **Dependencies**—Requirements that the initiative relies upon for successful completion.
- **Funding Requirements**—Estimated one-time costs to launch and deploy the initiative and estimated ongoing costs for maintenance and operation.
- **Potential Funding Sources**—Suggested options for funding one-time and ongoing expenses.
- **Types of Courts Involved**—Could be based on type (trial court, appellate court), size (small, medium, large), location (northern, southern), or consortium (case management specific, etc.).
- **Sample Timeline**—List of major milestones, if known, and estimated time frame for completion.

Technology Initiatives to Promote the Digital Court

Case Management System (CMS) Assessment and Prioritization

Description

This project will determine a high-level approach to identifying strategies and solutions for implementing case management systems with document management functionality that support the Digital Court. The scope of this initiative is only to perform business analysis and planning; it does not include the actual deployment of CMS solutions. One or more CMS deployment initiatives will need to be launched after this assessment initiative is completed.

Major Tasks

- Update the inventory of existing case management systems within the branch.
- Update the inventory of existing document management systems within the branch.
- Determine strategy and approach for existing CMS environments.
- Determine strategy and approach for courts using V3 and Sustain Justice Edition.
- Establish a prioritization of need for systems replacement.
- Identify potential consortia for related systems.
- Determine strategies for facilitating successful consortia.
- Identify replacement cost.
- Identify available funding for prioritized projects.
- Identify resources to support courts through the project request process.

Dependencies

- Need to establish mechanism for maintaining and updating a branch CMS inventory.
- Need to identify appropriate sponsor for this initiative (e.g., Technology Committee or technology-related advisory committee).
- Need to identify resources that will support the courts through the project request process.

Funding Requirements

One-Time

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.

Ongoing

- None required for this assessment.

Potential Funding Sources

None required for this assessment.

Types of Courts Involved

All trial courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Establish repository for CMS inventory.	Q3 2014
Draft initial assessment.	Q4 2014
Final assessment report.	Q1 2015

Document Management System (DMS) Expansion

Description

To achieve the full benefit and efficiencies of electronic filing, a court's case management system must integrate with a Document Management System (DMS)/Enterprise Content Management (ECM) System. DMS/ECM provides for a true paper-on-demand environment with configurable workflows and other operational benefits. While the majority of modern case management systems include integrated DMS, extending existing case management systems with DMS/ECM where feasible is far less expensive and disruptive than acquiring new case management systems.

DMS/ECM also provides support and operational efficiencies for trial court administration (e.g., fiscal, facilities, HR, procurement, et al.).

Major Tasks

- Identify opportunities for acquisition and integration of DMS/ECM with existing branch and local case management systems, and for administrative use at both branch and local court levels.
 - An example would be potential implementation of a DMS/ECM for the current Appellate Court Case Management System, to take full advantage of the e-filing pilot program currently underway, and to leverage that system for use by Judicial Council staff.
- Identify the most efficient and cost-effective model for implementation.
- Leverage branchwide master services agreements for document management system software procurement.

Dependencies

- Available budget for DMS acquisition.
- Coordination and alignment with CMS assessment.

Funding Requirements

One-Time

- Hardware, software, and services for DMS implementation at identified courts.

Ongoing

- Annual maintenance; periodic software and hardware upgrades.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for initial pilot programs, or vendor partnerships funded by user fees.
- Ongoing costs must be covered by each individual court's operating budget and/or user fees.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Determine business need and identify courts that could benefit from a DMS now.	Q3 2014
Submit funding request.	Q4 2014
Deploy solutions.	Q4 2015

Courthouse Video Connectivity

Description

The initiative will restore and enhance public access to court information and services and will create court cost savings and efficiencies by:

- Expanding use of remote video appearances and hearings in appropriate case types and matters; and
- Expanding remote availability of certified and registered court interpreter services.

Almost two decades ago, the Court Technology Task Force (predecessor to the Court Technology Advisory Committee) in its 1995 report to the Judicial Council, identified nine technology goals, including:

To promote efficiency, access, convenience, and cost reduction, interactive video technology should be incorporated into all justice proceedings and administrative functions as permitted by law and consistent with the purposes of the judicial branch.

In August 1997, the Court Technology Advisory Committee presented a report to the Judicial Council titled *Report on the Application of Video Technology in the California Courts*. While primarily focused on use of video arraignments, the report noted the important benefits achievable by using this technology in other areas, including motions, mental health proceedings, and other pretrial matters.

Use of telepresence technology (e.g., videoconferencing) will allow courts to provide the public with ongoing access to court proceedings at a time when court resources are being substantially reduced and courthouses are being closed.

Project 1: Remote Video Hearings

In December 2012, the Judicial Council adopted rule 4.220 of the California Rules of Court, authorizing trial courts to conduct remote video proceedings (RVP) in cases involving traffic infraction violations and approved a pilot project in the Superior Court of Fresno County. The authorization for remote video proceedings in rule 4.220 applies to any alleged infraction involving a violation of the Vehicle Code or any local ordinance adopted under the Vehicle Code, with certain exceptions. Rule 4.220 defines a “remote video proceeding” as an arraignment, trial, or relate proceeding conducted by two-way electronic audiovisual communication between the defendant, any witnesses, and the court in lieu of the physical presence of both the defendant and any witnesses in the courtroom. (See rule 4.220(b)(2).) The rule requires semiannual reports from any pilot court, including evaluations and assessments of the costs and benefits of the projects.

The experience of the Superior Court of Fresno County can be leveraged to:

1. Identify other courts able and willing to implement remote video traffic appearances;
2. Pursue funding and/or vendor partnerships for equipment and telecommunications infrastructure where needed;
3. Identify other appropriate case types for remote video appearances; and

4. Pursue any statutory/rule changes required to allow use of remote appearance technology in additional case types

Project 2: Video Remote Interpreting (VRI)

In 2011, the Superior Courts of Riverside, Shasta, Sonoma, and Stanislaus Counties began a VRI pilot program for hearing-impaired court users, providing certified American Sign Language (ASL) court interpreters by courtroom video connection. The participating courts have increased access to certified ASL court interpreters, and interpreters can be scheduled quickly and conveniently. VRI allows use of the same interpreter in multiple court facilities in the same half-day sessions, makes more efficient use of a limited resource, and eliminates travel expenses.

Other jurisdictions have pioneered use of remote language interpreting. Seven states have successfully implemented VRI. The Ninth Judicial Circuit in Florida provides centralized Spanish-language interpreting for over 22,000 court hearings per year in 67 courtrooms in seven court facilities covering 2,229 square miles. Certified interpreters are provided for initial appearances, arraignments, dependency and delinquency hearings and trials, traffic and misdemeanor cases, and felony pretrial hearings.

A 2013 National Call to Action report sponsored by the National Center for State Courts and the State Justice Institute, addressed the critical need for courts to develop, improve, or expand resources for individuals with limited English proficiency (LEP). A key recommendation was that courts utilize remote interpreting technology to fulfill LEP needs and ensure quality services.

The experience gained from the California ASL pilot programs and from use of remote language interpreting in other jurisdictions can be leveraged to:

1. Identify one or more courts willing and able to implement remote video language interpreting;
2. Pursue funding and/or vendor partnerships for equipment and telecommunications infrastructure where needed; and
3. Pursue any statutory/rule changes required. It does not appear that statutory/rule changes will be necessary to implement VRI as contemplated under this Tactical Plan.

Major Tasks

- Implement remote traffic appearances in at least two other jurisdictions by the end of 2014.
- Implement remote video appearances in additional case types in at least one court by the end of 2015, subject to any required legislative and Judicial Council authorization.
- Implement remote video language interpreting in at least one foreign language, in at least two courts, by the beginning of 2015.

Dependencies

- Infrastructure/equipment.
- Collaboration/cooperation with other advisory committees, working groups, and other programs such as Civil and Small Claims, Traffic, and Court Interpreters Advisory Panels, the Judicial Council Court Language Access Support Program (CLASP), the Joint Working Group for California’s Language Access Plan implementation committee (or other implementing entity) and the Advisory Committee on Providing Access and Fairness.
- Collaboration/cooperation with local government and the public for remote traffic appearances in non-court locations.
- Collaboration/cooperation with justice partners.
- Collaboration/cooperation with other stakeholders (e.g., interpreters, bar associations).

Funding Requirements

One-Time

- Hardware, software, and telecommunications infrastructure if not currently available.
- Bandwidth/network upgrades if required.

Ongoing

- Annual maintenance and/or lease expenses for hardware and software.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for initial pilot programs, or vendor partnerships funded by user fees.
- Ongoing costs must be covered by each individual court’s operating budget and/or user fees.

Types of Courts Involved

All courts serving large geographic areas, with diverse demographics, with sufficiently robust existing LAN/WAN or other supporting infrastructure.

Sample Timeline

Project 1: Expanded Remote Traffic Appearances

Milestone	Time Frame
Project launch	Q3 2014
Identify additional participating courts and requirements (funding/IT support).	Q3 2014
Implement video appearances in additional participating courts.	Q1 2015
Evaluate projects and identify expansion opportunities for additional courts/case types.	Q4 2015
Prepare any necessary rule of court amendments/legislative change proposals for submission to Judicial Council.	Q2 2016

Project 2: Remote Spoken Language Interpreting

Milestone	Time Frame
Define implementation guidelines/infrastructure and hardware requirements; draft any required enabling rules of court.	Q3 2014
Identify pilot project courts/vendors; prepare RFP if required.	Q4 2014
Select vendors; obtain Judicial Council adoption of enabling rules of court.	Q1 2015
“Go-live” in one or more pilot courts.	Q2 2015
Evaluate project and report to Judicial Council.	Q4 2015

California Courts Protective Order Registry (CCPOR)

Description

The California Courts Protective Order Registry (CCPOR) is a system developed and maintained by Judicial Council staff. Currently, the system is used by 32 counties to electronically process and access all restraining and protective orders and their proofs of service. By the end of fiscal year 2014–2015, six more courts will deploy CCPOR.

The system has created for the participating courts:

- A statewide registry for storing data and images of restraining and protective orders;
- A service allowing judicial officers and law enforcement agencies to access and view outstanding orders, reducing the possibility of conflicting orders across departments; and
- A gateway for processing orders to the DOJ's CARPOS (California Restraining and Protective Order System) quickly and accurately.

Two key components of CCPOR are the ability to enter and upload protective order data into the system and to search and retrieve that data, including electronic images of court orders. Viewing these electronic images is particularly valuable because this allows users to view special conditions and notes added by judges that are not available through the California Law Enforcement Telecommunications System (CLETS). In addition, information about court orders that is entered into CCPOR is automatically transmitted to CLETS.

Major Tasks

- Develop cost projections and recommend an appropriate funding approach for each of the remaining courts/counties. The funding requirements will include the hardware and software necessary to run the system as well as one-time and ongoing costs (e.g., an estimate of staff time required to operate the system).
- Develop and distribute a deployment roadmap including the experiences of existing court CCPOR users. The roadmap will take into consideration the unique hardware, software, and staffing environments of the courts yet to implement CCPOR. Some courts may already have a DMS and already be scanning protective orders, where other courts may not do any document scanning. Funding for a court that is already scanning should support system interfaces instead of additional scanning activity. The roadmap will also address the unique challenges of coordinating with local law enforcement agencies to gain the greatest benefits from CCPOR.
- Identify the sequence and time frames for the deployment of CCPOR to the 26 remaining courts.
- Develop a CCPOR vision and roadmap document that describes where CCPOR goes from here. Should the CCPOR user interface be enhanced for easier use? Should the system be expanded to process additional case types or interface with other systems?

Dependencies

- The program relies on an electronic image of each protective order. While a DMS is not required for CCPOR, courts with existing document management systems may have fewer challenges with configuration during deployment.
- Local law enforcement agencies must be willing and able to participate in the deployment of the system in each court.

Funding Requirements

One-Time

- Hardware, software, and storage for document images.
- Services to assist with the deployment of the system.
- Hardware, software, and services to develop interfaces with existing systems.

Ongoing

- Annual server hosting and document image storage fees.
- Annual maintenance cost for purchased hardware and software.
- Annual service contract for maintenance of program interfaces.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for continued deployment.
- Ongoing costs must be covered by each individual court's operating budget.

Types of Courts Involved

This initiative will be focused on the 26 trial courts that have not implemented CCPOR. Non-participatory courts have been solicited for their interest and capability to implement the current CCPOR system. Courts that have participated in the interest survey and meet the grant stipulations to use one-time funding for deployment have been reviewed by the Judicial Council Technology Committee. The Superior Courts of San Francisco, Madera, Napa, Nevada, Sierra, and Trinity Counties have been approved for grant-funded deployments to occur in calendar year 2014.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q4 2014
Solicit interested courts.	Q4 2014
Develop funding requirements and model.	Q1 2015
Secure funding.	Q2 2015
Deploy next phase courts.	Q3 2015
Publish project report.	Q3 2016

Implement a Portal for Self-Represented Litigants

Description

Self-represented litigants (SRLs) are an increasingly large segment of the population that our courts serve, particularly in certain case types such as family law. Self-represented parties often have extreme difficulty in identifying the pleading forms they require, completing them accurately and legibly, and filing them in a timely manner. Self-help resources vary widely from jurisdiction to jurisdiction and have suffered from recent budget cuts. Restrictions on filing hours in many courts have placed significant additional burdens on both court personnel and on the litigants.

A central portal available to pro se litigants can take advantage of largely existing and available branch resources to provide better and more convenient service to the public, and to provide tangible benefits and efficiencies to the courts. A central access point for self-represented parties (and for community organizations that assist them) can provide consistent information resources, and can utilize already developed question-and-answer interview processes, “smart” Judicial Council forms, and document assembly tools to create complete, accurate, and legible form sets. Those forms can then be electronically filed with those courts that have the ability to accept the filings, or electronically delivered to those courts without e-filing capacity, using current branch infrastructure.

The cost of developing and implementing such a system can be largely, and perhaps entirely, borne by a modest service fee paid by non-indigent pro se litigants, at far less cost than now incurred when a self-represented party must take time from work and travel to what may be a distant courthouse to submit documents.

Major Tasks

- Determine and validate both litigant needs (including LEP litigants) and court requirements.
- Identify available existing technology and infrastructure components to leverage.
- Identify information resources to assist litigants.
- Identify pilot project participant courts.
- Identify potential vendors and costs/RFP for portal development.
- Initiate pilot program at one or more courts.

Dependencies

- Funding requirements, funding sources, timeline, and milestones to be determined by project team.
- Existing branch infrastructure, including California Courts Technology Center resources, the integrated services backbone (ISB), and LAN/WAN program could be used to complement and supplement local court resources.
- “Smart Forms” have already been developed for many Judicial Council pleading forms, and document assembly software is already licensed at the branch level. There are a multitude of existing self-help resources at the branch and local court levels could be coordinated and leveraged.

Funding Requirements**One-Time**

- Initial development and deployment costs.

Ongoing

- Operational expenses associated with maintaining the portal.

Potential Funding Sources

- There may be sufficient vendor interest to allow initial development costs to be funded in whole or in part by one or more service providers. An RFP would be required to assess interest.
- Ongoing operational costs could be supported, in whole or in part, by user fees paid by non-indigent self-represented litigants.

Types of Courts Involved

Courts with existing e-filing solutions can benefit from a simplified pro se filer interface and integration with interview software and Smart Forms. Courts without e-filing capability can benefit from e-delivery of complete, accurate, and legible pleadings.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Needs and requirements assessment	Q2 2015

Jury Management Technology Enhancements (trial courts)

Description

This initiative will establish a roadmap for enhancing trial court jury management technology, including providing enhanced and expanded accessibility to jury services by the public and improved interaction with jury management technology by the trial courts.

Major Tasks

- Identify current jury management technology in use by all courts.
- Identify current access methods to juror services in use.
- Identify a comprehensive solution for jury management and automation.
- Pilot expanded accessibility options and communication methods for jurors.
- Pilot next-generation jury management interfaces and/or software.

Dependencies

Funding requirements, funding sources, timeline, and milestones to be determined by project team.

Funding Requirements

One-Time

- TBD

Ongoing

- TBD

Potential Funding Sources

Currently, there is a jury system grant program that the Judicial Council Information Technology Services Office helps administer. The jury system grant program's goals include assisting those courts that have a jury management system/module that is at risk of failure as well as funding system enhancements that provide greater operational efficiencies and provide jurors with greater access to information.

Types of Courts Involved

Trial courts.

Sample Timeline

Milestone	Time Frame
TBD	TBD

E-filing Service Provider (EFSP) Selection/Certification

Description

Rule 2.253(b) of the California Rules of Court allows courts to mandate electronic filing of “documents in civil actions directly with the court, or directly with the court and through one or more approved electronic filing service providers, or through more than one approved electronic filing service provider, subject to [specified conditions].” While not required to use an e-filing service provider (EFSP), many courts will choose this route as the EFSP will shoulder much of the workload in training users and providing technical support for e-filing transactions from the point of e-filing all the way to integration with the courts’ case and document management systems.

California courts currently support two e-filing standards for civil actions: the legacy 2GEFS (2nd Generation E-Filing Standard) standard and the future ECF/NIEM (Electronic Court Filing/National Information Exchange Model) standard. All case management system (CMS) vendors looking to do business in California are being required to support the ECF/NIEM standards. The scope of this project is for ECF/NIEM EFSPs.

On-boarding (or certifying) a new EFSP is an involved process that typically moves through solicitation, selection, contracting, integrating, and testing with the court CMS, and finally implementing. Historically each court would certify EFSPs individually for its particular CMS and jurisdiction. Today there are between 15 and 20 EFSPs doing business in some part of California.

The cost of developing and implementing an EFSP selection and certification process is dependent upon approach. There are three broad approaches:

- **Work with the CMS vendor community to establish the EFSP certification.** In this model, the majority of cost and workload falls onto the CMS vendor community. Courts do not typically share in “cost recovery.” This is historically the most common approach, but creates dependencies with CMS vendors.
- **Select a single vendor (CMS or EFSP) to serve as the statewide EFM.** In this model, the court selects a single vendor to operate a single e-filing gateway to courts. The branch typically implements a “cost recovery” model to fund implementation costs with the various CMS vendors. This approach is being implemented in Texas.
- **Develop and operate a CMS independent E-Filing Manager (EFM) that sits between CMS vendors and EFSPs.** In this model, the court builds and operates the e-filing gateway into which EFSPs and CMS vendors work. It is similar to the option above, but requires the court to play a more active role. In exchange, the costs to implement/operate are recovered by the court through convenience fees. This approach has been implemented in Colorado.

Major Tasks

- Assess merits of each approach and determine a path forward for California courts.
- Secure pilot funding, as needed.
- Develop EFSP evaluation criteria.

- Develop uniform contracts (CMS and/or EFSP, depending upon model).
- Identify pilot project participant courts.
- Initiate pilot program at one or more courts.

Dependencies

- Certification process must adhere to Judicial Branch Contracting Manual.
- Alignment with CMS strategy required.

Funding Requirements

One-Time

- Depend upon the approach selected.
- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.

Ongoing

- Depend upon the approach selected.

Potential Funding Sources

- Payment of development and operational costs by one or more EFSPs (recovered through user fees paid by filers).
- Budget change proposal (BCP) funding or grant funding on an ad hoc basis.
- Local court funding supported by cost savings.

Types of Courts Involved

This initiative is applicable to trial courts and appellate courts. Courts will be surveyed for their interest and capability to implement an e-filing program.

Sample Timeline

Milestone	Time Frame
TBD	TBD

E-filing Deployment

Description

Electronic filing and storage of court documents is a national trend that is becoming a permanent feature of how litigants interact with the courts. When implemented, e-filing provides immediate benefits to the court through cost efficiency and accuracy and convenience to the filer. In California, only a very few courts are currently benefiting from e-filing and only in limited case types.

A fully successful e-filing implementation is typically characterized by:

- Majority of data entry is performed by the filer through a portal.
- Filing data and attached documents are transmitted to the court using Extensible Markup Language (XML).
- A court e-filing manager (EFM) tracks all inbound and outbound transmissions and performs some validation checking.
- Remaining validations are handled through a “clerk review” process, which can be automated.
- Accepted filing data is stored in the court case management system, the document is stored in the court document management system, and the notification of acceptance is sent back to the user.
- Court filing fees are typically paid electronically directly by the filer or through an intermediary.

Major Tasks

- Refine and distribute an e-filing deployment roadmap to aid courts in preparing for implementation.
- Survey courts to identify both the current state of e-filing and those courts with current interest and capability to implement e-filing.
- Identify funding mechanisms (e.g., court funded and/or user fee supported) for branch and local e-filing initiatives.
- Create and publish an e-filing implementation plan consistent with level-of-readiness criteria and available funding.
- Assess viability/desirability of a statewide filing portal for at least some e-filing functionality (e.g., self-represented litigants) and for e-delivery to those courts without e-filing capability. Develop plan accordingly.

Dependencies

- To achieve maximum benefit, the program relies on case and document management systems capable of supporting e-filing.
- In order to mandate e-filing, a court will need at least two e-filing service providers (EFSPs) or the court (or Judicial Council staff) will need to provide and operate an e-filing portal.

- If a portal is court-operated, a PCI-compliant infrastructure is also required to ensure security of filers’ financial information.
- Courts lacking a modern case and/or document management system can implement a variation of e-filing called “e-delivery.” E-delivery removes the dependency on modern case and document management systems but provides reduced benefits.

Funding Requirements

One-Time

- Hardware, software, and storage for the e-filing environment (portal, EFM, clerk review).
- Services to assist with the deployment of the system including portal, CMS, and DMS integration.
- Development of the e-filing portal (whether by the court or by an EFSP).
- Court staff costs to design the new procedures for handling case flow and filing fee management.

Ongoing

- Annual maintenance cost for purchased hardware and software.
- Annual service contract for maintenance of program interfaces.
- Annual costs to support the portal and/or EFSPs.

Potential Funding Sources

- User fees paid by the filers.
- Payment of development and operational costs by one or more EFSPs (recovered through user fees paid by filers).
- Budget change proposal (BCP) funding or grant funding on an ad hoc basis.
- Local court funding supported by cost savings.

Types of Courts Involved

This initiative is applicable to trial courts and appellate courts. Courts will be surveyed for their interest and capability to implement an e-filing program.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Update and distribute e-filing deployment roadmap.	Q3 2014
Survey courts to gauge interest and readiness.	Q3 2014
Develop funding models.	Q4 2014
Publish e-filing implementation plan(s) for selected court(s).	Q1 2015
Assess viability/desirability for a statewide filing portal— all inclusive or specialized (e.g., self-represented litigants). Develop plan accordingly.	Q3 2015
Publish project report.	Q2 2016

Identify and Encourage Projects that Provide Innovative Services

Description

This initiative will investigate the potential for starting projects focused on providing innovative services to the public, the State Bar, justice partners, and law enforcement agencies. These services will provide a conduit for easier access to court resources and generate automated mechanisms relating to conducting court business. In addition, these innovative services will generate efficiencies within each judicial branch entity, thereby promoting more effective utilization of branch resources and existing infrastructure.

Major Tasks

- Establish a process for fostering local court and branch innovation.
- Determine available funding resources or cost recovery models.
- Examples might include:
 - Payment gateway/portal model for the acceptance of court fines and fees that is compliant with general computing environments, mobile devices, kiosk applications, and branch accounting standards.
 - Electronic search warrants system with the versatility to be hosted centrally or deployed independently at various courts.
 - Electronic probable cause declaration system with the versatility to be hosted centrally or deployed independently at various courts.

Dependencies

Availability of branchwide innovation fund would accelerate the identification and pilot of innovative services.

Funding Requirements

One-Time

- None.

Ongoing

- Branchwide innovation fund.

Potential Funding Sources

Initial funding through a budget change proposal (BCP), with ongoing funding from restoration of branch technology funding.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q1 2015
Final recommendation	Q3 2015

Establish an “Open Source” Application-Sharing Community

Description

This initiative will investigate the potential for creating a community inside the branch for sharing applications written within the branch. The community will follow an open source model where source code will be made available to anyone within the branch. Courts can then use or modify the code as they like. However, courts are encouraged to contribute any modifications or enhancements back to the community for inclusion in future versions of the application. Examples could include electronic warrant and digital signature application, court document purchase modules, electronic judicial workbench, et al.

Major Tasks

- Integration of Open-source software governance into the existing governance model.
- Repository for making applications available.
- Initial library of applications gathered from within the branch.
- Communication mechanism for promoting the repository.

Dependencies

Standards for Open-source software governance and management.

Funding Requirements

One-Time

- Potential costs for initial implementation of repository.

Ongoing

- Minimal ongoing costs for maintaining repository.

Potential Funding Sources

Sponsored by an individual court or through branchwide innovation fund.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Repository design and gathering of initial applications to be shared in the library	Q3 2015
Repository available for use	Q4 2015

Develop Standard CMS Interfaces and Data Exchanges

Description

This initiative will investigate the potential for developing a set of commonly used CMS interfaces and data exchanges that would be based on standards and be reusable by courts, vendors, and CMS exchange partners. Selected common, frequently used data exchanges and interfaces would be developed collaboratively by the courts, Judicial Council staff, vendors, and other exchange partners. Once available and tested through actual court implementation, the data exchanges and interfaces could be posted to a specially designed web portal that would be a searchable repository for the exchanges' interfaces and their associated documentation. The portal would also serve as a knowledge center for both creators and consumers of the data exchanges and interfaces, allowing for discussion threads and searchable knowledge resources. Finally the portal would also accommodate the certification and posting of court- or vendor-created extensions or modifications to the initial library of common data exchanges and standard interfaces.

Initial data exchanges, data classification activities, and interfaces would focus on the most used common exchanges such as exchanges between trial courts and the Department of Child Support Services, the Department of Motor Vehicles, the Department of Justice, the California Highway Patrol, the Franchise Tax Board, the Department of Social Services, the Department of Corrections and Rehabilitation, the Phoenix Financial system, collection providers, and common local justice partners. It is expected that the needed common exchanges could leverage work from existing court-implemented exchanges or from previous branchwide data exchange efforts.

Major Tasks

- Create governance model for managing the use, ongoing support, addition, or modification of data exchanges.
- Identify any existing interfaces that can be reused or modified for broader use.
- Prioritize list of possible data exchanges for initial development or leverage from existing work.
- Perform data classification for each exchange to determine security level required.
- Document court-generated requirements for each selected exchange.
- Compile functional and technical specifications for each selected exchange.
- Create library of completed and tested initial data exchanges.
- Collect associated knowledge center documentation for data exchanges.
- Budget to support ongoing maintenance of the repository and exchanges.
- Create web portal repository and knowledge center for library of exchanges.

Dependencies

- Alignment with CMS strategy.
- Available documentation from justice partners on data exchange requirements.
- Funding and resources from justice partners to develop their portion of the exchange.
- Align with statewide Language Access Plan (expected adoption 1/15).

Funding Requirements**One-Time**

- Costs for initial development.

Ongoing

- Annual maintenance cost.

Potential Funding Sources

Budget change proposal (BCP) funding or grant funding.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Identify exchanges to develop and fund.	Q3 2015
Begin development of initial exchange.	Q4 2015

Technology Initiatives to Optimize Branch Resources

Establish Hardware and Software Master Branch Purchasing/Licensing Agreements

Description

The initiative will establish master branch agreements (leveraged purchase agreements) with various hardware/software manufacturers and service providers after the completion of a statewide judicial branch procurement process. Ultimately, this will lower judicial branch spending on specific IT goods, as the agreements will establish better prices for hardware and software that all judicial branch entities (JBEs) can benefit from. JBEs that take advantage of these agreements will also benefit from additional savings as they will not incur costs from conducting local procurements. For manufacturers with existing state agreements and contracting pricing programs (i.e., Western States Contracting Alliance (WSCA) and California Integrated Telecommunications Network (CALNET)), this effort will strive to improve upon those and create judicial branch–specific discounts. The objectives of this effort are to provide an easy mechanism for courts to procure and source common hardware and software rather than impose standards. There will be no requirement to use master branch agreements. Additional value would be gained from the formation of groups using the same products, promoting opportunities for knowledge sharing and awareness.

The following criteria should be considered when deciding if a master branch agreement should be initiated:

1. Existing presence of a product deployed broadly or high demand for the product across the judicial branch.
2. Products in use or being considered that are positioned in the “Leaders, Visionaries or Challengers” section of Gartner’s Magic Quadrant or similar comparative analysis.

Major Tasks

- Summary of products that justify the effort for establishing master branch agreements.
- Business analysis to determine the scope of any RFP that will be issued for this initiative.
- Master branch agreements for computing and video hardware manufacturers.
- Master branch agreements for storage hardware manufacturers.
- Master branch agreement for Microsoft licensing.
- Master branch agreement for VMware licensing.

Dependencies

- The effort will require a significant amount of time from Judicial Council Legal Services and Business Services staff.
- Additionally, all JBEs will need to identify existing hardware and software licenses in the areas listed above to provide input to the benefit analysis.

- Surveys may need to be completed by each JBE to identify common needs and requirements.
- The output from other tactical initiatives may result in the need for master branch agreements to be established as part of this initiative.
- JBEs must follow the policies and procedures published in the Judicial Branch Contracting Manual and Trial Court Financial Policies and Procedures Manual.

Funding Requirements

One-Time

- The initiative is not expected to require one-time funding. However, considerable time will be required from Judicial Council legal and contracting staff involved with this initiative.
- Additionally, technology staff time from each JBE will be required to providing input on the prioritization and needs of both hardware and software products.

Ongoing

- Ongoing costs determined by specific agreements that are completed.

Potential Funding Sources

Funds will be handled individually by each JBE through normal allocations and operating budget.

Types of Judicial Branch Entities Involved

The Supreme Court, Courts of Appeal, superior courts, Habeas Corpus Resource Center, and the Judicial Council will all benefit from this initiative.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Survey JBEs for existing commonalities and/or needs for hardware and software products.	Q3 2014
Analyze survey results, utilizing comparative analysis such as Gartner's Magic Quadrants, and determine high-priority and medium-priority selections of products and manufacturers that justify the need for a master agreement.	Q3–Q4 2014
Publish RFPs for high-priority products.	Q1–Q4 2015
Issue award contracts for high-priority products.	Q4 2015
Publish final agreements/documents for high-priority products and make accessible to all within the judicial branch.	Q4 2015
Publish RFPs for medium-priority products.	Q3 2015–Q2 2016
Award contracts for medium-priority products.	Q2 2016
Publish final agreements/documents for medium-priority products and make accessible to all within the judicial branch.	Q2 2016

Technology Initiatives to Optimize Infrastructure

Extend LAN/WAN Initiative to Remaining Courts

Description

Integrate the trial courts of Alpine, Los Angeles, Orange, and San Diego Counties into the branchwide telecom, network device, and security refresh schedule and determine program approach for the appellate courts.

Major Tasks

- Complete needs assessment for all trial courts, develop implementation recommendations, and determine funding needs.
- Finalize product, service, and maintenance contract procurement with vendor partners.
- Publish project plans for implementation.
- Deploy devices and implement services for the identified trial courts in alignment with the needs assessment and project plans.
- Publish program approach for eventual inclusion of the appellate courts into the refresh schedule.

Dependencies

- Needs assessments must be completed to identify and request the necessary funding.
- Staff at the identified courts must be able to dedicate the resources necessary to support the project.

Funding Requirements

One-Time

- Purchase costs of products, services, and maintenance contracts, as identified in the needs assessment for each of the identified trial courts.

Ongoing

- Continuing monthly costs for those ongoing services and maintenance contracts initiated in year one based on the needs assessment for each of the identified trial courts.
- New costs expected to be incurred as a result of eventual inclusion of the appellate courts into the refresh schedule.

Potential Funding Sources

Funding to integrate the few remaining courts would be provided through the budget change proposal (BCP) process, with future branch funding allocated for the statewide LAN/WAN infrastructure initiative.

Types of Courts Involved

This initiative is focused on those courts not yet been included in the branchwide telecom, network device, and security refresh schedule but would include a long-term strategy for all courts.

Sample Timeline

Milestone	Time Frame
Initiative launch ²	Q1 2014
Complete needs assessment, develop implementation recommendations, and determine funding needs.	Q1 2014
Finalize product, service, and maintenance contract procurement with vendor partners.	Q1 2014
Publish project plans for implementation at each of the identified courts.	Q2 2014
Publish long-term plan.	Q3 2014
Begin implementation of devices and services for the identified courts in alignment with initiative plans.	Q4 2014

² This initiative began in Q1 2014.

Transition to Next-Generation Branchwide Hosting Model

Description

The current California Courts Technology Center (CCTC) hosting model for information technology applications and services was developed largely based upon the strategy of central hosting of court case management systems and other shared applications. The branchwide strategy for the hosting of court case management systems has changed; therefore, the branch should reevaluate the CCTC hosting model to ensure resources and opportunities are being utilized as effectively as possible to address the needs of courts in alignment with the new strategic direction.

As hosting models and technology evolve, the most cost-effective branchwide strategy for application and services hosting may be enabled through a combination of selective consolidation, virtualization, and implementation of secure private and public cloud environments. The goal of this tactical initiative will be to determine an updated model for branchwide hosting.

Major Tasks

- Complete needs assessment, develop implementation recommendations, and determine the necessary funding changes.
- Finalize product, service, and maintenance contract procurement with vendor partners.
- Publish transition project plan.
- Decommission old services and implement new services in alignment with the needs assessment and transition plan.

Dependencies

- The needs assessment should align with the strategy and roadmap for the Digital Court initiatives.

Funding Requirements

One-Time

- Initial year one purchase of products, services, and maintenance contracts, as identified in the needs assessment and project plan.

Ongoing

- Continuing monthly costs for specified ongoing services and maintenance contracts initiated in year one.

Potential Funding Sources

- Branch funding for hosting services that are shared across the branch.
- Direct billing to the courts for court-specific services.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts. All courts and the Judicial Council will benefit from an updated branchwide hosting model tightly aligned with current and anticipated future business requirements.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q1 2015
Complete needs assessment, develop implementation recommendations, and determine the necessary funding changes.	Q3 2015
Finalize product, service, and maintenance contract procurement with vendor partners.	Q3–Q4 2015
Publish transition project plan.	Q1 2016

Court Information Systems Security Policy Framework

Description

In response to requests from courts, the Judicial Council initiated a court information systems security policy framework in 2007, integrating best practices from representative trial courts, appellate courts, and Judicial Council staff as a reference document for adoption into their local court information systems security policies.

The initial project was suspended in 2009 due to budget limitations. With a current focus on promoting the Digital Court, information security is a critical component to ensuring its success, and the project should be restarted.

The goal of this initiative is for every court to use the same security framework for adoption into their local information security policies. The framework provides a common reference point recognizing that local policies may not be the same among the courts.

The goals of the framework are:

- To suggest an overall information security policy, governance, and compliance model for the judicial branch to leverage when building security programs;
- To provide a holistic information security framework, based on the International Organization for Standardization's Standard 27002 (ISO 27002) that the courts can leverage in creating local policies;
- To provide guidance to all members of the judicial branch on the proper handling of sensitive information;
- To provide a basis for security training and educational awareness programs that can be developed by the courts;
- To provide the basis for the development of implementation standards, procedures, and guidelines for each platform, operating system, application, and security device that can then be monitored and enforced against the policies in the framework.

Major Tasks

This initiative will complete the framework project by:

- Finishing the work that was started on the Court Information Systems Security Policy Framework;
- Initially deploying the framework at a select group of pilot courts;
- Deploying the framework at the remaining courts as needed.

Dependencies

- The initial project enlisted a committee of 13 court representatives along with Judicial Council staff to represent the branch. A similar approach and participation is needed in order to properly represent all interested entities.
- The deployment schedule would depend on the number of participating courts and cannot be easily determined at this time.

Funding Requirements**One-Time**

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.
- Additional funding would be required to assist the courts with the adoption of the framework into their local policies. The amount of funding will depend on the number of participating courts.

Ongoing

- Minimal ongoing funds would be necessary to maintain the security policy framework to ensure its ongoing relevance and effectiveness.

Potential Funding Sources

This project was previously funded by the Telecommunications LAN/WAN Program.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Complete framework document.	Q1 2015
Begin deploying framework to pilot courts.	Q2 2015
Modify framework based on pilot.	Q1 2016
Begin deployment to other interested courts.	Q2 2016

Court Disaster Recovery Framework and Pilot

Description

While a robust and annually tested disaster recovery program has been instituted for the California Courts Technology Center, the appellate courts, the trial courts, and the Judicial Council have various levels of preparedness for disaster recovery of their technology resources.

This initiative would result in framework to assist the courts and the Judicial Council with a process for implementing a disaster recovery program that meets each individual organization's specific needs while leveraging resources and knowledge for the benefit of the entire branch.

The goals of the framework are:

- To suggest an overall disaster recovery model for the judicial branch to leverage in building individual organization disaster recovery plans and identify which components, if any, would apply branchwide.
- To collaboratively develop model disaster recovery requirements, service-level agreements, and priorities for each of the major technology components of the branch such as desktop equipment, networks, infrastructure, applications, security, data, etc.
- To work with a model court to test the framework by using it to develop a court-specific disaster recovery plan.
- To provide guidance to all courts and the Judicial Council on use of the framework and practical implementation guidelines.
- To develop a plan for implementing technology services that could be leveraged for all courts for disaster recovery purposes.

Major Tasks

- Model disaster recovery requirements, standard recovery times, and priorities for each of the major technology components of the branch.
- A disaster recovery framework document that could be adapted for any trial or appellate court to serve as a court's disaster recovery plan.
- A plan for providing technology components that could be leveraged by all courts for disaster recovery purposes.

Dependencies

- This project would be dependent on resources necessary to research and gather requirements and create the deliverable.
- Many of those resources would need to be court business and technical experts, while others would be disaster recovery planning experts.

Funding Requirements

One-Time

- Funding for disaster recovery consultant.

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.
- Additional funding would be required to assist the courts with adapting the framework into their local needs. The amount of funding will depend on the number of participating courts in the initial pilot.

Ongoing

- Minimal ongoing funds would be necessary to maintain the framework to ensure its ongoing relevance and effectiveness.
- Additional funding requests would be developed out of this process for the purpose of procuring and implementing the technical components that can be leveraged by multiple courts and determining what else may be needed at the individual court level for unique court needs.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts. The framework should be applicable to all courts and to the Judicial Council.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Select disaster recovery (DR) consultant and court subject matter expert (SME).	Q4 2014
Develop requirements and recovery standards.	Q2 2015
Test with pilot court or courts.	Q3 2015
Develop funding request for DR at branch and court levels	Q1 2016

Technology Initiatives to Promote Rule and Legislative Changes

Identify New Policy, Rule, and Legislation Changes

Description

To align policies, rules of court, and legislation supporting the use of technology in the courts consistent with the Strategic Plan for Technology.

Major Tasks

- Identify the highest priority statutes necessitating review in order to facilitate the move to the digital court.
- Assess rules of court and statutes and develop recommended standards, guidelines, and templates regarding data privacy, data that courts can or cannot make available online, and data mining.
- Revise the *Trial Court Records Manual* on uniform rules and policies for electronic signature and verification.
- Develop branch and model court privacy policies on electronic court records and access.

Dependencies

- Judicial Council internal committees;
- Judicial Council advisory committees;
- Judicial Council Legal Services Office;
- Judicial Council Office of Governmental Affairs;
- External stakeholders (e.g., Legislature, law enforcement, etc.).

Funding Requirements

One-Time

- None required. This initiative requires staff support for Judicial Council internal and advisory committees for initial assessments and proposals.
- Time required for judicial officer and staff training on changes.

Ongoing

- None required. This initiative requires time for routine reviews of policies, rules, and legislation needs.

Potential Funding Sources

None required.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Complete review of rules and statutes, and recommend revisions and additions.	Q4 2014
Complete review of the <i>Trial Court Records Manual</i> and recommend revisions and additions.	Q1 2015

Initiative Timeline Summary

Strategic Goal	Initiative	2014				2015				2016			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Promote the Digital Court	CMS Assessment			■	■	■							
	DMS Expansion			■	■	■	■	■	■				
	Courthouse Video			■	■	■	■	■	■	■	■		
	CCPOR				■	■	■	■	■	■	■	■	
	Portal for SRL						■						
	Jury Management												
	e-Filing Service Provider												
	e-Filing Deployment			■	■	■	■	■	■	■	■		
	Identify Innovative Services					■	■	■					
	Establish Open Source Sharing						■	■	■				
Develop CMS Data Exchanges						■	■	■					
Optimize Resources	Establish Purchasing Agreements			■	■	■	■	■	■	■	■		
Optimize Infrastructure	Extend LAN/WAN Initiative	■	■	■	■								
	Next Generation Hosting Plan					■	■	■	■	■			
	Information Security Framework			■	■	■	■	■	■	■			
	Disaster Recovery Framework			■	■	■	■	■	■	■			
Legislative Changes	Identify New Rules and Legislation			■	■	■							

CONCLUSION

The California judicial branch is as complex and diverse as the population that it serves. The judicial branch has diversity in geography, court size, and case types. Courts have varying fiscal health and capabilities, and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

This Tactical Plan for Technology and the associated Strategic Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level that address the diversity and challenges the branch is facing.

The proposed tactical plan recognizes the need for judicial, management, and technical experts located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff, to work together as an IT community. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

APPENDIX A: Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;
- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and
- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for the governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council but also provided an opportunity for the branch to work in a new model and catalyze the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a Strategic Plan for Technology to support long-term funding to meet judicial branch technology needs. Additionally, the Bureau of State Audits (BSA)³ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee. As per earlier documents, the task force was charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;

³ BSA has been renamed to California State Auditor.

- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;
- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortia for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

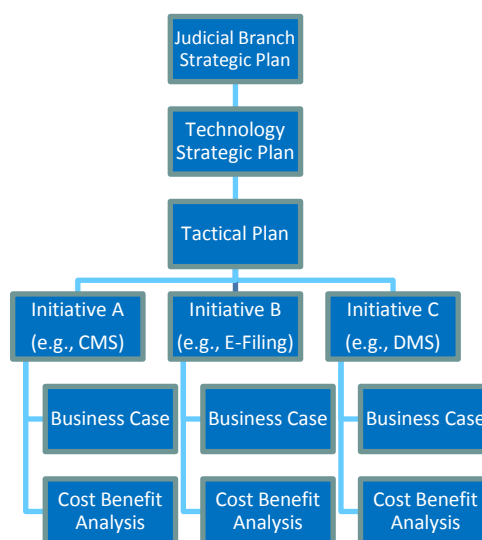
APPENDIX B: Technology Planning Task Force Structure

The Task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices and focuses on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

Technology Planning Task Force Participants

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> • Jake Chatters (Lead) (CEO Placer) • Justice Ashmann-Gerst (2nd Appellate) • Judge Buckley (Los Angeles) • Judge Herman (Santa Barbara) • Judge Moss (Orange) 	<ul style="list-style-type: none"> • Brian Cotta (Lead) (CIO Fresno) • Justice Bruiniers (1st Appellate) • Judge Buckley (Los Angeles) • Jim Kalyvas (Attorney Los Angeles) • Robert Oyung (CIO Santa Clara) • Charlene Ynson (5th Appellate) 	<ul style="list-style-type: none"> • Judge Slough (Lead) (San Bernardino) • Sherri Carter (CEO Los Angeles) • Judge Kaufman (Plumas) • Judge Reiser (Ventura)
Track Participants (27)	<ul style="list-style-type: none"> • Judge Barnes (Kings) • Rick Feldstein (CEO Napa) • James P. Fox (Attorney San Mateo) • Lisa Galdos (AEO Santa Clara) • Darrel Parker (CEO Santa Barbara) • Heather Pettit (CIO Sacramento) • Mike Roddy (CEO San Diego) • Renea Stewart (ITSO staff) 	<ul style="list-style-type: none"> • Mark Dubeau (CFO Orange) • Mark Dusman (CIO ITSO staff) • Kim Flener (CEO Butte) • Judge Nadler (Sonoma) • Snorri Ogata (CIO Los Angeles) • Pat Patterson (CIO Ventura) • Mike Planet (CEO Ventura) • Ahn Tran (CIO San Joaquin) • Jeannette Vannoy (CIO Napa) • Gary Whitehead (CIO Riverside) 	<ul style="list-style-type: none"> • Alan Carlson (CEO Orange) • Jessica Craven (ITSO staff) • Alan Crouse (CIO San Bernardino) • Rebecca Fleming (CEO Stanislaus) • Joseph Lane (2nd Appellate) • Mark Robinson (Attorney Orange) • Virginia Sanders-Hinds (ITSO staff) • Zlatko Theodorovic (CFO council staff) • Mary Beth Todd (CEO Sutter)

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

CALIFORNIA JUDICIAL BRANCH

Technology Governance, Strategy, and Funding Proposal

Executive Summary

Technology Planning Task Force

August ~~Septem~~October 24~~29~~, 2014

Introduction

This document provides an **executive summary** of the **proposed recommendations for judicial branch technology governance, strategy, and funding**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Additional documents

Results from the Technology Planning Task Force include the following documents:

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary (this document)	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Background

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)¹ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

This document contains a summary of the proposed recommendations for judicial branch technology governance, strategy, and funding.

¹ BSA has been renamed to California State Auditor.

GOVERNANCE

Governance models provide a framework for answering the following questions:

- Which decisions need to be made?
- Who is involved in making them?
- How are they made?
- What process is used to ensure decisions are implemented?
- How are results monitored and corrective action taken when expected results are not achieved?

A governance framework relies on the foundation of a desired end-state vision, a set of operating principles, and clear, well-defined roles and responsibilities.

Technology Vision

The proposed technology vision for the branch is:

“Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.”

Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. The Judicial Council has adopted a set of Guiding Principles that articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

At its August 31, 2012 meeting, The Judicial Council adopted principles 1–10 below. The Technology Planning Task Force recommends the addition of principles 11–14.

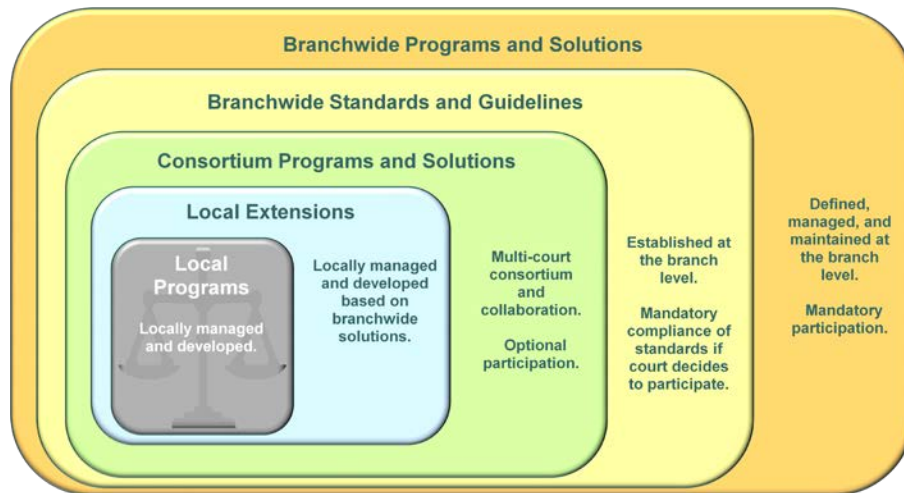
1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.

4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **(NEW) Improve Branchwide Compatibility through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **(NEW) Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **(NEW) Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **(NEW) Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

While technology deployment and implementation typically focuses on providing new capabilities, Principle 1: Ensure Access and Fairness must always be considered. Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. This principle does not imply that technology solutions should be avoided, but rather that they should be fully accessible.

Technology Initiative Categories

The following categories and criteria provide a framework and scope of responsibility for strategic technology decisions for the judicial branch. Although some initiatives may cross multiple categories, they are intended to provide guidance as to how technology solutions could be managed, standardized, implemented, or supported at the state or local level.



Branchwide programs and solutions

- Solution is defined, managed, and maintained through the judicial branch technology governance structure and subject to the oversight of the Judicial Council in collaboration with the courts.
- Participation is mandatory or mandated if a court decides to implement a specific branchwide technology.
- Branchwide operation is driven by economy of scale and/or the need to have centralized access, uniform policies, data collection, and analysis across all courts.
- Examples: California Courts Protective Order Registry, Judicial Branch Statistical Information System, Phoenix Financial.

Branchwide standards and guidelines

- Standards and guidelines are established through the judicial branch governance structure and approved by the Judicial Council in collaboration with the courts.
- Courts may still be responsible for implementing the technology solution, but any such implementation must comply with the standards.
- Some guidelines may be permissive and are recommendations more than mandates.
- Examples: NIEM (National Information Exchange Model) e-filing standards, *Trial Court Records Manual*.

Consortium programs and solutions

- Multi-court collaborations; may involve Judicial Council staff assistance.
- Participation by local courts is optional.
- Subject to any branchwide standards adopted for consistency in access.
- May be driven by economy of scale and/or a need for centralized access across courts or within a region.
- Examples: multi-court document management system RFP, case management system RFP.

Local extensions of branchwide/shared programs

- Local court-developed solutions that leverage branchwide programs or shared programs.
- Completely local court controlled as long as there is no impact on other courts (if branchwide) or impact is approved (if shared).
- Technological advancements may be models that can be shared branchwide.
- Examples: Electronic Legal File (Orange County), Judicial Education Tracking Tools.

Local programs and solutions

- Local court issue and decision-making.
- Local court funding.
- Subject to any branchwide standards adopted for consistency in access.
- Examples: Audio/visual in the courtroom, personal computers, electronic probable cause statements.

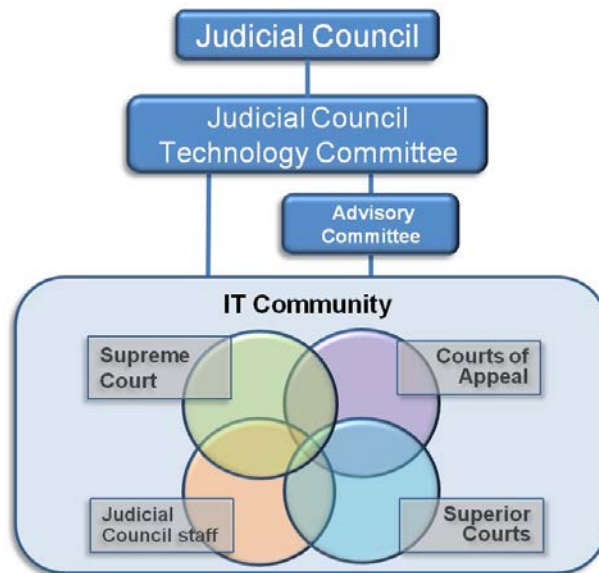
To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

Roles and Responsibilities

Working together as an IT community

The Technology Planning Task Force recommends creating a governance structure that is based on working together as an IT community. This structure will ensure that we have broad support for branchwide initiatives and leverage the resources we have across the branch.

We should work together as an IT community with appropriate governance and oversight by the Judicial Council and the Judicial Council Technology Committee. In some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee. The primary goal of this model is to encourage collaboration and leverage the courts as innovation centers.



Summary of major elements in the proposed model

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the

courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.

- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide, consortia (groups of courts working together) and local innovations that solve local business problems with a view towards their application in other jurisdictions.

Evolving the Court Technology Advisory Committee (CTAC)

The following chart summarizes the current structure and responsibilities for CTAC and the recommended structure for the new Information Technology Advisory Committee.

	Current Structure Court Technology Advisory Committee	Recommended Structure Information Technology Advisory Committee
Membership	60% Judicial Officers 15% Court Executive Officers 10% Chief Information Officers 15% External members	Increase technology subject matter expertise and strengthen executive sponsorship capabilities.
Responsibilities	1. Rules and Legislative Proposals 2. Technology Projects	1. Technology Projects 2. Rules and Legislative Proposals
Project Source	Selected by committee members.	Determined by branch strategic plan and tactical plan as approved by the Judicial Council.
Project Staffing	Primarily from Judicial Council staff.	IT Community—appellate courts, trial courts, and Judicial Council staff.

Increasing the technology subject matter expertise and strengthening the executive-level sponsorship capabilities of ITAC can be achieved by increasing the percentage of membership who have acted in a leadership role in activities that promoted major change, who have technology project or program management backgrounds, and increasing the expertise of ITAC members through direct participation in technology projects.

Governance roles and responsibilities—General

For the majority of the governance roles, there are no changes in responsibilities. The changes previously discussed are intended to put more project emphasis on the Information Technology Advisory Committee and more responsibility on the courts to provide participants, sponsors, and facilitators for those projects.

	Role	Change in responsibility?
Judicial Council	The council establishes policies and sets priorities for the judicial branch of government.	No
Technology Committee	Assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.	No
Information Technology Advisory Committee	Promotes, coordinates, and acts as executive sponsor for the application of technology to the work of the courts.	Yes
Judicial Council staff (Information Technology Services Office)	Assists the council and its chair in carrying out their duties under the Constitution and laws of the state. Provides support to the Supreme Court, Courts of Appeal, and superior courts as requested.	No
Courts	Contribute to technology initiatives as participants or facilitators. Participate as consortia and may provide services to other courts.	Yes

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Supplementing limited program resources from the Judicial Council and the courts.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.

Governance of the strategic plan

General responsibilities for governing the strategic plan are summarized below. For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves. For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

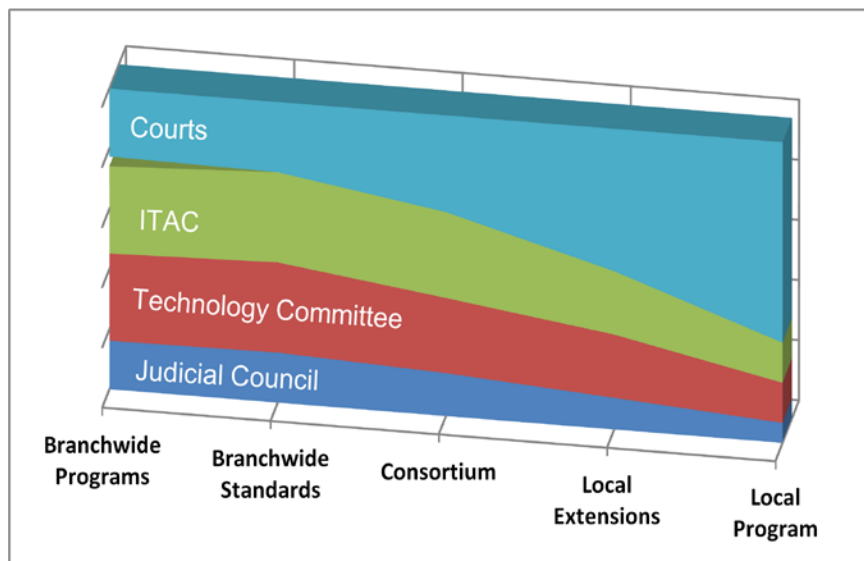
	IT Strategic Plan (4 Year)	IT Tactical Plan (2 Year)
Judicial Council	Final Approval	Final Approval
Technology Committee	Develops, recommends, seeks input, oversees.	Oversight approval and determination of priorities.
Information Technology Advisory Committee	Provides input.	Develops, recommends, seeks input, and acts as sponsor of initiatives.
Individual Courts	Provides input.	Provides input. Leads/ participates in initiatives.

Governance of technology initiatives—Participation by initiative type

The governance roles and responsibilities can be illustrated in terms of the amount of participation of each group in the different types of technology initiatives. In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives.

The chart below illustrates the areas of focus for each group.

Governance Focus Areas by Technology Initiative Type



Governance of technology initiatives—Summary

A more detailed view of the responsibilities for each group is summarized below.

	Branchwide Programs/Standards	Consortium	Local Extensions	Local Program
Judicial Council	Final Approval	Final Approval	N/A	N/A
Technology Committee	Oversight and approval. Prioritize.	Oversight and approval.	Oversight and approval.	N/A
Information Technology Advisory Committee	Develop and recommend initiative.	Recommend (branch funded) or monitor.	Recommend (branch funded) or monitor.	N/A
Individual Courts	Participate/facilitate, design, and execute.	Participate/facilitate, design, and execute.	Recommend, participate/lead design, and execute.	Develop and oversee initiative.
Administrative Presiding Justices Advisory Committee	Fiscal review for General Fund expenditures.	Fiscal review for General Fund expenditures.	Fiscal review for General Fund expenditures.	N/A
Trial Court Budget Advisory Committee	Fiscal review for state-level fund expenditures.	Fiscal review for state-level fund expenditures.	Fiscal review for state-level fund expenditures.	N/A

Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee.

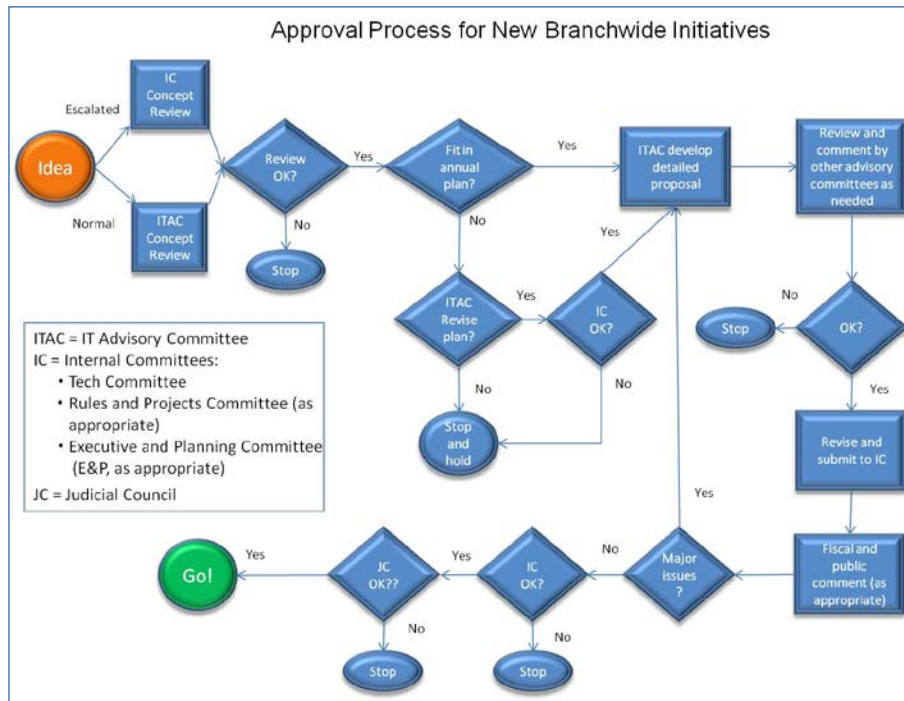
Approval of New Branchwide Initiatives

A branchwide initiative is one from the “branchwide programs and solutions” initiative category or one from another initiative category that requires funding at the branch level. Ideas for new branchwide initiatives can originate from anywhere inside or outside the branch.

Ideas can be submitted by preparing a short “Initiatives Proposal” document to describe the proposal, benefits, costs, expected outcomes, and other basic information that will be used to evaluate the proposal. Proposals will typically be submitted to the Information Technology Advisory Committee. If the proposal requires escalated consideration due to urgency or impact, then it can be submitted directly to the Judicial Council Technology Committee.

Once an initiative is approved, it is added to the list of programs sponsored by the Information Technology Advisory Committee and they are responsible for working with the proposing party to determine the appropriate program structure for executing and monitoring the initiative.

A high-level summary of the approval process is illustrated below.



Program Prioritization Criteria

The Judicial Council Technology Committee should use a balanced scorecard approach to prioritize branchwide initiatives. This scorecard provides a transparent and consistent model for evaluating projects by considering overall return on investment (ROI), business risk, and alignment with strategic goals.

The scorecard is not intended to be the sole decision-making tool. It is intended to provide analytical data to help the Judicial Council Technology Committee make decisions.

A sample scorecard is illustrated below.

DRAFT Project Prioritization Scorecard						
Court Name			DRAFT			
Submitter's Name						
Requested Funds						
Project Description						
Project Evaluation Criteria		Response	Score	Weight	Weighted	Comments
Strategic Alignment	Alignment with Branch Strategic Goals (Access)	2-3 Goals	2	5	10	
	Alignment with Branch Technology Priorities	High	3	3	9	
	External partner Alignment	None	0	3	0	
					19	
External Impact	Public Benefit	High	3	5	15	
	Justice Partner Benefit	"some"	2	5	10	
					25	
Benefit Realization	Scope of impact	Consortia	2	3	6	
	Financial ROI	0-2 Years	3	5	15	
	Likelihood of benefit realization	Medium probability	2	5	10	
					31	
Organizational Risk Mitigation	Urgency for change - operations	Urgent	3	5	15	
	Urgency for change - legal/regulatory/compliance	Not urgent	0	5	0	
	Organization readiness	Minor concerns	2	5	10	
					25	
Technology Alignment / Fit	Level of alignment with branch-wide technology standards	Aligned	3	4	12	
	Level of alignment with branch-wide vendors	Aligned	3	2	6	
	Level of alignment with branch architecture	Aligned	3	3	9	
					27	
Technology Risk	Existing infrastructure can support this project	Covered	3	3	9	
	Identified tech staff can support this technology	No	0	3	0	
	Product / technology maturity	New / Mature	2	3	6	
					15	
					142	

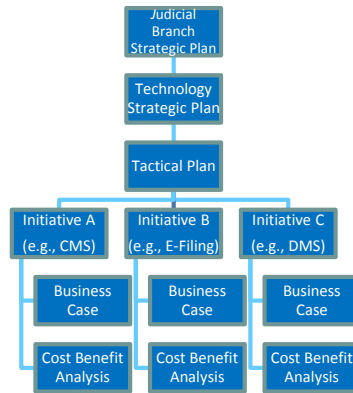
In the example above, the scorecard has been filled out for a sample project. Each of the evaluation criteria in the first column was used to assess the project and 0-3 points assigned based upon the result. For example, on the first row, the project aligns with 2-3 of the branch strategic goals and 2 points were assigned. Had it aligned with 4 or more goals, 3 points would have been assigned. Each of the criteria is weighted to emphasize its relative importance and a final weighted score calculated. All scores are then added up for a total score which can then be compared with other projects that have been assessed in the same manner.

STRATEGIC PLAN AND TACTICAL PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

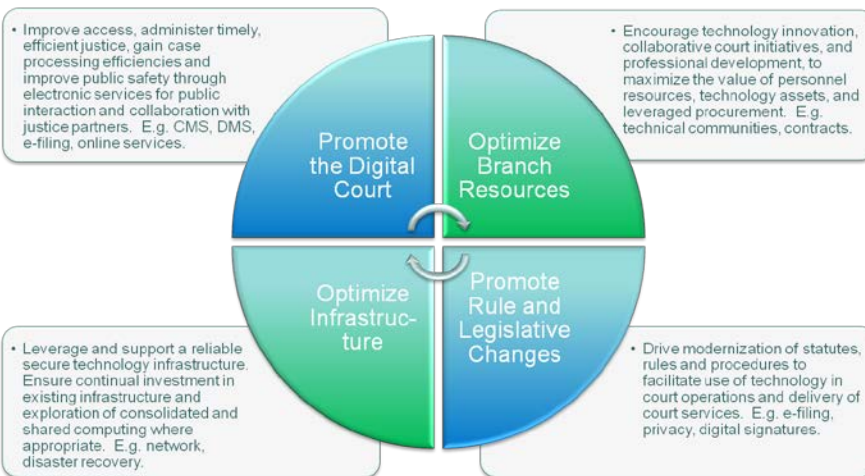
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.

All of these activities will align with the overall goals of the branch.



Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Goal 1: Promote the Digital Court

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California. The Digital Court includes a comprehensive set of services for interaction with the courts, and for collaboration with branch justice partners.

The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services. These include modern case and document management systems, fiscal and human resource systems and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

Furthermore, the Digital Court will also facilitate data and information sharing across the courts and provide enhanced collaboration and cooperation between and among courts.

Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

Technology solutions should not create barriers to access, especially to indigent clients, people with disabilities, and those who need language access assistance. Instead, technology solutions should actively seek to bridge gaps and affirmatively expand access. Solutions should be fully accessible.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology.

Goal 2: Optimize Branch Resources

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally.

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Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

Goal 3: Optimize Infrastructure

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where the official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, and to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure which includes technology to support local area networks, wide area networks, infrastructure and information security, local, shared, and centralized data centers, unified communications (voice, video), an enterprise service bus, and disaster recovery technologies.

Goal 4: Promote Rule and Legislative Changes

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

Technology Initiatives (2014–2016)

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Strategic Goal	Initiative	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	Determine strategy and plan
	Document management system (DMS) expansion	Deploy where appropriate
	Courthouse video connectivity	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	Continue deployment
	Implement a portal for self-represented litigants	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	Develop process
	E-filing deployment	Determine implementation plan
	Identify and encourage projects that provide innovative services	Investigate and prepare proposal
	Establish an “open source” application-sharing community	Investigate and prepare proposal
Develop standard CMS interfaces and data exchanges	Investigate and prepare proposal	
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	Expand program
	Transition to next-generation branchwide hosting model	Investigate and prepare proposal
	Security policy framework for court information systems	Investigate and prepare proposal
	Court disaster recovery framework and pilot	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	Identify and draft changes

FUNDING

The current funding situation for technology in the branch is bleak. The source for funding branchwide initiatives is facing a deficit, restrictions on year-to-year carryover of funds results in de-prioritizing technology investments, and there is no guarantee one-time budget change proposals requesting additional General Fund monies will be funded.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. Ultimately, funding for technology must be restored by the Legislature and the Governor.

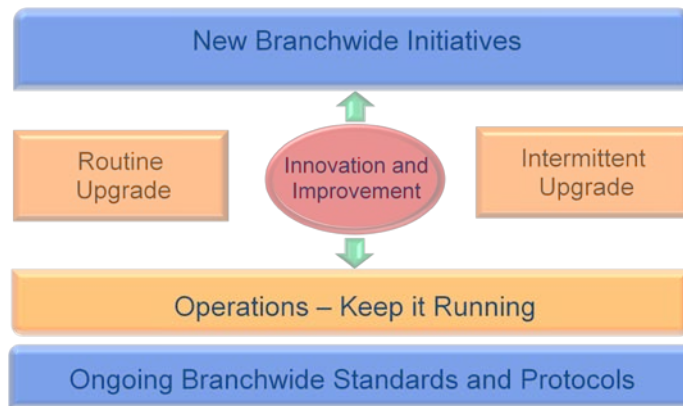
Once funding is restored, the following funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably.

Technology Funding Categories

The following categories and criteria provide a framework for making strategic technology funding decisions for the judicial branch. Although some initiatives may change categories over time depending upon the maturity or stage of the program, they are intended to provide guidance as to how technology funding could be managed, sourced, and allocated.

With this framework, there are different funding approaches for each category. Furthermore, there are different processes for governing funds at the branch and local court levels.

A summary of the funding categories is illustrated below.



The funding for New Branchwide Initiatives and Ongoing Branchwide Standards and Protocols will be managed at the branch level.

The funding for Routine Upgrade, Intermittent Upgrade, and Operations – Keep it Running will be managed at the local court level for local court expenses and at the branch level for expenses associated with branchwide initiatives.

The funding for Innovation and Improvement is managed at the branch level and dedicated to innovation and improvement projects that can be initiated anywhere in the branch.

Operations—Keep It Running

- Routine, ongoing information technology costs supporting core court operations.
- Year-to-year costs are typically stable and predictable. These costs are either fixed or vary based on number of users or level of use.
- This category also includes costs associated with court staff or professional services needed to keep the core operations running.
- These expenses may be associated with the operations of technology programs at a local court or with ongoing operations of branchwide initiatives.
- Examples: Annual hardware and software maintenance; telecommunications services; e-mail services; data center costs; support and maintenance for the Appellate Court Case Management System; hardware and software maintenance and support costs for trial court case management systems.

Routine upgrade

- Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment.
- Examples: Replacement of desktop/laptops every few years; replacement of servers every few years.

Intermittent upgrade

- Some upgrade expenditures are more episodic and are often unpredictable. The triggering event is often a vendor's decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software, including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.
- Examples: Upgrade to a newer version of an operating system, Microsoft Office; upgrade or replacement of a case management system (CMS), document management system (DMS), or jury management system (JMS); or a technology stack upgrade.

Innovation and improvement

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.

- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.
- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

New branchwide initiatives

- If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Some branchwide initiatives may be mandatory; e.g., Phoenix Financial. Other branchwide initiatives may be mandated if a court decides to implement a specific branchwide technology; e.g., Phoenix Human Resources (HR), California Courts Protective Order Registry (CCPOR).
- Funding is needed for the one-time costs of hardware, software, and deployment. Funding would also be required for any increases in maintenance costs that would occur in the “Operations—Keep It Running” category.
- Examples: Phoenix Financial, Phoenix HR; CCPOR; Judicial Branch Statistical Information System (JBSIS); e-citations from the California Highway Patrol (CHP); remote video appearances; [language access kiosks](#), appellate e-filing.

Ongoing branchwide standards and protocols

- A coordination effort is required where trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. There is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols.
- There are a number of services and tasks that might be accomplished more economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.
- Ongoing maintenance of branchwide standards and protocols differs from typical operations and “keep it running” activities since there is periodic ongoing development required to keep the standards and protocols up to date.
- Examples: State-level data exchanges and data integration with justice partners for programs like CCPOR, CHP e-citations, and California Department of Child Support Services (DCSS) child support data; master service agreements for IT equipment, software, data centers, etc.

Funding Sources and Governance

	Funding Sources	Governance
Operations—Keep It running	<ul style="list-style-type: none"> • Court operations budget • Judicial Council operating budget • Budget Change Proposal (BCP) for gap in needed funds 	<ul style="list-style-type: none"> • Allocated by formula by the Judicial Council. • Expended by courts based upon local priorities and needs. • Expended by the Judicial Council for branchwide initiatives.
Routine upgrade		
Intermittent upgrade		
Innovation and improvement	<ul style="list-style-type: none"> • Limited amount of funds set aside at the branch level 	<ul style="list-style-type: none"> • Reviewed and recommended by the Judicial Council Technology Committee. • Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee. • Expended by appropriate agency, the Judicial Council, local trial court, and/or the appellate courts based upon the approved plan.
New branchwide initiatives	<ul style="list-style-type: none"> • Funds set aside at the branch level • Grants • BCP for gap in needed funds 	
Ongoing branchwide standards and protocols	<ul style="list-style-type: none"> • Funds set aside at the branch level • Grants • BCP for gap in needed funds 	

CONCLUSION

Expected Outcomes

Once we implement the recommended governance and funding model, strategic plan, and tactical plan, we expect to have:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency of how funds are managed and allocated for technology projects;
- Increased credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

We believe we can realize these outcomes by working collaboratively as an IT community within this new structure.

CALIFORNIA JUDICIAL BRANCH

Technology Governance and Funding Model

Technology Planning Task Force

~~August~~ ~~Septem~~ ~~October 21~~ ~~29~~, 2014

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Message from the Technology Planning Task Force Chair

Dear Friends of the Courts,

The Technology Planning Task Force, appointed by Chief Justice Tani G. Cantil-Sakauye, and the Judicial Council Technology Committee are pleased to present the Judicial Branch Technology Governance and Funding Model.

A comprehensive and collaborative technology governance structure and planning update and redesign, grounded in the technology needs of the courts, is the key to branch technology progress and funding. Dramatic changes have occurred both in the evolution of information technology and needs of the courts. We need to advance to better support our justice partners and the people of California.

We are and should be an IT community with input and participation by all the courts. In order to assess court needs, the Judicial Council Technology Committee began, shortly after the termination of the California Court Case Management System (CCMS), by surveying the trial courts on case management system status, failure potential, and replacement plans. One of the lessons learned from CCMS was the importance of court input and buy-in relative to information technology projects and plans. Soon after, the courts attended a two-day information technology summit with the participation of the California Department of Technology (CalTech). CalTech emphasized the need for an updated technology plan and governance structure in order to obtain support from other branches of government for technology funding.

These efforts not only pointed to the need for a new technology plan but also the need for a court-focused technology planning task force to execute that planning process. The success of the planning process is grounded in the broad coalition of constituencies represented by the task force membership. Throughout the process, Administrative Presiding Justices, Presiding Judges, Court Executive Officers, and Chief Information Officers have been kept abreast of progress, most recently through presentations at regional meetings. In addition, the task force has continued to brief both legislative and executive branch agencies, including the Department of Finance, CalTech, the Legislative Analyst's Office, and legislative staff, on the progress of our planning.

Enhancing electronic access to justice and promoting more efficient business practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Cantil-Sakauye's recently announced vision for restoring access to our courts, Access 3D, includes remote access as one of its principles. The "digital court" with the capability of 21st century data exchange will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

James E. Herman
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INTRODUCTION

This document presents the judicial branch **Technology Governance and Funding Model**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California. A revised approach was necessary following the decision of the Judicial Council to terminate the California Court Case Management System (CCMS).

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which included judicial officers, court executive officers, court information technology officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Technology Planning Documents

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model (this document)	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people, 7 million of whom have limited English proficiency. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts and other agencies.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities, and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;

- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and
- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for this governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council but also provided an opportunity for the branch to work in a new model and invigorate the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a strategic plan for technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)¹ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that

¹ BSA has been renamed to California State Auditor.

the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model. After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;
- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortiums for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

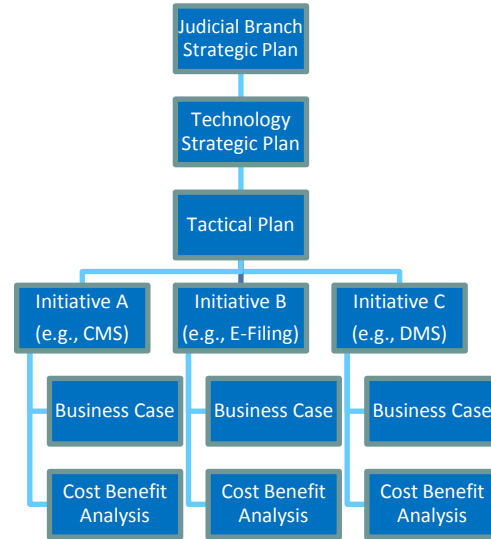
Technology Planning Task Force Structure

The task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices that focused on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> • Jake Chatters (Lead) (CEO Placer) • Justice Ashmann-Gerst (2nd Appellate) • Judge Buckley (Los Angeles) • Judge Herman (Santa Barbara) • Judge Moss (Orange) 	<ul style="list-style-type: none"> • Brian Cotta (Lead) (CIO Fresno) • Justice Bruiniers (1st Appellate) • Judge Buckley (Los Angeles) • Jim Kalyvas (Attorney Los Angeles) • Robert Oyung (CIO Santa Clara) • Charlene Ynson (5th Appellate) 	<ul style="list-style-type: none"> • Judge Slough (Lead) (San Bernardino) • Sherri Carter (CEO Los Angeles) • Judge Kaufman (Plumas) • Judge Reiser (Ventura)
Track Participants (27)	<ul style="list-style-type: none"> • Judge Barnes (Kings) • Rick Feldstein (CEO Napa) • James P. Fox (Attorney San Mateo) • Lisa Galdos (AEO Santa Clara) • Darrel Parker (CEO Santa Barbara) • Heather Pettit (CIO Sacramento) • Mike Roddy (CEO San Diego) • Renea Stewart (ITSO staff) 	<ul style="list-style-type: none"> • Mark Dubeau (CFO Orange) • Mark Dusman (CIO ITSO staff) • Kim Flener (CEO Butte) • Judge Nadler (Sonoma) • Snorri Ógata (CIO Los Angeles) • Pat Patterson (CIO Ventura) • Mike Planet (CEO Ventura) • Ahn Tran (CIO San Joaquin) • Jeannette Vannoy (CIO Napa) • Gary Whitehead (CIO Riverside) 	<ul style="list-style-type: none"> • Alan Carlson (CEO Orange) • Jessica Craven (ITSO staff) • Alan Crouse (CIO San Bernardino) • Rebecca Fleming (CEO Stanislaus) • Joseph Lane (2nd Appellate) • Mark Robinson (Attorney Orange) • Virginia Sanders-Hinds (ITSO staff) • Zlatko Theodorovic (CFO council staff) • Mary Beth Todd (CEO Sutter)

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

GOVERNANCE

Governance models provide a framework for answering the following questions:

- Which decisions need to be made?
- Who is involved in making them?
- How are they made?
- What process is used to ensure decisions are implemented?
- How are results monitored and corrective action taken when expected results are not achieved?

A governance framework relies on the foundation of a desired end-state vision, a set of operating principles, and clear, well-defined roles and responsibilities.

Technology Vision

As part of its charge to adopt a statewide strategic plan for technology, the judicial branch must begin with a vision of where it needs to be moving forward given the financial, personnel, geographic, and consumer opportunities and challenges. Future success in technology funding and project implementation depends on a solid, clear vision that can be communicated to internal and external stakeholders. A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens.

Recommendation 1: The Judicial Council should adopt a new judicial branch technology vision:

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.

The judicial branch must advance its technological efforts in a systematic and comprehensive manner in order to enhance and expand its delivery of services and modernize court practices. This recommended branchwide vision fosters statewide collaboration while recognizing that local capacity, community, and culture play an important and vital role in innovating, developing, and delivering services enabled by technology.

This recommended vision sets forth the goals of where the branch must be to not only secure adequate funding for technology, but, equally important, to keep pace with the ever-changing demands placed on the branch from all court users to provide faster and higher quality service through the use of technology.

This recommended vision also sets forth the framework within which the guiding principles can readily be applied.

Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. At its August 31, 2012 meeting, the Judicial Council adopted a set of guiding principles that articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

Guiding Principles—Adopted August 2012²

Court technology and the new ways it facilitates interaction with the courts should always advance access and participation in the justice system in order to improve the trust and confidence Californians have in their court system.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.

² Excerpt from “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives” adopted by the Judicial Council August 31, 2012

These original 10 principles published in the document “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives” were intended to:

further the Judicial Council’s commitment to access and fairness while pursuing modernization of court practices through technology. Therefore, the introduction of technology or changes in the use of technology should advance access and increase participation whenever possible.

They focused on the aspect of access to justice. The Technology Planning Task Force recommends the addition of four additional principles. These new principles do not change the intent or objective of the already adopted 10 principles. As with the original set they are intended to:

advise justice system decision-makers to consider and take steps to use technology to enhance access to justice.

Although it is critical that the courts comply with the relevant laws and policies that may affect technology services, particularly related to privacy and access, these guiding principles do not—and are not intended to—specify the legal obligations of the courts. Technology initiatives can push the boundaries of current laws and rules in providing access for conducting business in ways not previously considered. As a result, technology is a relatively dynamic area for judicial branch laws and policy. Thus, it is important that the judicial branch communicate advances and changes in policy and that those within the branch closely track these developments.

These new principles focus more on *how* we desire to proceed with an initiative. They are designed to work in concert with the initial principles and support them with additional detail that addresses the branch governance and funding structure.

Recommendation 2: The Judicial Council should augment the Guiding Principles for California Judicial Branch Initiatives by adopting four additional principles:

11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch’s goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

The additional principles are intended to provide guidance and consideration to foster collaboration across the branch, leverage solutions when appropriate, and encourage innovation at all levels.

While technology deployment and implementation typically focuses on providing new capabilities, Principle 1: Ensure Access and Fairness must always be considered.

Technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. Instead, technology solutions should actively seek to bridge gaps and affirmatively expand access. ~~This principle does not imply that technology solutions should be avoided, but rather that they should be fully accessible.~~

The original 10 principles described the branch’s overall goals for technology, while the additional 4 principles describe how those goals can be realized. The pages that follow provide additional detailed context for these principles in the same form and format as the original 10 principles were discussed in the report “Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives.”

Guiding Principle 11. Improve Branchwide Compatibility Through Technology Standards**Statement**

Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.

Rationale

Californians require and deserve consistent access to our judicial system. There are already established rules and standards relating to fees and format of paper filings to make interaction with our court systems more consistent and predictable. These same consistencies should be applied to technology-based interactions with the branch.

Standards and rules define the consistent framework upon which both state-level and local decision-makers construct technology solutions to both unique and common business problems. Where these solutions define how the public interacts with the court, there is benefit from a consistent set of rules and standards to ensure a general uniformity of experience by the public across multiple venues.

Implications

This establishes consistent guidelines between the courts and users (e.g., standards on form and format of electronic pleadings). While necessarily establishing some restrictions on the variation that can be developed by a local court, standardized protocol does so in a way that should not limit *how* a court handles its work, only the standards by which users access the court.

Guiding Principle 12. Consider Branchwide Collaboration and Economies of Scale**Statement**

Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.

Rationale

Although operating in a decentralized decision-making model, the challenges confronted by individual courts are often shared by others. These challenges are at times universal among jurisdictions. Some challenges are unique to large courts, to rural courts, or courts with a heavier caseload of one type.

Sharing of information and resources can reduce project costs, leverage the work of others, and reduce the time to implementation. Universal solutions are not always appropriate, but this should not dissuade branch entities from seeking to collaborate when possible to ensure the best use of taxpayer funds.

Further, technology continues to evolve and it becomes increasingly difficult for each entity to maintain expertise in all emerging fields. Collaborative projects between entities can serve to leverage unique expertise while still creating technology solutions tailored to a single or small group of courts.

Implications

Technology initiatives at the state and local level should carefully consider opportunities to collaborate early in the project process. Through collaboration, the opportunity to develop a technology solution that is scalable, valuable, and affordable for other courts is improved. Collaboration will not always be appropriate, but should be at least a key consideration prior to the expenditure of public funds.

Guiding Principle 13. Foster Local Decision-Making**Statement**

Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.

Rationale

Principles for collaboration and consistency are balanced by the need to ensure technology built upon those tenets serve the local business need.

Finances, facilities, case mix, and local culture can all impact the viability and need for a particular solution. Where a solution addresses a local business problem at a single court, local decision-makers are in the best position to evaluate and implement technology solutions.

Local solutions should, wherever possible, consider the potential for broader use of the technology to support consistency among courts and to act as a potential pilot for other entities within the branch.

Implications

State-level discussions of technology solutions should carefully evaluate whether the business problem being solved relates to *how* an entity performs its function. In such instances, it may be most appropriate to allow local decisions to dictate the timing and feasibility of a particular technology solution.

Guiding Principle 14. Encourage Local Innovation**Statement**

When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

Rationale

Statewide rules, guidelines, and technology solutions should provide sufficient direction to be useful and increase consistency of access among the courts, and wherever possible, encourage innovation and creativity.

Individual courts and consortiums of courts should be allowed the freedom to explore and improve upon the ideas developed at the state level. These innovations, in turn, should be shared as envisioned by Principle 12, with other entities using or embarking on similar technologies. Adaptations should not alter the underlying core functionality of the branchwide solution or otherwise force other entities using the branchwide solution to change technology or business processes without prior consultation at the branch level.

Implications

Rules, standards, and applications should be written and designed in ways that foster creativity and improvement. Where a single branchwide solution is in use, the allowance for innovation will need to strike a delicate balance between allowing for some local adaptation for local needs and the goal of providing uniformity of experience.

Technology Initiative Categories

Any governance model will need to have established definitions to determine what decisions need to be made and how to make them.

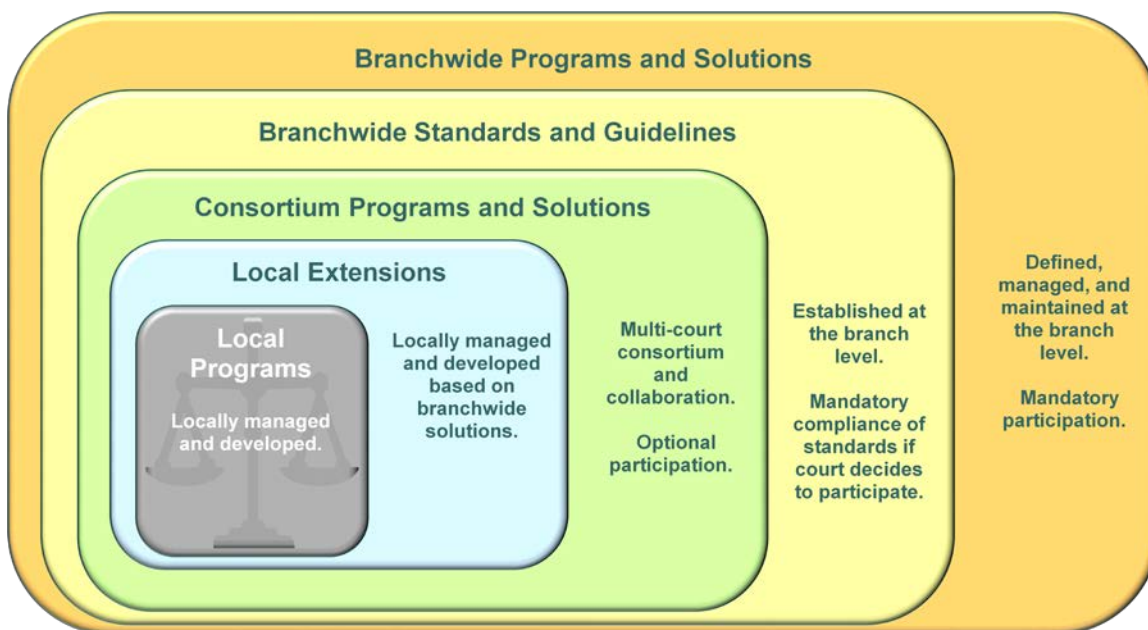
Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.

The Technology Planning Task Force is recommending that projects and initiatives be governed and funded in different manners depending on their specific nature. Therefore, they will need to be categorized based on a defined, agreed-upon, and documented set of criteria. To that end, the Technology Planning Task Force recommends five categories be established and defined as discussed below. These categories are:

- Branchwide Programs and Solutions
- Branchwide Standards and Guidelines
- Consortium Programs and Solutions
- Local Extensions of Branchwide/Shared Programs
- Local Programs and Solutions

The primary purpose of identifying these categories and their related characteristics provides an agreed-upon scope of responsibility for how judicial branch technology initiatives can be governed by taking a cohesive look at what can be done most effectively from a state or local perspective.

The following categories and criteria provide a framework and scope of responsibility for strategic technology decisions for the judicial branch. Although some initiatives may cross multiple categories, they are intended to provide guidance as to how technology solutions could be managed, standardized, implemented, or supported at the state or local level.



Technology programs, solutions, standards, and guidelines are defined as follows:

Branchwide Programs and Solutions

- Solution is defined, managed, and maintained through the judicial branch technology governance structure and subject to the oversight of the Judicial Council in collaboration with the courts.
- Participation is mandatory or mandated if a court decides to implement a specific branchwide technology.
- Branchwide operation is driven by economy of scale and/or the need to have centralized access, uniform policies, data collection, and analysis across all courts.
- Examples: California Courts Protective Order Registry, Judicial Branch Statistical Information System, Phoenix Financial.

Branchwide Standards and Guidelines

- Standards and guidelines are established through the judicial branch governance structure and approved by the Judicial Council in collaboration with the courts.
- Courts may still be responsible for implementing the technology solution, but any such implementation must comply with the standards.
- Some guidelines may be permissive and are recommendations rather than mandates.
- Examples: NIEM (National Information Exchange Model) e-filing standards, *Trial Court Records Manual*.

Consortium Programs and Solutions

- Multi-court collaborations; may involve Judicial Council staff assistance.
- Participation by local courts is optional.
- Subject to any branchwide standards adopted for consistency in access.
- May be driven by economy of scale and/or a need for centralized access across courts or within a region.
- Examples: multicourt document management system RFP, case management system RFP.

Local Extensions of Branchwide/Shared Programs

- Local court–developed solutions that leverage branchwide programs or shared programs.
- Completely local court controlled as long as there is no impact on other courts (if branchwide) or impact is approved (if shared).
- Technological advancements may be models that can be shared branchwide.
- Examples: Electronic Legal File (Orange County), Judicial Education Tracking Tools.

Local Programs and Solutions

- Local court issue and decision-making.
- Local court funding.
- Subject to any branchwide standards adopted for consistency in access.
- Examples: Audio/visual in the courtroom, personal computers, electronic probable cause statements.

To encourage innovation and sharing of best practices, we anticipate that technology pilots and prototypes could occur in any of these program categories.

Categorizing Technology Initiatives

As new technology initiatives and programs are proposed, technology governing bodies will require a set of criteria to correctly categorize initiatives, programs, and solutions. Such criteria are necessary to ensure consistency in the governance and funding determinations.

Recommendation 4: The Judicial Council and its committees should classify projects into the defined technology categories based on a set of predefined and transparent criteria.

Each recommended category is listed below with a set of related criteria. It is important to note that while the majority of the criteria assigned to a particular category should normally be met, it is not necessary for any specific program, initiative, or solution to strictly meet all listed category criteria.

Branchwide Programs and Solutions Criteria

- Represents substantial economies of scale.
- Technology has a high cost of entry and unique skill set that cannot be easily achieved by all courts.
- Supports public safety through uniform access to vital information.
- Data and information are required by the Judicial Council or established by another “control” agency and therefore must be consistent.
- Program or solution is scalable—it can work for the smallest and largest court.
- Single state agency integration.
- Branch development will not slow local adoption.
- Funding is available or can be sought at a branch level to pay for development and implementation for all impacted judicial branch entities.

Branchwide Standards and Guidelines Criteria

- Consistency is desired, but adoption is dependent on other local technologies, making a branchwide program infeasible but standards desirable.
- Uniformity in standards, guidelines, and rules makes it easier on the public, attorneys, and justice partners to access every court.
- Rules are necessary to protect confidential information.
- Consistent policy decisions make technology faster to implement at the local level.
- Concept is known but solution not yet defined.
- It is more important to define what must be done, leaving how to be done to local decision-makers.

Solutions, concepts, or programs that do not fall into the branchwide programs or standards categories may still require branch-level support. These are:

Consortium Programs and Solutions Criteria

- Solution offers moderate economies of scale.
- Majority of requirements are common, but implementation is dependent on other local technology or culture.
- Program or solution is a commodity and candidate for master service agreement or branchwide contract (optional adoption).
- Single state agency integration, but lack of branchwide funding or state program development would slow local adoption.
- Small set of courts already hold expertise and can expand to additional courts as they volunteer.
- Incremental, collaborative implementation will speed adoption.

During the above evaluation it may also be beneficial for technical staff and policymakers to consider whether initiatives and programs that meet the criteria for a branchwide approach should be initiated at a regional or local level and then expanded branchwide. This approach may provide greater ease of modification and adjustment to local trial court requirements while giving the Judicial Council more flexibility to reevaluate branchwide involvement at a later date.

Local Extensions of Branchwide/Shared Programs Criteria***Local Programs and Solutions Criteria***

Technologies that do not meet the previous criteria are local programs or solutions. This may include local solutions that are completely independent of branchwide or shared programs and initiatives or local extensions of branchwide or shared programs and initiatives. This category's purpose is to allow the local trial courts to pursue innovative solutions that:

- Meet local strategic priorities;
- Address the needs of local court cultures and communities; and
- Foster the innovation and flexibility necessary to meet desired goals and outcomes such as operational efficiencies and improved access.

An example of a local extension of a branchwide or shared solution would be where a trial court expands a branchwide document management solution for case documents to also include administrative matters, e.g., budgetary and human resource management documents. An example of a completely independent local initiative is a trial court's acquisition and implementation of a document management system that is not one sponsored through a multicourt shared solution or program.

While local programs and solutions may be vital to a trial court's operations, their development and implementation is a local decision and effort that typically does not have financial or policy support from the Judicial Council. Such programs, initiatives, and solutions, however, may still need to follow state standards or interface with state programs. It also is possible that any individual trial court program or solution could become a shared program or solution through trial court collaboration. In the situation where very small courts do not have local IT staff, their local technology programs and support may be provided by Judicial Council staff.

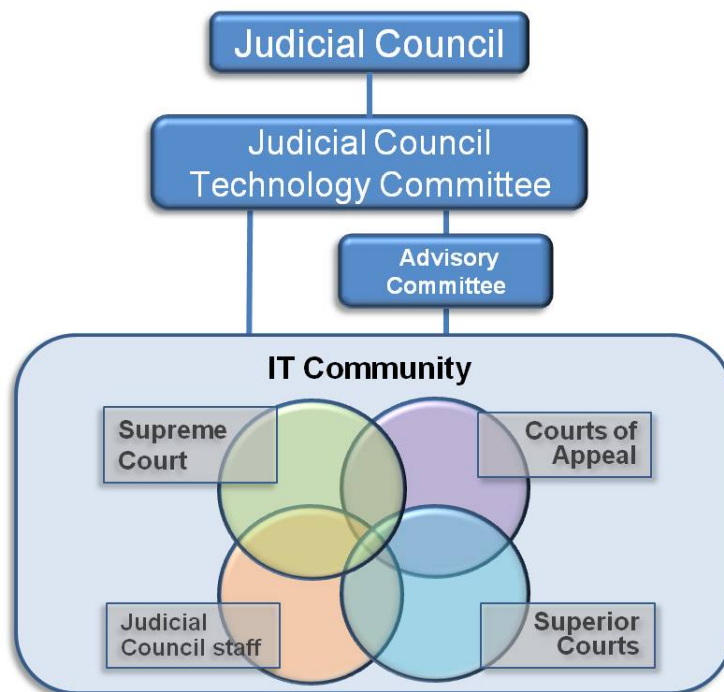
Roles and Responsibilities

Working Together as an IT Community

Recent successes have been accomplished, in part, due to greater use of expertise that is located throughout the judicial branch's information technology community. The more open use of the full IT community, coupled with utilizing the courts as innovation centers, helps develop buy-in and focuses resources on a small number of vital efforts. The recommendations in this document seek to institutionalize these concepts as a set of defined roles and responsibilities that concentrate branch-level committees on branchwide efforts while also encouraging innovation led by courts and collaborative groups of courts.

The Technology Planning Task Force recommends creating a governance structure that is based on working together as an IT community. This structure will ensure that we have broad support for branchwide initiatives and leverage the resources we have across the branch.

We should work together as an IT community with appropriate governance and oversight by the Judicial Council and the Judicial Council Technology Committee. In some cases the Judicial Council Technology Committee will work directly with the IT community while in others they may delegate facilitation to an advisory committee. The primary goal of this model is to encourage collaboration and leverage the courts as innovation centers.



Even during a time when resources are scarce, the collaborative culture within the judicial branch has fostered the efforts of the IT community to contribute to focused technology initiatives that are important to the public, the branch, and individual courts.

However, it has been and will continue to be especially challenging for smaller courts with extremely limited staff to identify personnel who can participate in branchwide initiatives. One option to address this situation could be for other members of the IT community to gain a better understanding of small courts' requirements and represent them in discussions. Additionally, small court consortia have made excellent progress in the areas of common technology solutions such as case management systems, and similar models could be used in the future.

Current Judicial Council Technology Committee and Technology Advisory Committee Structure

The current technology governance structure is defined by the California Rules of Court, rules 10.10, 10.16, and 10.53. Pursuant to rule 10.16, the Judicial Council Technology Committee:

- Oversees the council's policies concerning information technology. The committee is responsible for determining that council policies are complied with and that specific projects proceed on schedule and within scope and budget.
- Coordinates the activities of the Administrative Director of the Courts, council internal committees and advisory committees, the courts, justice partners, and stakeholders on matters relating to court technology.
- For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the Judicial Council Technology Committee ensures that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:
 - (1) Communicates the council's annual charge to each; and
 - (2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

Rule 10.53 defines the role of the Court Technology Advisory Committee (CTAC), specifying that CTAC:

- Makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.

Technology governance in the branch has not been the sole authority of these groups, and multiple models for technology governance have been used over the past decade. Some, such as the CCMS initiative, included steering committees separate from CTAC; others were closely managed by Judicial Council staff with subject matter participation by the appellate or trial courts; and some were governed directly by CTAC with support from Judicial Council staff.

The varied approach to governance, while well intentioned and the result of reasoned consideration of each initiative, became an increasing focal point of concern for both internal and external stakeholders. In addition, the perception that appellate and trial court voices were lost in the technology development process led the Judicial Council Technology Committee to initiate a new concept for project governance and management in 2012.

The Technology Initiatives Working Group was created, with oversight from the Judicial Council Technology Committee, to focus on technology workstreams—a small number of discrete technology initiatives using a community-style model. This model sought to execute projects using experts from all areas of the judicial branch—trial courts, appellate courts, and Judicial Council staff—to lead and be accountable for project completion.

This new concept resulted in a number of rapidly completed projects with increased participation in branchwide initiatives. The quick success of this model was a major input to the Technology Planning Task Force’s recommendations.

In addition to these successes, the task force recognized the need for clarification of the roles and responsibilities of the Judicial Council Technology Committee and CTAC. Prior to making any recommendations for a more mature decision-making model, the roles of these two groups, and their relationship with one another, needed to be more clearly defined and communicated.

A key goal of the task force was to ensure greater participation and buy-in from the courts and branch stakeholders. The task force explored the elimination of CTAC and a model that instead used subcommittees to the Judicial Council Technology Committee to evaluate and facilitate technology strategy and projects.

While such a model may have held merit, the task force quickly determined it would not be feasible. Rule 10.10 of the California Rules of Court does not make any provision for the creation of subcommittees to Judicial Council internal committees.

In addition, the task force considered the Judicial Council’s recent actions in restructuring internal committees and advisory committees and how recommendations could and should be made to the Judicial Council and the Judicial Council Technology Committee. Task force members felt strongly that the Judicial Council Technology Committee should continue to receive input from the perspective of making a business case for technology and that the input should come from a technology advisory committee. The Judicial Council Technology Committee could then consider these recommendations along with input from other advisory committees such as the Administrative Presiding Justices Advisory Committee (APJAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), the Court Executives Advisory Committee (CEAC), the Advisory Committee on Providing Access and Fairness, and the Trial Court Budget Advisory Committee (TCBAC) before making a recommendation on technology initiatives to the full Judicial Council.

Recommendation 5: The Judicial Council should retain the internal Technology Committee and the supporting technology-related advisory committee.

Such a structure will allow the technology-related advisory committee to make recommendations on the business need for technology, while allowing the Judicial Council Technology Committee to consider those recommendations alongside the opinions of priority expressed by the APJAC, TCPJAC, and CEAC and the funding options and limitations identified by the budget advisory groups (APJAC and TCBAC).

Technology Advisory Committee Name

The task force is recommending a change in the name of the technology-related advisory committee. This name change is intended to accomplish two goals. First, the modified name will highlight that a change is being made to the charge and function of the advisory committee as described later in this document. Second, the name seeks to clarify that the role of the advisory committee is focused on information technology for the entire branch. The current title appears to limit the functions of the committee solely to the work of the courts. A slightly broadened title makes it more clear that projects and initiatives may be undertaken to support the needs of those within the justice community but external to individual courts. The name also intends to carve out a focus on *information*-related technology and to signal that this advisory committee may not be involved in *facility* or other technologies that are the purview of other advisory committees.

Recommendation 6: Rename the Court Technology Advisory Committee as the Information Technology Advisory Committee.

This name change—from the Court Technology Advisory Committee (CTAC) to the Information Technology Advisory Committee (ITAC)—will require modification of rule 10.53 of the California Rules of Court. ITAC will continue to have its annual agendas and work approved and prioritized by the Judicial Council Technology Committee.

Technology Advisory Committee Structure

CTAC has been very successful historically in developing and making recommendations for changes to rules of court and law to enable technology adoption. The advisory committee's role and activities around development of specific technology solutions has, however, been less well defined. While some projects, such as remote video appearances, have received extensive input and participation from the advisory committee, other branch technology projects, such as the LAN/WAN network refresh, have not. This has led to perceptions of an ad hoc approach to IT project oversight.

As previously stated, a major input to the work of the task force was the recent success of the workstream concept used in 2012 and 2013. The workstream concept leveraged a small group of leaders, in that case through the temporary Technology Initiatives Working Group, to identify executive sponsors for each initiative. Those sponsors, who were accountable to the larger working group, were responsible for forming teams of technology experts from throughout the branch and facilitating work plans for these initiatives. This concept helped to (1) leverage the expertise of the branch's technology community, (2) ensure accountability to the larger group, and (3) increase buy-in by having a larger group of participants.

Leveraging this success, the task force is recommending that ITAC's role be clarified to specifically define its role to act as sponsor of specific initiatives that are approved as part of its overall annual work plan. To act as an effective sponsor, ITAC needs to comprise technology subject matter experts who can be assigned lead executive sponsorship roles for each type of initiative.

As a sponsor, ITAC will need to rely on experienced program and project managers to structure, track, and manage the progress of individual tasks and milestones. These program

managers could be members of the IT community, from Judicial Council staff, court staff, or from external partners or vendors if appropriate. In this model, the executive sponsor will not have responsibility for project management, but will assume overall executive responsibility for project deliverables and will provide high level project status updates to ITAC, and to JCTC as requested.

Recommendation 7: Modify the charge and structure of the Information Technology Advisory Committee to include the responsibility of ITAC to sponsor technology initiatives, as directed by the Judicial Council Technology Committee, consistent with the branch Strategic Plan for Technology and Tactical Plan for Technology.

The task force is not recommending a change in the groups represented in ITAC. Existing positions for justices, judges, court executives, IT professionals, and external stakeholders should remain. Instead, the task force is recommending that appointments be made with a consideration toward candidates who have skill sets that best equip them to act as executive sponsors of future initiatives. The recommendation is intended to assist the Chief Justice in making future appointment decisions.

Summary of Major Elements in the Proposed Model

The proposed model is designed to ensure that all branch-level technology initiatives fall under the governance of the Judicial Council Technology Committee, with a large majority receiving routine oversight from the advisory committee.

- Project management and technical resources for programs and initiatives can be staffed with resources from the entire judicial branch IT community.
- The Judicial Council Technology Committee (JCTC) continues its oversight, policy, and coordination roles for branchwide technology strategy and branch-level projects on behalf of the Judicial Council.
- The Court Technology Advisory Committee is restructured into the Information Technology Advisory Committee and focuses on promoting, coordinating, and providing executive sponsorship for the application of technology to the work of the courts. It will make recommendations to the JCTC on standards to ensure technology compatibility; act as executive sponsor of court technology projects funded in whole or in part by the state; propose rules, standards, or legislation to ensure privacy, access, and security; and, with support from Judicial Council staff, assist courts in acquiring and developing useful technology systems. ITAC will also establish mechanisms to collect, preserve, and share best practices across the branch.
- This restructuring will require a change to rule 10.53 of the California Rules of Court, which defines the role of the Court Technology Advisory Committee.
- Information technology professionals and leaders at the court level are more actively engaged and involved in project management and execution. The focus is on leveraging the judicial IT community to establish courts as innovation centers that collaborate on efforts to expand, enhance, and where appropriate, standardize access to justice between and among the courts. This requires a commitment from the courts to contribute human resources to branchwide consortia (groups of courts working together) and local innovations that solve local business problems with a view toward their application in other jurisdictions.

Evolving the Court Technology Advisory Committee (CTAC)

The following chart summarizes the current structure and responsibilities for CTAC and the recommended structure for the new Information Technology Advisory Committee (ITAC).

	Current Structure Court Technology Advisory Committee	Recommended Structure Information Technology Advisory Committee
Membership	60% Judicial officers 15% Court executive officers 10% Chief information officers 15% External members	Increase technology subject matter expertise and strengthen executive sponsorship capabilities.
Responsibilities	1. Rules and legislative proposals 2. Technology projects	1. Technology projects 2. Rules and legislative proposals
Project Source	Selected by committee members.	Determined by branch strategic plan and tactical plan as approved by the Judicial Council.
Project Staffing	Primarily from Judicial Council staff	IT community—appellate courts, trial courts, and Judicial Council staff.

Increasing the technology subject matter expertise and strengthening the executive-level sponsorship capabilities of ITAC can be achieved by increasing the percentage of membership who have acted in a leadership role in activities that promoted major change, who have technology project or program management backgrounds, and increasing the expertise of ITAC members through direct participation in technology projects.

The newly formed Joint Appellate Technology Subcommittee between CTAC and the Appellate Advisory Committee will continue to exist in the new ITAC model.

Governance Roles and Responsibilities

For the majority of the governance roles, there are no changes in responsibilities. The changes previously discussed are intended to put more project emphasis on the Information Technology Advisory Committee and more responsibility on the courts to provide participants, sponsors, and facilitators for those projects.

	Role	Change in responsibility?
Judicial Council	The council establishes policies and sets priorities for the judicial branch of government.	No
Judicial Council Technology Committee	Assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.	No
Information Technology Advisory Committee	Promotes, coordinates, and acts as executive sponsor for the application of technology to the work of the courts.	Yes
Judicial Council staff (Information Technology Services Office)	Assists the council and its chair in carrying out their duties under the Constitution and laws of the state. Provides support to the Supreme Court, Courts of Appeal, and superior courts as requested.	No
Courts	Contribute to technology initiatives as participants or facilitators. Participate as consortia and may provide services to other courts.	Yes

Benefits of these changes in responsibility include:

- Increasing participation and support from the courts for branchwide programs and solutions.
- Encouraging consortium arrangements between groups of courts.
- Supplementing limited program resources from the Judicial Council and the courts.
- Providing closer oversight of branchwide programs and solutions.
- Actively engaging Information Technology Advisory Committee members in coordinating and sponsoring branchwide programs and solutions.
- Increased interaction and integration with existing advisory committees.

This format also helps to more clearly define the interrelated roles of other Judicial Council advisory committees and groups. While the Information Technology Advisory Committee is reviewing technology initiatives in terms of business need, technology capability, and risk and providing this information to the Judicial Council Technology Committee, the APJAC and the TCBAC are doing the same related to funding each technology initiative. Specific input from Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) is also defined to ensure a level of priority among

court leaders is also included in the Judicial Council Technology Committee's ultimate recommendations to the full Judicial Council.

These relationships among the advisory committees can be summarized by looking at the types of questions they are answering, as illustrated in the table below.

Basic Objective	Responsible Body	How?	Specific Contributions
Where should the branch go with technology?	Judicial Council	Policy and fiscal direction	Approval of 4-year Strategic Plan for Technology and 2-year Tactical Plan for Technology
How does the branch get there?	Judicial Council Technical Committee	Policy and fiscal determinations	Recommendations to Judicial Council
	IT Advisory Committee	Technical and fiscal impact determinations	Recommendations to Judicial Council Technology Committee
How can the branch pay for it?	TCBAC and APJAC	Fiscal determinations	Recommendations to the Judicial Council Technology Committee and comments to the IT Advisory Committee
How does this initiative rate in terms of priority?	APJAC, TCPJAC, and CEAC	Prioritization evaluation	Recommendations to the Judicial Council Technology Committee and comments to the IT Advisory Committee
How can the branch implement technology on the local level to support the branchwide strategic plan goals?	Local courts	Local technology and fiscal determinations and requirements	Reporting and recommendations to the IT Advisory Committee regarding: <ul style="list-style-type: none"> ▪ Identification of local impacts and requirements ▪ Establishment of best practices ▪ Project management ▪ Evaluation of challenges and successes

Governance of the Strategic Plan

General responsibilities for governing the strategic plan and the tactical plan are summarized below.

	Technology Strategic Plan (4-Year)	Technology Tactical Plan (2-Year)
Judicial Council	Final approval	Final approval
Judicial Council Technology Committee	Develops, recommends, seeks input, and oversees.	Oversight approval and determination of priorities
Information Technology Advisory Committee	Provides input.	Develops, recommends, seeks input, and acts as sponsor of initiatives.
Individual Courts	Provide input.	Provide input. Lead/ participate in initiatives.

For the strategic plan, the Judicial Council Technology Committee develops the content with input from the Information Technology Advisory Committee (ITAC) and individual courts, and the Judicial Council approves.

For the tactical plan, ITAC develops the content with input from individual appellate and trial courts, the Judicial Council Technology Committee provides oversight approval and prioritization, and the Judicial Council provides final approval.

Governance Focus Areas

Recommendation 3 states that technology initiatives should be governed based on the type of solution being sought and implemented. These categories have varied from a local project that solves a local problem with no need for any branch-level support or funding to a branchwide system that requires extensive planning, implementation, and ongoing program management.

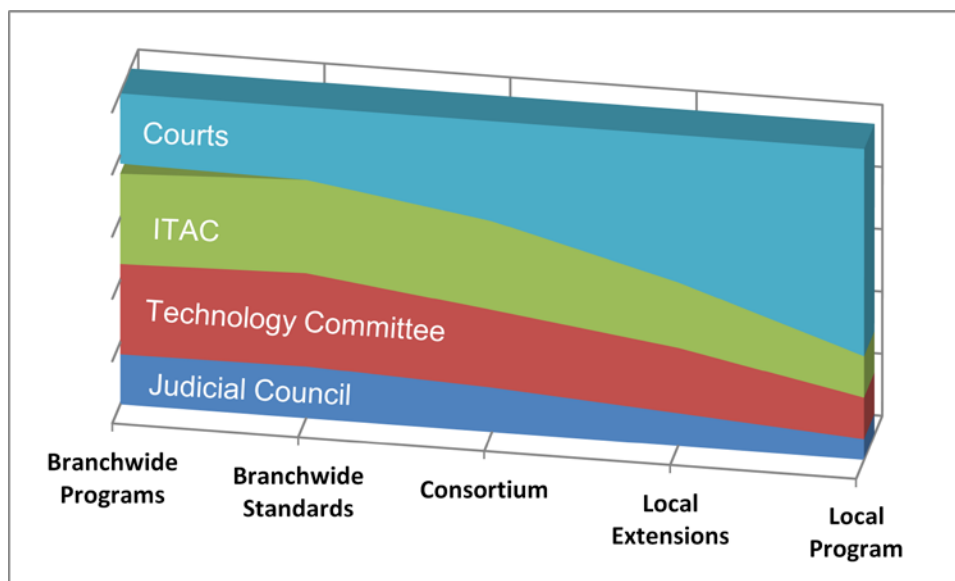
The governance roles and responsibilities can be illustrated in terms of the amount of participation by each group in the different types of technology initiatives.

Recommendation 8: Project governance, oversight, and facilitation activities should be dependent upon the amount of branch-level resources required/requested.

In general, the Judicial Council, the Judicial Council Technology Committee, and the Information Technology Advisory Committee will be focused on initiatives that require branch resources and support from Judicial Council staff while local courts will govern locally funded and locally supported initiatives. In situations where Judicial Council staff provides support and services to smaller local courts, those courts will still retain overall governance of and decision-making about the scope and implementation of those services, taking into consideration the constraints of their allocated funding and available resources.

The chart below illustrates the areas of focus for each group.

Governance Focus Areas by Technology Initiative Type



Governance of Technology Initiatives

A more detailed view of the responsibilities for each group is summarized below.

	Branchwide Programs/Standards	Consortium	Local Extensions	Local Program
Judicial Council	Final approval	Final approval	N/A	N/A
Judicial Council Technology Committee	Oversee and approve. Prioritize.	Oversee and approve.	Oversee and approve.	N/A
Information Technology Advisory Committee	Develop and recommend initiatives.	Recommend (branch funded) or monitor.	Recommend (branch funded) or monitor.	N/A
Individual Courts	Participate/facilitate, design, and execute.	Participate/facilitate, design, and execute.	Recommend, participate/lead design, and execute.	Develop and oversee initiative.
Administrative Presiding Justices Advisory Committee	Fiscal review of General Fund expenditures	Fiscal review of General Fund expenditures	Fiscal review of General Fund expenditures	N/A
Trial Court Budget Advisory Committee	Fiscal review of state-level fund expenditures	Fiscal review of state-level fund expenditures	Fiscal review of state-level fund expenditures	N/A

Note that there will be a process to provide an opportunity for review and comment on technology initiatives by other advisory committees such as the Court Executives Advisory Committee (CEAC), the Trial Court Presiding Judges Advisory Committee (TCPJAC), and the Appellate Advisory Committee.

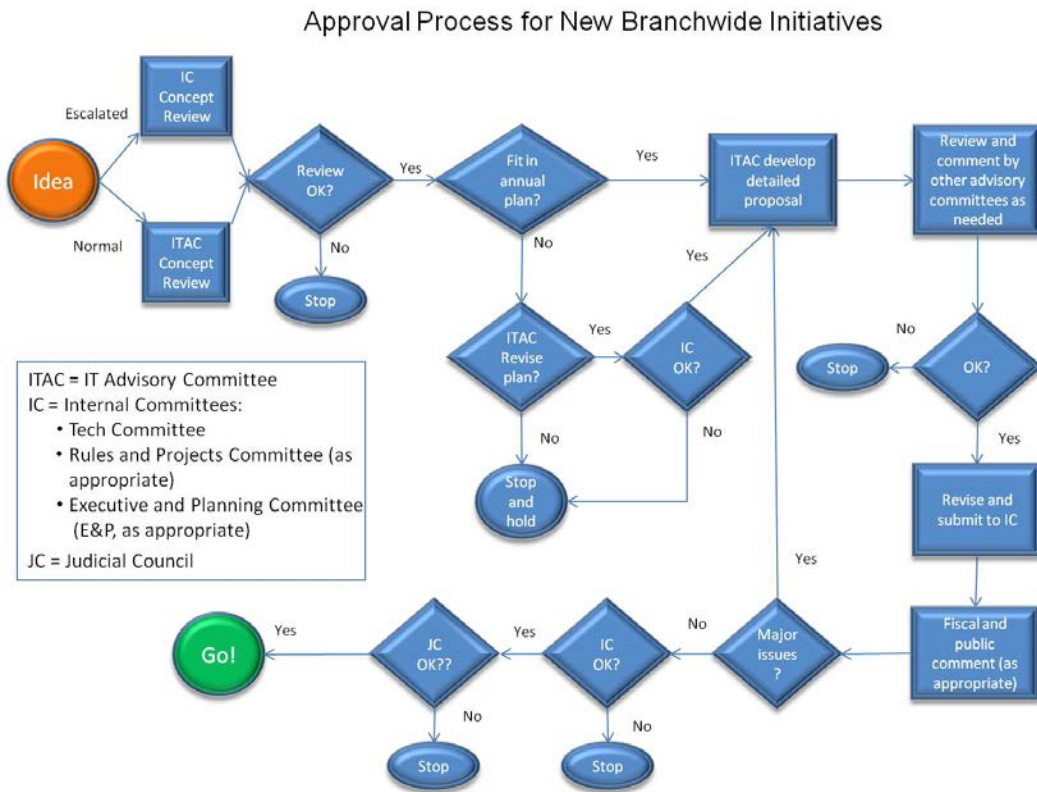
Overview of Approving New Branchwide Initiatives

A branchwide initiative is one from the “branchwide programs and solutions” initiative category or one from another initiative category that requires funding at the branch level. Ideas for new branchwide initiatives can originate from anywhere inside or outside the branch.

Ideas can be submitted by preparing a short “Initiative Proposal” document to describe the proposal, benefits, costs, expected outcomes, and other basic information that will be used to evaluate the proposal. Proposals will typically be submitted to the Information Technology Advisory Committee. If the proposal requires escalated consideration due to urgency or impact, then it can be submitted directly to the Judicial Council Technology Committee.

Once an initiative is approved, it is added to the list of programs sponsored by the Information Technology Advisory Committee, which is responsible for working with the proposing party to determine the appropriate program structure for executing and monitoring the initiative.

A high-level summary of the approval process is illustrated below.



Advisory Committee Input

The flowchart provided above includes input from the fiscal advisory committees (APJAC and TCBAC) and from leadership advisory committees (e.g. APJAC, TCPJAC, and CEAC). This is intended to ensure that the Judicial Council Technology Committee is receiving input from the:

- Business and technology advisors—via the recommendations from ITAC.
- Funding advisors—from the fiscal committees, APJAC for the appellate courts and TCBAC for the trial courts.
- Leadership advisors—from APJAC and appellate clerk/administrators for the appellate courts and TCPJAC and CEAC for the trial courts.

This process is intended to ensure input from all perspectives, while also ensuring that each group is able to focus on its charge. The fiscal advisory committees often grapple with insufficient funding to support all requests. Discussions in these committees can then become frustrated as the funding committee members have insufficient information to make decisions on priority of projects.

Recommendation 9: The Judicial Council Technology Committee should consider input from the fiscal advisory committees and leadership advisory committees prior to making recommendations to the Judicial Council.

The proposed process will allow the funding groups to identify available funding, or lack thereof, and provide this information to the Judicial Council Technology Committee (JCTC). Likewise, the leadership advisory committees will be included to provide their perspectives on relative priority of initiatives, balancing technology initiatives with other important access to justice issues and priorities for resources (both political and financial).

By receiving information from these two groups along with ITAC, the JCTC will be better able to prioritize initiatives and annual planning efforts and communicate a full set of facts and opinions to the full Judicial Council during budget planning meetings as well as annual planning meetings.

Workstream Approach

The judicial branch has achieved a large degree of success over the past 12 to 18 months due to a renewed focus on collaboration and inclusiveness. The workstream concept piloted by the Technology Initiatives Working Group achieved large degrees of success and buy-in. This was largely attributed to four factors:

1. Identifying project sponsors who were accountable to a larger committee.
2. Defining and limiting the scope of projects with clear direction from the project initiative.
3. Leveraging the expertise of the entire judicial branch IT community as needed for each initiative.
4. Using courts as innovation centers.

The task force recommends that this approach be adopted as one option for future technology initiatives sponsored by both the JCTC (where appropriate) and ITAC. For initiatives utilizing this workstream approach, the following would apply:

1. One or two members of either JCTC or ITAC would be identified as the executive sponsor of a specific initiative.
2. The executive sponsor would be responsible for assembling a team of experts to serve as staff on the initiative.
3. Team members would be identified from throughout the judicial branch, including appellate courts, trial courts, and Judicial Council staff.
4. In many cases, staff-level support will still be required to complete detailed technical tasks, but the workstream would be responsible for monitoring the work to ensure that it was performed to complete the project for the benefit of the branch.

This structure allows groups to form based on a specific interest area or skill set needed to work on a defined schedule and to disband when the work is complete. It also ensures each sponsor's accountability to ITAC (or JCTC where appropriate) so that initiatives do not stall due to lack of leadership.

Initiatives that require branch resources or funding can be managed either through a workstream approach, a traditional approach, or a hybrid of the two where Judicial Council staff resources help coordinate the work under the oversight of ITAC (or JCTC where appropriate) while gathering input from the courts. Funding identified for branchwide initiatives would customarily be managed by Judicial Council staff. For example, a new initiative that requires broad discussion and input from the courts, such as updating the e-filing deployment plan, could be managed through a workstream approach while the continued deployment of a mature existing program, such as the California Courts Protective Order Registry (CCPOR), could be managed in a traditional manner. When the initiative is in the planning stage, ITAC or JCTC can determine which model would be most appropriate to use.

Recommendation 10: Branch-supported technology projects should leverage the workstream approach for facilitating efforts when appropriate.

This recommendation is central to the development and acknowledgment of the power of the branch's IT community. Successive years of funding reductions have reduced the workforces of all courts and Judicial Council staff. This reduced level of support individually provides an opportunity to better leverage the expertise located throughout the branch to simultaneously avoid duplication of effort while increasing buy-in.

Finally, this structure places the focus on the courts as innovation centers. Encouraging involvement by courts from the initiation of ideas, allowing a court or small consortia of courts to be involved from the 'ground up' on technology development. This local court participation will allow the branch to implement proof of concepts and allow innovations to occur at the local courts and then expand to broader implementation.

Whether a workstream approach, traditional approach, or hybrid is used to manage initiatives that require branch resources or funding, a common Program Management Office could be utilized to ensure that branchwide initiatives are tracked and reported consistently. The Program Management Office is discussed later in this document.

Processes and Decision Flows

The judicial branch utilizes a project management life cycle approach to ensure proper planning and execution of initiatives. The overall strategic planning activity can be integrated into this life cycle as illustrated below.

Phase	Strategic Planning	Concept Initiation	Project Planning	Project Development and Implementation
Components	<ul style="list-style-type: none"> ▪ Strategic Plan ▪ Tactical Plan ▪ Annual Plan 	<ul style="list-style-type: none"> ▪ Idea Generation ▪ Concept Approval ▪ Initiative Categorization ▪ Business Analysis and Funding Approval 	<ul style="list-style-type: none"> ▪ Establish Project Team ▪ Create Project Plan 	<ul style="list-style-type: none"> ▪ Design ▪ Develop ▪ Deploy ▪ Operate ▪ Maintain ▪ Retire

The remainder of this section contains detailed process descriptions that illustrate the recommended review, approval, and execution of initiatives based on the above life cycle.

Strategic Planning Process

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan based upon the overall Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Individual projects will have a clearly stated business case and cost-benefit analysis. All of these activities will align with the overall goals of the branch.

Recommendation 11: The Judicial Council should adopt a Strategic Plan for Technology every four years that will guide branch technology decisions.

The task force is recommending an initial plan to be included in the document titled “Strategic Plan for Technology 2014–2018.”

The task force is further recommending that the Judicial Council Technology Committee be responsible for updating the technology strategic plan on a four-year cycle. They would be tasked with identifying key technology goals, soliciting input from all stakeholders, drafting the initial plan, communicating and developing buy-in to the plan, and ultimately recommending the new plan to the Judicial Council.

Once the strategic plan is adopted, the Judicial Council Technology Committee will be responsible for monitoring and overseeing the branch’s activities toward meeting the goals set forth in the strategic plan. This includes oversight of any tactical plans, annual work plans for ITAC, or new technology initiatives.

The high-level responsibilities for this process are outlined below.

Process for Developing and Updating the Strategic Plan for Technology

Judicial Council	<ul style="list-style-type: none"> • Directs Technology Committee to adopt/revise plan • Adopts recommended plan (4-year)
Technology Committee	<ul style="list-style-type: none"> • Develops ideas for the plan • Seeks input on potential plan • Produces draft plan • Produces recommended plan
All Advisory Committees	<ul style="list-style-type: none"> • Provide input
Court Community and State Stakeholders	<ul style="list-style-type: none"> • Provide input

Exhibit 1 in Appendix B provides the complete workflow diagram illustrating the process for development and modification of the strategic plan.

Tactical Planning Process

The task force is recommending that the Judicial Council adopt a two-year technology tactical planning cycle. These tactical plans should support the four-year Strategic Plan for Technology. The first such plan is included in the document titled “Judicial Branch Tactical Plan for Technology 2014–2016.”

The task force is recommending that the Information Technology Advisory Committee (ITAC) be responsible for drafting each tactical plan based on the strategic direction set forth in the adopted strategic plan. ITAC would be responsible for identifying the more-detailed projects; soliciting input on these concepts from court leaders, stakeholders, and other advisory committees; and recommending the tactical plan to the Judicial Council Technology Committee (JCTC).

Recommendation 12: The Judicial Council should adopt a Tactical Plan for Technology every two years that will guide branch technology decisions.

The tactical plan is scoped for a two-year time frame that allows for two tactical plans to be created for each four-year strategic plan. This structure provides a mechanism for dividing the work necessary to achieve the goals in the strategic plan into two manageable sets of tactical initiatives.

The JCTC will be responsible for reviewing the proposed tactical plan, considering the input from other advisory committees and groups, verifying fit with the strategic plan, and reevaluating prioritization within the tactical plan. Ultimately, the JCTC would recommend the tactical plan to the Judicial Council for approval.

Once the tactical plan is adopted, ITAC will be responsible for monitoring and overseeing the branch’s activities toward meeting the goals set forth in the tactical plan. This includes using the tactical plan as the primary input to ITAC’s draft annual work plan and for evaluating new technology initiative ideas.

Further, consistent with the recommendation for ITAC roles, ITAC will be responsible for facilitating tactical plan IT initiatives, as approved by the JCTC as part of the ITAC annual plan, through its new project approach.

The high-level responsibilities for this process are outlined below.

Process for Developing and Updating the Tactical Plan for Technology

Judicial Council	<ul style="list-style-type: none"> Adopts recommended plan (2-year)
Technology Committee	<ul style="list-style-type: none"> Directs ITAC to develop plan
Information Technology Advisory Committee	<ul style="list-style-type: none"> Develops ideas for the plan Seeks input on potential plan Produces draft plan Incorporates comments/revises as appropriate Produces recommended plan
Other Advisory Committees and Court Stakeholders	<ul style="list-style-type: none"> Review Provide input
Fiscal Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> Review for state-level fiscal impacts Identify funding sources or methods (if any) Produce fiscal analysis Comment on plan

Exhibit 2 in Appendix B provides the complete process flow diagram illustrating the process for development and modification of the tactical plan.

Information Technology Advisory Committee (ITAC) Annual Plan

Strategic and tactical plans that outline what an organization hopes to accomplish are meaningless unless actual projects and effort conform to these planning efforts. The existing advisory committee planning structure addresses this issue by requiring each advisory committee to develop an annual plan that is subject to review by an internal committee to the Judicial Council and ultimately approval by the Judicial Council.

Recommendation 13: The Information Technology Advisory Committee’s annual plan should be developed and adopted consistent with the Tactical Plan for Technology and approved by the Judicial Council Technology Committee.

The task force is not recommending any change to this process but is instead clarifying the relationship between the annual plan for ITAC and the branch tactical plan. The tactical plan establishes a two-year technology roadmap for the branch. The annual plan identifies the individual projects scheduled for the next year. The annual planning process includes an overall evaluation and prioritization of any new ideas to be considered for the year as well as projects that will be continued from the previous year. Any modifications to an annual plan, once adopted, should go through a well-defined review and approval process and be reconciled with the tactical plan.

The high-level responsibilities for this process are outlined below.

Process for Developing and Updating the ITAC Annual Plan

Judicial Council	<ul style="list-style-type: none"> • Adopts recommended annual plan
Technology Committee	<ul style="list-style-type: none"> • Validates consistency with tactical plan • Recommends annual plan adoption
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Develops Annual Plan • Produces Recommended Annual Plan

Exhibit 3 in Appendix B provides the complete process flow diagram illustrating the annual planning process for ITAC.

Concept Approval Process

Technology change is rapid. The task force's recommendations for a tiered planning cycle seek to allow opportunities for adjusting activities to account for new ideas and sudden advancements in technology. The task force acknowledges that a good technology idea now may be out of date in four years due to major advances in the industry. Because of this possibility, any planning process must remain fluid enough to allow for new innovations and ideas due to potentially significant improvements that they bring to information efficiencies for access to justice.

Recommendation 14: The technology planning process should allow for new ideas and innovations to be evaluated and assessed during the planning cycle to determine if further evaluation and investigation would be beneficial.

Competing with the need for innovation is the need to remain focused on goals and outcomes. Planning processes can fail under the weight of new ideas and the desire to meet all goals simultaneously. Staff can be pulled into too many projects, resulting in a dilution of time and energy and an inability, despite all best efforts, to bring projects to conclusion. To that end, the task force is recommending a concept evaluation approach that acknowledges the need for flexibility while building in controls to ensure this flexibility does not move technology efforts away from the core technology goals of the branch.

This initial process provides a screening or triage function for new ideas to determine if additional resources and time should be invested in fully investigating the idea.

The triage process will determine if a new idea should be added to the work of ITAC (and by extension the Judicial Council Information Technology Services Office and court staff participants).

First, new ideas can come from anywhere. Some may be a directive from the Judicial Council due to some major initiative, legislative change, or a need to respond to some critical failure. Others may be of such critical or time-sensitive nature that the JCTC desires to retain direct oversight of any project activities.

For all other projects, the task force is recommending that new technology ideas be directed to ITAC for initial concept review. This review will include an assessment of how well the ideas fit with the strategic plan and the tactical plan; whether a specific idea is already in ITAC's annual plan; whether an idea that is not in the annual plan can be accomplished with existing resources; and whether capacity exists to complete the project. During a subsequent Business Analysis Process, the court community and state stakeholders will have an opportunity to provide input on the concept. Projects will be funded per the funding model described later in this document.

Recommendations are then made by ITAC, based on this initial fast and limited assessment, whether to add the idea to the current annual plan, save it for the next annual plan, or take no action. These recommendations are then reviewed by the JCTC and any additions to plans are subject to Judicial Council approval.

The high-level responsibilities for this process are outlined below.

Process for Evaluating New Branchwide Technology Ideas (Triage)

Judicial Council	<ul style="list-style-type: none"> • Determines if concepts are internally or externally mandated • Approves ITAC Annual Plan revisions (as required) • Adopts recommended plan
Technology Committee	<ul style="list-style-type: none"> • Determines priorities • Determines if direct oversight by the Technology Committee is appropriate • Develops projects and executes projects with direct oversight • Recommends adoption of annual plan revisions (as required)
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Defines ideas for discussion with appropriate level of detail • Reviews ideas related to annual plan, technology principles, and tactical and strategic plans • Reviews ideas for risk, rewards, and capacity to complete • Determines if ideas are already in the plan and/or if they are a required addition • Recommends annual plan revisions • Develops and executes projects
Funding Advisory (TCBAC and APJAC) and Other Advisory Committees	<ul style="list-style-type: none"> • Define ideas for discussion with appropriate level of detail

Exhibit 4 in Appendix B includes the complete process flow diagram illustrating the process for initial review and screening of new ideas and how to evaluate these ideas.

The task force believes this structure will encourage innovation while balancing the desire for new ideas against the need for a formal planning process.

Technology Initiative Categorization Process

After assessing a new idea and making a decision to continue with a more-detailed analysis and evaluation, the idea should be categorized and evaluated based upon the type of initiative. In general, the more branch-level resources are required, the more formal and detailed the branch-level involvement by the Judicial Council and its committees.

For example, a local trial court or consortium innovation that requires no branch-level support would not require approval by the Judicial Council and its committees. A local trial court initiative where special funds are needed or support from Judicial Council staff is being requested would require review by ITAC, JCTC, and potentially the Judicial Council.

The high-level responsibilities for this process are outlined below.

Process for Categorizing Initiatives

Judicial Council	<ul style="list-style-type: none"> • Approves new technology initiatives • Monitors the progress of branchwide programs
Technology Committee	<ul style="list-style-type: none"> • Determines if direct oversight by the Technology Committee is appropriate • Determines project model, workstream, traditional, or hybrid, for projects with direct oversight • Establishes workstream team for projects with direct oversight, when workstream model is selected • Categorizes the initiative • Monitors the progress of projects with direct oversight
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Determines project model, workstream, traditional, or hybrid, for projects • Establishes workstream team for project, when workstream model is selected • Categorizes the initiative • Monitors the progress of project
Local Courts	<ul style="list-style-type: none"> • Establish local teams for local projects

The previously recommended criteria described in the “Categorizing Technology Initiatives” section of this document can be used to help with this process. Exhibit 5 in Appendix B includes the full-sized process flow diagram illustrating the process for initial review and screening of new ideas and how to evaluate these ideas. The appellate courts have a separate process.

The appellate courts have historically worked as a consortium for technology needs, with guidance and direct support from the Judicial Council Information Technology Services Office (ITSO). To realize efficiencies and achieve economies of scale, the ITSO budget for core services is shared with the appellate courts. The appellate courts share a single case management system, developed, hosted, and maintained by Judicial Council staff.

Application and infrastructure upgrades are supported by Judicial Council staff and coordinated across the courts.

The current appellate court technology roadmap was developed in June 2013, through a joint effort between ITSO and the California Appellate Court Clerks Association (the association), comprised of the clerk/administrators and assistant clerk/administrators from the Supreme Court and each Court of Appeal district. The courts use a technology roadmap to prioritize and guide technology initiatives. The appellate courts work with ITSO to adhere to a standard change management review and approval process. The appellate court user group, assisted by Judicial Council staff and comprised of representatives from each court (including system administrators), submits proposals for technology initiatives to the association for prioritization, approval, and authorization to proceed.

The association is responsible for forwarding recommendations for statewide initiatives to the Administrative Presiding Justices Advisory Committee (APJAC) for approval. APJAC reviews recommendations from the association for funding of local court enhancements, applications, and services. Initiatives originating from advisory committees and statewide initiatives requiring Judicial Council action or approval are submitted to the JCTC for final approval, in alignment with the overall governance model.

Business Analysis Processes

After categorizing an initiative either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, performs a detailed business analysis to determine risk, costs, benefits, and return on investment (ROI).

The process for detailed business analysis will vary based upon the type of initiative. The following pages provide decision diagrams for this process. The task force directs the reader to the following two key decision points:

1. Are branch resources being requested?
2. Does this project fit within the strategic and tactical plans?

These two questions guide the amount of branch-level involvement in the initiative.

The high-level responsibilities for these processes are outlined below.

Project Execution: General Process for Statewide Program (Business Case/Approval)

Judicial Council	<ul style="list-style-type: none"> • Confirms need for statewide program development • Approves statewide program development
Technology Committee	<ul style="list-style-type: none"> • Confirms applicability of statewide program development • Receives report on ITAC recommendation
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Establishes workstream team (where appropriate and if not already established) • Develops high-level business case and scope for statewide program (e.g., why it's needed, capability of establishing) • Seeks input • Determines recommendation if a statewide program is appropriate • Prepares full business case/report for statewide program, including cost benefit
All Advisory Committees	<ul style="list-style-type: none"> • Provide input on concept • Identify potential funding sources and recommendations for funding (TCBAC and APJAC)
Court Community and State Stakeholders	<ul style="list-style-type: none"> • Provide input on concept

Exhibit 6 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential branchwide programs and solutions.

Project Execution: General Process for Statewide Standards

Judicial Council	<ul style="list-style-type: none"> • Confirms applicability of standards development • Adopts recommended judicial branch standards
Technology Committee	<ul style="list-style-type: none"> • Recommends creation of standards • Recommends adoption of standards • Receives report of ITAC recommendation
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Establishes workstream (where appropriate and if not already established) • Develops business case for standards (why needed, why capable of establishing) • Seeks input • Determines appropriateness of creating standards • Proposes standards be developed • Develops standards • Seeks formal public comment
All Advisory Committees	<ul style="list-style-type: none"> • Provide input on standards concept(s) • Provide input on standards
Court Community and State Stakeholders	<ul style="list-style-type: none"> • Provide input on standards concept(s) • Provide input on standards

Exhibit 7 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential branchwide standards and guidelines.

Project Execution: General Process for Analyzing Potential Consortium Programs and Solutions

Judicial Council	<ul style="list-style-type: none"> • Approves project and funding source
Technology Committee	<ul style="list-style-type: none"> • Determines if sufficient technology innovation funds are available • Determines if Judicial Council staff support is required (if applicable) • Recommends projects and funding source to the Judicial Council • Approves projects
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Compares project idea against strategic and tactical plans • Evaluates risk, including capacity to complete • Evaluates all requests submitted by local courts and consortiums • Recommends approval • Receives project reports and includes in annual report to the Technology Committee
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> • Review funding methods • Identify current year funding • Identify potential future funding and make recommendation (for or against)
Consortia of Courts	<ul style="list-style-type: none"> • Prepare and submit technology and funding requests • Manage project(s); may require Judicial Council staff assistance • Report on progress (reporting detail requirement determined by level of funding)

Exhibit 8 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential consortium programs and solutions.

Project Execution: General Process for Local (or Consortium) Extensions of Branchwide Programs

Judicial Council	<ul style="list-style-type: none"> • Approves project and alternate funding source (if applicable)
Technology Committee	<ul style="list-style-type: none"> • Recommends projects for approval • Confirms sufficient technology innovation funds are available • Recommends funding source (non-innovation fund)
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Evaluates requests for modifications of branchwide programs • Confirms conformance with standards (as applicable) • Evaluates impact of underlying system(s) • Determines if state funding is requested • Recommends approval • Receives report and includes in annual reporting to the Technology Committee
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> • Review funding methods • Identify current-year funding • Identify potential future funding and make recommendation (for or against)
Consortia of Courts	<ul style="list-style-type: none"> • Prepare and submit local extension requests • Manage project; may require Judicial Council staff involvement • Report on progress (reporting detail requirement determined by level of funding)

Exhibit 9 in Appendix B includes the complete process flow diagram illustrating the process for analyzing potential local extensions.

Project Execution: General Process for Local Programs Requiring Branch Funds

Judicial Council	<ul style="list-style-type: none"> • Approves project and alternate funding source (if applicable)
Technology Committee	<ul style="list-style-type: none"> • Confirms sufficient technology innovation funds are available • Recommends projects for approval • Recommends funding source (non-innovation fund) • Approves projects
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Compares project idea against strategic and tactical plans • Evaluates risk, including capacity to complete • Evaluates all requests submitted by local courts and consortia • Recommends approval • Receives project reports and includes in annual report to the Technology Committee
Fiscal Advisory Committees (TCBAC and APJAC)	<ul style="list-style-type: none"> • Review funding methods • Identify current-year funding • Identify potential future funding and make recommendation (for or against)
Local Courts	<ul style="list-style-type: none"> • Prepare and submit local extension requests • Manage projects • Report on progress (reporting detail requirement determined by level of funding)

Exhibit 10 in Appendix B includes a complete process flow diagram illustrating the process for analyzing potential local programs requiring branch funds.

Project Execution Process

After a project is approved, either the Judicial Council Technology Committee or ITAC, depending upon the governance of the initiative, forms a project team and executes the program using the workstream model to develop the solution. These project teams are not formal subcommittees or working groups but rather informal project teams identified for the specific purpose of executing the development of a branchwide program, standard, or guideline.

This process applies when developing branchwide programs and solutions or branchwide standards and guidelines. There is no intent to impose or enforce a particular development process for local court or consortia programs, which should be managed under the discretion of the local court or consortium. However, the task force encourages the use of this process and its checkpoints where appropriate in the spirit of information sharing and collaboration.

The high-level responsibilities for this process are outlined below.

Project Execution: General Process for Statewide Program (Build)

Judicial Council	<ul style="list-style-type: none"> • Approves or denies scope/funding changes • Adopts deployment plan
Technology Committee	<ul style="list-style-type: none"> • Receives status reports • Recommends approval scope/funding changes • Approves/recommends deployment plans
Information Technology Advisory Committee	<ul style="list-style-type: none"> • Develops detailed requirements • Seeks internal/stakeholder comment • Prepares status reports • Prepares change orders (including funding) • Builds solutions • Recommends adoption of program / deployment plan
All Advisory Committees	<ul style="list-style-type: none"> • Provide input on requirements • Review/make recommendations on fiscal (TCBAC and APJAC) • Provide input on deployment plans
Court Community and State Stakeholders	<ul style="list-style-type: none"> • Provide input on requirements testing • Provide input on deployment plan (may include each court submitting readiness information)

Exhibit 11 in Appendix B includes the complete process flow diagram illustrating the process for developing branchwide programs and solutions.

Program Management Office Responsibility

The Judicial Council Information Technology Services Office provides individual staff support to branchwide initiatives. That responsibility is essential for ensuring that branchwide initiatives are tracked and reported consistently.

The primary goal of a program management office (PMO) is to achieve benefits from standardizing and following project management policies, processes and methods based on industry standards. The PMO defines and maintains standards for project management, tracks project progress, and reports on project status. Providing visibility to project status helps project teams, managers, and sponsors understand whether activities are on track, within budget, or need assistance.

Recommendation 15: The Judicial Council Technology Committee should work with the Judicial Council Information Technology Services Office to establish a basic PMO function to support branchwide initiatives.

Careful consideration should be made when establishing a PMO function. The PMO exists to support projects and improve the opportunity for their success. It should be staffed to accomplish its main purpose but it does not have a governance role nor should it become an impediment to executing projects. A successful PMO supports project teams and their sponsors and does not act as a gatekeeper or bureaucratic organization to be avoided. It should focus on expediting the decision making process, eliminating redundancies and creating efficiencies. The PMO function for branchwide initiatives should be formed from existing staff with any additional resource requirements approved by the Judicial Council Technology Committee.

Program Prioritization Criteria

In the processes and decision flows described previously, projects and initiatives will need to be evaluated. Furthermore, scarce resources and funding result in the need to prioritize initiatives so that investments will provide the highest returns.

Recommendation 16: The Judicial Council Technology Committee should implement an equitable, transparent methodology for prioritizing technology projects.

The Technology Planning Task Force recommends that the Judicial Council Technology Committee use a balanced scorecard approach to prioritize branchwide initiatives. This scorecard provides a transparent and consistent model for evaluating projects by considering overall return on investment (ROI), business risk, and alignment with strategic goals.

A balanced scorecard approach relies on measuring several individual criteria grouped into key business categories. By applying weights to each of the criteria, more importance can be placed on some aspects.

The scorecard is not intended to be the sole decision-making tool. It is intended to provide analytical data to help the Judicial Council Technology Committee make decisions.

A sample scorecard developed by the Technology Planning Task Force is included in Appendix C.

Pilot Use of the Scorecard

At the end of September 2013, the Judicial Council Technology Committee needed to identify a list of trial courts that had the highest need for funding to replace their aging case management systems. An initial survey indicated interest from 32 courts to participate in a budget change proposal (BCP) to request funding from the California Department of Finance. Recognizing the scarcity of available funding, the Judicial Council Technology Committee decided to pilot the use of the scorecard to prioritize the requests.

The Judicial Council Technology Committee used a transparent process involving broad and clear communications to the trial courts to ensure everyone had an opportunity to participate and that expectations were set appropriately. The sample scorecard was shared with the courts to be filled out. Fourteen formal requests were received and the Judicial Council Technology Committee used the scorecard to help facilitate their decision-making process, resulting in six proposals being included in the BCP.

The Technology Planning Task Force recommends the continued use of the scorecard with refinement over time to ensure that the measures best reflect the priorities and constraints of the branch when it is used.

FUNDING

The current funding situation for technology in the branch is bleak. The source for funding branchwide initiatives is facing a deficit; restrictions on year-to-year carryover of funds results in de-prioritizing technology investments; and there is no guarantee that budget change proposals requesting additional General Fund monies will be funded.

A series of deep budget reductions to the branch has led to courthouse and courtroom closures, service hour reductions, furloughs, and other painful cuts to services the public needs and has come to rely on the courts to provide. On the technology front, many courts have outdated and sometimes unsupported systems, many of which are in critical need of replacement. Current court technology funding sources do not meet the need to operate on an ongoing basis. Only the continued use of trial court reserve funds has forestalled serious problems for most courts, and trial court reserve funds have been restricted to 1 percent of operational expenditures by the end of fiscal year 2013–2014. The statewide trial court budget has been severely impacted by previous reductions and redirection to trial court operations away from technology.

The branch has limited opportunities to generate funding through fees and other mechanisms. Benchmarking with other state judiciaries confirms that we have either considered or implemented appropriate best practices and approaches. Ultimately, funding for technology must be restored by the Legislature and the Governor.

Once funding is restored, funding models and governance processes approved by the Judicial Council will be used to manage and allocate funds consistently, transparently, and predictably. In the interim, the governance process will provide the framework for managing funding requests.

Existing Funding Sources

Five sources of funding support court technology for the trial courts and one ongoing source is available for the appellate courts.

Trial Court Technology Funding

Sources of funding for trial court technology include:

1. Two percent automation fund revenue;
2. Government Code section 77207.5 (replacement of 2 percent automation fund) trial court distributions;
3. State Trial Court Improvement and Modernization Fund (IMF; allocated by the Judicial Council);
4. Trial Court Trust Fund (allocated by the Judicial Council); and
5. Trial Court Trust Fund (allocated by the trial courts).

Of the five listed sources of available funding for trial court technology, the first two are statutorily dedicated to court technology and the other three have committed resources for those purposes.

The “2 percent automation fund” was established by the Legislature through Government Code section 68090.8 and restricted to the “development of automated administrative systems, including automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems” (excluding electronic reporting systems for use in a courtroom). Initially retained locally, beginning June 30, 1996, these monies became state funds and are now remitted to the IMF. Comprising 2 percent of criminal fines, penalties, and forfeitures collections, the average amount remitted to the IMF over the past three fiscal years has been \$16.7 million.

In addition, since January 1, 2006,³ Government Code section 77207.5 has required the Judicial Council to allocate \$10.9 million annually from the Trial Court Trust Fund to trial courts for the development, implementation, and maintenance of automated systems as described in section 68090.8(a).⁴

The IMF funds are allocated by the Judicial Council to fund a variety of branchwide projects and programs that benefit the trial courts (Gov. Code, § 77209), not just to fund technology. Technology programs and projects have received approximately \$46.6 million annually from this source. In addition to funding technology, IMF allocations fund a range of services, including trial court security grants, the Litigation Management Program, self-help centers, and judicial leadership training. However, the IMF already faces a structural deficit as expenses have exceeded revenues and the existing reserve balance is being depleted. Current revenue and expenditure projections indicate an ongoing structural deficit of approximately \$25 million and a funding shortfall in FY 2014–2015 of between \$5 million and \$10 million.

The Judicial Council has traditionally made certain allocations of Trial Court Trust Fund (TCTF) monies to technology projects and currently funds programs providing direct, ongoing services to the trial courts. These allocations have been partially funding branchwide initiatives such as the Phoenix Financial and Human Resources systems, the California Courts Technology Center, and case management initiatives and operations. The total allocation has been approximately \$13 million annually in recent years, of which \$5.3 million has been offset by contributions from trial courts receiving the services.

The bulk of technology funding within the branch has come from TCTF allocations to each trial court for general court operations. The allocations do not separately identify a technology allocation component. The trial courts expend approximately \$180 million annually from their operational budgets to support the current level of technology. The expenditure levels of individual courts vary widely across courts and across fiscal years

³ With enactment of the Uniform Civil Fees and Standard Fee Schedule Act (Assem. Bill 145; Stats. 2005, ch. 75).

⁴ Previously, Government Code section 77209(h) had required the Judicial Council to distribute to the trial courts a portion of the “2 percent automation funds” remitted at the time to the Trial Court Improvement Fund “not less than the revenues collected in the local 2 percent automation funds in fiscal year 1994–95.” The amount in FY 1994–1995 was \$10.9 million.

depending on the management decisions of each court concerning new initiatives and system replacements. These expenditures are subject to serious reduction in FY 2014–2015 as the trial courts are faced with the full impacts of budget cuts to the branch and the virtual elimination, through the imposed 1 percent cap on trial court reserves, of prior flexibility to mitigate these impacts.

Appellate Court Technology Funding

The appellate courts have only one dedicated source of funding—\$660,000 in General Fund monies, managed by Judicial Council staff and allocated through an ongoing budget change proposal (BCP). Beyond the BCP funding the appellate courts use their operating budget for salaries and benefits for their technical support staff, while the Judicial Council Information Technology Services Office (ITSO) budget for core services is shared with the appellate courts for technology initiatives.

Existing Technology Funding Approval Structure

Historically, the technology funding structure of the branch has been derived through a complex process that included direct allocation, special allocation, loans, and some reimbursement. The organizational flow of funding to courts and projects was not based on a branchwide model and therefore was not always consistent. To further assist the courts, the Judicial Council implemented a process for providing “supplemental” funding based on emergency requests for financial assistance. This process has undergone some changes. In addition to the work of the Technology Planning Task Force, the Trial Court Budget Advisory Committee is also reviewing automation funding and allocation.

Recommendation 17: Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology and funding issues.

This clarification will also ensure that resulting recommendations will align with the proposed models for technology governance and the judicial branch Strategic Plan for Technology.

Current Technology Funding Approaches in Other U.S. Jurisdictions

The discussion of the existing funding sources (above) describes the source and amounts of existing technology funding for California’s state courts. In an effort to explore funding options, a survey of the technology funding streams for the judicial branches in other states and the federal government was undertaken (see Appendix A).

While the judicial branches in the majority of states generally depend upon general fund revenues from their state legislatures, the federal Public Access to Court Electronic Records (PACER) system and several states fund technology through specific filing fees and/or information access fees.

The Technology Planning Task Force is mindful that such fees may represent a barrier in access to justice even though technology is essential to the operation of the judicial system. Any new fees must balance these interests.

Underlying Principle and Strategy

Most of the funding recommendations in the remainder of this document are based upon the principle of “*linking the funding source with the type of technology task to be accomplished.*” The recommendations also reflect a funding strategy that:

- Maximizes the benefit from existing funds;
- Seeks stable General Fund resources for core costs such as case management systems; and
- Searches for new funding sources to fund new initiatives.

Technology Funding Categories

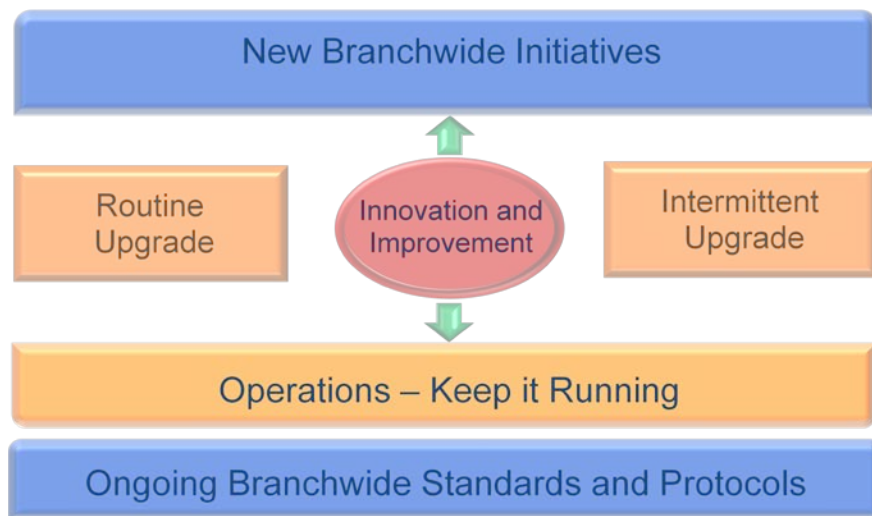
Funding for technology is used to cover a broad variety of expenses. These include one-time and ongoing expenses, investments in new technology as well as maintenance of existing solutions.

Recommendation 18: Technology funds should be allocated according to technology expenditure categories.

The following categories and criteria provide a framework for making strategic technology funding decisions for the judicial branch. Although some initiatives may change categories over time depending upon the maturity or stage of the program, they are intended to provide guidance on how technology funding could be managed, sourced, and allocated.

With this framework, there are different funding approaches for each category. Furthermore, there are different processes for governing funds at the branch and local court levels.

A summary of the funding categories is illustrated below.



The funding for New Branchwide Initiatives and Ongoing Branchwide Standards and Protocols will be managed at the branch level.

The funding for Routine Upgrade, Intermittent Upgrade, and Operations—Keep It Running will be managed at the local court level for local court expenses and at the branch level for expenses associated with branchwide initiatives.

The funding for Innovation and Improvement is managed at the branch level and dedicated to innovation and improvement projects that can be initiated anywhere in the branch.

Operations—Keep It Running

- Routine, ongoing information technology costs supporting core court operations.
- Year-to-year costs are typically stable and predictable. These costs are either fixed or vary based on the number of users or level of use.
- This category also includes costs associated with court staff or professional services needed to keep the core operations running.
- These expenses may be associated with the operations of technology programs at a local court or with ongoing operations of branchwide initiatives.
- Examples: Annual hardware and software maintenance; telecommunications services; e-mail services; data center costs; support and maintenance for the Appellate Court Case Management System; hardware and software maintenance and support costs for trial court case management systems; [support and maintenance for the Court Interpreter Data Collection System \(CIDCS\) and other language access tools.](#)

Routine upgrade

- Upgrades for hardware that occur on a regular basis, based on the expected life cycle of equipment.
- Examples: Replacement of desktop/laptop computers every few years; replacement of servers every few years.

Intermittent upgrade

- Some upgrade expenditures are more episodic and their timing is often unpredictable. The triggering event is often a vendor's decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software, including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.
- Examples: Upgrade to a newer version of an operating system, Microsoft Office; upgrade or replacement of a case management system (CMS), document management system (DMS), or jury management system (JMS); or a technology stack upgrade.

Innovation and improvement

- If the branch is to continue to innovate to discover and explore new ways of providing services and doing business, there needs to be funding to allow courts to innovate and learn about new approaches and technologies.
- In addition, there needs to be funding of a one-time nature to allow a court to jump-start advanced technology opportunities.
- This type of funding can come from a local court budget, but the intention is to establish a branchwide fund to support the experimentation with technologies for innovation and improvement.
- Past innovation examples: remote video appearance; e-filing; e-citations; improved access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines.

- Past improvement examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents.

New branchwide initiatives

- If a branchwide policy decision is made to provide or expand a service at the branch level, there will be costs to implement the service in all courts that choose to participate. Some branchwide initiatives may be mandatory; e.g., Phoenix Financial. Other branchwide initiatives may be mandated if a court decides to implement a specific branchwide technology; e.g., Phoenix Human Resources (HR), California Courts Protective Order Registry (CCPOR).
- Funding is needed for the one-time costs of hardware, software, and deployment. Funding would also be required for any increases in maintenance costs that would occur in the “Operations—Keep It Running” category.
- Examples: Phoenix Financial, Phoenix HR; CCPOR; Judicial Branch Statistical Information System (JBSIS); e-citations from the California Highway Patrol (CHP); remote video appearances; appellate e-filing; [early identification of language access needs and resource requirements](#).

Ongoing branchwide standards and protocols

- A coordination effort is required when trial courts and/or appellate courts are exchanging data or otherwise interacting with state agencies, other trial or appellate courts, or local agencies. There is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols.
- There are a number of services and tasks that might be accomplished more economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.
- Ongoing maintenance of branchwide standards and protocols differs from typical operations and “keep it running” activities since there is periodic ongoing development required to keep the standards and protocols up to date.
- Examples: State-level data exchanges and data integration with justice partners for programs like CCPOR, CHP e-citations, and California Department of Child Support Services (DCSS) child support data; master service agreements for IT equipment, software, data centers, etc.

Funding Sources and Governance

For each type of expense defined, the source for funding could vary as could the management requirements for those funds.

Recommendation 19: Technology funds should be sourced and managed according to technology expenditure categories.

The following chart summarizes the recommended funding sources and governance for each category of fund. A detailed description can be found in Appendix D.

	Funding Sources	Governance
Operations—Keep It Running	<ul style="list-style-type: none"> ▪ Court operating budget ▪ Judicial Council operating budget ▪ BCP for gap in needed funds 	<ul style="list-style-type: none"> ▪ Allocated by formula by the Judicial Council. ▪ Expended by courts based upon local priorities and needs. ▪ Expended by the Judicial Council for branchwide initiatives.
Routine upgrade		
Intermittent upgrade		
Innovation and improvement	<ul style="list-style-type: none"> ▪ Limited amount of funds set aside at the branch level 	<ul style="list-style-type: none"> ▪ Reviewed and recommended by the Judicial Council Technology Committee. ▪ Allocated by the Judicial Council after review by Trial Court Budget Advisory Committee or Administrative Presiding Justices Advisory Committee. ▪ Expended by appropriate agency, the Judicial Council, local trial court, and/or the appellate courts based upon the approved plan.
New branchwide initiatives	<ul style="list-style-type: none"> ▪ Funds set aside at the branch level ▪ Grants ▪ BCP for gap in needed funds 	
Ongoing branchwide standards and protocols	<ul style="list-style-type: none"> ▪ Funds set aside at the branch level ▪ Grants ▪ BCP for gap in needed funds 	

Linking Funding with the Technology Task to Be Accomplished

Several actions must be taken to implement the previously described technology expenditure categories, proposed funding approaches, and appropriate governance. These actions can be summarized as follows:

1. Establish formula-driven funding from a stable, state-provided source for the routine costs of maintaining a court technology infrastructure and services. The rationale for this

set of expenditures is that they can be identified and quantified within the current trial court funding allocation formula, the Workload-based Allocation and Funding Methodology (WAFM), and formula funding/allocation of these costs within the trial court funding allocation formula can be established. A budget change proposal (BCP) would be prepared to cover the difference between the current state funding received and the actual cost of these expenditures. The funding would be allocated to individual trial courts each year by the Judicial Council based on WAFM. Once allocations are distributed, each court would continue to make its own decisions about actual expenditure of the funds. However, each court would have been equitably funded to meet its needs. These include:

- a. Keep it running—Ongoing information technology costs supporting basic core court operations. These costs remain fairly constant over time.
- b. Routine upgrade/update/refresh—Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment. These costs may vary annually but are generally constant over time.
- c. Intermittent upgrade—More episodic and less predictable as to timing due to unplanned events. The triggering event is often a vendor’s decision to upgrade/sell/discontinue a product.

The routine costs of maintaining branchwide infrastructure and services is also included in this category but would be allocated to the Judicial Council operating budget based upon approved plans.

2. A limited amount of innovation and improvement money should be allocated each year on a one-time competitive basis administered by the Judicial Council Technology Committee. These funds would not cover ongoing operating, license, or maintenance costs. The committee should consider factors such as the business case; how the proposed project increases access to justice, provides efficiencies, or provides information; innovation; potential for broader application; time required; matching monies; savings to be realized; collaboration with others; and compliance with guidelines in the Judicial Branch Contracting Manual for projects in excess of \$1 million and \$5 million. Not every technology innovation will result in a successful project scalable for branchwide adoption and therefore a ‘guarantee’ of branchwide application should not be required up-front.
3. New branchwide initiatives should follow the review and approval process described earlier in this document. Mandated initiatives, e.g., Phoenix Financial system, should provide both start-up and ongoing funding to cover the new costs. Where a mandated initiative replaces an existing cost, a “maintenance of effort” fee from the courts or an adjustment to the trial court funding allocation formula may be appropriate. Optional service offerings, e.g., Phoenix HR, should be reimbursed by the participating courts. New branchwide initiatives could be funded by BCPs, grant funds, consortia of courts, partnerships with other agencies, and/or public-private partnerships.
4. A limited amount of technology funding should be set aside each year in order to develop and maintain standards and protocols in areas where a single branchwide policy or standard would be beneficial, such as data exchanges and information security. It is essential to coordinate across courts with justice partners, the federal government, state executive branch agencies, and local law enforcement agencies on these tasks.

Immediate Potential Sources of Funds

While reviewing the existing technology funding and the funding approval process, it was apparent to the Technology Planning Task Force that while many programs have been working well and providing great benefit to the branch, the prior funding process was perceived as being nontransparent, in part because it was not based on a branchwide model or formula and in part because of the complexity of the prior funding models. Work to address this concern within the Trial Court Budget Advisory Committee has already started.

Recommendation 20: Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.

This review should address the necessity for the programs themselves; how program funding has been established; the context in which the funding was established; and the impacts of the proposed change in direction on any courts affected. Initial review indicates there are examples of state funds supporting optional programs that have benefited a limited number of participating trial courts. These circumstances have built up over time and cannot reasonably be changed overnight. However, they can, and should be, addressed over time to be more consistent with the new funding expenditure categories and the equity principles established with the WAFM implementation.

New Funding Options

Merely redirecting existing funds would not resolve the technology funding shortfall for the branch. Similarly, relying upon the BCP process and a steady stream of General Fund revenues is unlikely to resolve the ongoing challenges. As recent experience has demonstrated, even relatively dependable funding sources can become unreliable in times of economic turmoil.

Recommendation 21: Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential users of information or records.

There may be fee opportunities that have the advantage of tying the revenues received to the service provided; for example, increasing existing fees, adding fees for specific services, and/or eliminating certain fee exemptions.

The Technology Planning Task Force also identified the following funding opportunities that are not fee based:

1. **Grants.** The judicial branch has historically had some modest success in attracting grants from external sources. While these have not provided major sources of funding, it may be possible to initiate new pilot or branchwide systems through grants in areas such as public safety, homeland security, criminal reporting, access to justice, [language access](#), remote interpretation, etc.

2. ***Partner agencies.*** The judicial branch has historically had some success in attracting funds by working with its partner agencies. Particularly in the area of electronic data exchange, working with our partners has served to improve the efficiency of both agencies by avoiding re-creation and re-keying of data.
3. ***Voluntary fee, as part of State Bar dues, dedicated to expanding access to justice through automation of self-help.*** As we work through the automation of the court process, we cannot leave the less-advantaged behind, and this is highlighted in the principles adopted by the Judicial Council. State Bar members are sensitive to this issue and may be willing to partially offset a portion of the cost of supporting this population through a voluntary check-off program.

Issues for Large Multiyear Projects

The trial courts face a challenge in funding any large multiyear initiative due to the imposition on June 30, 2014, of a 1 percent cap on trial court reserves. The anticipated inability to save and manage funds presents a significant barrier to successful implementation of any large multiyear project, such as the replacement of any of the many failing local case management systems. When combined with the timelines and requirements of the Judicial Branch Contract Law, projects have steep, additional administrative burdens to overcome that add to project management complexity.

Recommendation 22: Establish a mechanism for funding large multiyear projects.

The Technology Planning Task Force suggests two approaches to these issues:

- Modify the list of exemptions from the 1 percent–reserve calculations under Government Code section 77203 to include funds reserved for technology projects that are expected to last more than one calendar year or span more than one fiscal year;
- Implement a ‘savings’ program through a fund held by the Judicial Council, likely the IMF or TCTF. Instead of receiving a portion of their annual allocation, trial courts could deposit their monies in the central fund where these funds would be effectively ‘saved’ until the project deliverables are received.

Immediate Issues Facing the Trial Courts

As mentioned earlier in this report, overshadowing the work of the Technology Planning Task Force have been three concerns of exigent proportion:

- Case management system replacement needs;
- Lack of adequate, dedicated funding and expenditure priority challenges, resulting in an IMF shortfall beginning in fiscal year 2014–2015; and
- Cap on the amount of unexpended funds that can be carried forward from one year to the next for larger technology projects, starting June 30, 2014.

While the work of the Technology Planning Task Force has been to focus on the long-term framework for branch technology, these looming issues require immediate attention and cannot be disregarded. In many respects, these exigent issues serve as case studies for the types of issues the budget framework proposed by the task force must address over time. The issues of immediate concern also provide a test basis for the solutions being developed. It is clear that the branch needs a long-term approach that is transparent and credible if we are to enlist the support of others to assist with the immediate problems at hand.

Case Management System Replacement Needs

The decision to terminate the California Court Case Management System (CCMS) initiative in March 2012 exacerbated the problem of outdated and often unsupported case management systems across the state. A court's case management system (CMS) is the very hub of its technology and operations. Courts had been largely 'on hold' regarding CMS technology during the CCMS effort. Not only did technology move past the systems in use during this time, but hardware changes, platform changes, and vendor support decisions also left many courts in dire situations with no clear path forward. A survey of trial courts in May 2012 indicated 5 courts with the urgent need to replace their case management system within 12 months; 17 courts in discussion, or near discussion, with their CMS vendor to upgrade their CMS; and 19 courts requiring replacement of their CMS within the next five years. A branchwide request for proposals was completed in May 2013 and established master service agreements with three commercial CMS vendors. However, the combination of the long lead times required to implement a new CMS, the massive state budget cuts, and a new 1 percent limit on reserves effective June 30, 2014, has prevented most affected courts from moving forward with new systems.

IMF Shortfall in Fiscal Year 2014–2015

The task force recognizes the impending shortfall in the IMF for the branch. The IMF supports many significant branch programs, including the Litigation Management Program, self-help centers, and judicial leadership training, as well as providing some \$46.6 million annually for branch technology. The branch response to massive state budget reductions has worked to diminish the fund balance in the IMF to the point that, in fiscal year 2014–2015, the fund will be unable to support even the existing programs. Instead, the forecasts show a reduction in expenditures of \$5 million to \$10 million may be required. As the affected branch programs have already been subject to massive cuts, it is unclear how this reduction could be achieved without further reducing the monies available for branch technology.

Cap on Amount of Funds that Can be Carried Forward

The new 1 percent limit on reserves, effective June 30, 2014, is preventing many courts from moving forward with functioning, updated case management systems. As most large automation projects will span multiple fiscal years, providing funding security is an important component for success. Further, year-end fiscal pressures should not be allowed to become a factor in determining the acceptability of project deliverables. The new fiscal constraints could mean that trial courts will be facing a choice between a lesser product that can be delivered within the fiscal deadline or no product at all.

It is evident these three immediate issues only exacerbate the technology funding problems. At the very time additional investment is needed to rectify the critical needs for case

management, a significant existing funding source is drying up and will be unable to sustain funding at even the current levels.

Addressing Immediate Issues

The following table identifies potential actions to address these immediate issues.

Action	CMS Replacement	IMF Shortfall	Notes
Provide funding based on the trial court funding allocation formula (currently WAFM) for operations and for routine and intermittent upgrades of technology and pursue a budget change proposal (BCP) for the gap between the current state funding for the courts' ongoing technology expenses and the projected actual cost, based on industry standards and norms, for operations and for routine and intermittent upgrades of technology.	Neutral	Neutral	
Establish a fixed, moderate amount of annual funding to support technology innovation and improvement and small-scale new branchwide initiatives.	Neutral	Slightly Negative as IMF would be a candidate source.	
Submit BCPs for major new branchwide initiatives, including their anticipated ongoing operating and maintenance costs, initially on an individual initiative basis but with a future goal of augmenting current ongoing statewide automation funding.	The most obvious source of CMS replacement funding if CMS is considered basic to court operations.	Assists	Could relieve some of the pressure on the IMF; not feasible for courts to accumulate funds for CMS replacement if 1% cap is not lifted.
Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology issues.	Neutral	Neutral	
Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.	Assists	Assists	
Consider the business case and take into consideration any return on investment that can be leveraged when developing funding strategies for a project.	Assists	Assists	

Action	CMS Replacement	IMF Shortfall	Notes
Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential uses of information or records.	Assists	Assists	
Options to address 1% reserve cap for large projects: Modify the list of exemptions from the 1%-reserve calculations to include technology projects that exceed the 1%-reserve limit or last more than one fiscal year; Implement a 'savings' program through a fund held by the Judicial Council allowing trial courts to 'save' funds until technology deliverables are received. (As stated earlier under " Issues for Large Multiyear Projects.")	Assists	Neutral	

The work of the Technology Planning Task Force has been to make recommendations for stable, long-term funding sources for judicial branch technology. At the same time, the task force recognizes significant and immediate issues facing the branch in technology funding.

The set of funding actions above is intended to provide a framework to rebuild some modicum of effective case management system capability and to establish a strong, equitable foundation for the ongoing operation of branch technology systems.

CONCLUSION

Recommendations for the judicial branch Technology Governance and Funding Model, along with the associated Strategic Plan for Technology and Tactical Plan for Technology, represent a comprehensive and cohesive technology strategy that includes clear measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

The proposed models and strategies recognize the diversity of the trial courts along with the judicial, management, and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Expected Outcomes

Once we implement the recommended governance and funding model, strategic plan, and tactical plan, we expect to have:

- A clear robust structure, roadmap, and process for managing technology initiatives and investments;
- Transparency of how funds are managed and allocated for technology projects;
- Increased credibility for managing public funds and resources;
- A more consistent availability of services across courts; and
- Better accountability for use of resources.

We believe we can realize these outcomes by working collaboratively as an IT community within this new structure.

SUMMARY OF RECOMMENDATIONS

Governance

Recommendation 1: The Judicial Council should adopt a new judicial branch technology vision.

Recommendation 2: The Judicial Council should augment the Guiding Principles for California Judicial Branch Initiatives by adopting four additional principles.

Recommendation 3: Judicial branch technology initiatives should be governed based on the type of solution being sought and implemented.

Recommendation 4: The Judicial Council and its committees should classify projects into the defined technology categories based on a set of predefined and transparent criteria.

Recommendation 5: The Judicial Council should retain the internal Technology Committee and the supporting technology-related advisory committee.

Recommendation 6: Rename the Court Technology Advisory Committee as the Information Technology Advisory Committee.

Recommendation 7: Modify the charge and structure of the Information Technology Advisory Committee to include the responsibility of ITAC to sponsor technology initiatives, as directed by the Judicial Council Technology Committee, consistent with the branch Strategic Plan for Technology and Tactical Plan for Technology.

Recommendation 8: Project governance, oversight, and facilitation activities should be dependent upon the amount of branch-level resources required/requested.

Recommendation 9: The Judicial Council Technology Committee should consider input from the fiscal advisory committees and leadership advisory committees prior to making recommendations to the Judicial Council.

Recommendation 10: Branch-supported technology projects should leverage the workstream approach for facilitating efforts when appropriate.

Recommendation 11: The Judicial Council should adopt a Strategic Plan for Technology every four years that will guide branch technology decisions.

Recommendation 12: The Judicial Council should adopt a Tactical Plan for Technology every two years that will guide branch technology decisions.

Recommendation 13: The Information Technology Advisory Committee's annual plan should be developed and adopted consistent with the Tactical Plan for Technology and approved by the Judicial Council Technology Committee.

Recommendation 14: The technology planning process should allow for new ideas and innovations to be evaluated and assessed during the planning cycle to determine if further evaluation and investigation would be beneficial.

Recommendation 15: The Judicial Council Technology Committee should work with the Judicial Council Information Technology Services Office to establish a basic PMO function to support branchwide initiatives.

Recommendation 16: The Judicial Council Technology Committee should implement a equitable, transparent methodology for prioritizing technology projects.

Funding

Recommendation 17: Clarify and further establish the roles and relationships between the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee with respect to technology and funding issues.

Recommendation 18: Technology funds should be allocated according to technology expenditure categories.

Recommendation 19: Technology funds should be sourced and managed according to technology expenditure categories.

Recommendation 20: Review existing branchwide programs for confirmation of their ongoing benefit to the branch or determination of the need to wind them down.

Recommendation 21: Explore additional funding sources such as new or increased fees to support technology generally, fees for particular services or functionality, or fees that differ based on potential users of information or records.

Recommendation 22: Establish a mechanism for funding large multiyear projects.

Appendix A: State Funding Benchmark

As part of the data-gathering effort for the Technology Planning Task Force, a survey of how judicial branch technology is funded in other jurisdictions was undertaken. Key technology contacts were approached and interviewed in each state. The states are grouped so that similar funding strategies appear together. The federal information was taken from publically available sources.

Jurisdiction	How Technology Is Funded
Alaska	Technology monies are designated by the legislature from the state general fund. State legislators are provided low-level detail of intended use, e.g., licensing; hardware replacement, etc.
Texas	Technology funds are a specific allocation from the state general fund. How the funds are utilized is determined within the judicial branch. State-wide e-filing has been funded by additional fees paid to a private vendor. However, this was just changed so that the funds pass through the branch. Local counties fund the trial courts without support from the state or fees.
Massachusetts	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Specific requests are made to the legislature for capital projects.
Georgia	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Specific requests are made to the legislature for capital projects. Counties fund their own court technology or can use centralized, statewide case management systems at no charge. Court allocation is 0.78% of state budget.
Utah	Technology monies are part of the larger branch allocation from the state general fund. Branch allocates money to technology as required. Approximately 10% of revenues are cost recovery from services. Credit card fees are paid by interest on accounts. E-filing service charge goes entirely to service provider. Document sales split with court producing the document.
Indiana	Filing fee of \$5 to \$7 per filing is in place statewide to support statewide technology. However, counties can fund their own case management systems if desired and upon approval of application. The centralized, statewide case management systems are available at no charge to the counties. A new oversight committee has just been established with members from the state technology agency, the court, and both parties in the state assembly and senate.
Federal Government—Public Access to Court Electronic Records (PACER)	As mandated by Congress, the public access program is funded entirely through user fees set by the Judicial Conference of the United States. The fees are published in the Electronic Public Access Fee Schedule, available on www.uscourts.gov and www.pacer.gov . Funds generated by PACER are used to pay the entire cost of the judiciary's public access program, including telecommunications, replication, and archiving expenses, the case management/electronic case files system, electronic bankruptcy noticing, Violent Crime Control Act Victim Notification, online juror services, and courtroom technology.

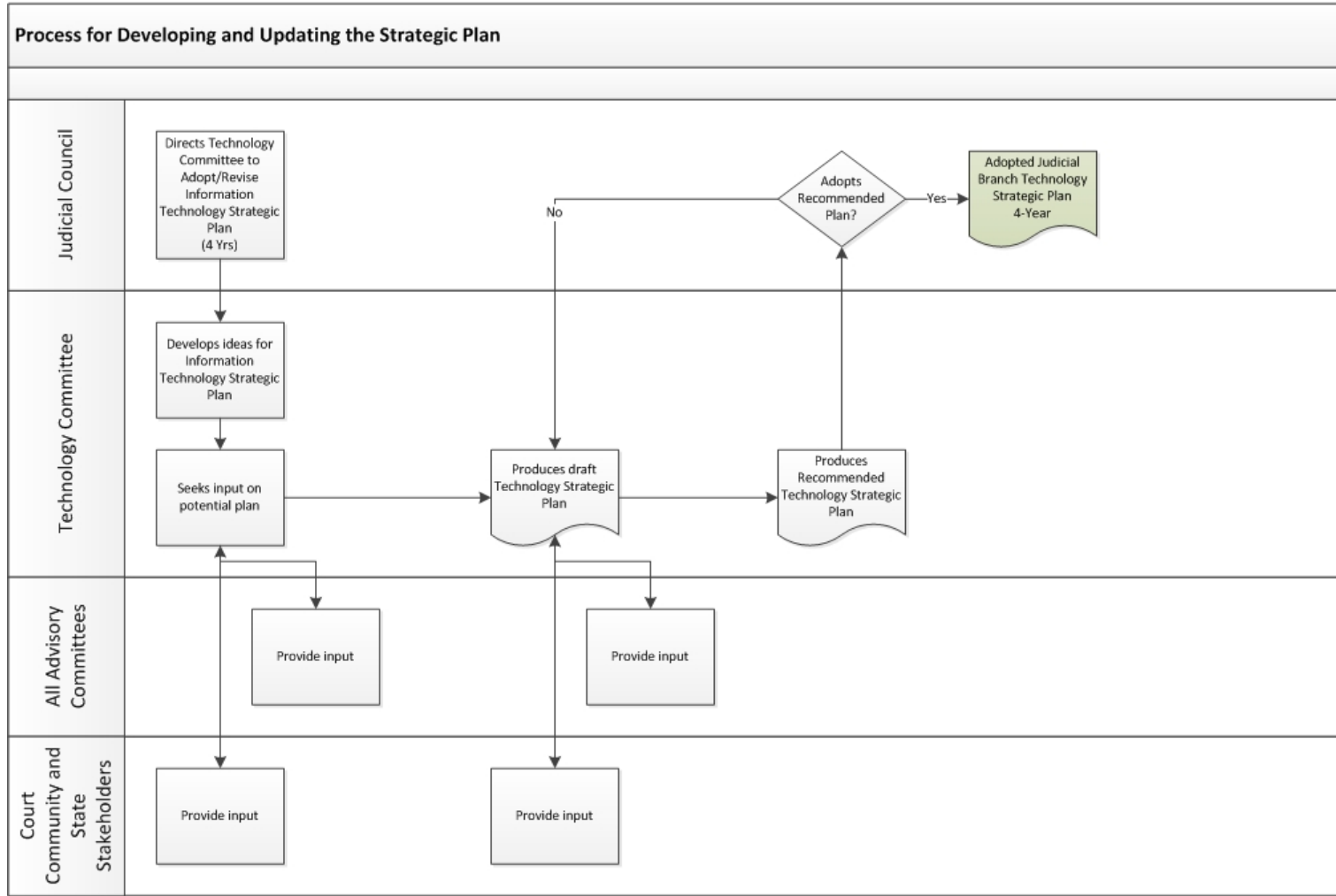
Jurisdiction	How Technology Is Funded
Colorado	Technology is funded by fees on data access and filing. Technology does not receive general fund monies, but money can be requested for capital projects.
Arizona	Non-unified system: Municipal courts funded by the cities; justice of the peace courts funded by the counties; superior and appellate courts funded by the state. Judicial branch also operates adult and juvenile probation. Probation technology is paid from state general fund monies. Court technology is paid from a civil filing fee surcharge called 'Judicial Collection Enhancement'. There are additional, targeted programs that are self-financing; e.g., e-filing; intensive payment program. Court technology funds pay for operation, infrastructure, and new development. The two largest counties operate their own case management systems, at their own cost; but tie to the statewide infrastructure and e-file, etc. Use a 'Business Technology Committee' and a 'Technologist Committee' to oversee technology.
Illinois	Technology is largely county based and each county may opt to impose filing fees for automation and/or records storage up to a maximum amount established by the legislature. There is currently some preliminary investigation of an additional fee to fund statewide automation.

Appendix B: Detailed Process and Decision Flows

Exhibit 1: Process for Developing and Updating the Strategic Plan

California Judicial Branch
Technology Governance and Funding Model

V10.8

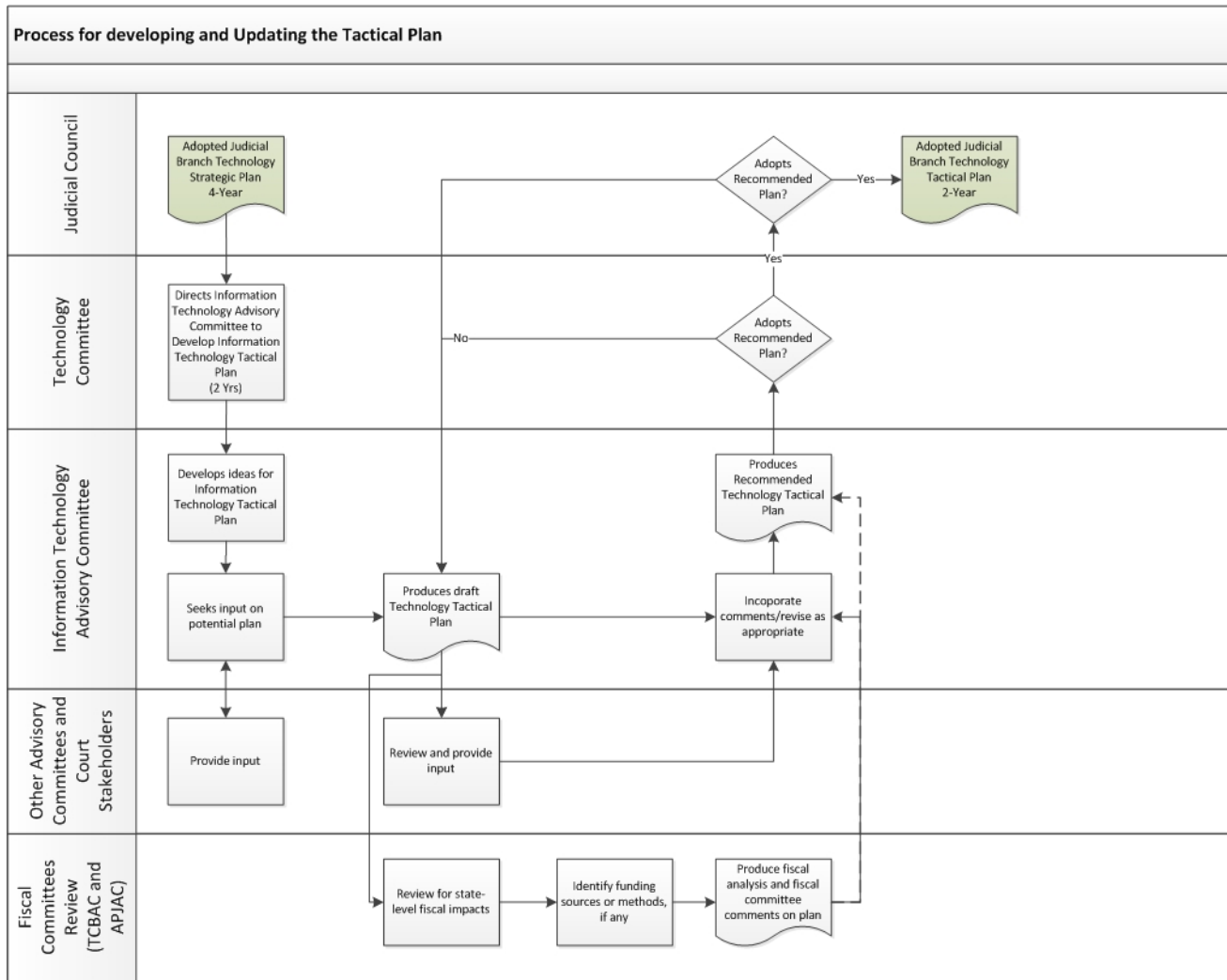


Appendix B: Detailed Process and Decision Flows

Exhibit 2: Process for Developing and Updating the Tactical Plan

California Judicial Branch
Technology Governance and Funding Model

V 10.8

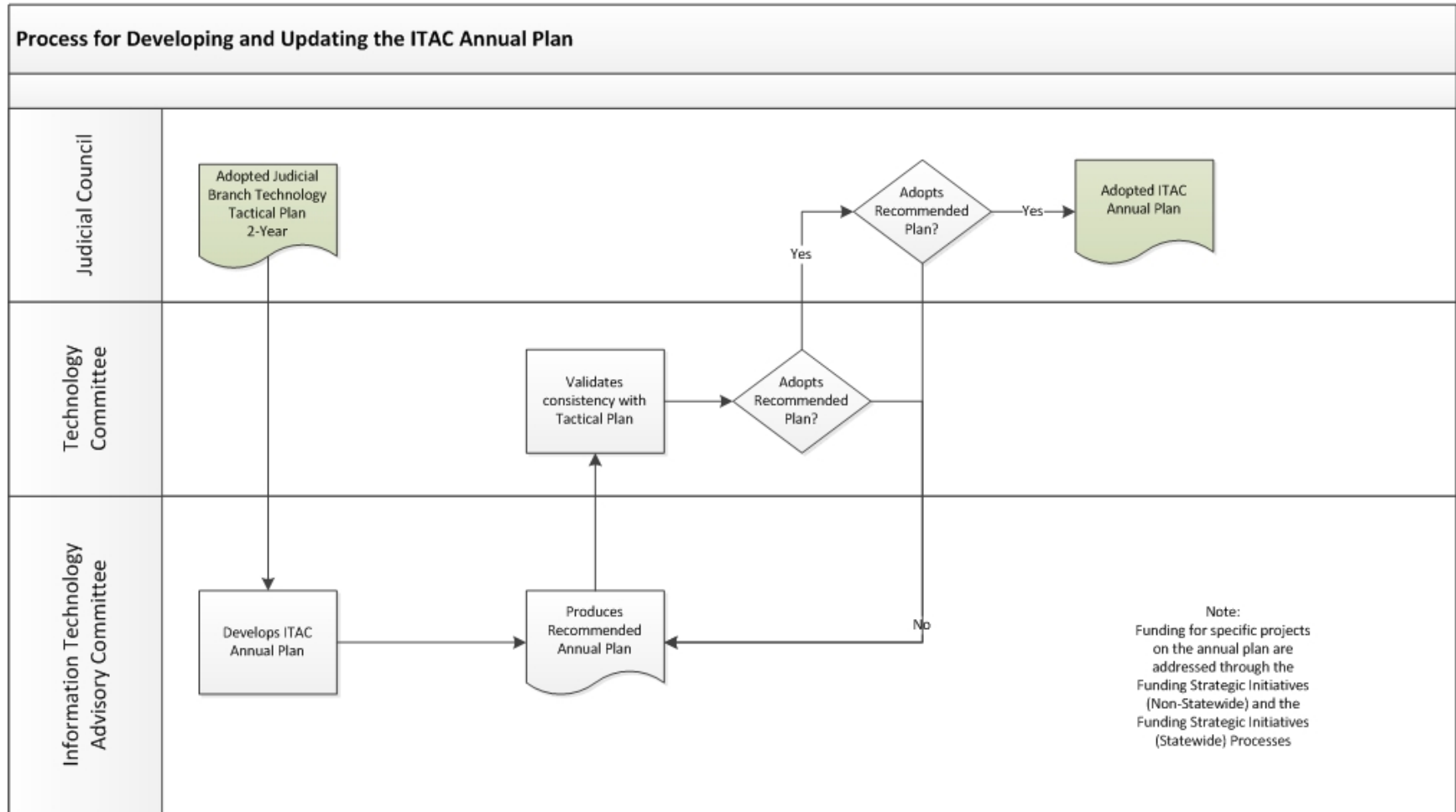


Appendix B: Detailed Process and Decision Flows

Exhibit 3: Process for Developing and Updating the ITAC Annual Plan

California Judicial Branch
Technology Governance and Funding Model

V 10.8

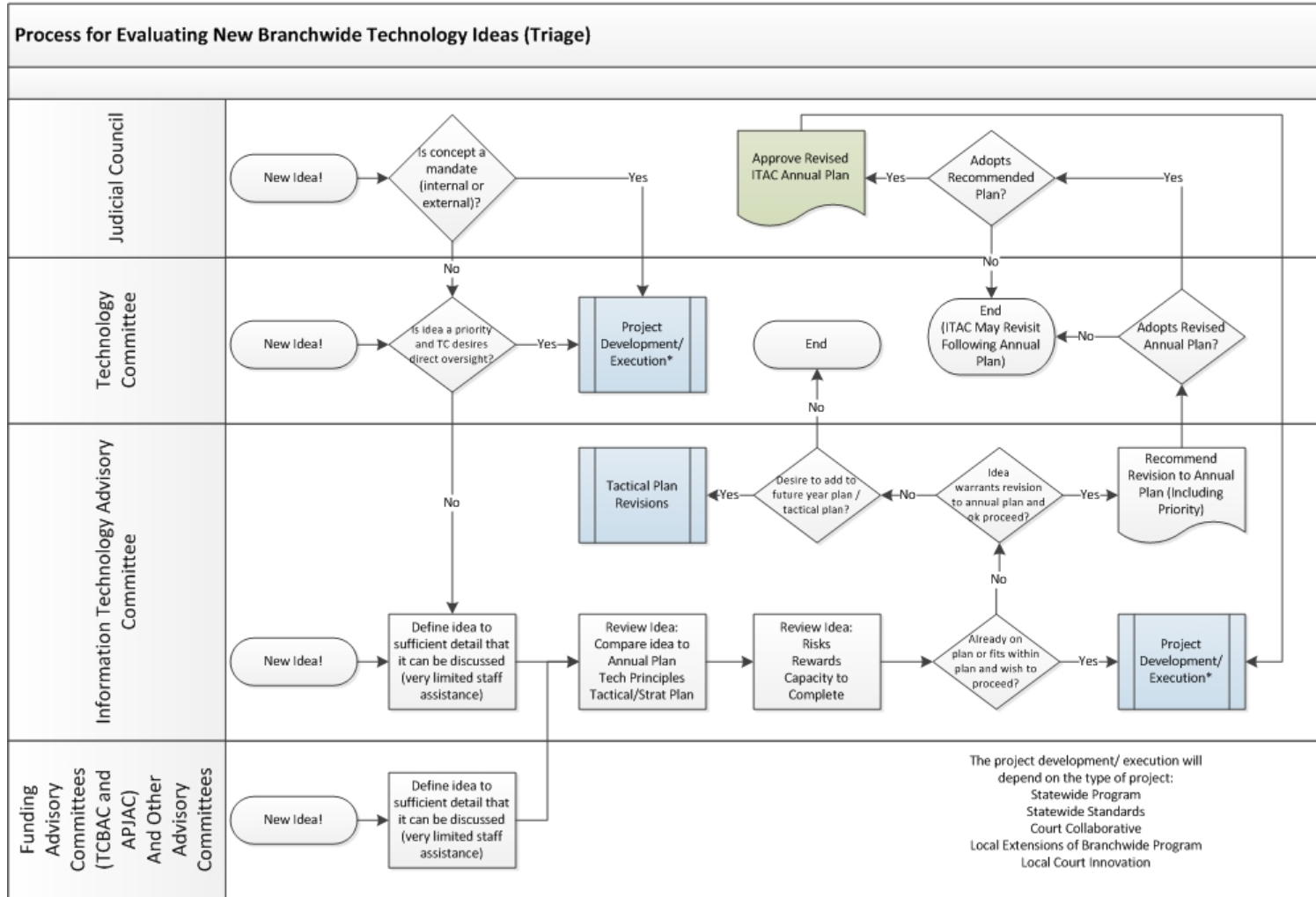


Appendix B: Detailed Process and Decision Flows

Exhibit 4: Process for Evaluating New Branchwide Technology Ideas (Triage)

California Judicial Branch
Technology Governance and Funding Model

V 10.8

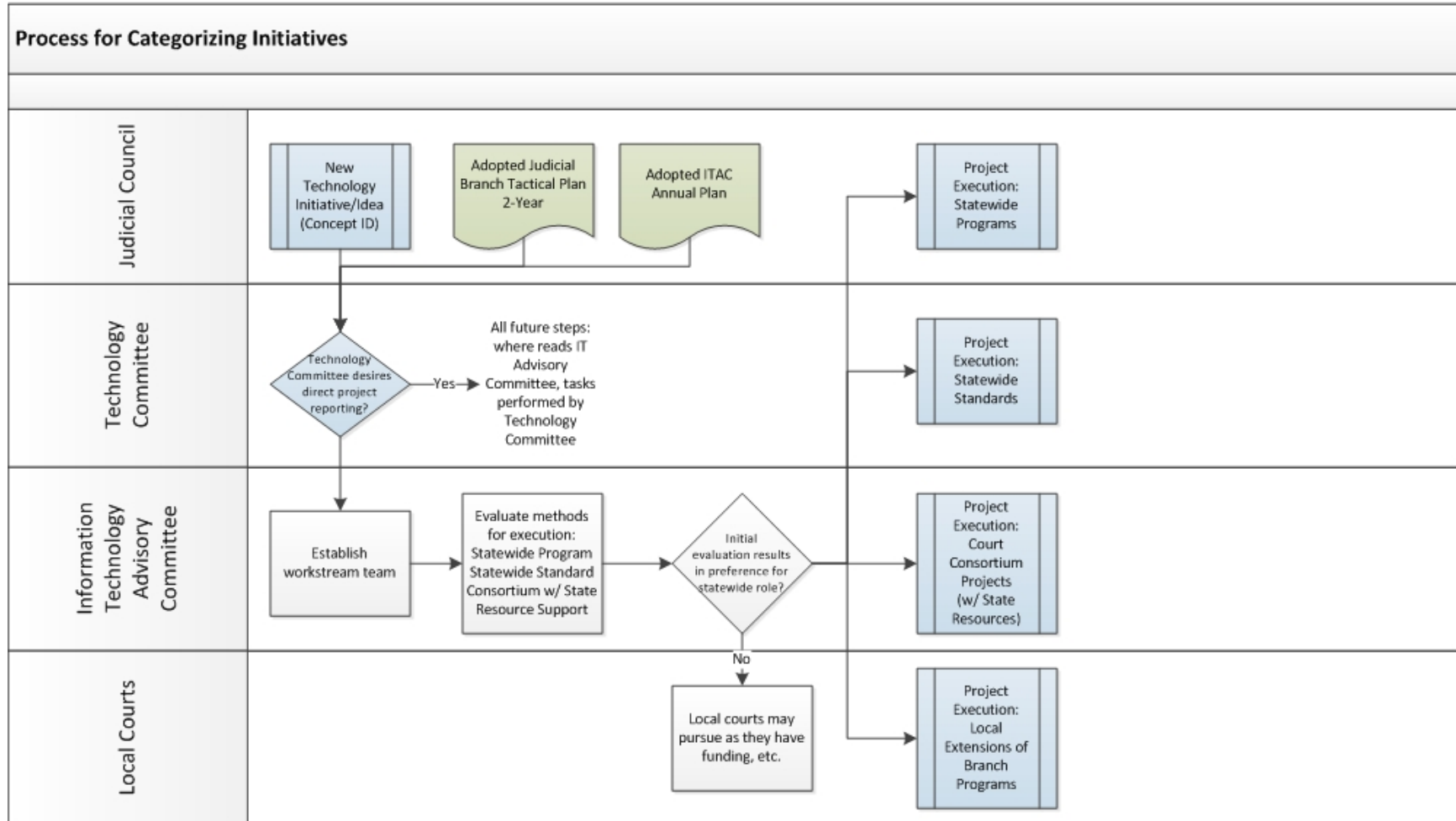


Appendix B: Detailed Process and Decision Flows

Exhibit 5: Process for Categorizing Initiatives

California Judicial Branch
Technology Governance and Funding Model

V 10.8

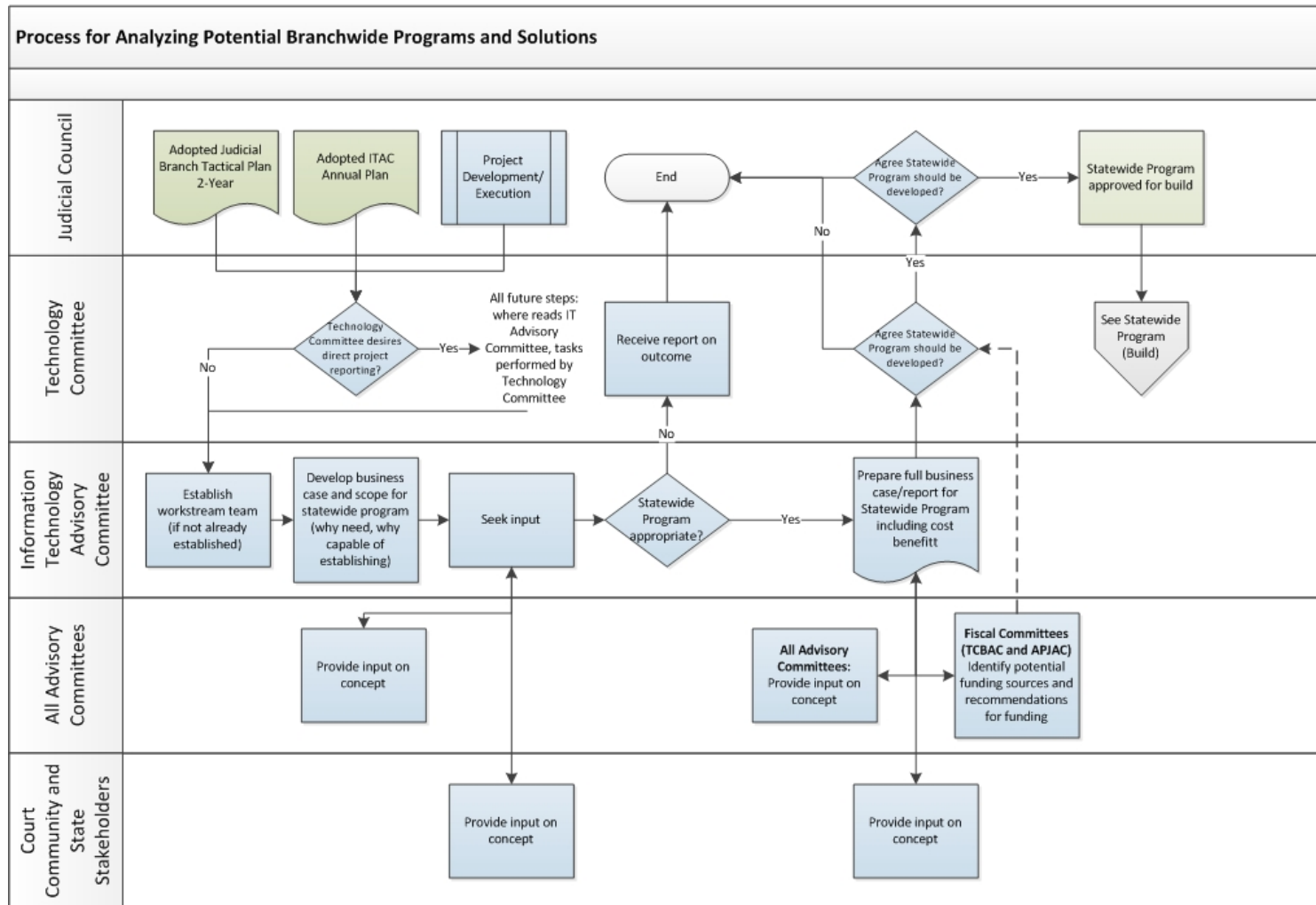


Appendix B: Detailed Process and Decision Flows

Exhibit 6: Process for Analyzing Potential Branchwide Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

V 10.8

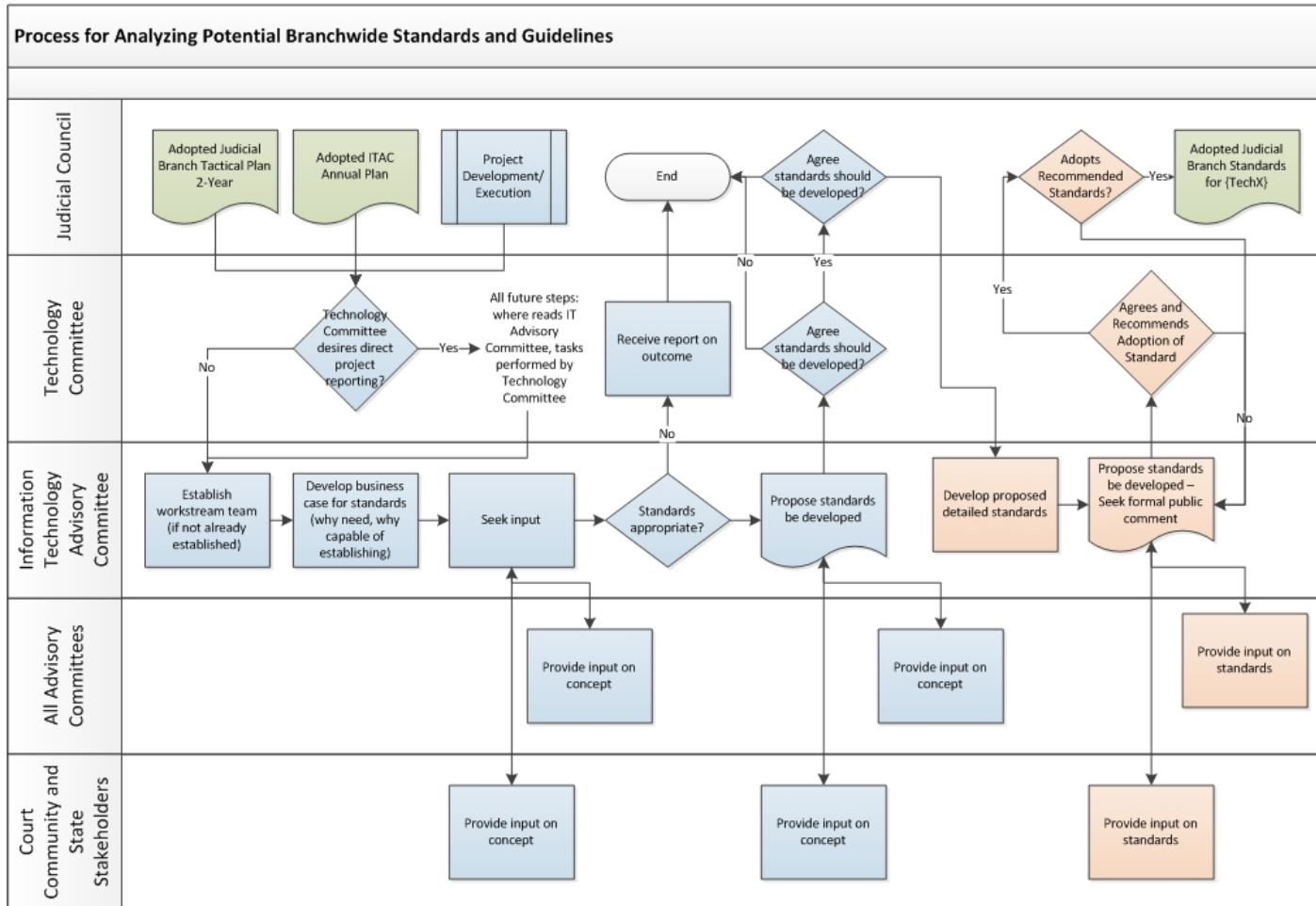


Appendix B: Detailed Process and Decision Flows

Exhibit 7: Process for Analyzing Potential Branchwide Standards and Guidelines

California Judicial Branch
Technology Governance and Funding Model

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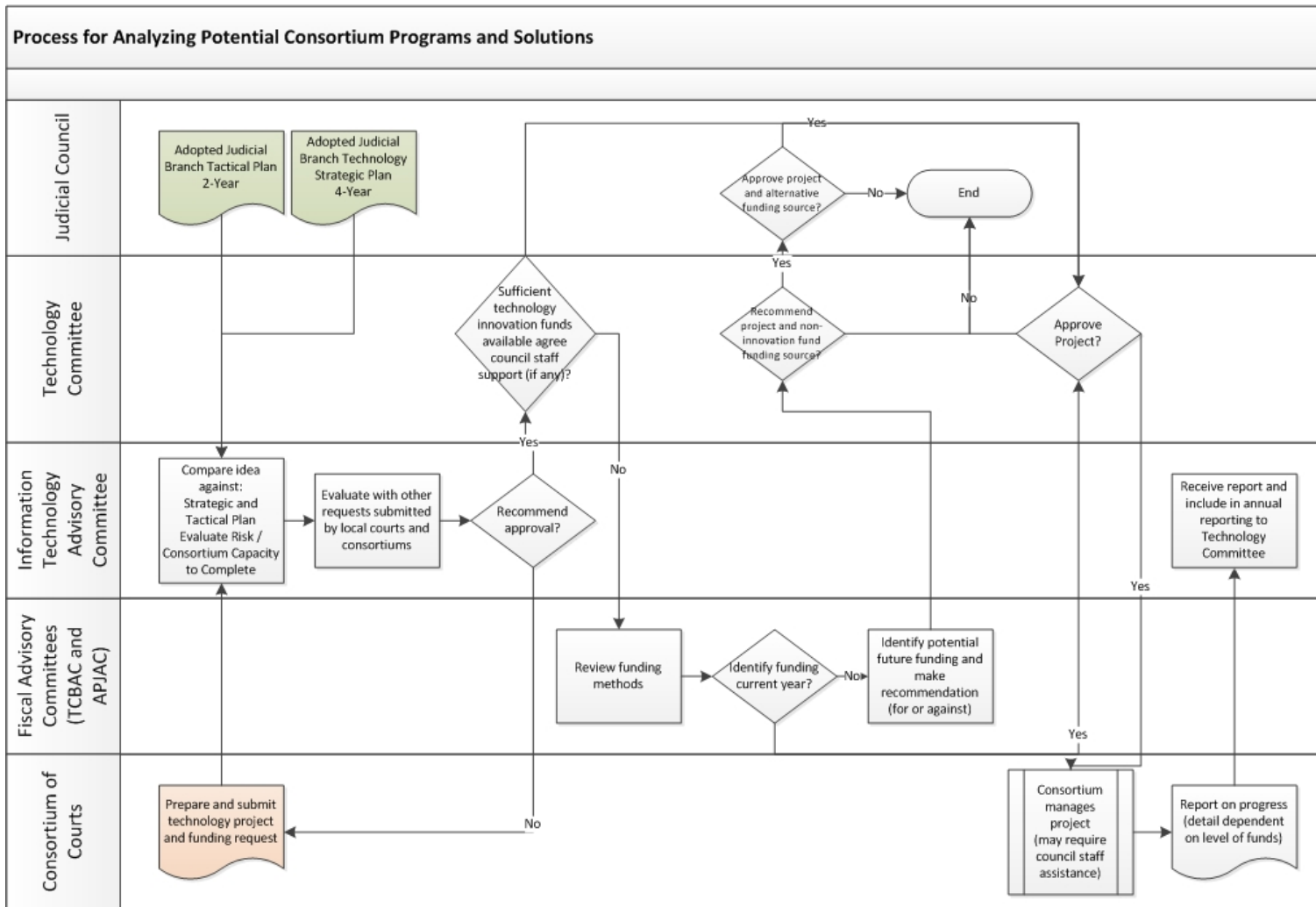


Appendix B: Detailed Process and Decision Flows

Exhibit 8: Process for Analyzing Potential Consortium Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

V 10.8

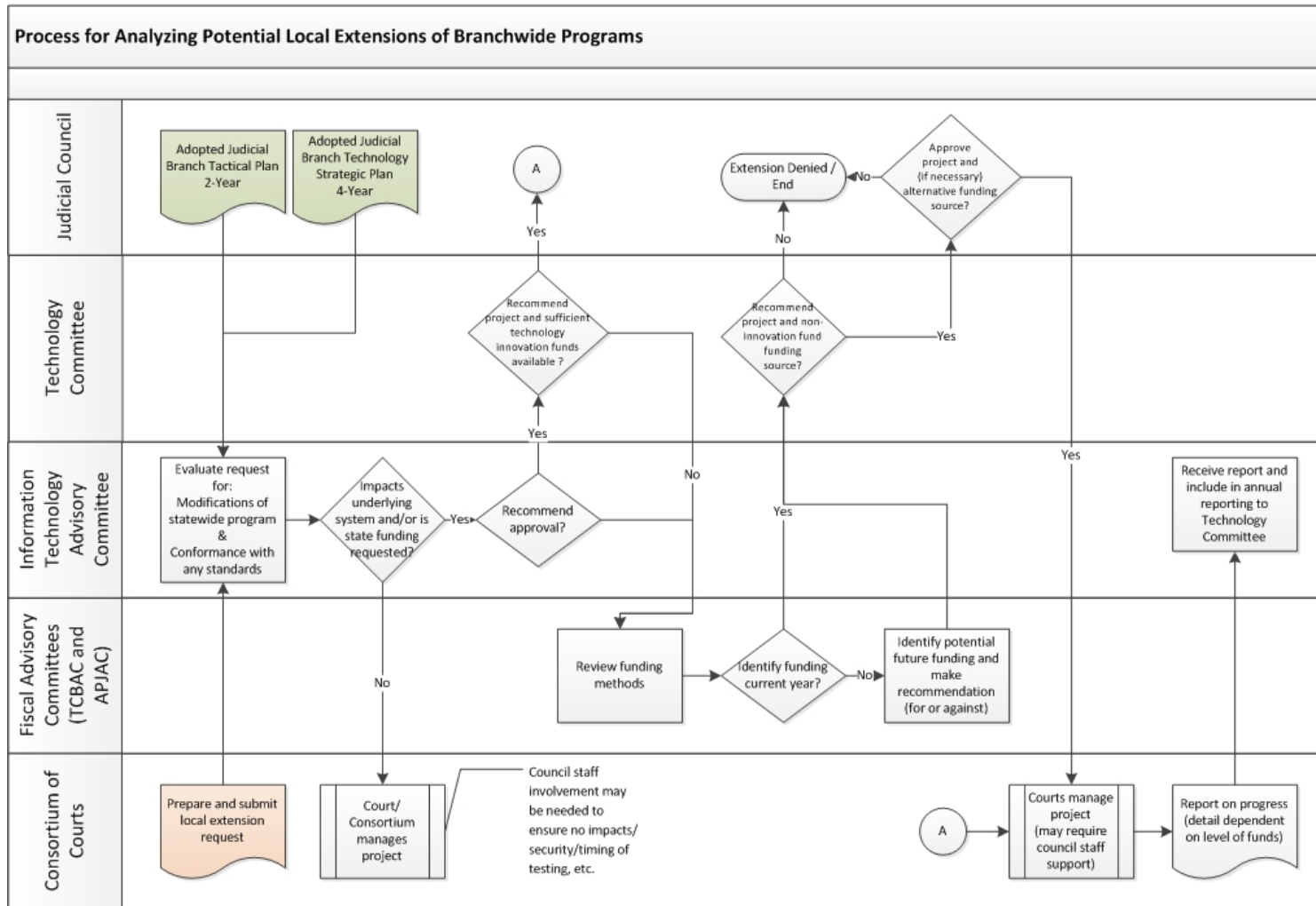


Appendix B: Detailed Process and Decision Flows

Exhibit 9: Process for Analyzing Potential Local Extensions

California Judicial Branch
Technology Governance and Funding Model

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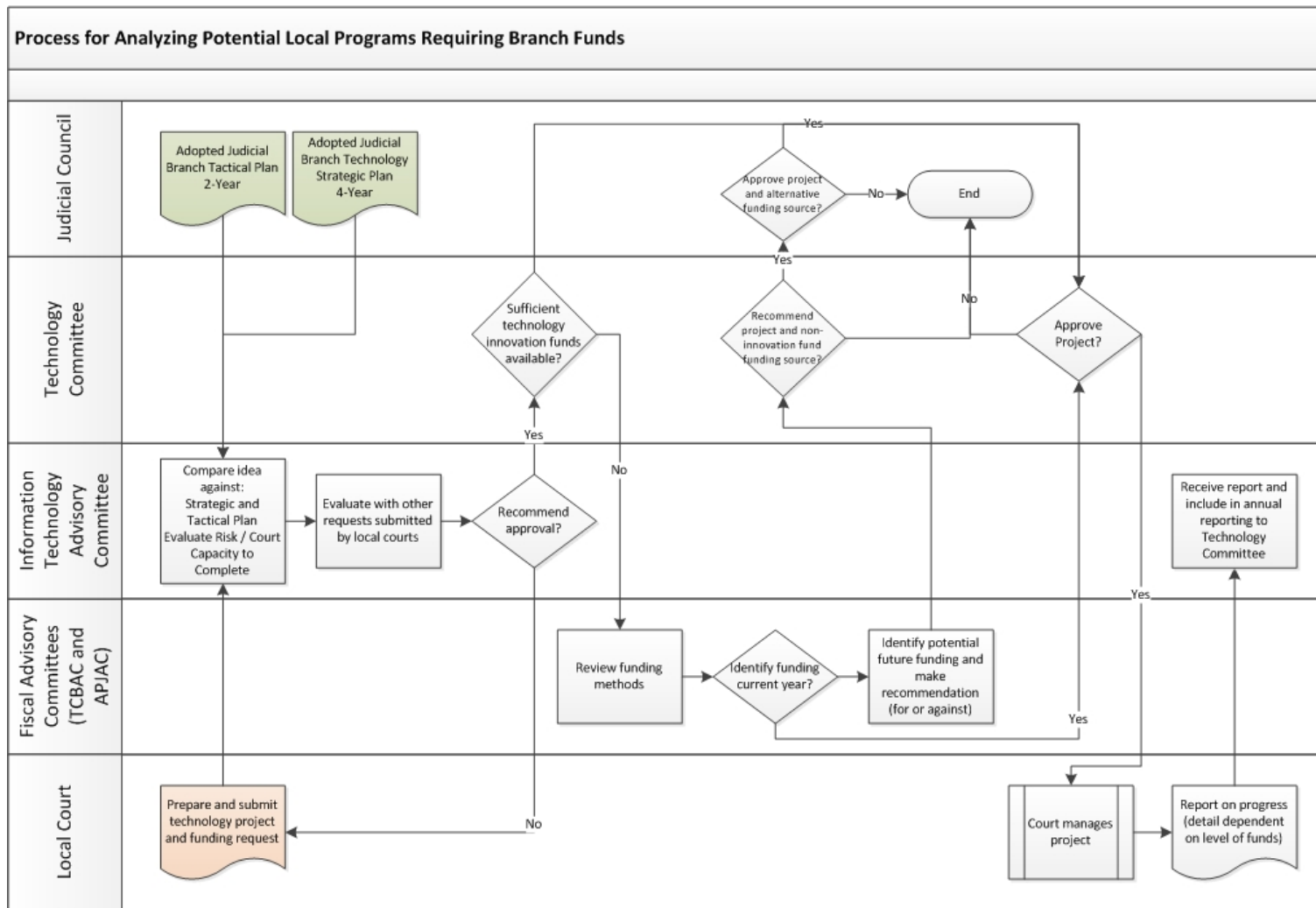


Appendix B: Detailed Process and Decision Flows

Exhibit 10: Process for Analyzing Potential Local Programs Requiring Branch Funds

California Judicial Branch
Technology Governance and Funding Model

V 10.8

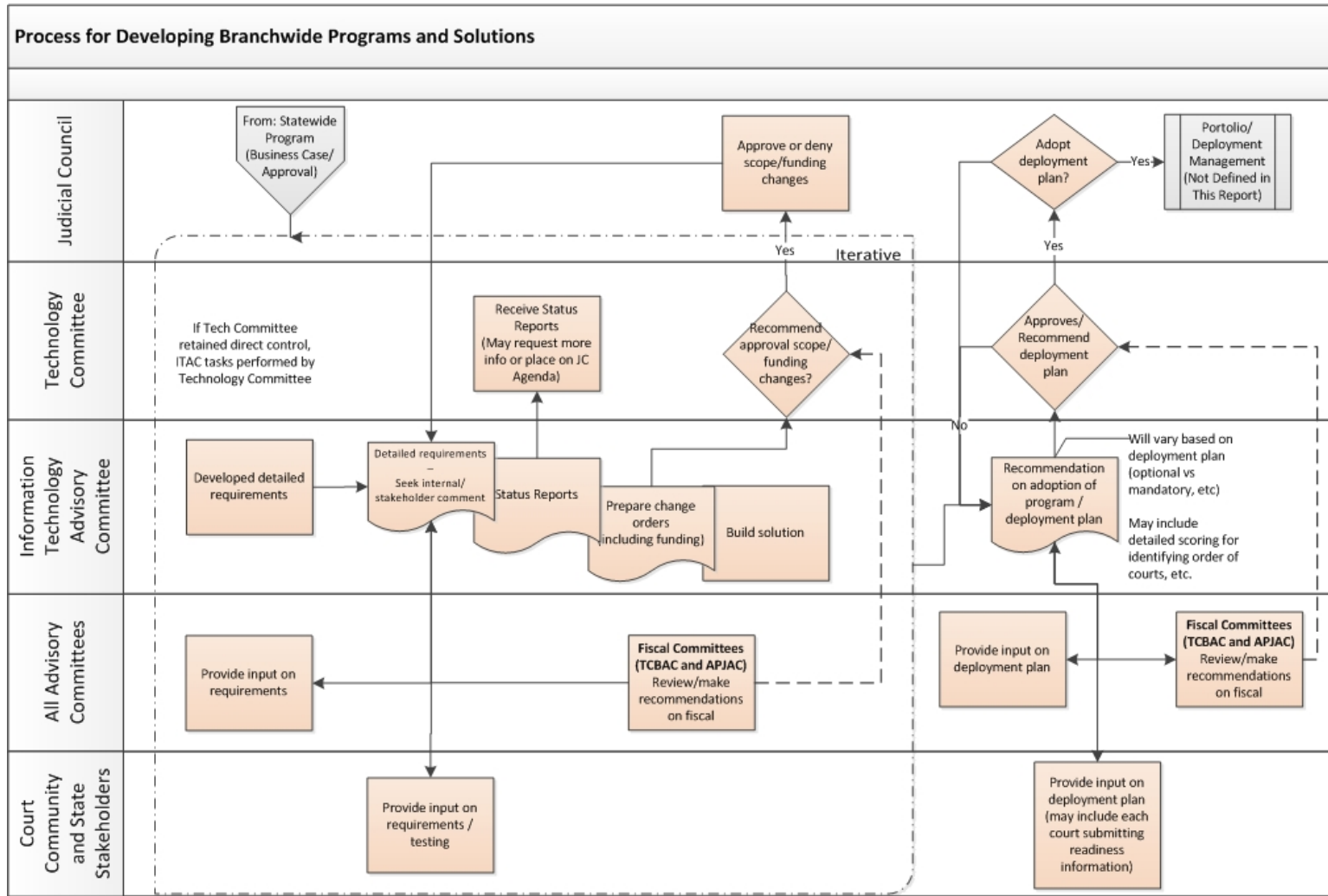


Appendix B: Detailed Process and Decision Flows

Exhibit 11: Process for Developing Branchwide Programs and Solutions

California Judicial Branch
Technology Governance and Funding Model

V10.8



Appendix C: Project Evaluation Scorecard

DRAFT Project Prioritization Scorecard						
Court Name		<h1>DRAFT</h1>				
Submitter's Name						
Requested Funds						
Project Description						
Project Evaluation Criteria		Response	Score	Weight	Weighted	Comments
Strategic Alignment	Alignment with Branch Strategic Goals (Access)	2-3 Goals	2	5	10	
	Alignment with Branch Technology Priorities	High	3	3	9	
	External partner Alignment	None	0	3	0	
					19	
External Impact	Public Benefit	High	3	5	15	
	Justice Partner Benefit	"some"	2	5	10	
					25	
Benefit Realization	Scope of impact	Consortia	2	3	6	
	Financial ROI	0-2 Years	3	5	15	
	Likelihood of benefit realization	Medium probability	2	5	10	
					31	
Organizational Risk Mitigation	Urgency for change - operations	Urgent	3	5	15	
	Urgency for change - legal/regulatory/compliance	Not urgent	0	5	0	
	Organization readiness	Minor concerns	2	5	10	
					25	
Technology Alignment / Fit	Level of alignment with branch-wide technology standards	Aligned	3	4	12	
	Level of alignment with branch-wide vendors	Aligned	3	2	6	
	Level of alignment with branch architecture	Aligned	3	3	9	
					27	
Technology Risk	Existing infrastructure can support this project	Covered	3	3	9	
	Identified tech staff can support this technology	No	0	3	0	
	Product / technology maturity	New / Mature	2	3	6	
					15	
					142	

In the example above, the scorecard has been filled out for a sample project. Each of the evaluation criteria in the first column was used to assess the project and 0-3 points assigned based upon the result. For example, on the first row, the project aligns with 2-3 of the branch strategic goals and 2 points were assigned. Had it aligned with 4 or more goals, 3 points would have been assigned. Each of the criteria is weighted to emphasize its relative importance and a final weighted scored calculated. All scores are then added up for a total score which can then be compared with other projects that have been assessed in the same manner.

Appendix D: Detailed Description of Funding Categories

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>1. OPERATIONS—KEEP IT RUNNING Description: Routine, ongoing information technology costs supporting basic core court operations. These costs are either fixed, or vary based on number of users or level of use, which is fairly constant.</p> <p>Examples: Annual software licenses; hardware maintenance, telecommunications services (such as Internet access); e-mail services; data center costs (county, Judicial Council-CCTC, or private). Software could include operating systems, e-mail, office systems, CMS, DMS, jury management, interpreter scheduling systems, HR, payroll, etc.</p> <p>Also includes costs associated with court staff or professional services needed to keep the core operations running. Court staff may include network administrators, technicians, help-</p>	<p>TRIAL COURTS: The new WAFM trial court funding allocation model recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&E expenses, which ratios are based on actual past Program 90 staffing and OE&E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>Since the shift to greater state funding there has been funding deposited and appropriated at the state level and allocated to individual trial courts for:</p> <ul style="list-style-type: none"> - 2% automation money; and - Automated Recordkeeping and Micrographics. <p>For several years there has been funding appropriated to and</p>	<p>RECOMMENDATION:</p> <p>a) “Keep it running” expenses should be funded from a steady revenue source, such as the state General Fund,¹ since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform this ‘Keep it running’ function. Note that courts may have been able to fund this through 12/13 from reserves.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from both Program 90 staff ratios and OE&E ratio as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the current funding approach is recommended.</p>	<p>Allocation: Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p> <p>Expenditure: Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>desk staff, business analysts and developers needed to maintain core operations (CMS/DMS/ etc.).</p>	<p>allocated from the State Trial Court Improvement and Modernization Fund (IMF and its predecessors) for various projects and initiatives, including CCMS, interim case management systems, Phoenix, CCTC, CCPOR, <u>Court Interpreter</u>, <u>court interpreter related initiatives</u>, program, etc.</p> <p>Funding has also been provided to 18 trial courts as part of the “Statewide Administrative Infrastructure Initiative”.</p> <p>COURTS OF APPEAL AND SUPREME COURT:</p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>e) Note that while this approach is intended to ensure each court can fund this function at a sustainable level, the court will retain the discretion on how the funds are actually expended. Courts may expend more or less funds on actually performing this effort according to their local priorities and approach; but will have been funded adequately and equitably.</p> <p>ALTERNATIVES CONSIDERED:</p> <p>Characterizing an expense as ‘keep it running’, as opposed to ‘routine upgrade’ (see 2 below) involves a policy choice about maintaining a software or hardware product or service. Some courts purchase maintenance agreements along with the software or hardware so that the court is always running the latest version and can upgrade whenever there is a new version covered by the maintenance agreement. The cost of the product and maintenance would be a ‘keep it running’ cost. Other</p>	

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
		<p>courts may choose to buy a product without the maintenance agreement, and upgrade when the court chooses to buy the new version. This would fall under the ‘intermittent upgrade’ category below. Which choice is more cost effective probably depends on the frequency of replacement, the benefits in upgrades, and the relative costs and the risk tolerance of the specific court. Falling behind in maintenance may increase the risk of disruption or sudden need for a major upgrade. At this time this policy choice is left to each individual trial court as part of its local budget authority.</p>	
<p>2. ROUTINE UPGRADE/UPDATE/REFRESH Description: Upgrades in hardware that occur on a regular basis, based on the expected life cycle of equipment. Examples: Replacement of desktop/laptops every few years; replacement of servers every few years.</p>	<p>TRIAL COURTS: The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&E expenses, which ratios are</p>	<p>RECOMMENDATION: a) “Routine Upgrade” costs should be funded from a steady revenue source such as the state General Fund¹ since it is a basic cost of doing business. b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Routine Upgrades’. Note that</p>	<p>Allocation: Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
	<p>based on actual past Program 90 staffing and OE&E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>Since the shift to greater state funding there has been funding deposited and appropriated at the state level and allocated to individual trial courts for:</p> <ul style="list-style-type: none"> - 2% automation money; and - Automated Recordkeeping and Micrographics. <p>For several years there has been funding appropriated to and allocated from the State Trial Court Improvement and Modernization Fund (IMF and its predecessors) for various projects and initiatives, including CCMS, interim case management systems, Phoenix, CCTC, CCPOR, etc.</p>	<p>courts may have been able to fund this through 12/13 from reserves.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&E ratio and compare that to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of replacement. The funding would be allocated to individual trial courts each year. Unless alternatives to the 1% reserve cap are implemented, courts would replace a certain amount of equipment each year.</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the current funding approach is recommended.</p> <p>The Strategic Planning Track may also inform the scope of these efforts.</p>	<p>Expenditure: Monies would be expended by local trial courts and the courts of appeal based upon local priorities and needs.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
	<p>COURTS OF APPEAL AND SUPREME COURT:</p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>ALTERNATIVES CONSIDERED:</p> <p>Other options considered for funding this category of expense include:</p> <p>Budget/allocate a fixed amount at the state level and each trial court knows that in a given year it will receive funding for replacements. This has the advantage of smoothing out funding year-to-year at the state level and better ensuring that all courts get periodic replacement on the same pattern. However, this approach removes some discretion from the courts to postpone or expedite replacements for budgetary reasons.</p>	
<p>3. INTERMITTENT UPGRADE Description: Some upgrade expenditures are more episodic than regular in occurrence and are often unpredictable as to timing. The triggering event is often a vendor’s decision to upgrade a product, which does not necessarily occur on a regular cycle. Another example is an enhancement to software,</p>	<p>TRIAL COURTS:</p> <p>The new WAFM trial court funding allocation methodology recently approved by the Judicial Council implicitly includes a certain level of IT expenditures as part of the ratios for Program 90 staffing level and OE&E expenses, which ratios are</p>	<p>RECOMMENDATION:</p> <p>a) “Intermittent Upgrade” costs should be funded from a steady revenue source such as the state General Fund¹ since it is a basic cost of doing business.</p> <p>b) BCP could be prepared for the gap between currently available funding and the required level of funding to perform these ‘Intermittent upgrades’. Note</p>	<p>Allocation:</p> <p>Monies would be allocated by the Judicial Council based on the trial court funding allocation formula (currently WAFM) after review by the Trial Court Budget Advisory Committee.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>including off-the-shelf commercial applications, to address changes in the law, defects, and productivity or functionality enhancements.</p> <p>Examples: Upgrade to a newer version of an operating system, Microsoft Office, upgrade or replacement of a CMS, DMS, or JMS; or a technology stack upgrade.</p>	<p>based on actual past Program 90 staffing and OE&E expenditures in trial courts. The allocation is individual to each trial court.</p> <p>In addition, in past years funding has been allocated by the Judicial Council from one or more of the TCTF, IMF, TCIF, or MOD⁵ fund to support CMS replacement initiatives for:</p> <ul style="list-style-type: none"> - V2 (Fresno); - V3 (SD, Orange, Ventura, Sacramento, San Joaquin); - Interim case management systems, including SUSTAIN courts; and - CCMS V4 development; - San Luis Obispo and Kings Counties. 	<p>that it should be possible to document existing examples of courts which have been unable to fund these upgrades due to budget reductions and are operating on unsupported platforms/software.</p> <p>c) For trial courts, separately identify the technology costs within the WAFM formula by ‘unbundling’ IT costs from the OE&E ratio and compared to the available funding as the basis for a BCP. Funds would be allocated to the trial courts based on the trial court funding allocation formula (currently WAFM) and the branch policy on the frequency of upgrades. The funding would be allocated to individual trial courts each year with the expectation that the trial court would either ‘save’ the funds for periodic replacement, or reduce other spending in a year to allow for the replacement/upgrade expense (see discussion below).</p> <p>d) For the Courts of Appeal and Supreme Court, no change in the</p>	<p>Expenditure: Monies would be expended by local trial courts and the Courts of Appeal based upon local priorities and needs.</p>

⁵ TCIF and MOD were predecessors of the IMF.

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
	<p>COURTS OF APPEAL AND SUPREME COURT:</p> <p>The routine operating costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>current funding approach is recommended.</p> <p>ALTERNATIVES/ISSUES CONSIDERED:</p> <p>The need for funding is unpredictable, but often can involve a lead time of a year or two. Funds could be ‘saved’ for a couple of fiscal years until sufficient funding is available to make the changes only if:</p> <ul style="list-style-type: none"> - the 1% reserve cap is lifted, - funds for this type of expense are exempted from the cap at the trial court level; - funds could be ‘parked’ at the state level by deferring a portion of their annual allocation, and retained until needed, thus managing the required funds within the constraints of reserve cap; - funds could be ‘loaned’ at the state level from an on-going fund and repaid over a period of years; - A sinking fund could be permitted in each court where funds are set aside each year so that sufficient 	

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
		<p> funding is available for each replacement cycle as it occurs. This would result in funds at each court that accumulate over several years, and then are spent all at once. Again, this would require modification of the 1% cap on reserve carry forward, this is not viable unless the cap is raised, or the amount exempted from the cap. </p> <p> Alternatively, funds could be budgeted each year on a branchwide basis, and a court could apply for funding from the pool. </p>	
<p> 4. NEW BRANCHWIDE INITIATIVES Description: If a branchwide policy decision is made to provide a certain type of service that was not previously provided, there will be costs to implement the service in all courts that choose to take advantage of the service offering. Some branchwide initiatives may be mandated; e.g., Phoenix Financial, other offerings may be </p>	<p> TRIAL COURTS: Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund to support new initiatives The branch has applied for and received grants from state or federal agencies, or other entities (SJI) to fund new initiatives. Individual trial courts have funded new initiatives or </p>	<p> RECOMMENDATION: The branch or a consortium of courts, possibly including partnerships with other agencies (for example, from DoJ, US DoT, SJI, LSC, etc.), could apply for a grant or BCP to fund an initiative. A pool of funds could be set aside at the state level, from TCTF, IMF, or other, to be allocated by the Judicial Council based on the review and approval process </p>	<p> Funding Request: Monies would be requested by the Judicial Council as part of the annual BCP prioritization process based upon the recommendations from the Judicial Council Technology Committee and input from the Trial Court Budget Advisory </p>

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
<p>optional; e.g., Phoenix HR. Funding is needed for the one-time costs of acquiring the hardware, software, for staff to implement and deploy, and for deployment services to roll out the new service to courts. Funding would also be required to cover any increase in maintenance costs which would occur in the ‘Keep it running’ category. Examples: Phoenix, Phoenix HR; CCPOR; JBSIS, e-citations from CHP; remote video appearances.</p>	<p>improvements from their own TCTF allocation or obtained grant funding. COURTS OF APPEAL AND SUPREME COURT: The costs of new initiatives for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>developed. Mandated initiatives should come with ongoing funding for ‘keep it running’ costs from the branch. Individual trial courts can fund new optional initiatives or improvements from their own TCTF allocation or other revenue sources, including grants. If a court achieves cost savings from an initiative funded at the state level, as opposed to individual court allocation, there should be an established split in the savings achieved. Where a court incurs additional cost as a result of a mandated initiative, the court should only incur the ‘maintenance of efforts’ cost of its previous solution, if one existed.</p>	<p>Committee. Allocation: Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee for consistency with the budget request. Expenditure: Monies would be expended by the appropriate agency, Judicial Council, local trial court, and/or the Courts of Appeal based upon the approved plan.</p>
<p>5. INNOVATION AND IMPROVEMENT Description: If the branch is to continue to innovate to discover and learn new ways of doing business, new ways of providing services, or providing new</p>	<p>TRIAL COURTS: Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund to support innovation. The branch has applied for and</p>	<p>RECOMMENDATION: A pool of money at the state level could be available to fund innovative ideas proposed by courts and approved by the Judicial Council, for example, through a grant application</p>	<p>Allocation: Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee</p>

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
<p>services not previously provided, there needs to be funding to allow courts to innovate and learn about new approaches and technologies. In addition, there needs to be funding of a one-time nature to allow a court to jump start to a more advanced technology state.</p> <p>Innovation Examples: remote video appearance; <u>remote interpretation</u>; e-filing; e-citations; improve access for self-represented litigants (Smart Forms, I-CAN, small claims system in Sacramento, self-help portal, etc.); mail processing machines; etc.</p> <p>Improvement Examples: imaging all active cases to allow a court to become paperless; data conversion; conversion of microform documents to electronic documents;</p>	<p>received grants from state or federal agencies, or other entities (SJI) to fund innovation.</p> <p>Individual trial courts have funded new initiatives or improvements from their own TCTF allocation or obtained grant funding.</p> <p>COURTS OF APPEAL AND SUPREME COURT:</p> <p>The innovation and improvement costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>process. The application process and report back must be sufficiently simple and must not be so rigid that it thwarts or inhibits real innovation. The process must recognize that there may be more than one path to a particular result and that new initiatives often involve mistakes and the need to realign scope as unintended benefits are discovered as the project proceeds. The pool needs to be sufficiently large so as to allow several courts to innovate and to do this on a meaningful scale. Funds received from this central funding pool would be restricted to funding technology. This would not preclude a court or group of courts from funding innovation internally. This category of funding could also include grants from other sources (for example, SJI), funding partnerships with other agencies, or funding from NGO or private partners.</p> <p>Note that the addition of a new service or product often creates ongoing costs to keep it running</p>	<p>and based upon the review and recommendation of the Technology Committee.</p> <p>Expenditure: Monies would be expended by appropriate agency, Judicial Council, local trial court, and/or the Courts of Appeal based upon the approved proposal.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
		<p>after the implementation has occurred. Funding for the implementation phase may come from one source, but the cost of regular upkeep should be added to the 'keep it running' category above.</p> <p>Individual trial courts can fund innovations from their own TCTF allocation or other revenue sources, including grants.</p> <p>If a project was maintained or expanded to other courts, the cost of maintenance would come out of item 1, 2, or 3 above.</p> <p>A BCP may be required to establish this pool of funding.</p> <p>OTHER ALTERNATIVES/ISSUES:</p> <p>If a court achieves cost savings from an initiative funded at the state level, as opposed to individual court allocation, the savings should be split at a ratio determined as part of the funding application process.</p>	

<p>CATEGORY OF EXPENDITURE</p>	<p>CURRENT FUNDING APPROACH</p>	<p>PROPOSED FUNDING APPROACH</p>	<p>RESPONSIBLE GROUP</p>
<p>6. ON-GOING BRANCHWIDE STANDARDS AND PROTOCOLS Description: A coordination effort is required where trial courts are exchanging data or otherwise interacting with state agencies, other trial courts, or local agencies, there is a value in having data exchange protocols or standards to minimize integration efforts. Funds could be available at the state level to fund the efforts to develop and maintain standards or protocols. For example, data exchanges, whether it be traffic citations or the clerk’s record on appeal, should be uniform, avoiding the need for multiple transfer protocols and associated maintenance. In addition, some courts could take advantage of master contracts for equipment, software, or other services where it is not economical for the court to act individually. There are a number of services and tasks that might be accomplished more</p>	<p>TRIAL COURTS: Funding has been allocated by the Judicial Council from one or more of the TCTF, TCIF, IMF, or MOD fund for such initiatives. The branch has applied for and received grants from state or federal agencies, or other entities (SJI) for such initiatives.</p> <p>COURTS OF APPEAL AND SUPREME COURT: The branchwide policy and protocol costs for the Courts of Appeal and Supreme Court are funded from a dedicated portion of the monies allocated to the Judicial Council.</p>	<p>RECOMMENDATION: An allocation at the state level to fund efforts to develop and maintain branchwide standards, protocols, master service agreements, etc. A constant level of funding would be needed for maintenance, and an additional amount for development of new standards, either on a yearly basis, or project specific, for example, development of data exchanges with the California Department of Social Services. Services used by a court should be funded from the court’s allocations from one of the above categories. This category of funding could also include funding partnerships with other agencies, grants from other sources (for example, SJI), or funding from NGO or private partners.</p> <p>A BCP may be required if these funds cease to be available or a major initiative is undertaken.</p>	<p>Allocation: Monies would be allocated by the Judicial Council after review by the Trial Court Budget Advisory Committee and after review and recommendation of the Judicial Council Technology Committee.</p> <p>Expenditure: Monies would be expended by appropriate agency, but likely by the Judicial Council.</p>

CATEGORY OF EXPENDITURE	CURRENT FUNDING APPROACH	PROPOSED FUNDING APPROACH	RESPONSIBLE GROUP
<p>economically and efficiently if done at a state level, on a regional basis, or through a consortium of courts.</p> <p>Examples: State level data exchanges and data integration with justice partners, for example, CCPOR, CHP e-citations, DCSS child support data. Master service agreements for IT equipment, software, data centers, etc.</p>		<p>OTHER ALTERNATIVES:</p> <p>Services provided at the state, regional or consortium level that a court can choose to use would be paid for by each participating court out of its allocation. For example, Phoenix HR, payroll, IT contract negotiation data center hosting, assistance in vendor selection, project management, data conversion, implementation assistance, etc.</p>	

¹ It must be noted that during times of economic upheaval the General Fund may not be a steady source of funding.

CALIFORNIA JUDICIAL BRANCH

Strategic Plan for Technology

2014–2018

Technology Planning Task Force

~~August~~ ~~Septem~~ ~~October 21~~ ~~29~~, 2014

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Message from the Technology Planning Task Force Chair

Dear Friends of the Courts,

The Technology Planning Task Force, appointed by Chief Justice Tani G. Cantil-Sakauye, and the Judicial Council Technology Committee are pleased to present the Judicial Branch Strategic Plan for Technology.

A comprehensive and collaborative technology plan, grounded in the technology needs of the courts, is the key to branch technology progress and funding. Dramatic changes have occurred both in the evolution of information technology and the needs of the courts. We need to advance to better support our justice partners and the people of California.

Enhancing electronic access to justice and promoting more efficient practices through information technology aligns with the core values of our judicial branch and with the proposed technology vision. Chief Justice Cantil-Sakauye's recently announced vision for restoring access to our courts, Access 3D, includes remote access as one of its principles. The "digital court" with the capability of 21st century data exchange, within the judicial branch and with justice partners where appropriate, will not only allow us to do more with less but also significantly broaden meaningful access to the courts for litigants, lawyers, justice partners, and the public.

James E. Herman
Chair, Judicial Council Technology Committee
and Technology Planning Task Force.

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Clerk/Administrator of the Court of Appeal
Fifth Appellate District

INTRODUCTION

This document presents the judicial branch **Strategic Plan for Technology**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendations for the judicial branch Technology Governance and Funding Model along with this document and the associated Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership. These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, chief information officers, and other stakeholders representing the trial and appellate courts and the public.

The proposed strategies recognize the diversity of the trial courts along with the judicial, management and technical expertise located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff. The approach centers on working as an information technology (IT) community that can form consortia to leverage and optimize resources to achieve its goals and overall branch objectives. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

Technology Planning Documents

Results from the Technology Planning Task Force include the following documents:

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018) (this document)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people, 7 million of whom have limited English proficiency. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts and other agencies.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

Technology Vision

A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens. The vision for judicial branch technology is:

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.

This vision also sets forth the framework within which guiding principles can readily be applied.

Technology Principles

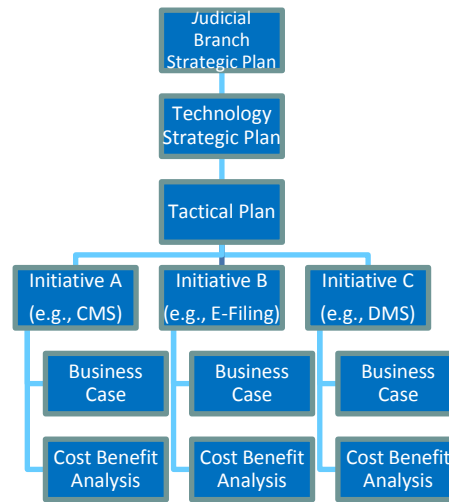
Guiding principles establish a set of considerations for technology project decision-makers. They articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

STRATEGIC PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

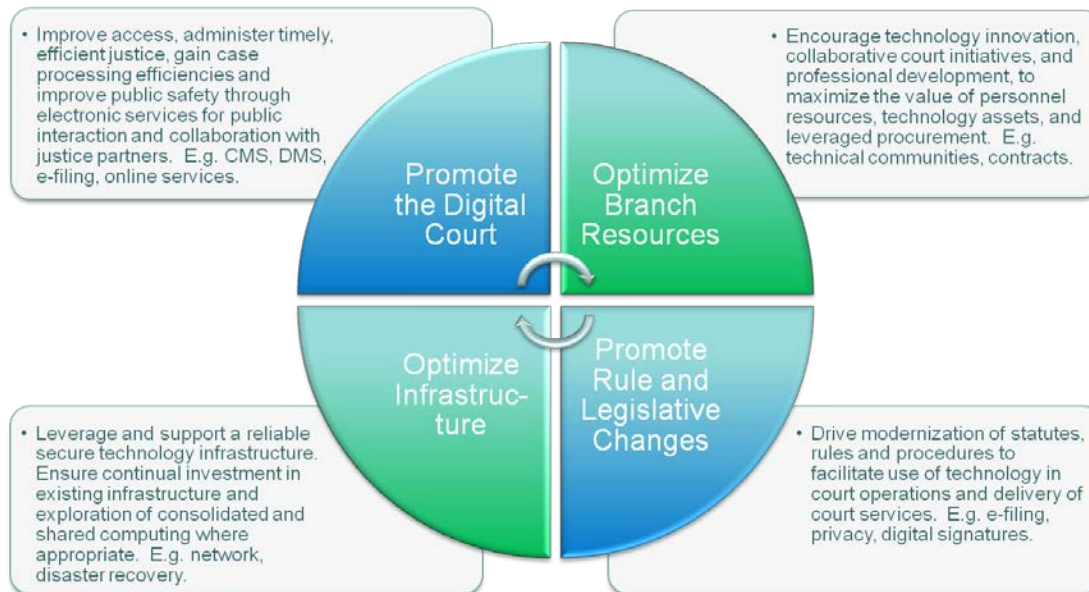
The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.



All of these activities will align with the overall goals of the branch.

Summary of Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Detailed Description of Technology Goals (2014–2018)

Goal 1: Promote the Digital Court

The primary goal of this strategic plan is to promote the Digital Court environment. The Digital Court is an ambitious goal that is divided into two parts:

- Digital Court Part 1: Foundation
- Digital Court Part 2: Access, Services, and Partnerships

Part 1 focuses on core systems such as case management systems and document management systems. Part 2 focuses on providing electronic services to the public and other parties who interact with the court to increase access to justice.

Goal 1: Promote the Digital Court—Part 1: Foundation

Statement of Goal

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California.

Business Driver/Need

It is essential for the judicial branch to implement and maintain information technology solutions that better meet the needs of the public by administering timely and efficient justice, enhancing court operations, and improving public safety. The courts require technology systems that are optimized to maintain effective operations and meet the demands of internal and external stakeholders for access to court information and services.

To effectively serve the needs of the public, a foundational set of technologies is required. These include modern case and document management systems, fiscal and human resource systems, and technologies allowing better collaboration with justice partners that also assist judicial and administrative decision-makers in the administration of justice.

The 58 trial courts and the appellate courts use a broad assortment of technologies. Many of these are functionally obsolete and are incapable of supporting the needs and expectations of an increasingly technology-literate public and court personnel.

Before any court in the branch can provide the range of services and access the public expects from a true “digital court,” the necessary foundation and infrastructure must be provided. Full implementation of these modern foundational technologies that adhere to common standards will be critical to achieving both local court and branchwide efficiencies.

Objectives (prioritized)

- 1.1.1. Establish a digital court foundation by implementing modern and supportable case management systems (CMS) and document management systems (DMS) where needed to allow all courts to efficiently deliver services to the public.
- 1.1.2. Ensure that courts have the ability to operate independently of local government infrastructure for critical court operations.
- 1.1.3. Facilitate or provide shared technology infrastructure for courts without local resources and/or for those courts who wish to collaborate or leverage other opportunities for shared services.
- 1.1.4. Effectively utilize the digital court foundation to enable:
 - Extended access and services to the public, including electronic filing and enhanced access for those with limited English proficiency.
 - Enhanced judicial and administrative decision-making.
 - Data and information sharing across the courts.
 - Enhanced collaboration and cooperation between and among courts.
 - Enhanced collaboration and cooperation with local and statewide justice partners to promote public safety.

Areas of focus to enable “Digital Courts”:

- **Case Management Systems (CMS).** Implement modern and supportable court case management systems, where needed, to provide timely and accurate case information, improve public safety, support judicial decision-making, enable electronic filing (e-filing), and provide court operational efficiencies.
- **Document Management Systems (DMS)/Enterprise Content Management Systems (ECM).** Implement DMS / ECM Systems to enhance court operations, enabling automated administrative and judicial workflows. The use of electronic documents and case files will provide more immediate and reliable access to court documents for judicial officers and the public and will significantly reduce retrieval, storage, and destruction costs. Electronic case files will also permit common disaster recovery solutions.
- **Back office systems.** Implement modern financial, human resource, and productivity software systems to enhance court operations and provide accountability for use of public resources at both the local and branch levels.
- **Jury management systems.** Implement latest generation jury management systems in all trial courts to include extended automated solutions (i.e., online self-service, document management, text notifications, kiosks, etc.) to improve the convenience and quality of jury service.
- **Access.** Establish standards and methods to provide remote public access solutions to essential court information and services in all courts.
- **Decision support.** Establish judicial and administrative decision support systems integrating CMS, DMS/ECM, and justice partner information to enhance decision-making.

Anticipated Results/Benefits/Outcome

- Achieve cost savings, operational efficiencies, and enhanced case processing through the use of modern, standards-based case and document/content management systems.
- Achieve branchwide efficiencies by using common back office and jury systems where appropriate and leveraging branchwide economies of scale while balancing the need for local agility.
- Eliminate or reduce the costs associated with the storage, retrieval, archiving, and destruction of paper court records and improve access for internal court users and the public.
- Provide greater insight into court performance and guidance for local resource allocation through measurable case flow management standards.
- Help support a workforce that has been reduced over the past several years.
- Provide the court, judges, attorneys, litigants, and the public with faster access to information.

Dependencies/Requirements

Technology has inherently high costs in acquisition, deployment, and maintenance. Not all courts have the fiscal and human resources to acquire and implement current technology, or to support the technology once installed. Collaboration and cooperation between courts by sharing and leveraging resources will be necessary to support and sustain innovation. Significant technology projects require time to implement and are rarely capable of completion within a single fiscal year. Stable and predictable funding for both branch and local technology projects is essential to the success of any project, and to the future of the branch. Transparent and accountable management of technology projects and resources is essential to obtain support from other branches of government.

Overall goal dependencies:

- Clear, efficient governance.
- Adoption of a branch tactical plan/roadmap for CMS enabling, over time, highly functional modern e-business-capable case management systems in every court.
- Access to DMS/ECM for every court and the business and technical support required.
- Adoption of a tactical e-filing plan/roadmap for the branch, with clearly articulated common standards.
- Sufficient and stable funding to acquire, deploy, and maintain the programs.

Applicable to all system acquisitions:

- Assessment of current and anticipated local and branch needs.
- Prioritization of court implementations based on urgency, capability, and financial resources.
- Decisions on use of local, shared, or branchwide solutions.

- Roadmap—which courts are going to use which systems, when, hosted where, supported by whom, etc.

Metrics (measures of progress toward implementation of this goal)

- Number of courts providing full/partial Digital Court services.
- Increasing satisfaction of people who interact with the courts.

Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships

Statement of Goal

The judicial branch will improve access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by implementing a comprehensive set of services for both public interaction with the courts and collaboration with branch justice partners.

Business Driver/Need

It is essential that the judicial branch implement and maintain information technology solutions that meet the needs of the public, support the administration of timely and efficient justice, support court operations, and enhance public safety. In recent years, courts have been forced to close facilities and to eliminate or curtail many previously provided public services. Court users are increasingly sophisticated in the daily use of technology, relying on a variety of desktop and mobile computing devices to interact with businesses and with each other. They expect government services, including court services, to be provided with the same ease and flexibility available in the business sector, demanding that courts be effective, efficient, and responsive.

To restore, and even expand and enhance, services and access to the public, courts must explore new models, methods, and collaborations; must look to new opportunities to share information with state and local partners; and must find new ways to deliver services to the public, making effective use of available technology. Building on the “digital court” foundation, courts can provide these expanded access and service capabilities—including services to currently underserved populations. Courts can also leverage available technology through strategic business solutions such as shared services and collocated resources.

Objectives (prioritized)

- 1.2.1. Provide consistent, convenient, and secure remote digital access to court information and services for court users and practitioners, including self-represented litigants and limited English proficiency litigants, regardless of geographic and jurisdictional limitations and local resource constraints.
- 1.2.2. Increase operational efficiencies by establishing new or expanding existing e-business opportunities.
- 1.2.3. Enhance public safety through expansion of statewide programs such as the California Courts Protective Order Registry (CCPOR) to include all courts.
- 1.2.4. Establish standardized, automated, and timely data exchanges with state (e.g., California Highway Patrol (CHP), Department of Justice (DOJ), Department of Child Support Services (DCSS)) and local partners (e.g., county agencies, collections providers, etc.), to promote public safety and improve the overall effectiveness and efficiency of the California justice system.

Potential areas of focus for access, services, and partnerships include:

- **Online access to case information.** Implement online solutions to allow litigants and the public to access case data and documents where appropriate, consistent with personal privacy and confidentiality considerations.
- **Electronic filing.** Enable electronic filing across case types.
- **Self-service.** Provide “online,” instead of “in line” services for routine transactions historically provided only at the courthouse (e.g., payment of traffic citations).
- **Remote video appearances.** Implement remote video appearances and hearings in appropriate case types and matters.
- **Standards.** Create standardized state (e.g., CHP, DMV, DOJ, DCSS) and local (e.g. district attorney, public defender, and sheriff) interfaces at the branch and local levels, compatible across multiple case management systems.
- **Services for limited English proficient court users. Expand and leverage existing technology to provide user information in multiple languages and to enable sharing of language resources among courts.**

Anticipated Results/Benefits/Outcome

- Reduce the cost of court operations and increase the efficient use of court resources.
- Ensure accurate and timely processing of court-related transactions and sharing of information through technology.
- Provide immediately available services, 24/7, to everyone within the judicial branch, in authorized local agencies, and to the public throughout the state.
- Restore and enhance public access to the courts with consistent and convenient access to court information and services across jurisdictions for court users and practitioners, including self-represented litigants.

Dependencies/Requirements

Each court will vary in its ability to acquire, implement, and support the technology necessary to enable electronic access and services. Not all elements of a local “Digital Court” foundation will be available in every court. Cooperation and collaboration will be essential to making solutions consistent and coherent across the branch. The vision contained in this goal is only achievable to the extent that each court is willing to adopt it and, recognizing local constraints, is willing to work toward its fulfillment.

While technology deployment and implementation typically focuses on providing new capabilities, technology solutions should not create barriers to access for indigent clients, people with disabilities, and those who need language assistance. Instead, technology solutions should actively seek to bridge gaps and affirmatively expand access. ~~Technology solutions should be fully accessible.~~

Metrics (measures of progress toward implementation of this goal)

- Number of courts providing full/partial Digital Court services.
- Increasing satisfaction of people who interact with the courts.
- Number of courts leveraging standard data exchanges.

Goal 2: Optimize Branch Resources

Statement of Goal

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Business Driver/Need

Over the past few years, budget cuts and reduction in personnel have made maintaining current aging court technology a challenge and replacing it difficult. These same cuts have impacted court operations where technology solutions are needed to help automate manual processes, provide needed tools to staff, and offer electronic services to the public.

The branch cannot address these demands without proper technology and personnel resources. In the short term, optimizing branch resources will provide limited opportunities to make progress on technology goals. In the long term, funding must be restored to sufficiently invest in technology and personnel to allow the branch to operate optimally. Once funding is restored, the branch will continue to optimize branch resources to ensure that return on investment is maximized.

Objectives (prioritized)

- 2.1. Reduce overall cost and effort when purchasing technology by forming groups and consortia to leverage procurements wherever possible.
- 2.2. Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology within the branch and to the public.
- 2.3. Maximize the value of limited branch resources through innovative technology solutions that can improve, enhance, and support the efficient and effective implementation and delivery of court programs, processes, and education.
- 2.4. Maximize the return on investment when leveraging existing technology assets and selecting new technologies.
- 2.5. Integrate branchwide strategic priorities into education and professional development programs for judicial officers and court staff.
- 2.6. Promote continual improvement of court practices by collaborating on court technology solutions, leveraging and sharing technology resources, and creating tools to educate court stakeholders and the public.
- 2.7. Identify and implement technology best practices within the branch.

Potential areas of focus for branchwide optimization include:

- **Hardware and software master agreements.** Master agreements have already been established for document management systems, case management systems, networking hardware, and other IT products. Establishing master agreements saves time by

- eliminating the need for courts to conduct individual procurements and usually reduces individual cost to the court and overall cost to the branch through economies of scale.
- **Technology communities.** Create formal and informal communities of interest to share best practices and tools, leverage expertise across the branch, discuss technology issues, and provide input to branchwide initiatives. Communities could focus on issues related to specific court environments such as a small court technology environment or appellate court environment. Other communities could be technology focused and discuss strategies for deployment, configuration, and management of case management systems or create a repository for shared software solutions developed by the courts.
 - **Shared solution catalog.** Courts often have similar issues but these issues are often solved locally by each individual court. Examples include online probable cause processing, document imaging, electronic juror check-in and notification, and electronic traffic citations. These solutions are not typically visible to other courts but could include the opportunity to be leveraged or offer insight into creating other local solutions. Creation and maintenance of a solution catalog, which could begin with publication of a list of existing solutions as a starting point, could help eliminate the redundancy of each individual court trying to solve every problem itself.
 - **Employee retention and development.** Use of typical tools such as wage increases are neither available nor practical during difficult financial times, but other nonmonetary approaches could be evaluated. Ideas include publishing a list of current and future skill requirements for staff in alignment with accomplishing the goals of the strategic plan; creating a mentorship program across the branch to foster personal growth and expand individuals' visibility into other environments; and making suggestions for how employees can self-manage their careers.
 - **Technology professional development.** Training in key technologies and technical processes such as service desk, quality assurance, change management, and program and project management. Computer-based training solutions should be considered in addition to traditional classroom training.
 - **Educational opportunities for judicial officers and court leaders.** Ideas include training in leading change initiatives related to technology, as well as discussion and appropriate networking opportunities within existing and potentially new forums.

Anticipated Results/Benefits/Outcome

- Reduced time, effort, and overall cost when procuring technology that can be used by several courts.
- Faster time to market in providing technology to the courts and public by leveraging existing solutions.
- Court employees who understand their responsibilities, have the training to do their best work, and have opportunities to grow and expand their career options.
- Court leaders who support and promote the adoption of technology solutions within the branch.

Dependencies/Requirements

The willingness and support of court leadership is necessary to facilitate the optimization of branchwide resources, including dedicating sufficient staff time and resources to accomplish this goal.

Collaboration and coordination with the Center for Judiciary Education and Research (CJER) will benefit personnel training and development objectives.

Procurement objectives will benefit from collaboration and coordination with local and branch contracting, procurement, and finance groups. All procurements must follow the policies and procedures outlined in the Judicial Branch Contracting Manual.

Metrics (measures of progress toward implementation of this goal)

- Number of master agreements signed.
- Number of courts leveraging master agreements.
- Number of active technology communities.
- Number of courts represented in each community.
- Number of solutions leveraged from the shared solution catalog.
- Number of attendees participating in recommended training classes.
- Overall job satisfaction.

Goal 3: Optimize Infrastructure

Statement of Goal

The judicial branch will leverage and support a reliable and secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

Business Driver/Need

The judicial branch is addressing the increased expectations and reliance of court users on electronic access to court information by:

- Transitioning from paper-driven processes and services to electronic ones where each official court record will be created, maintained, and stored in a digital format.
- Enabling automated electronic data and information sharing among the courts and with the public, state, and local justice partners, to facilitate automated reporting and collection of statistical information.
- Committing to ensure that adequate disaster recovery provisions will be made for all systems, services, and information maintained by the judicial branch.

This goal relies upon an effective, reliable, efficient, up-to-date, and secure technology infrastructure that includes technology to support local area networks; wide area networks; infrastructure and information security; local, shared, and centralized data centers; unified communications (voice, video); an enterprise service bus; and disaster recovery technologies.

Objectives (prioritized)

- 3.1. Ensure secure and reliable data network connectivity throughout the branch.
- 3.2. Provide a consistent level of infrastructure security across the branch.
- 3.3. Determine if there is any efficiency that could be achieved through the deployment of converged voice and data technologies.
- 3.4. Develop a next-generation data center hosting model that will meet the current and anticipated future business needs of the branch.
- 3.5. Ensure that critical systems and infrastructure can be recovered in a timely manner after a disaster.

Potential areas of focus to optimize infrastructure include:

- **Support and maintain existing branch infrastructure.** The judicial branch must continue to maintain its current data network in support of its business goals to serve the needs of the courts, justice partners, and the public. The network and its supporting technologies must be up to date, effective, reliable, efficient, and secure. These objectives can be achieved by ensuring that all courts have:

- Reliable connectivity to wide-area-network and public Internet services by working with network service providers and upgrading older communication circuit technologies with more modern connectivity solutions.
- Updated information security protection settings and threat detection and prevention systems in place to secure and protect electronic data.
- Network devices that are operating at current software version levels and covered under maintenance agreements.
- **Develop an infrastructure security framework.** The Judicial Council staff provides infrastructure security guidance and provides managed intrusion detection and prevention services. However, courts do not have consistent network security measures in place and many require assistance to implement new systems, procedures, and policies. An infrastructure security framework that includes a model implementation guide, sample procedures, and accompanying policy guide will benefit courts that need assistance and ensure consistency throughout the branch.
- **Investigate an enterprise voice over Internet Protocol (VoIP) and video over Internet Protocol (video over IP) infrastructure.** Possible branchwide efficiencies may be realized by taking advantage of the convergence of communication infrastructure technology, including voice over IP (VoIP,) video, and unified messaging. Although a VoIP implementation playbook has been created for individual courts to utilize if they so choose, the judicial branch currently has no enterprise VoIP solution. This investigation would determine if such a solution would offer a benefit to the branch.
- **Next-generation data center hosting model.** Identify and evaluate options for a flexible, scalable, cost-efficient hosting model designed to provide application and data center hosting services to courts that need those services. The next-generation hosting model could potentially be enabled through a combination of consolidation, virtualization, and implementation of a secure public or private cloud environment.
- **Disaster recovery framework.** Provide a framework for recovering systems and services operated at the individual court level and at the branch level after a disaster. The framework could include a model implementation guide, sample procedures, and recommended policies for use throughout the branch.

Anticipated Results/Benefits/Outcome

Successful completion of these goals will:

- Ensure continued availability of technology infrastructure systems and services within the judicial branch that are essential for support and delivery of public services provided by courts today.
- Equip the judicial branch with a modern, scalable, efficient, reliable, and secure technology infrastructure that will enable new operational efficiencies, support development of new services and capabilities, and improve public access to justice.

Dependencies/Requirements

Stable, long-term funding must be secured to support infrastructure maintenance, replacement, and improvement.

Technology infrastructure experts from industry should be consulted on best practices and recommendations for the selection and implementation of appropriate technologies.

Metrics (measures of progress toward implementation of this goal)

- Percentage of critical infrastructure devices that operate at the required software level.
- Percentage of critical infrastructure devices covered by maintenance agreements.
- Infrastructure security framework published.
- Number of courts that have implemented the infrastructure security framework.
- Report published on the analysis of a branch-level converged voice and data infrastructure.
- Report published on next-generation data center hosting model recommendation.
- Disaster recovery framework published.

Goal 4: Promote Rule and Legislative Changes

Statement of Goal

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Business Driver/Need

Many of the current statutes, rules, and procedures governing court operations were written to address a physical, in-person, paper-driven environment. Technology that improves service and increases access to justice through the use of virtual, remote, digital, electronic solutions will continue to prompt a need to review and revise, when necessary, the guidance provided by these rules and legislation. For example, revisions have been made to support electronic filing and remote video appearances. In the near future, rules concerning technologies such as digital signatures should be examined. The judicial branch must promote rule and legislative changes to encourage and provide guidance for the proper use of technology solutions by the courts and members of the public.

Because the process for changing rules and legislation is guided by strict scheduling requirements, the judicial branch must be proactive and allow adequate time for the review, examination, and proposal of any changes. Considerations should be made at the start when technologies are being investigated, not as an afterthought just before they are ready to be deployed.

Furthermore, the addition or modification of rules and legislation must be sensitive to preserving equal access to justice. Although there is a benefit to incorporating technology solutions into the justice process, we cannot place constituents at a disadvantage if they do not have access to those solutions.

Objectives (prioritized)

- 4.1. Determine if it is necessary to add new rules or legislation or modify any existing ones in anticipation of technology solutions that will be deployed in the near term.
- 4.2. Ensure current rules and legislation do not inhibit the use of current technology solutions.
- 4.3. Ensure rules and legislation support the four-year strategic plan and the two-year tactical plan.

Potential areas of focus for new or updated legislation include:

- **Electronic document processing.** Specific rules, legislation, and procedures that apply to a paper documents must be reviewed, modified, or supplemented appropriately to address the creation, processing, and retention of electronic documents. Examples include:

- Rules for electronic proof of service
 - Standards for filing dates and times
 - Electronic declaration under penalty of perjury
 - Uniform standards for electronic service
 - Uniform rules for electronic filing
 - Use of electronic signatures—in particular, uniform rules for electronic signing and verification.
- **Courtroom technology.** Technology has the opportunity to improve the overall courtroom experience, optimize the utilization of scarce resources, and increase access to justice. Examples include:
 - Remote hearings enabled through video technology or telephone
 - Electronic courtroom record
 - Remote interpreting—American Sign Language (ASL) and foreign languages—enabled through video technology or telephone.
 - **Data and information privacy.** A benefit of electronic information is its ease of access and distribution. This benefit must be balanced by ensuring that the proper controls exist to protect electronic data. Regardless of whether court information is paper based or electronic, access to that information can only be given to entities that have proper authorization.

Anticipated Results/Benefits/Outcome

- Rules, legislation, and procedures that support, encourage, and appropriately govern electronic information and services.
- Increased access to court services and improved service levels.
- Clear requirements that ensure fair and proper use of technology while protecting information.

Dependencies/Requirements

Proposals for additions or changes to rules, legislation, and procedures should be performed in conjunction with the execution of the judicial branch Tactical Plan for Technology. Rule and legislative changes should generally be considered as part of the planning, design, and implementation of individual tactical plan initiatives since they need to apply to the technology being deployed. Only occasionally would rule, legislation, and procedure changes be considered independent of a specific technology initiative. In those cases, the topic would typically be of a general nature applying to all technology or multiple areas. For example, data and information privacy rules and legislation would likely not be associated with just a single technology but would apply to all technology solutions.

Metrics (measures of progress toward implementation of this goal)

- Number of legislative changes proposed per year in support of the strategic plan.
- Number of legislative changes implemented per year in support of the strategic plan.

Alignment of Technology Goals

The goals of the proposed Strategic Plan for Technology strongly align with the goals of the judicial branch strategic plan. The chart below highlights the technology goals that support specific judicial branch goals. Note that all goals of the Strategic Plan for Technology support the primary goal for the overall branch of “Access, Fairness, and Diversity.”

Alignment with the Judicial Branch Strategic Plan	Branch Technology Goals			
	Promote the Digital Court	Optimize Branch Resources	Optimize Infrastructure	Promote Rule and Legislative Changes
Overall Branch Goals				
I. Access, Fairness, and Diversity	X	X	X	X
II. Independence and Accountability	X	X		X
III. Modernization of Management and Administration	X	X	X	X
IV. Quality of Justice and Service to the Public	X	X	X	X
V. Education for Branchwide Professional Excellence		X		
VI. Branchwide Infrastructure for Service Excellence	X	X	X	

There is no intention to align every technology goal with every branch goal. Each technology goal has a specific purpose, but it must support at least one of the branch goals.

The goals of the proposed Strategic Plan for Technology also strongly align with the California Department of Technology’s strategic plan for the state of California. The chart below highlights the state technology goals that support specific judicial branch goals. Note that all goals of the Strategic Plan for Technology support the primary goal for the state of “Responsive, Accessible, and Mobile Government.”

Alignment with the Department of Technology Strategic Plan	Branch Technology Goals			
	Promote the Digital Court	Optimize Branch Resources	Optimize Infrastructure	Promote Rule and Legislative Changes
Overall State Goals				
1. Responsive, Accessible, and Mobile Government	X	X	X	X
2. Leadership and Collaboration	X	X	X	X
3. Efficient, Consolidated, and Reliable Infrastructure and Services		X	X	
4. Secure and Manage Information as an Asset	X		X	X
5. Capable Information Technology Workforce		X		
6. Responsive and Effective IT Project Procurement		X	X	

Alignment with both the judicial branch strategic plan and the state’s strategic plan demonstrates how the judicial branch technology goals can support these overall goals. Furthermore, it aligns the work that court personnel perform to ensure that resources allocated to branch projects clearly understand how they are supporting the overall objectives of the branch and the state.

CONCLUSION

The California judicial branch is as complex and diverse as the population that it serves. The judicial branch has diversity in geography, court size, and case types. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the courts like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court system rather than a digital electronic one.

This Strategic Plan for Technology and the associated Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level that address the diversity and challenges the branch is facing.

The proposed strategic plan recognizes the need for judicial, management, and technical experts located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff, working together as an IT community. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

APPENDIX A: Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;
- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and
- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with the Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for this governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council, but also provided an opportunity for the branch to work in a new model and catalyze the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a Strategic Plan for Technology to support long-term funding to meet judicial branch technology needs.

Additionally, the Bureau of State Audits (BSA)¹ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee. The task force was charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;
- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;

¹ BSA has been renamed to California State Auditor.

- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortia for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

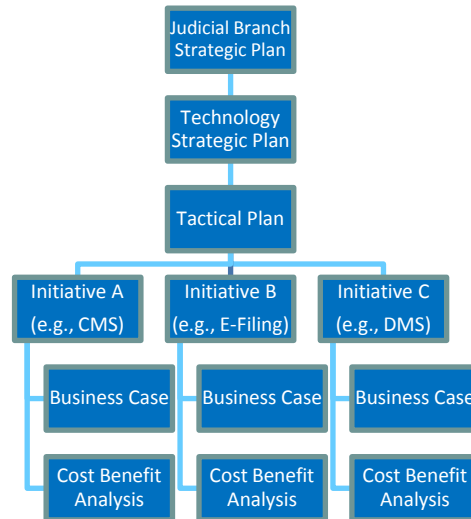
APPENDIX B: Technology Planning Task Force Structure

The task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices and focused on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

Technology Planning Task Force Participants

	Governance (13)	Strategic Plan (16)	Funding (13)
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There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.

CALIFORNIA JUDICIAL BRANCH

Tactical Plan for Technology

2014–2016

Technology Planning Task Force

~~August~~ ~~Septem~~ ~~October 21~~ ~~29~~, 2014

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INTRODUCTION

This document presents the judicial branch **Tactical Plan for Technology**. It addresses a devastating reduction in judicial branch funding and the need to revise and update the strategic plan and governance model for technology. It establishes a roadmap for the adoption of technology solutions that further the administration of justice and meet the needs of the people of California.

Recommendations for the judicial branch Technology Governance and Funding Model along with the associated Strategic Plan for Technology and Tactical Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level. The future will be built upon the success of local and branchwide innovation and leadership.

These are the results from the Technology Planning Task Force, which includes judicial officers, court executive officers, chief information officers, and other stakeholders representing the trial and appellate courts and the public.

Technology Planning Documents

Results from the Technology Planning Task Force include the following documents:

Document	Description
Technology Governance, Strategy, and Funding Proposal: Executive Summary	An overview of the proposed framework for the oversight of technology programs, strategic initiatives, and associated funding mechanisms. This includes a set of models, processes, and tools to ensure the effective and efficient use of information technology.
Technology Governance and Funding Model	Detailed recommendations from the Technology Planning Task Force for technology governance and funding, including suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.
Four-year Strategic Plan for Technology (2014–2018)	The strategic goals, objectives, and metrics for technology initiatives over the next four years.
Two-year Tactical Plan for Technology (2014–2016) (this document)	Individual initiatives that will contribute to and support the Strategic Plan for Technology.

Business Context

Many of the business drivers that shaped the creation and content of the Technology Governance and Funding Model and the associated Strategic Plan for Technology and Tactical Plan for Technology reflect the complexity and diversity of the California judicial branch and the population that it serves. The California court system—the largest in the nation, with more than 2,000 judicial officers, approximately 18,000 court employees, and nearly 8.5 million cases—serves over 38 million people, 7 million of whom have limited English proficiency. The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and superior courts. The Constitution also provides for the formation and functions of the Judicial Council, the policymaking body for the state courts.

The judicial branch has diversity in geography, court size, and case types. The smallest superior court has two judicial officers serving a population of just over 1,000 people while the largest has 587 judicial officers serving a population of almost 10 million people. Courts have varying fiscal health and capabilities and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

Technology Vision

A technology vision guides the branch to where it needs to be to promote consistency statewide while providing local court innovation to best meet the needs of California citizens. The vision for judicial branch technology is:

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.

This vision also sets forth the framework within which the guiding principles can readily be applied.

Technology Principles

Guiding principles establish a set of considerations for technology project decision-makers. They articulate the fundamental values that provide overall direction to technology programs within the justice community. As principles, they are not mandates nor do they establish conditions for technology project advancement. These guiding principles are in no way intended to obligate courts to invest in new, or to modify existing, solutions or services.

1. **Ensure Access and Fairness.** Use technologies that allow all court users to have impartial and effective access to justice.
2. **Include Self-Represented Litigants.** Provide services to those representing themselves, as well as those represented by attorneys.
3. **Preserve Traditional Access.** Promote innovative approaches for public access to the courts while accommodating persons needing access through conventional means.
4. **Design for Ease of Use.** Build services that are user-friendly, and use technology that is widely available.
5. **Provide Education and Support.** Develop and provide training and support for all technology solutions, particularly those intended for use by the public.
6. **Secure Private Information.** Design services to comply with privacy laws and to assure users that personal information is properly protected.
7. **Provide Reliable Information.** Ensure the accuracy and timeliness of information provided to judges, parties, and others.
8. **Protect from Technology Failure.** Define contingencies and remedies to guarantee that users do not forfeit legal rights when technologies fail and users are unable to operate systems successfully.
9. **Improve Court Operations.** Advance court operational practices to make full use of technology and, in turn, provide better service to court users.
10. **Plan Ahead.** Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users.
11. **Improve Branchwide Compatibility Through Technology Standards.** Provide branchwide technology standards or guidelines related to access to information or submission of documents that support the branch's goal of greater compatibility for the public and state justice partners.
12. **Consider Branchwide Collaboration and Economies of Scale.** Identify opportunities to collaborate on technologies to reduce costs, leverage expertise and training, and improve consistency.
13. **Foster Local Decision-Making.** Develop, fund, and implement technologies to improve local business processes that may provide a model for wider implementation.
14. **Encourage Local Innovation.** When developing branchwide technologies, allow for adaptation to address local needs, foster innovation, and provide, where appropriate, a model for wider implementation.

STRATEGIC PLAN

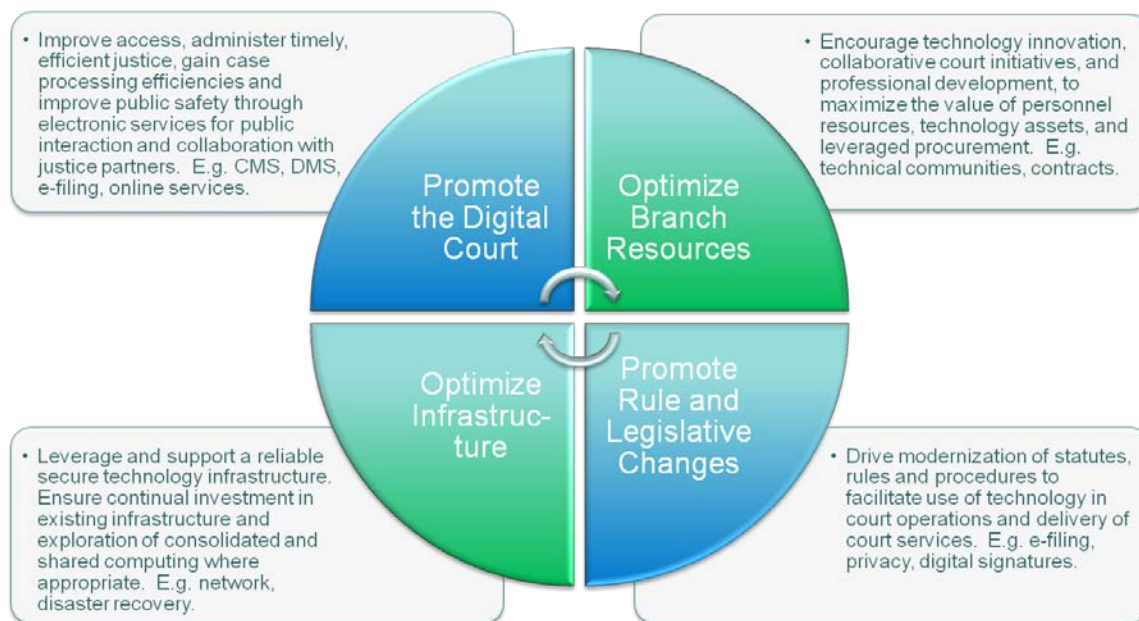
A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis.

All of these activities will align with the overall goals of the branch.

Summary of Technology Goals (2014–2018)

The Technology Planning Task Force has identified four technology goals for the branch in support of the overall goal of providing access to justice.



Goal 1: Promote the Digital Court—Part 1: Foundation

Statement of Goal

The judicial branch will increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California.

Objectives (prioritized)

- 1.1.1. Establish a digital court foundation by implementing modern and supportable case management systems (CMS) and document management systems (DMS) where needed to allow all courts to efficiently deliver services to the public.
- 1.1.2. Ensure that courts have the ability to operate independently of local government infrastructure for critical court operations.
- 1.1.3. Facilitate or provide shared technology infrastructure for courts without local resources and/or for those courts who wish to collaborate or leverage other opportunities for shared services.
- 1.1.4. Effectively utilize the digital court foundation to enable:
 - Extended access and services to the public, including electronic filing and enhanced access for those with limited English proficiency.
 - Enhanced judicial and administrative decision-making.
 - Data and information sharing across the courts.
 - Enhanced collaboration and cooperation between and among courts.
 - Enhanced collaboration and cooperation with local and statewide justice partners.

Goal 1: Promote the Digital Court—Part 2: Access, Services, and Partnerships

Statement of Goal

The judicial branch will improve access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by implementing a comprehensive set of services for both public interaction with the courts and collaboration with branch justice partners.

Objectives (prioritized)

- 1.2.1. Provide consistent, convenient and secure remote digital access to court information and services for court users and practitioners, including self-represented litigants and limited English proficiency litigants, regardless of geographic and jurisdictional limitations and local resource constraints.
- 1.2.2. Increase operational efficiencies by establishing new or expanding existing e-business opportunities.
- 1.2.3. Enhance public safety through expansion of statewide programs such as the California Courts Protective Order Registry (CCPOR) to include all courts.
- 1.2.4. Establish standardized, automated, and timely data exchanges with state (e.g., California Highway Patrol (CHP), Department of Justice (DOJ), Department of Child Support Services (DCSS)) and local partners (e.g., county agencies, collections providers, etc.), to promote public safety and improve overall effectiveness and efficiency of the California justice system.

Goal 2: Optimize Branch Resources

Statement of Goal

The judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.

Objectives (prioritized)

- 2.1. Reduce overall cost and effort when purchasing technology by forming groups and consortia to leverage procurements wherever possible.
- 2.2. Recruit, develop, and maintain a workforce with the knowledge, skill, and ability to deliver the full potential of information technology within the branch and to the public.
- 2.3. Maximize the value of limited branch resources through innovative technology solutions that can improve, enhance, and support the efficient and effective implementation and delivery of court programs, processes, and education.
- 2.4. Maximize the return on investment when leveraging existing technology assets and selecting new technologies.
- 2.5. Integrate branchwide strategic priorities into education and professional development programs for judicial officers and court staff.
- 2.6. Promote continual improvement of court practices by collaborating on court technology solutions, leverage and share technology resources, and creating tools to educate court stakeholders and the public.
- 2.7. Identify and implement technology best practices within the branch.

Goal 3: Optimize Infrastructure

Statement of Goal

The judicial branch will leverage and support a reliable secure technology infrastructure. It will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.

Objectives (prioritized)

- 3.1. Ensure secure and reliable data network connectivity throughout the branch.
- 3.2. Provide a consistent level of infrastructure security across the branch.
- 3.3. Determine if there is any efficiency that could be achieved through the deployment of converged voice and data technologies.
- 3.4. Develop a next-generation data center hosting model that will meet the current and anticipated future business needs of the branch.
- 3.5. Ensure that critical systems and infrastructure can be recovered in a timely manner after a disaster.

Goal 4: Promote Rule and Legislative Changes

Statement of Goal

The judicial branch will drive modernization of statutes, rules, and procedures to facilitate use of technology in court operations and delivery of court services.

Objectives (prioritized)

- 4.1. Determine if it is necessary to add new rules or legislation or modify any existing ones in anticipation of technology solutions that will be deployed in the near term.
- 4.2. Ensure current rules and legislation do not inhibit the use of current technology solutions.
- 4.3. Ensure rules and legislation support the four-year strategic plan and the two-year tactical plan.

TACTICAL PLAN

A strategic plan describes the overall goals for an organization. The associated tactical plan outlines the initiatives that provide a roadmap for achieving those goals.

The branch technology strategic plan is a cascading plan that supports the Judicial Council Strategic Plan for the branch. The branch strategic plan and goals will drive a four-year technology strategic plan, which will then drive a detailed two-year tactical plan consisting of individual projects. Every two years, the branch will update its tactical plan to support the four-year strategic plan. Before implementation, individual projects will have a clearly stated business case and cost-benefit analysis. All of these activities will align with the overall goals of the branch.

The branch Tactical Plan for Technology contains the following set of technology initiatives. The technology initiatives represent a set of focused, ambitious projects with a two-year time frame for completion. These initiatives should be launched in 2014 and completed by 2016. Each initiative supports the roadmap, which propels the branch toward the four strategic goals.

Because the judicial branch is underfunded, technology investments are severely limited. Therefore, this tactical plan reflects the reality of scarce resources. The majority of the initiatives focus on planning and investigation. Once funding is restored, the judicial branch can make further progress with the initiatives and move into design, development, and deployment.

The tactical plan initiatives were identified by the Technology Planning Task Force and selected based on their ability to support the four strategic technology goals and their overall business drivers. Initiatives were prioritized based on their foundational aspects, dependency on other initiatives, and amount of time required to realize benefits. For example, initiatives focused on core components of the Digital Court such as case management systems and document management systems were given a higher priority than initiatives such as developing case management system interfaces and data exchanges since these depend upon completion of the core components.

A comprehensive business analysis will be performed for each initiative to ensure that return on investment can be maximized. A collaborative and inclusive process will be used to form project teams with members from the trial courts, appellate courts, and Judicial Council staff.

The initiatives will be governed under the new model described in the Technology Governance and Funding Model. The majority of the initiatives will be managed by the Information Technology Advisory Committee¹ while the Judicial Council Technology Committee may identify some initiatives that they wish to oversee directly.

¹ Information Technology Advisory Committee (ITAC) is the proposed name for the advisory committee that will replace the current Court Technology Advisory Committee (CTAC). ITAC's structure is defined in the Governance and Funding Model.

Timelines for initiatives have been estimated and are assumed to begin in the third quarter (Q3) of calendar year 2014, but initiatives may be delayed if adequate funding or resources are not available at the scheduled start time.

Nevertheless, this tactical plan provides a roadmap and intended direction for the judicial branch in moving toward its vision to promote the Digital Court.

Technology Initiatives Summary (2014–2016)

Technology initiatives are listed in priority order within each of the strategic goals.

Strategic Goal	Initiative	Objectives Supported	Action
Promote the Digital Court	Case management system (CMS) assessment and prioritization	1.1.1., 1.1.2., 1.1.3., 1.1.4.	Determine strategy and plan
	Document management system (DMS) expansion	1.1.1., 1.1.2., 1.1.3., 1.1.4.	Deploy where appropriate
	Courthouse video connectivity	1.2.1., 1.2.2.	Expand where appropriate
	California Courts Protective Order Registry (CCPOR)	1.2.1., 1.2.2., 1.2.3.	Continue deployment
	Implement a portal for self-represented litigants	1.2.1., 1.2.2.	Investigate and prepare proposal
	Jury management technology enhancements (trial courts)	1.1.4.	Determine roadmap and plan
	E-filing service provider (EFSP) selection/certification	1.2.1., 1.2.2.	Develop process
	E-filing deployment	1.2.1., 1.2.2.	Determine implementation plan
	Identify and encourage projects that provide innovative services	1.2.1., 1.2.2.	Investigate and prepare proposal
	Establish an “open source” application-sharing community	1.2.1., 1.2.2.	Investigate and prepare proposal
Develop standard CMS interfaces and data exchanges	1.2.1., 1.2.4.	Investigate and prepare proposal	
Optimize Branch Resources	Establish hardware and software master branch purchasing/licensing agreements	2.1.	Identify and negotiate
Optimize Infrastructure	Extend LAN/WAN initiative to remaining courts	3.1.	Expand program
	Transition to next-generation branchwide hosting model	3.1., 3.4., 3.5.	Investigate and prepare proposal
	Security policy framework for court information systems	3.1., 3.2.	Investigate and prepare proposal
	Court disaster recovery framework and pilot	3.1., 3.5,	Determine framework
Promote Rule and Legislative Changes	Identify new policy, rule, and legislation changes	4.1., 4.3.	Identify and draft changes

Detailed Description of Technology Initiatives

This section provides a detailed description of each technology initiative along with a high-level summary project template. These templates are not intended to document approved commitments but rather to act as a tool to help project teams create detailed project plans once proper funding and resources are available. Scope, deliverables, and timelines are estimated and subject to change.

Each project template contains the following sections:

- **Description**—Detailed description of the initiative along with potential business drivers, background, and history.
- **Major Tasks**—High-level list of expected major tasks and outcomes.
- **Dependencies**—Requirements that the initiative relies upon for successful completion.
- **Funding Requirements**—Estimated one-time costs to launch and deploy the initiative and estimated ongoing costs for maintenance and operation.
- **Potential Funding Sources**—Suggested options for funding one-time and ongoing expenses.
- **Types of Courts Involved**—Could be based on type (trial court, appellate court), size (small, medium, large), location (northern, southern), or consortium (case management specific, etc.).
- **Sample Timeline**—List of major milestones, if known, and estimated time frame for completion.

Technology Initiatives to Promote the Digital Court

Case Management System (CMS) Assessment and Prioritization

Description

This project will determine a high-level approach to identifying strategies and solutions for implementing case management systems with document management functionality that support the Digital Court. The scope of this initiative is only to perform business analysis and planning; it does not include the actual deployment of CMS solutions. One or more CMS deployment initiatives will need to be launched after this assessment initiative is completed.

Major Tasks

- Update the inventory of existing case management systems within the branch.
- Update the inventory of existing document management systems within the branch.
- Determine strategy and approach for existing CMS environments.
- Determine strategy and approach for courts using V3 and Sustain Justice Edition.
- Establish a prioritization of need for systems replacement.
- Identify potential consortia for related systems.
- Determine strategies for facilitating successful consortia.
- Identify replacement cost.
- Identify available funding for prioritized projects.
- Identify resources to support courts through the project request process.

Dependencies

- Need to establish mechanism for maintaining and updating a branch CMS inventory.
- Need to identify appropriate sponsor for this initiative (e.g., Technology Committee or technology-related advisory committee).
- Need to identify resources that will support the courts through the project request process.

Funding Requirements

One-Time

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.

Ongoing

- None required for this assessment.

Potential Funding Sources

None required for this assessment.

Types of Courts Involved

All trial courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Establish repository for CMS inventory.	Q3 2014
Draft initial assessment.	Q4 2014
Final assessment report.	Q1 2015

Document Management System (DMS) Expansion

Description

To achieve the full benefit and efficiencies of electronic filing, a court's case management system must integrate with a Document Management System (DMS)/Enterprise Content Management (ECM) System. DMS/ECM provides for a true paper-on-demand environment with configurable workflows and other operational benefits. While the majority of modern case management systems include integrated DMS, extending existing case management systems with DMS/ECM where feasible is far less expensive and disruptive than acquiring new case management systems.

DMS/ECM also provides support and operational efficiencies for trial court administration (e.g., fiscal, facilities, HR, procurement, et al.).

Major Tasks

- Identify opportunities for acquisition and integration of DMS/ECM with existing branch and local case management systems, and for administrative use at both branch and local court levels.
 - An example would be potential implementation of a DMS/ECM for the current Appellate Court Case Management System, to take full advantage of the e-filing pilot program currently underway, and to leverage that system for use by Judicial Council staff.
- Identify the most efficient and cost-effective model for implementation.
- Leverage branchwide master services agreements for document management system software procurement.

Dependencies

- Available budget for DMS acquisition.
- Coordination and alignment with CMS assessment.

Funding Requirements

One-Time

- Hardware, software, and services for DMS implementation at identified courts.

Ongoing

- Annual maintenance; periodic software and hardware upgrades.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for initial pilot programs, or vendor partnerships funded by user fees.
- Ongoing costs must be covered by each individual court's operating budget and/or user fees.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Determine business need and identify courts that could benefit from a DMS now.	Q3 2014
Submit funding request.	Q4 2014
Deploy solutions.	Q4 2015

Courthouse Video Connectivity

Description

The initiative will restore and enhance public access to court information and services and will create court cost savings and efficiencies by:

- Expanding use of remote video appearances and hearings in appropriate case types and matters; and
- Expanding remote availability of certified and registered court interpreter services.

Almost two decades ago, the Court Technology Task Force (predecessor to the Court Technology Advisory Committee) in its 1995 report to the Judicial Council, identified nine technology goals, including:

To promote efficiency, access, convenience, and cost reduction, interactive video technology should be incorporated into all justice proceedings and administrative functions as permitted by law and consistent with the purposes of the judicial branch.

In August 1997, the Court Technology Advisory Committee presented a report to the Judicial Council titled *Report on the Application of Video Technology in the California Courts*. While primarily focused on use of video arraignments, the report noted the important benefits achievable by using this technology in other areas, including motions, mental health proceedings, and other pretrial matters.

Use of telepresence technology (e.g., videoconferencing) will allow courts to provide the public with ongoing access to court proceedings at a time when court resources are being substantially reduced and courthouses are being closed.

Project 1: Remote Video Hearings

In December 2012, the Judicial Council adopted rule 4.220 of the California Rules of Court, authorizing trial courts to conduct remote video proceedings (RVP) in cases involving traffic infraction violations and approved a pilot project in the Superior Court of Fresno County. The authorization for remote video proceedings in rule 4.220 applies to any alleged infraction involving a violation of the Vehicle Code or any local ordinance adopted under the Vehicle Code, with certain exceptions. Rule 4.220 defines a “remote video proceeding” as an arraignment, trial, or relate proceeding conducted by two-way electronic audiovisual communication between the defendant, any witnesses, and the court in lieu of the physical presence of both the defendant and any witnesses in the courtroom. (See rule 4.220(b)(2).) The rule requires semiannual reports from any pilot court, including evaluations and assessments of the costs and benefits of the projects.

The experience of the Superior Court of Fresno County can be leveraged to:

1. Identify other courts able and willing to implement remote video traffic appearances;
2. Pursue funding and/or vendor partnerships for equipment and telecommunications infrastructure where needed;
3. Identify other appropriate case types for remote video appearances; and

4. Pursue any statutory/rule changes required to allow use of remote appearance technology in additional case types

Project 2: Video Remote Interpreting (VRI)

In 2011, the Superior Courts of Riverside, Shasta, Sonoma, and Stanislaus Counties began a VRI pilot program for hearing-impaired court users, providing certified American Sign Language (ASL) court interpreters by courtroom video connection. The participating courts have increased access to certified ASL court interpreters, and interpreters can be scheduled quickly and conveniently. VRI allows use of the same interpreter in multiple court facilities in the same half-day sessions, makes more efficient use of a limited resource, and eliminates travel expenses.

Other jurisdictions have pioneered use of remote language interpreting. Seven states have successfully implemented VRI. The Ninth Judicial Circuit in Florida provides centralized Spanish-language interpreting for over 22,000 court hearings per year in 67 courtrooms in seven court facilities covering 2,229 square miles. Certified interpreters are provided for initial appearances, arraignments, dependency and delinquency hearings and trials, traffic and misdemeanor cases, and felony pretrial hearings.

A 2013 National Call to Action report sponsored by the National Center for State Courts and the State Justice Institute, addressed the critical need for courts to develop, improve, or expand resources for individuals with limited English proficiency (LEP). A key recommendation was that courts utilize remote interpreting technology to fulfill LEP needs and ensure quality services.

The experience gained from the California ASL pilot programs and from use of remote language interpreting in other jurisdictions can be leveraged to:

1. Identify one or more courts willing and able to implement remote video language interpreting;
2. Pursue funding and/or vendor partnerships for equipment and telecommunications infrastructure where needed; and
3. Pursue any statutory/rule changes required. It does not appear that statutory/rule changes will be necessary to implement VRI as contemplated under this Tactical Plan.

Major Tasks

- Implement remote traffic appearances in at least two other jurisdictions by the end of 2014.
- Implement remote video appearances in additional case types in at least one court by the end of 2015, subject to any required legislative and Judicial Council authorization.
- Implement remote video language interpreting in at least one foreign language, in at least two courts, by the beginning of 2015.

Dependencies

- Infrastructure/equipment.
- Collaboration/cooperation with other advisory committees, working groups, and other programs ~~such as~~ Civil and Small Claims, Traffic, ~~and~~ Court Interpreters Advisory Panels, ~~and with~~ the Judicial Council Court Language Access Support Program (CLASP), the Joint Working Group for California’s Language Access Plan implementation committee (or other implementing entity) and the Advisory Committee on Providing Access and Fairness.
- Collaboration/cooperation with local government and the public for remote traffic appearances in non-court locations.
- Collaboration/cooperation with justice partners.
- Collaboration/cooperation with other stakeholders (e.g., interpreters, bar associations).

Funding Requirements

One-Time

- Hardware, software, and telecommunications infrastructure if not currently available.
- Bandwidth/network upgrades if required.

Ongoing

- Annual maintenance and/or lease expenses for hardware and software.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for initial pilot programs, or vendor partnerships funded by user fees.
- Ongoing costs must be covered by each individual court’s operating budget and/or user fees.

Types of Courts Involved

All courts serving large geographic areas, with diverse demographics, with sufficiently robust existing LAN/WAN or other supporting infrastructure.

Sample Timeline

Project 1: Expanded Remote Traffic Appearances

Milestone	Time Frame
Project launch	Q3 2014
Identify additional participating courts and requirements (funding/IT support).	Q3 2014
Implement video appearances in additional participating courts.	Q1 2015
Evaluate projects and identify expansion opportunities for additional courts/case types.	Q4 2015

Prepare any necessary rule of court amendments/legislative change proposals for submission to Judicial Council.	Q2 2016
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Project 2: Remote Spoken Language Interpreting

Milestone	Time Frame
Define implementation guidelines/infrastructure and hardware requirements; draft any required enabling rules of court.	Q3 2014
Identify pilot project courts/vendors; prepare RFP if required.	Q4 2014
Select vendors; obtain Judicial Council adoption of enabling rules of court.	Q1 2015
“Go-live” in one or more pilot courts.	Q2 2015
Evaluate project and report to Judicial Council.	Q4 2015

California Courts Protective Order Registry (CCPOR)

Description

The California Courts Protective Order Registry (CCPOR) is a system developed and maintained by Judicial Council staff. Currently, the system is used by 32 counties to electronically process and access all restraining and protective orders and their proofs of service. By the end of fiscal year 2014–2015, six more courts will deploy CCPOR.

The system has created for the participating courts:

- A statewide registry for storing data and images of restraining and protective orders;
- A service allowing judicial officers and law enforcement agencies to access and view outstanding orders, reducing the possibility of conflicting orders across departments; and
- A gateway for processing orders to the DOJ's CARPOS (California Restraining and Protective Order System) quickly and accurately.

Two key components of CCPOR are the ability to enter and upload protective order data into the system and to search and retrieve that data, including electronic images of court orders. Viewing these electronic images is particularly valuable because this allows users to view special conditions and notes added by judges that are not available through the California Law Enforcement Telecommunications System (CLETS). In addition, information about court orders that is entered into CCPOR is automatically transmitted to CLETS.

Major Tasks

- Develop cost projections and recommend an appropriate funding approach for each of the remaining courts/counties. The funding requirements will include the hardware and software necessary to run the system as well as one-time and ongoing costs (e.g., an estimate of staff time required to operate the system).
- Develop and distribute a deployment roadmap including the experiences of existing court CCPOR users. The roadmap will take into consideration the unique hardware, software, and staffing environments of the courts yet to implement CCPOR. Some courts may already have a DMS and already be scanning protective orders, where other courts may not do any document scanning. Funding for a court that is already scanning should support system interfaces instead of additional scanning activity. The roadmap will also address the unique challenges of coordinating with local law enforcement agencies to gain the greatest benefits from CCPOR.
- Identify the sequence and time frames for the deployment of CCPOR to the 26 remaining courts.
- Develop a CCPOR vision and roadmap document that describes where CCPOR goes from here. Should the CCPOR user interface be enhanced for easier use? Should the system be expanded to process additional case types or interface with other systems?

Dependencies

- The program relies on an electronic image of each protective order. While a DMS is not required for CCPOR, courts with existing document management systems may have fewer challenges with configuration during deployment.
- Local law enforcement agencies must be willing and able to participate in the deployment of the system in each court.

Funding Requirements

One-Time

- Hardware, software, and storage for document images.
- Services to assist with the deployment of the system.
- Hardware, software, and services to develop interfaces with existing systems.

Ongoing

- Annual server hosting and document image storage fees.
- Annual maintenance cost for purchased hardware and software.
- Annual service contract for maintenance of program interfaces.

Potential Funding Sources

- Grant funding or budget change proposal (BCP) for continued deployment.
- Ongoing costs must be covered by each individual court's operating budget.

Types of Courts Involved

This initiative will be focused on the 26 trial courts that have not implemented CCPOR. Non-participatory courts have been solicited for their interest and capability to implement the current CCPOR system. Courts that have participated in the interest survey and meet the grant stipulations to use one-time funding for deployment have been reviewed by the Judicial Council Technology Committee. The Superior Courts of San Francisco, Madera, Napa, Nevada, Sierra, and Trinity Counties have been approved for grant-funded deployments to occur in calendar year 2014.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q4 2014
Solicit interested courts.	Q4 2014
Develop funding requirements and model.	Q1 2015
Secure funding.	Q2 2015
Deploy next phase courts.	Q3 2015
Publish project report.	Q3 2016

Implement a Portal for Self-Represented Litigants

Description

Self-represented litigants (SRLs) are an increasingly large segment of the population that our courts serve, particularly in certain case types such as family law. Self-represented parties often have extreme difficulty in identifying the pleading forms they require, completing them accurately and legibly, and filing them in a timely manner. Self-help resources vary widely from jurisdiction to jurisdiction and have suffered from recent budget cuts. Restrictions on filing hours in many courts have placed significant additional burdens on both court personnel and on the litigants.

A central portal available to pro se litigants can take advantage of largely existing and available branch resources to provide better and more convenient service to the public, and to provide tangible benefits and efficiencies to the courts. A central access point for self-represented parties (and for community organizations that assist them) can provide consistent information resources, and can utilize already developed question-and-answer interview processes, “smart” Judicial Council forms, and document assembly tools to create complete, accurate, and legible form sets. Those forms can then be electronically filed with those courts that have the ability to accept the filings, or electronically delivered to those courts without e-filing capacity, using current branch infrastructure.

The cost of developing and implementing such a system can be largely, and perhaps entirely, borne by a modest service fee paid by non-indigent pro se litigants, at far less cost than now incurred when a self-represented party must take time from work and travel to what may be a distant courthouse to submit documents.

Major Tasks

- Determine and validate both litigant needs [\(including LEP litigants\)](#) and court requirements.
- Identify available existing technology and infrastructure components to leverage.
- Identify information resources to assist litigants.
- Identify pilot project participant courts.
- Identify potential vendors and costs/RFP for portal development.
- Initiate pilot program at one or more courts.

Dependencies

- Funding requirements, funding sources, timeline, and milestones to be determined by project team.
- Existing branch infrastructure, including California Courts Technology Center resources, the integrated services backbone (ISB), and LAN/WAN program could be used to complement and supplement local court resources.
- “Smart Forms” have already been developed for many Judicial Council pleading forms, and document assembly software is already licensed at the branch level. There are a multitude of existing self-help resources at the branch and local court levels could be coordinated and leveraged.

Funding Requirements**One-Time**

- Initial development and deployment costs.

Ongoing

- Operational expenses associated with maintaining the portal.

Potential Funding Sources

- There may be sufficient vendor interest to allow initial development costs to be funded in whole or in part by one or more service providers. An RFP would be required to assess interest.
- Ongoing operational costs could be supported, in whole or in part, by user fees paid by non-indigent self-represented litigants.

Types of Courts Involved

Courts with existing e-filing solutions can benefit from a simplified pro se filer interface and integration with interview software and Smart Forms. Courts without e-filing capability can benefit from e-delivery of complete, accurate, and legible pleadings.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Needs and requirements assessment	Q2 2015

Jury Management Technology Enhancements (trial courts)

Description

This initiative will establish a roadmap for enhancing trial court jury management technology, including providing enhanced and expanded accessibility to jury services by the public and improved interaction with jury management technology by the trial courts.

Major Tasks

- Identify current jury management technology in use by all courts.
- Identify current access methods to juror services in use.
- Identify a comprehensive solution for jury management and automation.
- Pilot expanded accessibility options and communication methods for jurors.
- Pilot next-generation jury management interfaces and/or software.

Dependencies

Funding requirements, funding sources, timeline, and milestones to be determined by project team.

Funding Requirements

One-Time

- TBD

Ongoing

- TBD

Potential Funding Sources

Currently, there is a jury system grant program that the Judicial Council Information Technology Services Office helps administer. The jury system grant program's goals include assisting those courts that have a jury management system/module that is at risk of failure as well as funding system enhancements that provide greater operational efficiencies and provide jurors with greater access to information.

Types of Courts Involved

Trial courts.

Sample Timeline

Milestone	Time Frame
TBD	TBD

E-filing Service Provider (EFSP) Selection/Certification

Description

Rule 2.253(b) of the California Rules of Court allows courts to mandate electronic filing of “documents in civil actions directly with the court, or directly with the court and through one or more approved electronic filing service providers, or through more than one approved electronic filing service provider, subject to [specified conditions].” While not required to use an e-filing service provider (EFSP), many courts will choose this route as the EFSP will shoulder much of the workload in training users and providing technical support for e-filing transactions from the point of e-filing all the way to integration with the courts’ case and document management systems.

California courts currently support two e-filing standards for civil actions: the legacy 2GEFS (2nd Generation E-Filing Standard) standard and the future ECF/NIEM (Electronic Court Filing/National Information Exchange Model) standard. All case management system (CMS) vendors looking to do business in California are being required to support the ECF/NIEM standards. The scope of this project is for ECF/NIEM EFSPs.

On-boarding (or certifying) a new EFSP is an involved process that typically moves through solicitation, selection, contracting, integrating, and testing with the court CMS, and finally implementing. Historically each court would certify EFSPs individually for its particular CMS and jurisdiction. Today there are between 15 and 20 EFSPs doing business in some part of California.

The cost of developing and implementing an EFSP selection and certification process is dependent upon approach. There are three broad approaches:

- **Work with the CMS vendor community to establish the EFSP certification.** In this model, the majority of cost and workload falls onto the CMS vendor community. Courts do not typically share in “cost recovery.” This is historically the most common approach, but creates dependencies with CMS vendors.
- **Select a single vendor (CMS or EFSP) to serve as the statewide EFM.** In this model, the court selects a single vendor to operate a single e-filing gateway to courts. The branch typically implements a “cost recovery” model to fund implementation costs with the various CMS vendors. This approach is being implemented in Texas.
- **Develop and operate a CMS independent E-Filing Manager (EFM) that sits between CMS vendors and EFSPs.** In this model, the court builds and operates the e-filing gateway into which EFSPs and CMS vendors work. It is similar to the option above, but requires the court to play a more active role. In exchange, the costs to implement/operate are recovered by the court through convenience fees. This approach has been implemented in Colorado.

Major Tasks

- Assess merits of each approach and determine a path forward for California courts.
- Secure pilot funding, as needed.
- Develop EFSP evaluation criteria.

- Develop uniform contracts (CMS and/or EFSP, depending upon model).
- Identify pilot project participant courts.
- Initiate pilot program at one or more courts.

Dependencies

- Certification process must adhere to Judicial Branch Contracting Manual.
- Alignment with CMS strategy required.

Funding Requirements

One-Time

- Depend upon the approach selected.
- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.

Ongoing

- Depend upon the approach selected.

Potential Funding Sources

- Payment of development and operational costs by one or more EFSPs (recovered through user fees paid by filers).
- Budget change proposal (BCP) funding or grant funding on an ad hoc basis.
- Local court funding supported by cost savings.

Types of Courts Involved

This initiative is applicable to trial courts and appellate courts. Courts will be surveyed for their interest and capability to implement an e-filing program.

Sample Timeline

Milestone	Time Frame
TBD	TBD

E-filing Deployment

Description

Electronic filing and storage of court documents is a national trend that is becoming a permanent feature of how litigants interact with the courts. When implemented, e-filing provides immediate benefits to the court through cost efficiency and accuracy and convenience to the filer. In California, only a very few courts are currently benefiting from e-filing and only in limited case types.

A fully successful e-filing implementation is typically characterized by:

- Majority of data entry is performed by the filer through a portal.
- Filing data and attached documents are transmitted to the court using Extensible Markup Language (XML).
- A court e-filing manager (EFM) tracks all inbound and outbound transmissions and performs some validation checking.
- Remaining validations are handled through a “clerk review” process, which can be automated.
- Accepted filing data is stored in the court case management system, the document is stored in the court document management system, and the notification of acceptance is sent back to the user.
- Court filing fees are typically paid electronically directly by the filer or through an intermediary.

Major Tasks

- Refine and distribute an e-filing deployment roadmap to aid courts in preparing for implementation.
- Survey courts to identify both the current state of e-filing and those courts with current interest and capability to implement e-filing.
- Identify funding mechanisms (e.g., court funded and/or user fee supported) for branch and local e-filing initiatives.
- Create and publish an e-filing implementation plan consistent with level-of-readiness criteria and available funding.
- Assess viability/desirability of a statewide filing portal for at least some e-filing functionality (e.g., self-represented litigants) and for e-delivery to those courts without e-filing capability. Develop plan accordingly.

Dependencies

- To achieve maximum benefit, the program relies on case and document management systems capable of supporting e-filing.
- In order to mandate e-filing, a court will need at least two e-filing service providers (EFSPs) or the court (or Judicial Council staff) will need to provide and operate an e-filing portal.

- If a portal is court-operated, a PCI-compliant infrastructure is also required to ensure security of filers’ financial information.
- Courts lacking a modern case and/or document management system can implement a variation of e-filing called “e-delivery.” E-delivery removes the dependency on modern case and document management systems but provides reduced benefits.

Funding Requirements

One-Time

- Hardware, software, and storage for the e-filing environment (portal, EFM, clerk review).
- Services to assist with the deployment of the system including portal, CMS, and DMS integration.
- Development of the e-filing portal (whether by the court or by an EFSP).
- Court staff costs to design the new procedures for handling case flow and filing fee management.

Ongoing

- Annual maintenance cost for purchased hardware and software.
- Annual service contract for maintenance of program interfaces.
- Annual costs to support the portal and/or EFSPs.

Potential Funding Sources

- User fees paid by the filers.
- Payment of development and operational costs by one or more EFSPs (recovered through user fees paid by filers).
- Budget change proposal (BCP) funding or grant funding on an ad hoc basis.
- Local court funding supported by cost savings.

Types of Courts Involved

This initiative is applicable to trial courts and appellate courts. Courts will be surveyed for their interest and capability to implement an e-filing program.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Update and distribute e-filing deployment roadmap.	Q3 2014
Survey courts to gauge interest and readiness.	Q3 2014
Develop funding models.	Q4 2014
Publish e-filing implementation plan(s) for selected court(s).	Q1 2015
Assess viability/desirability for a statewide filing portal— all inclusive or specialized (e.g., self-represented litigants). Develop plan accordingly.	Q3 2015
Publish project report.	Q2 2016

Identify and Encourage Projects that Provide Innovative Services

Description

This initiative will investigate the potential for starting projects focused on providing innovative services to the public, the State Bar, justice partners, and law enforcement agencies. These services will provide a conduit for easier access to court resources and generate automated mechanisms relating to conducting court business. In addition, these innovative services will generate efficiencies within each judicial branch entity, thereby promoting more effective utilization of branch resources and existing infrastructure.

Major Tasks

- Establish a process for fostering local court and branch innovation.
- Determine available funding resources or cost recovery models.
- Examples might include:
 - Payment gateway/portal model for the acceptance of court fines and fees that is compliant with general computing environments, mobile devices, kiosk applications, and branch accounting standards.
 - Electronic search warrants system with the versatility to be hosted centrally or deployed independently at various courts.
 - Electronic probable cause declaration system with the versatility to be hosted centrally or deployed independently at various courts.

Dependencies

Availability of branchwide innovation fund would accelerate the identification and pilot of innovative services.

Funding Requirements

One-Time

- None.

Ongoing

- Branchwide innovation fund.

Potential Funding Sources

Initial funding through a budget change proposal (BCP), with ongoing funding from restoration of branch technology funding.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q1 2015
Final recommendation	Q3 2015

Establish an “Open Source” Application-Sharing Community

Description

This initiative will investigate the potential for creating a community inside the branch for sharing applications written within the branch. The community will follow an open source model where source code will be made available to anyone within the branch. Courts can then use or modify the code as they like. However, courts are encouraged to contribute any modifications or enhancements back to the community for inclusion in future versions of the application. Examples could include electronic warrant and digital signature application, court document purchase modules, electronic judicial workbench, et al.

Major Tasks

- Integration of Open-source software governance into the existing governance model.
- Repository for making applications available.
- Initial library of applications gathered from within the branch.
- Communication mechanism for promoting the repository.

Dependencies

Standards for Open-source software governance and management.

Funding Requirements

One-Time

- Potential costs for initial implementation of repository.

Ongoing

- Minimal ongoing costs for maintaining repository.

Potential Funding Sources

Sponsored by an individual court or through branchwide innovation fund.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Repository design and gathering of initial applications to be shared in the library	Q3 2015
Repository available for use	Q4 2015

Develop Standard CMS Interfaces and Data Exchanges

Description

This initiative will investigate the potential for developing a set of commonly used CMS interfaces and data exchanges that would be based on standards and be reusable by courts, vendors, and CMS exchange partners. Selected common, frequently used data exchanges and interfaces would be developed collaboratively by the courts, Judicial Council staff, vendors, and other exchange partners. Once available and tested through actual court implementation, the data exchanges and interfaces could be posted to a specially designed web portal that would be a searchable repository for the exchanges' interfaces and their associated documentation. The portal would also serve as a knowledge center for both creators and consumers of the data exchanges and interfaces, allowing for discussion threads and searchable knowledge resources. Finally the portal would also accommodate the certification and posting of court- or vendor-created extensions or modifications to the initial library of common data exchanges and standard interfaces.

Initial data exchanges, data classification activities, and interfaces would focus on the most used common exchanges such as exchanges between trial courts and the Department of Child Support Services, the Department of Motor Vehicles, the Department of Justice, the California Highway Patrol, the Franchise Tax Board, the Department of Social Services, the Department of Corrections and Rehabilitation, the Phoenix Financial system, collection providers, and common local justice partners. It is expected that the needed common exchanges could leverage work from existing court-implemented exchanges or from previous branchwide data exchange efforts.

Major Tasks

- Create governance model for managing the use, ongoing support, addition, or modification of data exchanges.
- Identify any existing interfaces that can be reused or modified for broader use.
- Prioritize list of possible data exchanges for initial development or leverage from existing work.
- Perform data classification for each exchange to determine security level required.
- Document court-generated requirements for each selected exchange.
- Compile functional and technical specifications for each selected exchange.
- Create library of completed and tested initial data exchanges.
- Collect associated knowledge center documentation for data exchanges.
- Budget to support ongoing maintenance of the repository and exchanges.
- Create web portal repository and knowledge center for library of exchanges.

Dependencies

- Alignment with CMS strategy.
- Available documentation from justice partners on data exchange requirements.
- Funding and resources from justice partners to develop their portion of the exchange.
- [Align with statewide Language Access Plan \(expected adoption 1/15\).](#)

Funding Requirements**One-Time**

- Costs for initial development.

Ongoing

- Annual maintenance cost.

Potential Funding Sources

Budget change proposal (BCP) funding or grant funding.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q2 2015
Identify exchanges to develop and fund.	Q3 2015
Begin development of initial exchange.	Q4 2015

Technology Initiatives to Optimize Branch Resources

Establish Hardware and Software Master Branch Purchasing/Licensing Agreements

Description

The initiative will establish master branch agreements (leveraged purchase agreements) with various hardware/software manufacturers and service providers after the completion of a statewide judicial branch procurement process. Ultimately, this will lower judicial branch spending on specific IT goods, as the agreements will establish better prices for hardware and software that all judicial branch entities (JBEs) can benefit from. JBEs that take advantage of these agreements will also benefit from additional savings as they will not incur costs from conducting local procurements. For manufacturers with existing state agreements and contracting pricing programs (i.e., Western States Contracting Alliance (WSCA) and California Integrated Telecommunications Network (CALNET)), this effort will strive to improve upon those and create judicial branch–specific discounts. The objectives of this effort are to provide an easy mechanism for courts to procure and source common hardware and software rather than impose standards. There will be no requirement to use master branch agreements. Additional value would be gained from the formation of groups using the same products, promoting opportunities for knowledge sharing and awareness.

The following criteria should be considered when deciding if a master branch agreement should be initiated:

1. Existing presence of a product deployed broadly or high demand for the product across the judicial branch.
2. Products in use or being considered that are positioned in the “Leaders, Visionaries or Challengers” section of Gartner’s Magic Quadrant or similar comparative analysis.

Major Tasks

- Summary of products that justify the effort for establishing master branch agreements.
- Business analysis to determine the scope of any RFP that will be issued for this initiative.
- Master branch agreements for computing and video hardware manufacturers.
- Master branch agreements for storage hardware manufacturers.
- Master branch agreement for Microsoft licensing.
- Master branch agreement for VMware licensing.

Dependencies

- The effort will require a significant amount of time from Judicial Council Legal Services and Business Services staff.
- Additionally, all JBEs will need to identify existing hardware and software licenses in the areas listed above to provide input to the benefit analysis.

- Surveys may need to be completed by each JBE to identify common needs and requirements.
- The output from other tactical initiatives may result in the need for master branch agreements to be established as part of this initiative.
- JBEs must follow the policies and procedures published in the Judicial Branch Contracting Manual and Trial Court Financial Policies and Procedures Manual.

Funding Requirements

One-Time

- The initiative is not expected to require one-time funding. However, considerable time will be required from Judicial Council legal and contracting staff involved with this initiative.
- Additionally, technology staff time from each JBE will be required to providing input on the prioritization and needs of both hardware and software products.

Ongoing

- Ongoing costs determined by specific agreements that are completed.

Potential Funding Sources

Funds will be handled individually by each JBE through normal allocations and operating budget.

Types of Judicial Branch Entities Involved

The Supreme Court, Courts of Appeal, superior courts, Habeas Corpus Resource Center, and the Judicial Council will all benefit from this initiative.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Survey JBEs for existing commonalities and/or needs for hardware and software products.	Q3 2014
Analyze survey results, utilizing comparative analysis such as Gartner’s Magic Quadrants, and determine high-priority and medium-priority selections of products and manufacturers that justify the need for a master agreement.	Q3–Q4 2014
Publish RFPs for high-priority products.	Q1–Q4 2015
Issue award contracts for high-priority products.	Q4 2015
Publish final agreements/documents for high-priority products and make accessible to all within the judicial branch.	Q4 2015
Publish RFPs for medium-priority products.	Q3 2015–Q2 2016
Award contracts for medium-priority products.	Q2 2016
Publish final agreements/documents for medium-priority products and make accessible to all within the judicial branch.	Q2 2016

Technology Initiatives to Optimize Infrastructure

Extend LAN/WAN Initiative to Remaining Courts

Description

Integrate the trial courts of Alpine, Los Angeles, Orange, and San Diego Counties into the branchwide telecom, network device, and security refresh schedule and determine program approach for the appellate courts.

Major Tasks

- Complete needs assessment for all trial courts, develop implementation recommendations, and determine funding needs.
- Finalize product, service, and maintenance contract procurement with vendor partners.
- Publish project plans for implementation.
- Deploy devices and implement services for the identified trial courts in alignment with the needs assessment and project plans.
- Publish program approach for eventual inclusion of the appellate courts into the refresh schedule.

Dependencies

- Needs assessments must be completed to identify and request the necessary funding.
- Staff at the identified courts must be able to dedicate the resources necessary to support the project.

Funding Requirements

One-Time

- Purchase costs of products, services, and maintenance contracts, as identified in the needs assessment for each of the identified trial courts.

Ongoing

- Continuing monthly costs for those ongoing services and maintenance contracts initiated in year one based on the needs assessment for each of the identified trial courts.
- New costs expected to be incurred as a result of eventual inclusion of the appellate courts into the refresh schedule.

Potential Funding Sources

Funding to integrate the few remaining courts would be provided through the budget change proposal (BCP) process, with future branch funding allocated for the statewide LAN/WAN infrastructure initiative.

Types of Courts Involved

This initiative is focused on those courts not yet been included in the branchwide telecom, network device, and security refresh schedule but would include a long-term strategy for all courts.

Sample Timeline

Milestone	Time Frame
Initiative launch ²	Q1 2014
Complete needs assessment, develop implementation recommendations, and determine funding needs.	Q1 2014
Finalize product, service, and maintenance contract procurement with vendor partners.	Q1 2014
Publish project plans for implementation at each of the identified courts.	Q2 2014
Publish long-term plan.	Q3 2014
Begin implementation of devices and services for the identified courts in alignment with initiative plans.	Q4 2014

² This initiative began in Q1 2014.

Transition to Next-Generation Branchwide Hosting Model

Description

The current California Courts Technology Center (CCTC) hosting model for information technology applications and services was developed largely based upon the strategy of central hosting of court case management systems and other shared applications. The branchwide strategy for the hosting of court case management systems has changed; therefore, the branch should reevaluate the CCTC hosting model to ensure resources and opportunities are being utilized as effectively as possible to address the needs of courts in alignment with the new strategic direction.

As hosting models and technology evolve, the most cost-effective branchwide strategy for application and services hosting may be enabled through a combination of selective consolidation, virtualization, and implementation of secure private and public cloud environments. The goal of this tactical initiative will be to determine an updated model for branchwide hosting.

Major Tasks

- Complete needs assessment, develop implementation recommendations, and determine the necessary funding changes.
- Finalize product, service, and maintenance contract procurement with vendor partners.
- Publish transition project plan.
- Decommission old services and implement new services in alignment with the needs assessment and transition plan.

Dependencies

- The needs assessment should align with the strategy and roadmap for the Digital Court initiatives.

Funding Requirements

One-Time

- Initial year one purchase of products, services, and maintenance contracts, as identified in the needs assessment and project plan.

Ongoing

- Continuing monthly costs for specified ongoing services and maintenance contracts initiated in year one.

Potential Funding Sources

- Branch funding for hosting services that are shared across the branch.
- Direct billing to the courts for court-specific services.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts. All courts and the Judicial Council will benefit from an updated branchwide hosting model tightly aligned with current and anticipated future business requirements.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q1 2015
Complete needs assessment, develop implementation recommendations, and determine the necessary funding changes.	Q3 2015
Finalize product, service, and maintenance contract procurement with vendor partners.	Q3–Q4 2015
Publish transition project plan.	Q1 2016

Court Information Systems Security Policy Framework

Description

In response to requests from courts, the Judicial Council initiated a court information systems security policy framework in 2007, integrating best practices from representative trial courts, appellate courts, and Judicial Council staff as a reference document for adoption into their local court information systems security policies.

The initial project was suspended in 2009 due to budget limitations. With a current focus on promoting the Digital Court, information security is a critical component to ensuring its success, and the project should be restarted.

The goal of this initiative is for every court to use the same security framework for adoption into their local information security policies. The framework provides a common reference point recognizing that local policies may not be the same among the courts.

The goals of the framework are:

- To suggest an overall information security policy, governance, and compliance model for the judicial branch to leverage when building security programs;
- To provide a holistic information security framework, based on the International Organization for Standardization's Standard 27002 (ISO 27002) that the courts can leverage in creating local policies;
- To provide guidance to all members of the judicial branch on the proper handling of sensitive information;
- To provide a basis for security training and educational awareness programs that can be developed by the courts;
- To provide the basis for the development of implementation standards, procedures, and guidelines for each platform, operating system, application, and security device that can then be monitored and enforced against the policies in the framework.

Major Tasks

This initiative will complete the framework project by:

- Finishing the work that was started on the Court Information Systems Security Policy Framework;
- Initially deploying the framework at a select group of pilot courts;
- Deploying the framework at the remaining courts as needed.

Dependencies

- The initial project enlisted a committee of 13 court representatives along with Judicial Council staff to represent the branch. A similar approach and participation is needed in order to properly represent all interested entities.
- The deployment schedule would depend on the number of participating courts and cannot be easily determined at this time.

Funding Requirements

One-Time

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.
- Additional funding would be required to assist the courts with the adoption of the framework into their local policies. The amount of funding will depend on the number of participating courts.

Ongoing

- Minimal ongoing funds would be necessary to maintain the security policy framework to ensure its ongoing relevance and effectiveness.

Potential Funding Sources

This project was previously funded by the Telecommunications LAN/WAN Program.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, and superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Complete framework document.	Q1 2015
Begin deploying framework to pilot courts.	Q2 2015
Modify framework based on pilot.	Q1 2016
Begin deployment to other interested courts.	Q2 2016

Court Disaster Recovery Framework and Pilot

Description

While a robust and annually tested disaster recovery program has been instituted for the California Courts Technology Center, the appellate courts, the trial courts, and the Judicial Council have various levels of preparedness for disaster recovery of their technology resources.

This initiative would result in framework to assist the courts and the Judicial Council with a process for implementing a disaster recovery program that meets each individual organization's specific needs while leveraging resources and knowledge for the benefit of the entire branch.

The goals of the framework are:

- To suggest an overall disaster recovery model for the judicial branch to leverage in building individual organization disaster recovery plans and identify which components, if any, would apply branchwide.
- To collaboratively develop model disaster recovery requirements, service-level agreements, and priorities for each of the major technology components of the branch such as desktop equipment, networks, infrastructure, applications, security, data, etc.
- To work with a model court to test the framework by using it to develop a court-specific disaster recovery plan.
- To provide guidance to all courts and the Judicial Council on use of the framework and practical implementation guidelines.
- To develop a plan for implementing technology services that could be leveraged for all courts for disaster recovery purposes.

Major Tasks

- Model disaster recovery requirements, standard recovery times, and priorities for each of the major technology components of the branch.
- A disaster recovery framework document that could be adapted for any trial or appellate court to serve as a court's disaster recovery plan.
- A plan for providing technology components that could be leveraged by all courts for disaster recovery purposes.

Dependencies

- This project would be dependent on resources necessary to research and gather requirements and create the deliverable.
- Many of those resources would need to be court business and technical experts, while others would be disaster recovery planning experts.

Funding Requirements

One-Time

- Funding for disaster recovery consultant.

- Travel budget for a small number of face-to-face planning meetings to supplement regular phone conferences.
- Additional funding would be required to assist the courts with adapting the framework into their local needs. The amount of funding will depend on the number of participating courts in the initial pilot.

Ongoing

- Minimal ongoing funds would be necessary to maintain the framework to ensure its ongoing relevance and effectiveness.
- Additional funding requests would be developed out of this process for the purpose of procuring and implementing the technical components that can be leveraged by multiple courts and determining what else may be needed at the individual court level for unique court needs.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts. The framework should be applicable to all courts and to the Judicial Council.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Select disaster recovery (DR) consultant and court subject matter expert (SME).	Q4 2014
Develop requirements and recovery standards.	Q2 2015
Test with pilot court or courts.	Q3 2015
Develop funding request for DR at branch and court levels	Q1 2016

Technology Initiatives to Promote Rule and Legislative Changes

Identify New Policy, Rule, and Legislation Changes

Description

To align policies, rules of court, and legislation supporting the use of technology in the courts consistent with the Strategic Plan for Technology.

Major Tasks

- Identify the highest priority statutes necessitating review in order to facilitate the move to the digital court.
- Assess rules of court and statutes and develop recommended standards, guidelines, and templates regarding data privacy, data that courts can or cannot make available online, and data mining.
- Revise the *Trial Court Records Manual* on uniform rules and policies for electronic signature and verification.
- Develop branch and model court privacy policies on electronic court records and access.

Dependencies

- Judicial Council internal committees;
- Judicial Council advisory committees;
- Judicial Council Legal Services Office;
- Judicial Council Office of Governmental Affairs;
- External stakeholders (e.g., Legislature, law enforcement, etc.).

Funding Requirements

One-Time

- None required. This initiative requires staff support for Judicial Council internal and advisory committees for initial assessments and proposals.
- Time required for judicial officer and staff training on changes.

Ongoing

- None required. This initiative requires time for routine reviews of policies, rules, and legislation needs.

Potential Funding Sources

None required.

Types of Courts Involved

All courts—Supreme Court, Courts of Appeal, superior courts.

Sample Timeline

Milestone	Time Frame
Initiative launch	Q3 2014
Complete review of rules and statutes, and recommend revisions and additions.	Q4 2014
Complete review of the <i>Trial Court Records Manual</i> and recommend revisions and additions.	Q1 2015

Initiative Timeline Summary

Strategic Goal	Initiative	2014				2015				2016			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Promote the Digital Court	CMS Assessment			█	█	█							
	DMS Expansion			█	█	█	█	█	█				
	Courthouse Video			█	█	█	█	█	█	█	█		
	CCPOR				█	█	█	█	█	█	█	█	
	Portal for SRL						█						
	Jury Management												
	e-Filing Service Provider												
	e-Filing Deployment			█	█	█	█	█	█	█	█		
	Identify Innovative Services					█	█	█					
	Establish Open Source Sharing						█	█	█				
Develop CMS Data Exchanges						█	█	█					
Optimize Resources	Establish Purchasing Agreements			█	█	█	█	█	█	█	█		
Optimize Infrastructure	Extend LAN/WAN Initiative	█	█	█	█								
	Next Generation Hosting Plan					█	█	█	█	█			
	Information Security Framework			█	█	█	█	█	█	█			
	Disaster Recovery Framework			█	█	█	█	█	█	█			
Legislative Changes	Identify New Rules and Legislation			█	█	█							

CONCLUSION

The California judicial branch is as complex and diverse as the population that it serves. The judicial branch has diversity in geography, court size, and case types. Courts have varying fiscal health and capabilities, and budget cuts have drastically affected their ability to invest in technology. This reduced funding results in a critical need to take full advantage of the remaining scarce technical resources and expertise within the branch.

At the same time, there is a high demand for access to justice. The public and attorneys want to interact with the court like they do with other businesses—online and anytime. There is demand for integrated justice and a need to adapt to constant change in the environment. However, existing rules and legislation were written to address a paper-based court rather than a digital electronic one.

This Tactical Plan for Technology and the associated Strategic Plan for Technology represent a comprehensive and cohesive technology strategy that includes clear, measurable goals and objectives at the branch level that address the diversity and challenges the branch is facing.

The proposed tactical plan recognizes the need for judicial, management, and technical experts located at the trial, appellate, and Supreme Court levels, and including the Judicial Council staff, to work together as an IT community. The result will be a judicial branch where the courts act as innovation centers for the benefit of the legal community and public, increasing access to the courts.

APPENDIX A: Formation of the Technology Planning Task Force

At the March 27, 2012 Judicial Council meeting, the council voted to terminate the California Court Case Management System (CCMS) as a statewide, enterprise case management system. Additionally, the council directed the CCMS Internal Committee, in partnership with the trial courts, to develop timelines and recommendations to the council for:

- Establishing an approach and vision for implementing technology that serves the trial courts, litigants, attorneys, justice system partners, and the public while considering available resources and technology needs;
- Leveraging the CCMS V4 technology and developed software to benefit ongoing judicial branch technology solutions;
- Providing technology solutions in the near term to improve efficiencies in court operations, by maximizing the value of document management systems, e-filing capabilities, and e-delivery services for the benefit of litigants, attorneys, justice partners, and the public;
- Establishing a judicial branch court technology governance structure that would best serve the implementation of the technology solutions otherwise included in these recommendations;
- Developing alternatives for the CCMS V4 early adopter court, San Luis Obispo, to meet its current case management system needs; and
- Developing strategies to assist trial courts with existing critical case management system needs.

A Judicial Branch Technology Initiatives Working Group was created in June 2012 and launched a series of technology workstreams that were tightly scoped projects to address the short-term critical technology needs for the branch in six-months or less. They brought in direct participation from the courts to work together with Judicial Council staff as an IT community. Both costs and risks were reduced as a result of the tight scope. By early 2013 they were successful in generating:

- a case management system request for proposal (RFP) resulting in three commercial software products selected for master services contracts;
- an e-filing roadmap and planning document;
- an assessment of CCMS V4 technology that could be leveraged for future opportunities; and
- foundational work for the governance and funding model.

The workstreams not only addressed the short-term technology needs of the branch and addressed the directives from the Judicial Council but also provided an opportunity for the branch to work in a new model and catalyze the technology strategic planning process.

The California Department of Finance and the California Department of Technology (CalTech) have both indicated that the judicial branch needs to adopt a Strategic Plan for Technology to support long-term funding to meet judicial branch technology needs. Additionally, the Bureau of State Audits (BSA)³ reviewed the CCMS program and provided recommendations that the Judicial Council agreed to implement related to future technology projects for the judicial branch. The recommendations centered on concerns that the judicial branch follow a methodology for assessing need and monitoring technology budgets that is recognized by the legislative and executive branches of government.

The Judicial Branch Technology Summit was held on October 23–24, 2012 to assemble branch stakeholders for a collaborative discussion on branch technology governance, vision, and planning. A CalTech representative facilitated the discussion and suggested that the group work collaboratively to develop solutions and a cohesive, long-term plan for technology that meets individual court needs under the rubric of a consistent, branchwide vision.

The CalTech representative stated that the technology workstreams, a set of court-driven initiatives leveraging expertise within the branch to develop technology roadmaps, case management system master services agreements, and e-filing recommendations, were a good start toward a longer range strategic plan for technology. The representative emphasized that the strategic plan needs to include two critical components: (1) a technology governance model and (2) a technology roadmap.

While there is no requirement for all courts to rely on a single technology solution, it is imperative that the branch communicate its strategy in a unified manner and leverage common solutions, technologies, and funding, in a collaborative consortium model.

After the Judicial Branch Technology Summit, the Chief Justice authorized the creation of a task force reporting to the Judicial Council Technology Committee. As per earlier documents, the task force was charged with:

- Defining judicial branch technology governance;
- Developing a strategic plan for technology at the trial, appellate, and Supreme Court levels; and
- Developing recommendations for funding judicial branch technology.

Specifically, the task force was tasked to:

- Work collaboratively with the courts and judicial branch stakeholders;
- Develop a comprehensive branchwide plan for technology governance that will delineate the parameters of state versus local decision-making for technology initiatives;
- Develop a strategic plan for technology that will provide direction and vision for technology within the branch;

³ BSA has been renamed to California State Auditor.

- Develop a tactical plan for technology that will define the steps needed to achieve the goals defined in the strategic plan;
- Develop administrative and technical guidelines;
- Identify and promote trial court collaboration and consortia for the benefit of technology;
- Develop recommendations for a stable, long-term funding source for judicial branch technology; and
- Delineate technology funding sources.

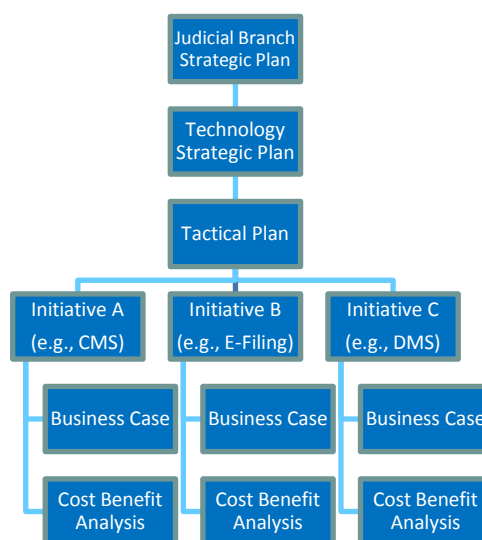
APPENDIX B: Technology Planning Task Force Structure

The Task force reports to the Judicial Council Technology Committee and will terminate in 2014 after the approval and publication of its recommendations.

The task force worked collaboratively to define judicial branch technology governance in terms of statewide versus local decision-making, to develop a strategic plan for technology across all court levels that provides a vision and direction for technology within the branch, and to develop recommendations for a stable, long-term funding source for supporting branch technology, as well as a delineation of technology funding sources.

The task force utilized a planning framework based on industry best practices and focuses on two main concepts:

1. Treat the strategic plan as a roadmap that is used and referenced continually to help direct and focus branch efforts in technology rather than simply as a document that is written, published, and put on the shelf.
2. The technology strategic plan is a cascading plan. The judicial branch strategic plan and its goals drive a four-year technology strategic plan that then drives a detailed two-year tactical plan that contains individual initiatives and projects that align with the overall goals of the branch.



These best practices ensure that the planning process is thorough, efficient, and aligned—producing practical actionable results.

The work of the task force was divided into three tracks:

- **Governance**—determined the process for how the branch will prioritize and select technical programs.
- **Strategic Plan**—identified a prioritized list of goals and initiatives.
- **Funding**—proposed a mechanism for funding technology programs.

The following chart lists the participants of each track.

Technology Planning Task Force Participants

	Governance (13)	Strategic Plan (16)	Funding (13)
Task Force Members (14)	<ul style="list-style-type: none"> • Jake Chatters (Lead) (CEO Placer) • Justice Ashmann-Gerst (2nd Appellate) • Judge Buckley (Los Angeles) • Judge Herman (Santa Barbara) • Judge Moss (Orange) 	<ul style="list-style-type: none"> • Brian Cotta (Lead) (CIO Fresno) • Justice Bruiniers (1st Appellate) • Judge Buckley (Los Angeles) • Jim Kalyvas (Attorney Los Angeles) • Robert Oyung (CIO Santa Clara) • Charlene Ynson (5th Appellate) 	<ul style="list-style-type: none"> • Judge Slough (Lead) (San Bernardino) • Sherri Carter (CEO Los Angeles) • Judge Kaufman (Plumas) • Judge Reiser (Ventura)
Track Participants (27)	<ul style="list-style-type: none"> • Judge Barnes (Kings) • Rick Feldstein (CEO Napa) • James P. Fox (Attorney San Mateo) • Lisa Galdos (AEO Santa Clara) • Darrel Parker (CEO Santa Barbara) • Heather Pettit (CIO Sacramento) • Mike Roddy (CEO San Diego) • Renea Stewart (ITSO staff) 	<ul style="list-style-type: none"> • Mark Dubeau (CFO Orange) • Mark Dusman (CIO ITSO staff) • Kim Flener (CEO Butte) • Judge Nadler (Sonoma) • Snorri Ogata (CIO Los Angeles) • Pat Patterson (CIO Ventura) • Mike Planet (CEO Ventura) • Ahn Tran (CIO San Joaquin) • Jeannette Vannoy (CIO Napa) • Gary Whitehead (CIO Riverside) 	<ul style="list-style-type: none"> • Alan Carlson (CEO Orange) • Jessica Craven (ITSO staff) • Alan Crouse (CIO San Bernardino) • Rebecca Fleming (CEO Stanislaus) • Joseph Lane (2nd Appellate) • Mark Robinson (Attorney Orange) • Virginia Sanders-Hinds (ITSO staff) • Zlatko Theodorovic (CFO council staff) • Mary Beth Todd (CEO Sutter)

There are 14 members on the task force and a total of 41 participants contributing to all three tracks representing 20 superior courts, three Courts of Appeal, and Judicial Council staff.



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2014

Title
Special Juvenile Immigration Status and the
California Courts

Agenda Item Type
Information Only

Submitted by
Curt Child
Chief Operating Officer
Operations and Programs Division

Date of Report
September 30, 2014

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Executive Summary

In response to the escalating number of foreign minors crossing into California and other border states, state courts have been confronted with an unprecedented number of cases which involve federal immigration law; specifically the Special Immigrant Juvenile Status visa procedure. In practical terms, eligibility for this visa status rides on factual findings made in state court during juvenile or guardianship proceedings and not in immigration court¹. In response to this situation, recently enacted California legislation, Senate Bill 873, clarifies the role and responsibility of the Superior Courts in making these findings². This report provides information regarding the

¹ Congress created the SIJ classification in the Immigration Act of 1990 (Pub.L. No. 101-649 (Nov. 29, 1990) 104 Stat. 4978) to provide humanitarian relief to abused, neglected, or abandoned children who enter or remain in the United States without documentation. If approved by the United State Citizenship and Immigration Services (USCIS), SIJ classification allows a qualifying child to remain in the country and apply for lawful permanent resident (LPR) status. See e.g., 8 U.S.C. § 1101(a)(27)(J) which defines the term *special immigrant* as it pertains to this visa procedure for unaccompanied children illegally present in the U.S.

² On September 27, 2014, Governor Brown signed Senate Bill 873, which took effect immediately. This bill provides that the superior court, including the juvenile, probate, or family court division of the superior court, has jurisdiction to make judicial determinations regarding the custody and care of juveniles within the meaning of the federal Immigration and Nationality Act. The bill eliminates any ambiguity regarding the jurisdiction of the state court to make findings necessary to enable the federal government to grant these minors special immigrant juvenile

background for this legislation as well as the efforts underway to assist the courts (i.e., providing education, resources, and other services).

Previous Council Action

Effective 2007, the Judicial Council adopted form JV-224, *Order Regarding Eligibility for Special Immigrant Juvenile Status*. This form (revised in 2011) is intended for use by the juvenile court to document the SIJ predicate findings necessary for children in dependency and delinquency proceedings to petition for special immigrant juvenile status (SIJS) under federal law. In response to the California Fostering Connections to Success Act and related legislation³, the Judicial Council adopted rules 5.707(c) and 5.812(d) of the California Rules of Court (effective January 1, 2012) to specify new requirements for judicial review of the status of dependents or wards approaching majority. In an effort to avoid inadvertently rendering an application for federal SIJ classification invalid, rules 5.707(c)(1)(E) and 5.812(d)(2)(D) require the court to inquire and enter a finding as to whether the dependent or ward has an application for SIJ or other status pending, and whether an active juvenile court case is required for that application's validity. Most recently, in 2013, following the decision in *B.F. v. Superior Court*⁴, the Judicial Council approved form GC-224, *Order Regarding Eligibility for Special Immigrant Juvenile Status—Probate Guardianship*, to assist courts in making the SIJ predicate findings in guardianship proceedings.

Concerns of Stakeholders

As noted in the Executive Summary, there has been an exponential increase in the number of unaccompanied children encountered entering the southwest United States. In federal fiscal year 2011, that number was 6,775 but in just the first 11 months of federal fiscal year 2014 there have already been 65,000 unaccompanied children encountered at the border.⁵ Although the rate of increase has slowed, the federal government estimates that more than 145,000 unaccompanied children, roughly twice as many as in FY2014, will enter the U.S. in FY2015⁶. These figures do not include unaccompanied children who elude the authorities or children who enter the U.S. with their families.

status and requires these courts to make the necessary findings regarding special immigrant juvenile status pursuant to federal law, if there is evidence to support those findings.

³ Assem. Bill 12; Stats. 2010, ch. 559

⁴ *B.F. v. Superior Court* (2012) 207 Cal.App.4th 621, 143 Cal.Rptr.3d 730. In *B.F.*, The court held that a California probate court was authorized to make findings required to enable juvenile wards, who do not fall within the provisions of either W&I code section 300 or section 602(a), to petition for special immigrant juvenile (SIJ) status under federal law. That is, the probate court was a “juvenile court” within meaning of the federal statute when it made judicial determinations about the care and custody of the wards in this case.

⁵ See U.S. Customs & Border Protection, Southwest Border Unaccompanied Alien Children, www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children

⁶ See H.R. Rep. No. 113-481, 2d Sess., pp. 4, 10–11 (2014); Sen. Rep. 113-198, 2d Sess., pp. 6, 12–15 (2014)

Given this situation, it is imperative that the superior courts be provided with additional resources and other assistance to enable them to deal with this increased caseload as effectively and efficiently as possible.

Implementation Efforts

The attached memorandum summarizes the current border crisis with respect to unaccompanied minors, provides a comprehensive overview of the SIJ process, how federal and state law intersect, and catalogs available resources (included below) that provide additional information and training for the courts and their justice partners on the SIJ process.

Moreover, on August 22, 2014, all judges, commissioners, and referees were sent a flyer describing the online video, “Immigration Considerations in Juvenile Court.” This video (described below) was in production prior to the Governor announcing legislation to provide legal services to the unaccompanied children arriving in California from Central America. Judicial Council staff also provided a list of resources and programs helpful in addressing the issues presented by the recent and continuing influx of unaccompanied children.

Primary Resources

Immigration Considerations in Juvenile Court video.

This 64-minute video, available at [CJER Online](#), answers many questions regarding the state court role in making predicate findings for applications for special immigrant juvenile (SIJ) classification and other visa options for undocumented youth. The impact of the Reuniting Immigrant Families Act (SB 1064) and the Immigration and Customs Enforcement (ICE) Parental Interests Directive on dependency cases is also discussed. Resource documents are included with the video.

Immigration Issues in Domestic Violence Cases training.

The Center for Families, Children & the Courts (CFCC) staff has coordinated with the Center for Judiciary Education and Research (CJER) staff to develop and present at CJER’s Fall 2014 Primary Assignment Orientations, a course on *Immigration Issues in Domestic Violence Cases* on September 18–19, 2014, in Orange County. This course addressed, among other topics, the state court’s legal role in the special immigrant juvenile (SIJ) process. Course materials will be posted online as soon as they are available.

[California Dependency Online Guide \(CalDOG\)](#).

This grant-funded resource website for juvenile dependency judicial officers, attorneys, and other child welfare professionals, maintained by CFCC, includes current case law, sample motions, training materials, publications, and links to other resources related to the topic of the special immigrant juvenile status and related proceedings.

Other Resources

CFCC and CJER continue to develop educational materials in-house and to collect and disseminate resources developed by other governmental and private entities. Staff will post relevant resources on [CJER Online](#) and [CalDOG](#), as appropriate.

Currently, the following resources are available for the courts:

Publications:

- [CJER Benchtool: Immigration Consequences of Juvenile Delinquency](#)
- Judicial Council self-help website to assist immigrant youth with state court process (forthcoming)
- Translation of forms and other publications into Spanish (forthcoming)

In addition to the events discussed above, education on the state court role in the SIJ process will be included in the following events for California judicial officers:

- Live and Distance Education:
 - *Advanced Issues in Probate and Mental Health*, October 6–8, 2014
 - *Juvenile Law Institute*, November 3–5, 2014
 - *Dependency Primary Assignment Orientation*, January 26–30, 2015
 - *Family Law Primary Assignment Orientation*, January 26–30, 2015
 - *Family Law Institute*, Spring 2015
 - *Cow County Institute*, June 2015
 - *Probate and Mental Health Institute*, Fall 2015
- Broadcast - *Updates in Dependency, Delinquency, and Family Courts*, Spring 2015

Next Steps

Section 155(e) of the Code of Civil Procedure expressly directs the Judicial Council to adopt any rules and forms needed to implement its provisions. After reviewing the statute and existing rules and forms, the council will develop, through its public rulemaking process, any rules and forms needed to facilitate the superior courts' role in making SIJ predicate findings.

Judicial Council staff is working with representatives of the Trial Court Presiding Judges and Court Executive Officers to identify additional issues and provide information to address those issues as they arise.

In addition, staff is planning a forum of judicial and court leaders from California and Mexico in San Diego later this year. The forum will identify cross-border issues impacting the trial courts and determine how the judicial branch can address these issues most effectively and efficiently. Issues already identified for discussion include coordination under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), the Hague Convention, and the SIJ classification process in California.

Attachments and Links

1. Attachment A: Senate Bill 873 and the Special Immigrant Juvenile Process in the Superior Courts Memorandum to the Presiding Judges and Court Executive Officers of the Superior Courts.

DRAFT



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Appellate Procedure: Confidential Records	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend the advisory committee comments to Cal. Rules of Court, rules 8.45, 8.47, 8.320, 8.336, 8.380, 8.384, 8.385, and 8.610	January 1, 2015
Recommended by	Date of Report
Appellate Advisory Committee Justice Raymond J. Ikola, Chair	September 18, 2014
	Contact
	Heather Anderson, Senior Attorney, 415-865-7691, heather.anderson@jud.ca.gov

Executive Summary

The Appellate Advisory Committee recommends amending the advisory committee comments accompanying the rules regarding confidential records to: (1) highlight that many laws establish specific requirements regarding the confidentiality of particular records, and those laws supersede the rules of court; (2) note that, under case law, much of the contents of probation reports is not confidential; and (3) remove probation reports as one of the examples of confidential records cited in these advisory committee comments. These changes are intended to address concerns raised about the application of the general rule regarding references to confidential records in appellate filings to information contained in probation reports.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Amend the advisory committee comment to rule 8.45 to:

- Highlight that many laws establish specific requirements regarding the confidentiality of particular records, and those laws supersede the rules of court; and
 - Note that this rule limits to whom a copy of a probation report is transmitted based on the provisions of Penal Code section 1203.05;
2. Similarly amend the advisory committee comment to rule 8.47 to:
- Highlight that many laws establish specific requirements regarding the confidentiality of particular records, and those laws supersede the rules of court; and
 - Note that that, under case law, much of the contents of probation reports is not confidential; and;
3. Further amend the advisory committee comment to rule 8.45 and amend the advisory committee comments to rules 8.320, 8.336, 8.380, 8.384, 8.385, and 8.610 to remove probation reports as one of the examples of confidential records cited in these advisory committee comments

The text of the amended advisory committee comments is attached at pages 5–10.

Previous Council Action

Effective January 1, 2014, on the recommendation of the Appellate Advisory Committee, the Judicial Council adopted new appellate rules and rule amendments relating to sealed and confidential records. New rule 8.47, among other things, established procedures applicable when a party wants to keep the contents of confidential records from being revealed in the reviewing court's proceedings.

Rationale for Recommendation

Rule 8.47 requires that, unless otherwise provided by law, a party seeking to prevent disclosure of a confidential record must file an application or motion allowing the party to file the brief, petition, or other filing that discusses the confidential record under seal. The advisory committee comments accompanying rule 8.45 and several other rules include some examples of confidential records. Probation reports were included among these examples because Penal Code section 1203.05 specifically provides that, after 60 days following the date judgment is pronounced, a probation report may be inspected or copied only by specified persons and is not open to the general public, unless the court “upon its own motion orders that a report or reports shall be open or that the contents of the report or reports shall be disclosed.” However, under case law, much of the information in probation reports is not confidential and is routinely cited in both appellate briefs and appellate opinions (see *People v. Connor* (2004) 115 Cal.App.4th 669).

After the Judicial Council adopted the new appellate rules and rule amendments relating to sealed and confidential records, concerns were raised about whether rule 8.47, together with the references to probation reports in the advisory committee comments, could be interpreted as generally restricting appointed counsel's and the Office of the Attorney General's ability to refer to information contained in probation reports without first seeking permission to file redacted and unredacted briefs or other filings. Based on these concerns, the Second, Third, Fourth, and Fifth Appellate Districts of the Court of Appeal, adopted miscellaneous orders or other provisions intended to permit the citation to information from probation reports without seeking leave to use redacted and unredacted filings.¹

To address these same concerns at a statewide level, the committee recommends making the following changes to the advisory committee comments accompanying the rules regarding confidential records:

- ***Highlighting governance of specific laws.*** The advisory committee comments accompanying rules 8.45 and 8.47 would be amended to highlight that many laws establish specific requirements regarding the confidentiality of particular records and that those laws supersede the rules of court. Probation reports are one example of a record that is subject to particular law regarding what is confidential and to whom particular information may be disclosed, but there are many, many other such laws. As indicated in rule 8.45(a), such laws supersede the provisions of rules 8.45–8.47. The recommended revision to the advisory committee comments to rules 8.45 and 8.47 is intended to further emphasize the importance of identifying any such law applicable to a particular record.
- ***Noting case law establishing that much of the information in probation reports is not confidential.*** The advisory committee comment to rule 8.47 would be amended to specifically note that, under existing case law, much of the information contained in probation reports is not confidential. In *People v. Connor, supra*, 115 Cal.App.4th at p. 669, the court held that the factual summary of an offense; the evaluations, analyses, calculations, and recommendations of the probation officer; and other nonpersonal information in a probation report are not confidential under Penal Code section 1203.05. Because the provisions of rule 8.47 apply only to confidential records, they would not apply to this nonconfidential material in a probation report. The recommended revision to the advisory committee comment accompanying rule 8.47 is intended to clarify this point.
- ***Removing probation reports as an example of a confidential record.*** The advisory committee comments accompanying rules 8.45, 8.320, 8.336, 8.380, 8.384, 8.385, and 8.610 would all be amended to delete probation reports as an example of a confidential record. As discussed above, although access to probation reports is restricted by statute, much of the

¹ See, for example, www.courts.ca.gov/documents/2DCA-Misc-Order-13-1.pdf (Second District); www.courts.ca.gov/2974.htm (Third District); and www.courts.ca.gov/documents/4DCA-011314-Exception-to-Rule-8-47-c-1.pdf (Fourth District).

information contained in these reports is not confidential, making probation reports an atypical example of a confidential record.

The committee also recommends three nonsubstantive changes to the advisory committee comment to rule 8.45(c) and (d): correcting a cross-reference, deleting a duplicated word, and, to be consistent with the language used throughout title 8, eliminating references to the “minor” in juvenile proceedings.”

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal was circulated from April 18 to June 18, 2014, in the regular spring 2014 comment cycle. Seven individuals or organizations submitted comments on this proposal. Six commentators agreed with the proposal, and one did not indicate a position. A chart with the full text of the comments received and the committee’s responses is attached at pages 11–12. Based on these comments, the committee recommends adopting this proposal as circulated.

Alternatives

The committee considered not recommending these amendments to the advisory committee comments on the basis that several Court of Appeal districts have already addressed the concerns that have been raised regarding probation reports through the adoption of local orders. However, the committee concluded that addressing these concerns in the statewide rules as well would be helpful.

Implementation Requirements, Costs, and Operational Impacts

This proposal should impose no implementation requirements or costs on the courts.

Attachments and Links

1. Advisory committee comments to Cal. Rules of Court, rules 8.45, 8.47, 8.320, 8.336, 8.380, 8.384, 8.385, and 8.610, at pages 5–10
2. Chart of comments, at pages 11–12

The advisory committee comments accompanying rules 8.45, 8.47, 8.320, 8.336, 8.380, 8.384, 8.385, and 8.610 of the California Rules of Court are amended, effective January 1, 2015, to read:

Title 8. Appellate Rules

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

Chapter 1. General Provisions

Article 3. Sealed and Confidential Records

Rule 8.45. General provisions

(a) Application

The rules in this article establish general requirements regarding sealed and confidential records in appeals and original proceedings in the Supreme Court and Courts of Appeal. Where other laws establish specific requirements for particular types of sealed or confidential records that differ from the requirements in this article, those specific requirements supersede the requirements in this article.

(b) Definitions

As used in this article:

(1)–(4) * * *

(5) A “confidential” record is a record that, in court proceedings, is required by statute, rule of court, or other authority except a court order under rules 2.550–2.551 or rule 8.46 to be closed to inspection by the public or a party.

(6)–(7) * * *

(c) * * *

(d) Transmission of and access to sealed and confidential records

(1)–(3) * * *

(4) A probation report must be transmitted only to the reviewing court and to appellate counsel for the People and the defendant who was the subject of the report.

Advisory Committee Comment

Subdivision (a). Many laws address sealed and confidential records. These laws differ from each other in a variety of respects, including what information is closed to inspection, from whom it is closed, under what circumstances it is closed, and what procedures apply to closing or opening it to inspection. It is very important to determine if any such law applies with respect to a particular record because where other laws establish specific requirements that differ from the requirements in this article, those specific requirements supersede the requirements in this article.

Subdivision (b)(5). Examples of confidential records are records in juvenile proceedings (Welf. & Inst. Code, § 827 and California Rules of Court, rule 8.401), records of the family conciliation court (Fam. Code, § 1818(b)), fee waiver applications (Gov. Code, § 68633(f)), ~~probation reports (Penal Code, § 1203.05)~~, and court-ordered diagnostic reports (Penal Code, § 1203.03). This term also encompasses records closed to inspection by a court order other than an order under rules 2.550–2.551 or 8.46, such as situations in which case law, statute, or rule has established a category of records that must be closed to inspection and a court has found that a particular record falls within that category and has ordered that it be closed to inspection. Examples include discovery material subject to a protective order under Code of Civil Procedure sections ~~section~~ 2030.090, 2032.060, or 2033.080 and records closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. For more examples of confidential records, please see appendix 1 of the *Trial Court Records Manual* at www.courts.ca.gov/documents/trial-court-records-manual.pdf.

Subdivisions (c) and (d). The requirements in this rule for format and transmission of and access to sealed and confidential records apply only unless otherwise provided by law. Special requirements that govern transmission of and/or access to particular types of records may supersede the requirements in this rule. For example, rules 8.619(g) and 8.622(e) require copies of reporters’ transcripts in capital cases to be sent to the Habeas Corpus Resource Center and the California Appellate Project in San Francisco, and under rules 8.336(d) and 8.409~~(d)~~(e), in non-capital felony appeals, if the defendant—or in juvenile appeals, if the appellant, or the respondent, or the minor—is not represented by appellate counsel when the transcripts are certified as correct, the clerk must send that counsel’s copy of the transcripts to the district appellate project.

Subdivision (c)(1)(C). For example, for juvenile records, this mark could state “Confidential—Welf. & Inst. Code, § 827” or “Confidential—Juvenile Case File”; for a fee waiver application, this mark could state “Confidential—Gov. Code, § 68633(f)” or “Confidential—Fee Waiver Application”; ~~for a probation report, this mark could say “Confidential—Pen. Code, § 1203.05” or “Confidential—Probation Report”;~~ and for a transcript of an in-camera hearing under *People v. Marsden* (1970) 2 Cal.3d 118, this mark could say “Confidential—*Marsden* Hearing.”

Subdivision (c)(2). * * *

Subdivision (c)(3). * * *

Subdivision (d). See rule 8.47(b) for special requirements concerning access to certain confidential records.

Subdivision (d)(4). This rule limits to whom a copy of a probation report is transmitted based on the provisions of Penal Code section 1203.05, which limit who may inspect or copy probation reports.

1 **Rule 8.47. Confidential records**

2
3 **(a) Application**

4
5 This rule applies to confidential records but does not apply to records sealed by court order
6 under rules 2.550–2.551 or rule 8.46 or to conditionally sealed records under rule 8.46.
7 Unless otherwise provided by this rule or other law, rule 8.45 governs the form and
8 transmission of and access to confidential records.
9

10 **(b) * * ***

11
12 **(c) Other confidential records**

13
14 Except as otherwise provided by law or order of the reviewing court:

15
16 (1) Nothing filed publicly in the reviewing court—including any application, brief,
17 petition, or memorandum—may disclose material contained in a confidential record,
18 including a record that, by law, a party may choose be kept confidential in reviewing
19 court proceedings and that the party has chosen to keep confidential.
20

21 (2) To maintain the confidentiality of material contained in a confidential record, if it is
22 necessary to disclose such material in a filing in the reviewing court, a party may
23 serve and file a motion or application in the reviewing court requesting permission
24 for the filing to be under seal.
25

26 (A)–(D) * * *

27
28 **Advisory Committee Comment**

29
30 **Subdivisions (a) and (c).** Note that there are many laws that address the confidentiality of various
31 records. These laws differ from each other in a variety of respects, including what information is closed to
32 inspection, from whom it is closed, under what circumstances it is closed, and what procedures apply to
33 closing or opening it to inspection. It is very important to determine if any such law applies with respect
34 to a particular record because this rule applies only to confidential records as defined in rule 8.45, and the
35 procedures in this rule apply only “unless otherwise provided by law.” Thus, where other laws establish
36 specific requirements that differ from the requirements in this rule, those specific requirements may be
37 special requirements that govern particular types of confidential records that supersede the requirements
38 in this rule. For example, although Penal Code section 1203.05 limits who may inspect or copy probation
39 reports, much of the material contained in such reports—such as the factual summary of the offense(s);
40 the evaluations, analyses, calculations, and recommendations of the probation officer; and other
41 nonpersonal information—is not considered confidential under that statute and is routinely discussed in
42 openly filed appellate briefs (see *People v. Connor* (2004) 115 Cal.App.4th 669, 695–696). In addition,
43 this rule does not alter any existing authority for a court to open a confidential record to inspection by the
44 public or another party to a proceeding.
45

46 **Subdivision (c)(1). * * ***

47
48 **Subdivision (c)(2). * * ***

1 **Chapter 3. Criminal Appeals**

2 **Article 2. Record on Appeal**

3
4
5 **Rule 8.320. Normal record; exhibits**

6
7 (a)–(f) * * *

8
9 **Advisory Committee Comment**

10
11 Rules 8.45–8.46 address the appropriate handling of sealed and confidential records that must be included
12 in the record on appeal. Examples of confidential records include ~~probation reports~~, Penal Code section
13 1203.03 diagnostic reports, records closed to inspection by court order under *People v. Marsden* (1970) 2
14 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings on a confidential
15 informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v. Superior Court* (1982) 31
16 Cal.3d 424, 430).

17
18 **Subdivision (d)(1)(E).** * * *

19
20
21 **Rule 8.336. Preparing, certifying, and sending the record**

22
23 (a)–(h) * * *

24
25 **Advisory Committee Comment**

26
27 **Subdivision (a).** * * *

28
29 **Subdivision (d).** * * *

30
31 **Subdivision (f).** Examples of confidential records include ~~probation reports~~, Penal Code section 1203.03
32 diagnostic reports, records closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d
33 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings on a confidential
34 informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v. Superior Court* (1982) 31
35 Cal.3d 424, 430).

36
37
38 **Chapter 4. Habeas Corpus Appeals and Writs**

39
40 **Rule 8.380. Petition for writ of habeas corpus filed by petitioner not represented by an**
41 **attorney**

42
43 (a)–(c) * * *

44
45 **Advisory Committee Comment**

46
47 **Subdivision (b).** Examples of confidential records include ~~probation reports~~, Penal Code section 1203.03
48 diagnostic reports, records closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d

1 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings on a confidential
2 informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v. Superior Court* (1982) 31
3 Cal.3d 424, 430).

4
5
6 **Rule 8.384. Petition for writ of habeas corpus filed by an attorney for a party**

7
8 (a)–(d) * * *

9
10 **Advisory Committee Comment**

11
12 **Subdivision (b)(4).** Examples of confidential records include ~~probation reports~~, Penal Code section
13 1203.03 diagnostic reports, records closed to inspection by court order under *People v. Marsden* (1970) 2
14 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings on a confidential
15 informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v. Superior Court* (1982) 31
16 Cal.3d 424, 430).

17
18
19 **Rule 8.385. Proceedings after the petition is filed**

20
21 (a)–(f) * * *

22
23 **Advisory Committee Comment**

24
25 **Subdivision (a).** Examples of confidential records include ~~probation reports~~, Penal Code section 1203.03
26 diagnostic reports, records closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d
27 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings on a confidential
28 informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v. Superior Court* (1982) 31
29 Cal.3d 424, 430).

30
31 **Subdivision (c).** * * *

32
33 **Subdivision (d).** * * *

34
35
36 **Chapter 10. Appeals From Judgments of Death**

37
38 **Article 2. Record on Appeal**

39
40 **Rule 8.610. Contents and form of the record**

41
42 (a)–(d) * * *

43
44 **Advisory Committee Comment**

45
46 **Subdivision (a).** * * *

1 **Subdivision (b).** Examples of confidential records include ~~probation reports~~, Penal Code section 1203.03
2 diagnostic reports, records closed to inspection by court order under *People v. Marsden* (1970) 2 Cal.3d
3 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings on a confidential
4 informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v. Superior Court* (1982) 31
5 Cal.3d 424, 430).
6

DRAFT

SPR14-01

Appellate Procedure: Confidential Records: Amend the advisory committee comments to Cal. Rules of Court, rules 8.45, 8.47, 8.320, 8.336, 8.380, 8.384, 8.385 and 8.610
 All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Committee on Appellate Courts State Bar of California Saul Bercovitch	A	The Committee on Appellate Courts supports this proposal.	The committee notes the commentator's support for the proposal; no response required.
2.	Court of Appeal, Second Appellate District Thomas Kallay Managing Attorney	A	1. We agree with this proposal. As noted in the proposal, not all the information in probation reports is confidential. As also noted, Pen, Code, § 1203.05 governs access to and the copying of probation reports. 2. We agree that this proposal entails no implementation costs or requirements for the courts.	The committee notes the commentator's support for the proposal; no response required.
3.	Orange County Bar Association	A		The committee notes the commentator's support for the proposal; no response required.
4.	Superior Court of Los Angeles County	A	We would agree with the proposed changes to remove the language concerning probation reports as an example of a confidential record and the addition of the language added to 8.47 (a) & (c) from the advisory committee comments. The latter should specifically alleviate the problem. Although several Court of Appeal districts have already adopted a local Order to address this issue, the addition of this language clarifies and supports the application of the rule uniformly. While the proposed changes may be helpful to attorneys preparing appellate briefs, they do not impact the manner in which our appeal units prepare appeal records, i.e., probation reports will still be placed in confidential	The committee notes the commentator's support for the proposal; no response required.

SPR14-01

Appellate Procedure: Confidential Records: Amend the advisory committee comments to Cal. Rules of Court, rules 8.45, 8.47, 8.320, 8.336, 8.380, 8.384, 8.385 and 8.610
 All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			envelopes within the appeal records delivered to the parties and the reviewing court because of the requirement under PC 1203.05. Also, petitions to unseal portions of any appeal record for briefing purposes (or any purpose) have no effect on appeal units if granted. The reviewing court and the parties treat the sealed portions of the record already delivered to them as unsealed. We are not required to re-issue a new record.	
5.	Superior Court of Riverside County	NI	No comment	No response required.
6.	Superior Court of San Diego County Michael M. Roddy Executive Officer	A	It appears that the proposal mirrors the 4 th DCA's blanket Order and may be beneficial for them: www.courts.ca.gov/documents/4DCA-011314-Exception-to-Rule-8-47-c-1.pdf .	The committee notes the commentator's support for the proposal; no response required.
7.	TCPJAC/CEAC Joint Rules Subcommittee	A	The proposal is intended to provide significant cost savings and efficiencies. The proposed changes incorporate ideas that would improve the cost effectiveness of the appellate process without being overly burdensome on the Courts and parties that are part of the appeals process. The proposal would streamline the appeals procedures, resulting in anticipated savings in staff time for processing and operational costs.	The committee notes the commentator's support for the proposal; no response required.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2014

Title	Agenda Item Type
Appellate Procedure: Extensions of Time to File Briefs	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 8.212; revise form APP-006; and approve new optional forms CR-126, JV-816, JV-817, APP-012, and APP-031	January 1, 2015
Recommended by	Date of Report
Appellate Advisory Committee	September 18, 2014
Justice Raymond J. Ikola, Chair	Contact
	Heather Anderson, Senior Attorney
	415-865-7691
	heather.anderson@jud.ca.gov

Executive Summary

The Appellate Advisory Committee recommends (1) amending the rule governing stipulations for extensions of time to file a brief in a civil appeal to clarify that such stipulations are not available if the time to file the brief has already been extended by the court on application of the party and to reflect the recent amendments to the rules on sealed records; (2) revising the existing form for applying to the Court of Appeal for extensions of time to file briefs in civil appeals to, among other things, give form users the option of specifying the reasons for an extension on the form or on an attached declaration; (3) adopting new optional forms for applying to the Court of Appeal for extensions of time to file briefs in criminal and juvenile cases; and (4) adopting a new optional form for stipulations to extend briefing time in civil appeals. These changes are intended to reduce courts' costs associated with the preparation of individualized applications for extensions of time by appointed counsel and the review of applications and stipulations for extensions of time that are in a wide variety of formats.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Amend rule 8.212 to:
 - Clarify that stipulations to extend the time to file a brief are unavailable if the time to file the brief has already been extended by the court on application of the party; and
 - Reflect the recent amendments to the rules on sealed records;
2. Revise *Application for Extension of Time to File Brief (Civil Case) (Appellate)* (form APP-006) to:
 - Add more space for form users to specify the reasons warranting the extension, and give them the option of attaching a separate declaration specifying these reasons;
 - Eliminate the integrated proof of service;
 - Provide space for the presiding justice to make his or her order on the application form or to indicate that there is a separate order concerning the application; and
 - Make other minor changes;
3. Approve new optional form *Attached Declaration (Court of Appeal)* (form APP-031(A)), which parties may use to specify the reasons warranting the extension of time;
4. Approve new optional form *Stipulation for Extension of Time to File Brief (Civil Case) (Appellate)* (form APP-012); and
5. Approve new optional forms *Application for Extension of Time to File Brief (Criminal Case) (Appellate)* (form CR-126); *Application for Extension of Time to File Brief (Juvenile Delinquency Case) (Appellate)* (form JV-816); and *Application for Extension of Time to File Brief (Juvenile Dependency Case) (Appellate)* (form JV-817).

The text of the amended rule and the forms is attached at pages 8–20.

Previous Council Action

The predecessor to rule 8.212, regarding the time to file briefs, was adopted by the Judicial Council as part of the original Rules for the Supreme Court and District Courts of Appeal, effective September 1, 1928. Since its adoption, the rule has provided that parties in civil appeals in the Court of Appeal can stipulate to extend the time to file their briefs and that, for good

cause, the presiding justice may also extend the time for filing a brief. The original 1928 rule had separate sentences that articulated the parties' authority to stipulate to an extension and the presiding justice's authority to grant an extension, without any provisions addressing the relationship between the two. As part of an overall revision of the appellate rules, effective July 1, 1943, the Judicial Council adopted a new rule on the time to file briefs in civil appeals. Similar to the 1928 rule, this 1943 rule provided that the parties could stipulate to extend the time to file a brief. However, it further provided that "thereafter the time may be extended only by the ... Presiding Justice, for good cause shown." This language remained unchanged until January 1 2002, when the council adopted a new rule on the time to file briefs as part of another comprehensive revision of the appellate rules. The 2002 rule specifically provided that an application to the presiding justice for an extension of time to file a brief must show not only good cause for the extension, but also either that the applicant was unable to obtain—or it would have been futile to seek—the extension by stipulation or that the parties had already stipulated to the 60-day maximum. Although this rule has been renumbered and amended in other ways, this provision has remained substantively unchanged since 2002.

Effective January 1, 2014, on the recommendation of the Appellate Advisory Committee, the Judicial Council adopted new appellate rules and rule amendments relating to sealed and confidential records, including new provisions regarding the labeling of sealed and conditionally sealed filings.

Rationale for Recommendation

Stipulations and applications for extensions of briefing time in civil appeals

Rule 8.212. California Rules of Court, rule 8.212, addresses service and filing of briefs in civil appeals. Among other things, this rule provides that except as otherwise provided by statute, the parties may extend the briefing period for each brief by up to 60 days by filing one or more stipulations in the reviewing court before the brief is due. Rule 8.212 also provides that if a party is unable to stipulate to an extension, the party may apply to the presiding justice for an extension of briefing time before the brief is due. Rule 8.220 also addresses applications for extension of time, providing that when the clerk has notified a party that its brief was not timely filed and must be filed within 15 days, within that 15-day period the party may apply to the presiding justice for an extension of briefing time.

The general understanding is that once the court has granted a party's application for an extension of time to file a brief, the parties may not stipulate to further extend that briefing time. Based on the suggestion of a Court of Appeal staff attorney, the committee recommends that rule 8.212(b) be amended to more clearly reflect this understanding by providing that stipulations for extensions of time to file a brief in a civil appeal are not available if the time to file a brief has already been extended by the court on application of the party.

Rule 8.212 also addresses service of briefs, including briefs that are filed conditionally under seal. Effective January 1, 2014, the rules relating to the sealed records, including the rules

specifying what information needs to be included on the cover of conditionally sealed filings, were amended. Rule 8.212 does not currently reflect these amendments. The committee recommends that rule 8.212 also be amended to reflect these recent amendments to the rules on sealed records.

Application for Extension of Time to File Brief (Civil Case) (Form APP-006). *Application for Extension of Time to File Brief (Civil Case) (Appellate)* (form APP-006) is an optional Judicial Council form that a party may use to seek an extension of time from the court in a civil appeal. The form currently provides only a very small space for a party to specify the reasons that warrant the requested extension of time. As a result, applicants for extensions of time must often include an attachment specifying these reasons. To make the form more user-friendly, the committee recommends enlarging the space available for applicants to specify the reasons for a requested extension. In addition, the committee recommends making clear on this form that the party may attach a separate declaration specifying those reasons if additional space is needed. To facilitate using such attachments when necessary, the committee also recommends the approval of a new optional declaration form—*Attached Declaration (Court of Appeal)* (form APP-031(A))—that can be attached to an extension application.

The second page of form APP-006 is currently entirely taken up by an optional proof of service form. Although proofs of service integrated into individual forms may be helpful, timely updating them can be difficult. Keeping a single, stand-alone proof of service form updated is much easier. The committee therefore recommends that the proof of service provisions be deleted from form APP-006 and replaced with a note that *Proof of Service (Court of Appeal)* (form APP-009) may be used for this purpose. Deleting the integrated proof of service also provides the additional space needed to expand the area for the reasons warranting the extension while keeping the total length of the form at two pages, or both sides of one sheet of paper.

Form APP-006 currently includes space for the presiding justice to make his or her order granting or denying the extension request on the form itself. Some appellate districts are moving toward electronic filing of extension requests. Depending on the format of the document filed and the e-filing system, producing and delivering a separate order may be easier than adding the presiding justice's signature to the document filed by a party and then sending that signed document to the parties. To facilitate electronic filing and service of these applications and associated orders, the committee recommends revising form APP-006 to include check boxes that the court may use to indicate that it is making its order either on the same form as the application or in a separate document. The proposed revisions will maintain the convenience of an integrated application and order for those districts that want and can use this format while allowing other courts to use the application form but issue a separate order.

The committee also recommends several minor changes to form APP-006, including:

- Updating the header to:

- Specify that the e-mail address and fax number of the filer must be provided (if available), as required by rule 8.40(c); and
- Establish separate fields for each element of the filer’s contact information to facilitate electronic filing;
- Adding separate spaces for parties to request extension of combined briefs under rule 8.216 when there is a cross-appeal; and
- Adding a space for the applicant to indicate if the court marked any previous extension “no further.”

Proposed new Stipulation for Extension of Time to File Brief (Civil Case) (Appellate) (form APP-012). Although stipulations to extend the time to file a brief in a civil appeal are among the most common filings in the Court of Appeal, no Judicial Council form currently exists for such stipulations. Because these stipulations must be individually prepared, they are not in a uniform format, making it difficult for clerks to easily find important information about the new due dates of briefs. To encourage uniformity in stipulation format and thereby facilitate review of such stipulations by appellate court clerks, the committee recommends approval of new optional *Stipulation for Extension of Time to File Brief (Civil Case) (Appellate) (form APP-012).*

Applications for extensions of briefing time in felony and juvenile appeals

Like rule 8.212, rule 8.360, relating to briefs in felony appeals, and rules 8.412 and 8.416, which address briefs in juvenile appeals, permit parties to apply to the Court of Appeal for an extension of time to file a brief. Although several Court of Appeal districts have local forms for this purpose, currently no Judicial Council forms exist for filing applications for extensions of briefing time in felony and juvenile appeals.

To help reduce costs associated with preparation of these applications by appointed counsel and with review of these applications by the court, the committee recommends approval of three new optional Judicial Council forms:

- *Application for Extension of Time to File Brief (Criminal Case) (Appellate) (form CR-126);*
- *Application for Extension of Time to File Brief (Juvenile Delinquency Case) (Appellate) (form JV-816);* and
- *Application for Extension of Time to File Brief (Juvenile Dependency Case) (Appellate) (form JV-817).*

These recommended forms are modeled on a combination of the current Judicial Council *Application for Extension of Time to File Brief (Civil Case) (Appellate) (form APP-006)* and the local forms adopted by several Court of Appeal districts.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal was circulated from April 18 to June 18, 2014, in the regular spring 2014 comment cycle. Seven individuals or organizations submitted comments on this proposal. Four

commentators agreed with the proposal, two agreed with the proposal if modified, and one did not agree with the proposal. A chart with the full text of the comments received and the committee's responses is attached at pages 21–25.

As circulated for public comment, all of the application-for-extension forms—APP-006, CR-126, JV-816, and JV-817—would have included a note at the top of the form indicating that parties are expected to use the “grace period” allowed by the rules of court for late briefs rather than filing an application for an extension of time, if the brief can be filed within the time allowed by those rules. This language was modeled on language in a footnote in the local application form of one of the Court of Appeal districts. Two commentators, including a Court of Appeal, raised concerns about this language. Based on these comments, the committee revised its proposal to remove this language from the application forms.

One commentator, also a Court of Appeal, suggested that, consistent with the proposed amendment to rule 8.212, the proposed new stipulation form should more clearly indicate that a stipulation cannot be used if an extension of the time to file the brief has already been granted by the presiding justice. Based on this comment, the committee revised proposed new form APP-012 to include this caution in the note at the top of the form.

Alternatives

In addition to the alternatives considered as a result of the public comments, the committee considered a variety of alternative language and provisions in developing the proposed amendments to rule 8.212, proposed revisions to form APP-006, and proposed new forms CR-126, JV-816, JV-817, APP-012, and APP-031. Options considered, but ultimately not recommended by the committee, included:

- Adding the text of the requirements regarding labeling of sealed and conditionally sealed filings in the proposed amendments to rule 8.212, rather than cross-referencing to rule 8.47. Although this added text would make it easier for users of rule 8.212 to find these labeling requirements, the committee concluded that this benefit was outweighed by the costs associated with duplicating all of these requirements and ensuring that multiple rules are appropriately updated.
- Proposing a stipulation form that could be used to extend the time for filing multiple briefs at the same time. Although this form would be convenient for some applicants, the committee concluded that such a form was likely to make it more difficult for clerks to easily identify the due dates of briefs. Further, the committee's view was that if parties wished to extend the due dates of multiple briefs at the same time, they could simply file separate stipulation forms for each brief.

The committee also considered not proposing these rule amendments and form changes. However, the committee concluded that clarifying the rule and creating standardized stipulation and application forms would assist both counsel and the courts, resulting in reduced court costs

associated with the time for appointed counsel to prepare individualized application forms and for the courts to review applications and stipulations that are in a wide variety of formats. Given these potential costs savings, the committee concluded that it should recommend these rule amendments and forms at this time.

Implementation Requirements, Costs, and Operational Impacts

This proposal should result in no implementation costs for the courts and, as noted above, should reduce costs for the courts associated with the time for appointed counsel to prepare individualized application forms and for the courts to review applications and stipulations that are in a wide variety of formats.

Attachments

1. Cal. Rules of Court, rule 8.212, at pages 8–9
2. Forms APP-006, APP-012, APP-031, CR-126, JV-817, and JV-817, at pages 10–20
3. Chart of comments, at pages 21–25

DRAFT

Rule 8.212 of the California Rules of Court is amended, effective January 1, 2015, to read:

1 **Rule 8.212. Service and filing of briefs**

2
3 (a) * * *

4
5 (b) **Extensions of time**

6
7 (1) Except as otherwise provided by statute or when the time to file the brief has
8 previously been extended under (3) or rule 8.220(d), the parties may extend each
9 period under (a) by up to 60 days by filing one or more stipulations in the reviewing
10 court before the brief is due. Stipulations must be signed by and served on all parties.

11
12 (2) A stipulation under (1) is effective on filing. The reviewing court may not shorten a
13 stipulated extension.

14
15 (3) Before the brief is due, a party may apply to the presiding justice for an extension of
16 each period under (a), or under rule 8.200(c)(6) or (7), on a showing that there is
17 good cause and that:

18
19 (A) The applicant was unable to obtain—or it would have been futile to seek—the
20 extension by stipulation; or

21
22 (B) The parties have stipulated to the maximum extension permitted under (1) and
23 the applicant seeks a further extension.

24
25 (4) A party need not apply for an extension or relief from default if it can file its brief
26 within the time prescribed by rule 8.220(a). The clerk must file a brief submitted
27 within that time if it otherwise complies with these rules.

28
29 (c) **Service**

30
31 (1) * * *

32
33 (2) If a brief is not filed electronically under rules 8.70–8.79, one electronic copy of each
34 brief must be submitted to the Court of Appeal. For purposes of this requirement, the
35 term “brief” does not include a petition for rehearing or an answer thereto.

36
37 (A) * * *

38
39 (B) ~~If the Court of Appeal has ordered~~ the brief discloses material contained in a
40 sealed or conditionally sealed record, the party serving the brief must comply
41 with rule 8.46(f) and include as the first page in the PDF document a cover

1 sheet that contains the information required by rule 8.204(b)(10), and labels the
2 contents as “CONDITIONALLY UNDER SEAL.” The Court of Appeal clerk
3 must promptly notify the Supreme Court of any court order unsealing the brief.
4 In the absence of such notice, the Supreme Court clerk must keep all copies of
5 the brief under seal.
6

7 (C) If it would cause undue hardship for the party filing the brief to submit an
8 electronic copy of the brief to the Court of Appeal, the party may instead serve
9 four paper copies of the brief on the Supreme Court. If the Court of Appeal has
10 ~~ordered~~ the brief discloses material contained in a sealed or conditionally
11 sealed record, the party serving the brief must comply with rule 8.46(f) place
12 all four copies of the brief in a sealed envelope and attach a cover sheet that
13 contains the information required by rule 8.204(b)(10), and labels the contents
14 as “CONDITIONALLY UNDER SEAL.” The Court of Appeal clerk must
15 promptly notify the Supreme Court of any court order unsealing the brief. In
16 the absence of such notice, the Supreme Court clerk must keep all copies of the
17 unredacted brief under seal.
18

19 (3) * * *

20
DRAFT

COURT OF APPEAL	APPELLATE DISTRICT, DIVISION	COURT OF APPEAL CASE NUMBER:	
ATTORNEY OR PARTY WITHOUT ATTORNEY: <input type="checkbox"/> STATE BAR NO.:		SUPERIOR COURT CASE NUMBER:	
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:		ZIP CODE:
TELEPHONE NO.:	FAX NO. <i>(if available)</i> :		
E-MAIL ADDRESS <i>(if available)</i> :			
ATTORNEY FOR <i>(name)</i> :			
APPELLANT:			
RESPONDENT:			
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE)			
Notice: Please read Judicial Council form APP-001 before completing this form.			

1. I *(name)*: _____ request that the time to file *(check one)*:

- appellant's opening brief (AOB)
- respondent's brief (RB)
- combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)
- combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)
- appellant's reply brief (ARB)

now due on *(date)*: _____ be extended to *(date)*: _____

2. I have have not received a rule 8.220 notice.

3. I have received:

- no previous extensions to file this brief.
- the following previous extensions:
 - (number of extensions)*: _____ extensions by stipulation totaling *(total number of days)*: _____
 - (number of extensions)*: _____ extensions from the court totaling *(total number of days)*: _____

Did the court mark any previous extension "no further?" Yes No

4. I am unable to file a stipulation to an extension because

- the other party is unwilling to stipulate to an extension.
- other reason *(please specify)*: _____

5. The last brief filed by any party was: AOB RB RB and AOB ARB and RB filed on *(date)*: _____

6. The record in this case is:

	Volumes (#)	Pages (#)	Date filed
Appendix/Clerk's Transcript:	_____	_____	_____
Reporter's Transcript:	_____	_____	_____
Augmentation/Other:	_____	_____	_____

7. The trial court has ordered the proceedings in this case stayed until this appeal is decided.

APPELLANT: RESPONDENT:	COURT OF APPEAL CASE NUMBER:
---------------------------	------------------------------

8. The reasons that I need an extension to file this brief are stated

below

on a separate declaration

You may use *Attached Declaration (Court of Appeal)* (form APP-031) for this purpose.

(Please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions):

9. For attorneys filing application on behalf of client, I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 8.60).

10. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.50). You may use *Proof of Service (Court of Appeal)* (form APP-009) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is below on a separate document

ORDER

EXTENSION OF TIME IS:

Granted to *(date)* _____

Denied

Date: _____

(SIGNATURE OF PRESIDING JUSTICE)

COURT OF APPEAL	APPELLATE DISTRICT, DIVISION	COURT OF APPEAL CASE NUMBER:	
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:		SUPERIOR COURT CASE NUMBER:	
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:		ZIP CODE:
TELEPHONE NO.:	FAX NO. (if available):		
E-MAIL ADDRESS (if available):			
ATTORNEY FOR (name):			
APPELLANT:			
RESPONDENT:			
STIPULATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE)			

Notice: Please read Judicial Council form APP-001 before completing this form. Before a brief is due, parties may extend the time to file the brief up to a maximum of 60 days by filing one or more stipulations. However, parties may not stipulate to extend the time to file a brief if the court has previously granted an application to extend the time to file the brief. See California Rules of Court, rule 8.212(b).

1. All parties to this appeal stipulate to extend the time under Cal. Rules of Court, rule 8.212(a), to file the following brief (*check one*):

- appellant's opening brief (AOB)
- respondent's brief (RB)
- combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)
- combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)
- appellant's reply brief (ARB)

2. This brief is now due on (*date*):

3. The parties agree to extend the due date by (*number*): _____ days, so that the new date is (*date*):

4. The time to file this brief (*check one*):

- has not been extended by stipulations previously.
- has been extended previously by one or more stipulations totaling (*number*) _____ days.

The combined extensions to file this brief by this stipulation and any previous stipulation do not exceed 60 days. (See rule 1.10 regarding the computation of time.)

5. For attorneys filing on behalf of a client, I certify that I have delivered a copy of this stipulation to my client. (See rule 8.60.)

6. A proof of service of this stipulation on all parties is attached (see rule 8.50). You may use *Proof of Service (Court of Appeal)* (form APP-009) for this purpose.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(IF SIGNED BY AN ATTORNEY, NAME OF PARTY REPRESENTED)

APPELLANT: RESPONDENT:	COURT OF APPEAL CASE NUMBER:
---------------------------	------------------------------

Date: _____

 (TYPE OR PRINT NAME)  _____
 (SIGNATURE OF PARTY OR ATTORNEY)

 (IF SIGNED BY AN ATTORNEY, NAME OF PARTY REPRESENTED)

Date: _____

 (TYPE OR PRINT NAME)  _____
 (SIGNATURE OF PARTY OR ATTORNEY)

 (IF SIGNED BY AN ATTORNEY, NAME OF PARTY REPRESENTED)

Date: _____

 (TYPE OR PRINT NAME)  _____
 (SIGNATURE OF PARTY OR ATTORNEY)

 (IF SIGNED BY AN ATTORNEY, NAME OF PARTY REPRESENTED)

APPELLANT: RESPONDENT:	COURT OF APPEAL CASE NUMBER: SUPERIOR COURT CASE NUMBER:
-------------------------------	---

ATTACHED DECLARATION (COURT OF APPEAL)
(This form must be attached to another form or court paper before it can be filed in court.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)

 _____ (SIGNATURE OF DECLARANT)

- Attorney for
 Appellant
 Respondent
 Other *(specify):*

COURT OF APPEAL	APPELLATE DISTRICT, DIVISION	COURT OF APPEAL CASE NUMBER:
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:		SUPERIOR COURT CASE NUMBER:
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE:	ZIP CODE:
TELEPHONE NO.:	FAX NO. (if available):	
E-MAIL ADDRESS (if available):		
ATTORNEY FOR (name):		
APPELLANT:		
RESPONDENT:		
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CRIMINAL CASE)		

1. I (*name*): _____ request that the time to file (*check one*)

- appellant's opening brief (AOB)
- respondent's brief (RB)
- combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)
- combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)
- appellant's reply brief (ARB)

now due on (*date*): _____ be extended to (*date*): _____

2. I have have not received a rule 8.360(c)(5) notice.

3. I have received

- no previous extensions to file this brief.
- the following previous extensions:

(*number of extensions*): _____ extensions from the court totaling (*total number of days*): _____
 Did the court mark any previous extension "no further?" Yes No

4. The last brief filed by any party was: AOB RB RB and AOB ARB and RB
 filed on (*date*): _____

5. The record in this case is:

	<u>Volumes (#)</u>	<u>Pages (#)</u>	<u>Date filed</u>
Clerk's Transcript:	_____	_____	_____
Reporter's Transcript:	_____	_____	_____
Augmentation/Other:	_____	_____	_____

6. Defendant was convicted of (*specify*): _____

7. The conviction is based on a (*check one*):

- jury verdict
- plea of guilty or no contest

APPELLANT: RESPONDENT	COURT OF APPEAL CASE NUMBER:
--------------------------	------------------------------

8. The court imposed the following punishment:

9. The defendant is is not on bail pending appeal.

10. The reasons that I need an extension to file this brief are stated

below.

on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form APP-031) for this purpose.

(Please specify; see rule 8.63 for factors used in determining whether to grant extensions):

11. A proof of service of this application on all those entitled to receive a copy of the brief under rule 8.360(d)(1), (2), and (3) is attached (see rule 8.360(d)). You may use *Proof of Service (Court of Appeal)* (form APP-009) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is below on a separate document

ORDER

EXTENSION OF TIME IS:

Granted to (date): _____
 Denied

Date: _____

(SIGNATURE OF PRESIDING JUSTICE)

COURT OF APPEAL	APPELLATE DISTRICT, DIVISION	COURT OF APPEAL CASE NUMBER:
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:		SUPERIOR COURT CASE NUMBER(S):
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO. (if available):	
E-MAIL ADDRESS (if available):		
ATTORNEY FOR (name):		
Case Name: In re _____, person(s), coming under the juvenile court law		
APPELLANT:		
RESPONDENT:		
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (JUVENILE DELINQUENCY CASE)		

1. I (name): _____ request that the time to file (check one)

- appellant's opening brief (AOB)
- respondent's brief (RB)
- combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)
- combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)
- appellant's reply brief (ARB)

now due on (date): _____ be extended to (date): _____

2. I have have not received a rule 8.412(d)(1) notice.

3. I have received

- no previous extensions to file this brief.
- the following previous extensions:

(number of extensions): _____ extensions from the court totaling (total number of days): _____

Did the court mark any previous extension "no further?" Yes No

4. The last brief filed by any party was: AOB RB RB and AOB ARB and RB
filed on (date): _____

5. The record in this case is:

	<u>Volumes (#)</u>	<u>Pages (#)</u>	<u>Date filed</u>
Clerk's Transcript:	_____	_____	_____
Reporter's Transcript:	_____	_____	_____
Augmentation/Other:	_____	_____	_____

6. The juvenile was adjudicated a ward of the court based on commission of the following offense(s):

7. The disposition followed (check one):

- a contested hearing
- an admission

APPELLANT: RESPONDENT:	COURT OF APPEAL CASE NUMBER:
---------------------------	------------------------------

8. The court imposed the following disposition:

9. The reasons that I need an extension to file this brief are stated

below.

on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form APP-031) for this purpose.

(Please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions):

10. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.412(e)). You may use *Proof of Service (Court of Appeal)* (form APP-009) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is below on a separate document

ORDER

EXTENSION OF TIME IS:

Granted to (date): _____
 Denied

Date: _____

(SIGNATURE OF PRESIDING JUSTICE)

COURT OF APPEAL	APPELLATE DISTRICT, DIVISION	COURT OF APPEAL CASE NUMBER:
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:		SUPERIOR COURT CASE NUMBER(S):
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE:	ZIP CODE:
TELEPHONE NO.:	FAX NO. (if available):	
E-MAIL ADDRESS (if available):		
ATTORNEY FOR (name):		
Case Name: In re _____, person(s), coming under the juvenile court law		
APPELLANT:		
RESPONDENT:		
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (JUVENILE DEPENDENCY CASE)		

1. I (name): _____ request that the time to file (check one)
- appellant's opening brief (AOB)
- respondent's brief (RB)
- combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)
- combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)
- appellant's reply brief (ARB)
- now due on (date): _____ be extended to (date): _____
2. I have have not received a rule 8.412(d)(1) notice.
3. I have received
- no previous extensions to file this brief.
- the following previous extensions:
- (number of extensions): _____ extensions from the court totaling (total number of days): _____
- Did the court mark any previous extension "no further?" Yes No
4. The last brief filed by any party was: AOB RB RB and AOB ARB and RB
filed on (date): _____
5. The record in this case is:
- | | Volumes (#) | Pages (#) | Date filed |
|------------------------|-------------|-----------|------------|
| Clerk's Transcript: | _____ | _____ | _____ |
| Reporter's Transcript: | _____ | _____ | _____ |
| Augmentation/Other: | _____ | _____ | _____ |
6. The order appealed from was made under Welfare and Institutions Code (check all that apply):
- a. section 360 (declaration of dependency) Removal of custody from parent or guardian Other orders
 with review of section 300 jurisdictional findings
- b. section 366.26
- Termination of parental rights Appointment of guardian Planned permanent living arrangement

APPELLANT: RESPONDENT:	COURT OF APPEAL CASE NUMBER:
---------------------------	------------------------------

6. c. Section 366.28
 d. Other appealable orders relating to dependency (*specify*):

7. The reasons that I need an extension to file this brief are stated:
 below.
 on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form APP-031) for this purpose.

(Please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions. Note that an exceptional showing of good cause is required in cases subject to rule 8.416.)

8. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.412(e)). You may use *Proof of Service (Court of Appeal)* (form APP-009) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

_____  _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is below on a separate document

ORDER

EXTENSION OF TIME IS:

- Granted to (date): _____
 Denied

Date: _____

 (SIGNATURE OF PRESIDING JUSTICE)

SPR14-02

Appellate Procedure: Extensions of Time to File briefs; Amend Cal. Rules of Court, rule 8.212
 Revise form APP-006; and approve new optional forms CR-126, JV-816, APP-012, and APP -031
 All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Court of Appeal, Second Appellate District Thomas Kallay Managing Attorney	A	<p>1. We support this proposal. It is already the general practice of this court.</p> <p>2. We agree that there will be no implementation costs for the courts.</p> <p>3. We support the new optional Judicial Council forms for extensions of time. We agree that these forms will save time for counsel and will facilitate the review of applications for extensions of time.</p> <p>4. The form (SPR14-02) should state specifically that a stipulation is precluded if an extension of time has already been granted by the presiding justice.</p> <p>5. Two months is sufficient time to implement this proposal.</p>	<p>The committee notes the commentator’s support for the proposal.</p> <p>Based on this comment, the committee has revised the notice box on proposed new form APP-012 to more directly state that a stipulation is not available if the court has previously extended the time to file a brief on application of a party.</p>
2.	Court of Appeal, Third Appellate District Collette M. Bruggman Assistant Clerk/Administrator	AM	<p>APP-006 contains a “Notice” box which states: “Notice: Please read Judicial Council form APP-001 before completing this form. Parties are expected to use the time allowed by California Rules of Court, rule 8.220(a), rather than filing an application for an extension of time, if the brief can be filed within the time allowed by that rule.”</p> <p>The language “Parties are expected to use the time allowed by California Rules of Court, rule 8.220(a), rather than filing an application for an</p>	<p>Based on this and other comments, the committee has revised its proposal to remove this sentence from the notice box.</p>

SPR14-02

Appellate Procedure: Extensions of Time to File briefs; Amend Cal. Rules of Court, rule 8.212
 Revise form APP-006; and approve new optional forms CR-126, JV-816, APP-012, and APP -031
 All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>extension of time, if the brief can be filed within the time allowed by that rule,” of the notice creates problems because rule 8.220(a) requires the Clerk’s Office to give notice if a brief hasn’t been timely filed and allow 15 additional days to file. According to the Notice on APP-006, the Clerk’s Office would have to give notice of default in every case before a party could file a request for extension of time, and every attorney needing an extension of time would be issued a default notice first.</p> <p>Currently, a party can request an extension of time at any time prior to the filing of the brief without the Clerk’s Office having to issue a notice of default. The Notice in the new form creates a lot of extra work and changes the entire operation of the Clerk’s Office regarding extensions of time, or this Court would have to issue a Miscellaneous Order setting forth that we will not use the JC Form. Overall, we support the use of standardized forms, but cannot support the language in this “Notice” box. I would recommend removing the language “Parties are expected to use the time allowed by California Rules of Court, rule 8.220(a), rather than filing an application for an extension of time, if the brief can be filed within the time allowed by that rule.”</p> <p>Form CR-136 has the same “Notice” box, citing rule 8.360(c)(5) and will cause the same problems, only in criminal cases. This would</p>	

DRAFT

SPR14-02

Appellate Procedure: Extensions of Time to File briefs; Amend Cal. Rules of Court, rule 8.212
 Revise form APP-006; and approve new optional forms CR-126, JV-816, APP-012, and APP -031
 All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>also result in default notices to court-appointed panel attorneys. An unintended consequence of this provision is that the number of default notices a panel attorney receives may influence a decision about whether that attorney may stay on the panel of court-appointed attorneys; this is why court-appointed attorneys prefer to request extensions of time rather than receive default notices. Same recommendation to remove language from the “Notice” box here.</p> <p>Forms JV-816 and JV-817 have the same “Notice” box, citing rules 8.412(d) and 8.416(g) and will cause the same problems as stated for criminal cases. Same recommendation to remove language from the “Notice” box here.</p>	
3.	Los Angeles County Counsel Dawyn Harrison Assistant County Counsel	AM	<p>I wanted to comment that the proposed new admonishment on the juvenile extension form—that “Parties are expected to use the time allowed by California Rules of Court, rules 8.412(d) or 8.416(g) rather than filing an application for an extension of time, if the brief can be filed within the time allowed by that rule”—is confusing. One way of reading that admonition is that the court is telling attorneys that even if they are going to be late filing their brief, if they can get it filed less than 30 days late, they should just let the default issue rather than apply for an extension. But, the invitation to comment states “The notice box at the top of the form includes a statement that parties, when notified that a brief is late, are expected to use</p>	<p>Based on this and other comments, the committee has revised its proposal to remove this sentence from the notice box.</p>

SPR14-02

Appellate Procedure: Extensions of Time to File briefs; Amend Cal. Rules of Court, rule 8.212
 Revise form APP-006; and approve new optional forms CR-126, JV-816, APP-012, and APP -031
 All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>the "grace period" provided by the rules to file the brief, if possible." If that rational is true, then the court is just dissuading requests for extensions after the default notice has issued.</p> <p>Under what circumstances is the Court discouraging requests for extension of time? Is it only after the default notice issues as the invitation to comment suggests, or is it also under circumstances where the default notice has not issued yet, but counsel believes they can file their brief within the soon-to-begin thirty day default period? If the rational provided in the invitation to comment is correct, maybe that language should appear on the form since it is more clear.</p>	
4.	Orange County Bar Association	A	<p>In response to the "Request for Specific Comment" asking "whether the proposal appropriately addresses the stated purpose", we state:</p> <p>The primary stated purpose of the proposal is to amend rule 8.212 to make it clearer that a stipulation to extend briefing deadlines is not allowed in civil matters once an application for extension has been filed; the proposed amendment does accomplish that primary stated purpose. A further stated purpose is for revision and creation of standardized forms to assist counsel and the courts (versus their having to prepare or review and consider individualized forms that are in a wide variety of formats); we</p>	The committee notes the commentator's support for the proposal; no response required.

SPR14-02

Appellate Procedure: Extensions of Time to File briefs; Amend Cal. Rules of Court, rule 8.212
 Revise form APP-006; and approve new optional forms CR-126, JV-816, APP-012, and APP -031
 All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			believe the revised and new forms would achieve this stated purpose as well.	
5.	Superior Court of Los Angeles County	A	The amendments and forms will bring clarity to the confusion surrounding stipulations and applications for continuances. The lack of clarity exists in the rules governing appeals to the Appellate Division. The proposed changes do not, however, amend the companion Rules of Court that apply to appeals to the Appellate Division.	The committee notes the commentator's support for the proposal. The committee is in the process of forming an Appellate Division subcommittee and will refer this comment to that subcommittee.
6.	Superior Court of San Diego County Michael M. Roddy Executive Officer	A	No specific comments	The committee notes the commentator's support for the proposal; no response required.
7.	Ed Wigdahl Director Neighborhood Nation Escondido, CA	N	Time restrictions are fair for those who practice law. But unrepresented litigants should be able to request an extension due to the complicated laws that rule appeals.	The committee respectfully disagrees. Unrepresented litigants are generally required to comply with the same procedural requirements as those that are represented.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2014

Title	Agenda Item Type
Appellate Procedure: Judicial Notice Requests	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 8.252 and 8.809	January 1, 2015
Recommended by	Date of Report
Appellate Advisory Committee	September 18, 2014
Justice Raymond J. Ikola, Chair	Contact
	Heather Anderson, Senior Attorney
	415-865-7691
	heather.anderson@jud.ca.gov

Executive Summary

The Appellate Advisory Committee recommends amending the rules relating to motions for judicial notice to require that the pages of documents submitted with the motion be consecutively paginated. This change will facilitate more accurate citation by parties and make it easier for the court to locate cited material.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2015, amend California Rules of Court, rules 8.252 and 8.809, to require that the pages of documents submitted with a motion for judicial notice be consecutively paginated.

The text of the amended rules is attached at page 4.

Previous Council Action

The predecessor to rule 8.252(a), rule 14.5, regarding taking judicial notice in Court of Appeal proceedings, was adopted by the Judicial Council effective July 1, 2000. This rule was subsequently renumbered several times and, effective January 1, 2007, became rule 8.252(a). Rule 8.809, which was modeled on rule 8.252(a), was adopted by the Judicial Council effective January 1, 2011. The Judicial Council amended both rule 8.252(a) and rule 8.809, effective January 1, 2013, to specifically require that if judicial notice of a matter was not taken by the trial court, the motion must state why the matter is subject to judicial notice under the Evidence Code.

Rationale for Recommendation

Rule 8.252 addresses motions for judicial notice in the Court of Appeal and the Supreme Court.¹ Rule 8.809 similarly addresses motions for judicial notice in the superior court appellate division. Rules 8.825(a)(3) and 8.809(b) require that, if the matter to be noticed is not in the record, the party must serve and file a copy with the motion. These rules currently contain no requirements with respect to the format of a document or documents submitted with a motion for judicial notice. In contrast, rules 8.155(a)(1) and 8.841(a), which address motions for augmentation of the record in the Court of Appeal and the superior court appellate division, respectively, require that the pages of documents attached to such a motion be consecutively numbered.

The committee recommends that rules 8.252 and 8.809 be amended to require that, similar to attachments to motions to augment, the pages of copies of material submitted with a motion for judicial notice be consecutively paginated. This pagination will make it easier for parties to accurately cite to this material and for the court to locate cited material in these copies.

Comments, Alternatives Considered, and Policy Implications

Comments

A proposal to amend rule 8.252 was circulated from April 18 to June 18, 2014, in the regular spring 2014 comment cycle. Seven organizations submitted comments on this proposal. Six commentators agreed with the proposal, and one did not indicate a position. One of the commentators that agreed with the proposal also suggested that the parallel rule on motions for judicial notice in the superior court appellate division—rule 8.809—be similarly amended. A chart with the full text of the comments received and the committees' responses is attached at page 5.

Based on these comments, the committee recommends adopting the amendment to rule 8.252 as it was circulated and adopting the same amendment to rule 8.809.

¹ Rule 8.520(g) provides that, to obtain judicial notice by the Supreme Court, a party must comply with rule 8.252(a), and rules 8.366 and 8.470 provide that rule 8.252, which is part of the rules on civil appeals, also generally applies in criminal and juvenile proceedings, respectively, in the Court of Appeal.

Alternatives

In addition to the alternative considered in response to the public comments, the committee also considered requiring that additional formatting requirements, such as binding and indexing, be applied to material submitted with both motions for judicial notice and motions to augment the record. The committee concluded, however, that given the small number of documents typically submitted with such motions, these additional formatting requirements would generally not be necessary.

In addition, the committee considered not proposing these rule amendments at all. However, the committee concluded that a pagination requirement should be proposed because it would facilitate more accurate citation by parties and make it easier for the court to locate cited material.

Implementation Requirements, Costs, and Operational Impacts

This proposal should impose no implementation requirements or costs on the courts.

Attachments and Links

1. Cal. Rules of Court, rules 8.252 and 8.809, at page 4
2. Chart of comments, at page 5

DRAFT

Rules 8.252 and 8.809 of the California Rules of Court are amended, effective January 1, 2015, to read:

Title 8. Appellate Rules

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

Chapter 2. Civil Appeals

Article 4. Hearing and Decision in the Court of Appeal

Rule 8.252. Judicial notice; findings and evidence on appeal

(a) Judicial notice

(1)–(2) * * *

(3) If the matter to be noticed is not in the record, the party must serve and file a copy with the motion or explain why it is not practicable to do so. The pages of the copy of the matter or matters to be judicially noticed must be consecutively numbered, beginning with the number 1.

(b)–(c) * * *

Division 2. Rules Relating to the Superior Court Appellate Division

Chapter 1. General Rules Applicable to Appellate Division Proceedings

Rule 8.809. Judicial notice

(a) * * *

(b) Copy of matter to be judicially noticed

If the matter to be noticed is not in the record, the party must serve and file a copy with the motion or explain why it is not practicable to do so. The pages of the copy of the matter or matters to be judicially noticed must be consecutively numbered, beginning with the number 1.

SPR14-03

Appellate Procedure: Judicial Notice Requests

Amend Cal. Rules of Court, rule 8.252

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

	Commentator	Position	Comment	Committee Response
1.	Committee on Appellate Courts State Bar of California Saul Bercovitch	A	The Committee on Appellate Courts supports this proposal.	The committee notes the commentator's support for the proposal; no response required.
2.	Court of Appeal, Second Appellate District Thomas Kallay Managing Attorney	A	1. We agree with this proposal. 2. We agree that there will be no court implementation costs or requirements.	The committee notes the commentator's support for the proposal; no response required.
3.	Los Angeles County Counsel Dawyn Harrison Assistant County Counsel	A	No additional comments	The committee notes the commentator's support for the proposal; no response required.
4.	Orange County Bar Association	A	No additional comments	The committee notes the commentator's support for the proposal; no response required.
5.	Superior Court of Los Angeles County	A	No additional comments	The committee notes the commentator's support for the proposal; no response required.
6.	Superior Court of Riverside County	NI	No specific comment	No response required.
7.	Superior Court of San Diego County Michael Roddy Executive Officer	A	Our court notes that if Rule 8.252 (a)(3) is amended to require the numbering of the pages in requests for judicial notice of materials not contained in the record as proposed, Rule 8.809(b) (which governs requests for judicial notice in the Appellate Division and currently mirrors the language in 8.252(a)(3)) should be similarly amended for consistency.	The committee notes the commentator's support for the proposal. Based on this comment, the committee revised its proposal to include a similar amendment to rule 8.809(b).



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Appellate Procedure: Record in Juvenile Appeals	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 5.661, 8.409, 8.410, and 8.416	January 1, 2015
Recommended by	Date of Report
Appellate Advisory Committee	September 18, 2014
Justice Raymond J. Ikola, Committee Chair	Contact
	Heather Anderson, Senior Attorney, 415-865-7691, heather.anderson@jud.ca.gov

Executive Summary

The Appellate Advisory Committee recommends that the rules relating to the record on appeal in juvenile dependency cases be amended to (1) provide that a copy of the record will only be provided to a child who is not the appellant if either the child is represented by counsel or a recommendation for appointment of counsel for the child is pending; (2) require that a copy of the record be provided to an Indian tribe that has intervened in either a case concerning termination of parental rights or other dependency proceedings in certain counties; and (3) make other nonsubstantive changes. These changes are primarily intended to reduce costs by eliminating the preparation of unnecessary copies of the record in juvenile cases.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Amend rule 5.661 to provide that if a child’s trial counsel or guardian ad litem in a juvenile dependency case recommends appointment of appellate counsel for the child, he or she must serve a copy of that recommendation on the trial court.
2. Amend rules 8.409 and 8.416 to:
 - Independently specify the number of copies of the record that must be prepared in juvenile dependency appeals, rather than using a cross-reference to another rule provision for this purpose;
 - Provide that a copy of the record must be prepared for a child who is not the appellant only if the child is represented by counsel on appeal or if a recommendation has been made to the Court of Appeal for appointment of counsel for the child under rule 8.403(b)(2) and that recommendation is either pending with or has been approved by the Court of Appeal but counsel has not yet been appointed; and
 - Make other nonsubstantive changes.
3. Amend rule 8.410 to update a cross-reference; and
4. Further amend rule 8.416 to:
 - Require that a copy of the record be provided to an Indian tribe that has intervened in a case subject to this rule; and
 - Eliminate some cross-references to other rules by replacing them with the relevant content of the cross-referenced provisions.

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The text of the amended rules is attached at pages 8–12.

Previous Council Action

The Judicial Council adopted a general rule on appellate proceedings in juvenile cases, rule 39, effective July 1, 1977. That rule did not specifically address sending the record to parties, but generally provided that the rules regarding felony appeals applied to appeals in juvenile proceedings. Effective January 1, 1994, the Judicial Council adopted a special rule, rule 39.1A, regarding appeals from orders or judgments terminating parental rights or freeing children from parental custody and control. That rule specifically required the clerk to transmit copies of the appellate record in these appeals “to the attorneys for appellant, respondent, the child, and the appointed counsel administrator for the district appellate project.”

On January 1, 2005, all of the rules relating to juvenile appeals were repealed and replaced with new rules. Rule 37.2 adopted at that time generally addressed preparing and sending the record in juvenile appeals and specifically required that a copy of the appellate record be sent “to the

appellate counsel for the appellant, the respondent, and the minor.” This rule also included a new provision, which the report indicated was reflective of practice at that time, requiring that if appellate counsel had not yet been retained or appointed when the transcripts are certified as correct, the clerk must send that counsel’s copy of the transcripts to the district appellate project. This rule was subsequently amended and renumbered several times. Effective January 1, 2013, this rule, now numbered 8.409, was amended to require that a copy of the record be prepared for and sent to the child’s Indian tribe if the tribe has intervened in the case.

Rationale for Recommendation

Copy of record for child who is not appealing the decision

Rule 8.409 generally addresses the preparation of the record on appeal in juvenile dependency cases. Rule 8.416 addresses appeals in juvenile dependency cases involving the termination of parental rights and other dependency appeals in certain counties. Subdivisions (b)–(d) of rule 8.416 address preparation of the record on appeal in these cases. Currently, these rules require that, in all cases, a copy of the record be prepared for a child, even when the child is not appealing the trial court decision or responding to an appeal filed by another party.¹ In many of these cases, the copy of the record for the child, which is prepared at public expense, is not used.

In juvenile dependency cases, it is often a parent or guardian, rather than the child, who appeals the trial court’s decision. In many such cases, the child’s interests are aligned with either the appellant or respondent so the child does not need to file any separate appeal or brief in the case; the child’s interests are adequately articulated and protected by the filings of the party with which the child’s interests are aligned. To protect against the possibility of the child’s interests not being adequately protected in such an appeal, under rule 5.661, in any juvenile dependency proceeding in which a party other than the child files a notice of appeal, if the child’s trial counsel or guardian ad litem concludes that, for purposes of the appeal, the child’s best interests cannot be protected without the appointment of separate counsel on appeal, the child’s trial counsel or guardian ad litem must file a recommendation in the Court of Appeal requesting appointment of separate counsel. That appointed counsel can then determine whether to file a brief or take other action to protect the child’s interests.

When a child appeals the trial court decision or when separate appellate counsel is appointed for the child, the child needs a copy of the record in order to participate in the appellate process. The committee’s view, however, is that a child who does not appeal the decision and whose rights can be adequately protected without appointment of separate counsel derives no benefit from receiving a copy of the record. It is the committee’s understanding that, in these circumstances, the child’s copy of the record is simply being discarded.

¹ These rules require that copies of the record be prepared for and sent to appellate counsel for the child (see 8.409(c)(1) and (e)(1)(B) and 8.416(c)(1) and (2)), but that if counsel has not yet been retained or appointed, that the child’s copy of the record be sent to the district appellate project (see 8.409(e)(2) and 8.416(c)(3)).

To save public resources, this proposal is designed to eliminate the preparation of copies of the record for the child in those cases in which such a copy will not be used. This proposal would amend both rule 8.409 and rule 8.416 to replace the current requirement that a copy of the record on appeal be prepared for a child who is not the appellant in all cases with a requirement that a copy of the record be prepared for a child who is not the appellant only if the child is represented by counsel on appeal or a recommendation has been made to the Court of Appeal for appointment of counsel for the child and that recommendation is either pending with or has been approved by the Court of Appeal but counsel has not yet been appointed. In both rules, the current requirement that a copy of the record be prepared for the appellant would be maintained, so any child that appealed the trial court decision would also still receive a copy of the record. Because the records in these proceedings are prepared very quickly, the proposal would require preparation of a copy of the record not only where the child already has appellate counsel, but also where the appointment of counsel has been recommended. This should minimize the cases in which an additional copy of the record must be prepared later during the appeal, which might delay the appellate proceedings and create an additional administrative burden for the trial court. These proposed amendments are intended to ensure that a copy of the record is prepared for a child whenever such a record is needed, but to eliminate the preparation of a copy of the record when it will not be needed.

Copy of record for Indian tribe that has intervened in case

As noted above, effective January 1, 2013, rule 8.409, the general rule on records on appeal in juvenile cases, was amended to require that a copy of the record be prepared for and sent to the child's Indian tribe if the tribe has intervened in the case.² Rule 8.416, which addresses appeals in juvenile dependency cases involving the termination of parental rights and other dependency appeals in certain counties, was not similarly amended at that time.

The committee recommends amending rule 8.416 to require that a copy of the record be prepared for and sent to an Indian tribe that has intervened in the proceeding. This amendment would ensure that a tribe that has become party to a case subject to rule 8.416 through intervention receives a copy of the record, as do other parties, and bring this rule into conformity with the general rule governing preparation of the record on appeal in juvenile cases. It is the advisory committee's understanding that very few tribes intervene in these cases and therefore providing transcripts to these tribes will not impose substantial new costs on the courts. It is also the committee's understanding that currently both courts and tribes incur additional costs, beyond the cost of providing the appellate record, if tribes that intervene and wish to participate in the appellate proceedings have to prepare, and the courts have to consider, requests that they receive the appellate record. This amendment will eliminate these additional costs for courts and tribes.

² Under state statutes, an Indian child's tribe has the right to intervene at any point in a custody proceeding involving that Indian child (Welf. & Inst. Code, § 224.4). This right is part of state and federal laws designed to protect the essential tribal relations and best interests of Indian children (see Welf. & Inst. Code, § 224 et seq., and the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.)).

Nonsubstantive amendments

This proposal would also make several nonsubstantive changes to rules 8.409, 8.410, and 8.416 designed to make the rules easier to follow and understand:

- Adding language that independently specifies the number of copies of the record that must be prepared, rather than using a cross-reference to another subdivision or another rule for this purpose;
- Eliminating other cross-references by replacing them with the relevant content of the cross-referenced provision;
- Replacing references to the “minor” in rule 8.409 with references to the “child.” This will bring rule 8.409 into conformity with the language used in the remainder of the rules relating to appellate proceedings in juvenile cases; and
- Updating cross-references to reflect the other proposed amendments to rules 8.409 and 8.416.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal was circulated from April 18 to June 18, 2014, in the regular spring 2014 comment cycle. Ten individuals or organizations submitted comments on this proposal. Six commentators agreed with the proposal, three agreed with the proposal if modified, and one did not indicate a position. A chart with the full text of the comments received and the committee’s responses is attached at pages 13–28.

Recommendations for appointment of counsel for the child

As circulated for public comment, the proposed amendments to rules 8.409 and 8.416 would have required preparation of the record on appeal for a child who is not the appellant only when a recommendation for appointment of counsel for the child under rule 5.661 was pending. Two of the district appellate projects that assist the Court of Appeal with appointment of appellate counsel submitted a joint comment expressing concern that the wording of these proposed amendments might be read as implying that only the child’s trial counsel or guardian ad litem could make a recommendation to the Court of Appeal for appointment of counsel. These commentators expressed the view that Court of Appeal’s power to entertain appointment recommendations is not limited to recommendations under rule 5.661.

The committee agreed with the commentators that the Court of Appeal has the power under rule 8.403 to appoint appellate counsel for the child not only on the recommendation of child’s trial counsel or guardian ad litem under rule 5.661, but in other circumstances as well, including where counsel may be recommended by the district appellate project. To eliminate the potential that the proposed amendment might be read as limiting the Court of Appeal’s appointment authority, the committee revised the proposal to replace the reference to recommendations under rule 5.661 for appointment of counsel with a reference to recommendations for appointment of counsel under rule 8.403.

Notice of recommendation

Two commentators expressed concerns about how the superior court would know when there was a pending recommendation for appointment of counsel that would trigger the need to prepare an additional copy of the record.

The proposal includes an amendment to rule 5.661 requiring a child's trial counsel or guardian at litem who makes a recommendation for the appointment of counsel for the child under that rule to send a copy of that recommendation to the trial court. If this proposed amendment is approved, the trial court will know if any recommendation for appointment of counsel has been made under rule 5.661. The proposal does not include any provision requiring notice of any recommendation for appointment of counsel made by someone other than the child's trial counsel or guardian at litem. However, it is also the committee's understanding that it is current Court of Appeal practice to send the trial court a copy of any order appointing counsel, so the trial court knows when appointment of appellate counsel for the child has been ordered, regardless of the source of the recommendation to make that appointment. The committee view is that the proposed rule and this current practice would ensure notice to the trial court in almost all circumstances and that, if there are unusual circumstances that are not covered, it is preferable for the Court of Appeal and trial courts to determine how best to ensure timely preparation of a record in those circumstances, rather than trying to address these rare circumstances in the rules of court.

Alternatives

In addition to the alternatives considered as a result of the public comments, the committee considered a variety of alternative language in developing the proposed amendments to rules 8.409 and 8.416. Among other things, the committee considered recommending that a child who is not the appellant only receive a copy of the record if the child is represented by appellate counsel. To minimize the number of cases in which a copy of the record has to be prepared later in the appeals process when appellate counsel is appointed, however, the committee ultimately decided to recommend that a copy of the record be prepared not only when appellate counsel has been appointed for the child, but also if a recommendation for such appointment is pending.

The committee also considered not proposing these rule amendments. However, the committee concluded that eliminating the requirement to prepare copies of the record on appeal that are not used would save superior court resources and that clarifying that intervening Indian tribes must receive a copy of the record would also reduce costs associated with the tribe having to make, and the court having to consider, motions to obtain a copy of the record. Given these potential costs savings, the committee concluded that it should propose these rule amendments at this time.

Implementation Requirements, Costs, and Operational Impacts

This proposal should reduce costs for superior courts associated with preparing unnecessary records for children who are not appellants in juvenile appeals. In those courts that do not currently routinely provide copies of these records to Indian tribes that have intervened in juvenile cases under rule 8.416, there are likely to be some additional costs associated with providing copies of these records in a small number of cases, but this proposed amendment should also reduce costs associated with the tribe having to make, and the court having to consider, motions to obtain a copy of the record.

Attachments and Links

1. Cal. Rules of Court, rules 5.661, 8.409, 8.410, and 8.416, at pages 8–12
2. Chart of comments, at pages 13–28

DRAFT

Rules 5.661, 8.409, 8.410, and 8.416 of the California Rules of Court are amended, effective January 1, 2015, to read:

1 **Rule 5.661. Representation of the child on appeal**

2
3 (a)–(d) * * * .

4
5 (e) **Service of recommendation**

6
7 The child’s trial counsel or guardian ad litem must serve a copy of the recommendation
8 filed in the Court of Appeal on the district appellate project and the trial court.

9
10 (f)–(g) * * *

11
12
13 **Rule 8.409. Preparing and sending the record**

14
15 (a) **Application**

16
17 ~~Except as provided in 8.416(c)(1), This rule does not apply to~~ applies to appeals in juvenile
18 cases except cases under governed by rule 8.416.

19
20 (b) **Form of record**

21
22 The clerk’s and reporter’s transcripts must comply with rules 8.45–8.467, relating to sealed
23 and confidential records, and, ~~except in cases governed by rule 8.416(b),~~ with rule 8.144.

24
25 (c) **Preparing and certifying the transcripts**

26
27 Within 20 days after the notice of appeal is filed:

28
29 (1) The clerk must prepare and certify as correct an original of the clerk’s transcript and
30 ~~sufficient copies to comply with (d)~~ one copy each for the appellant, the respondent,
31 the child’s Indian tribe if the tribe has intervened, and the child if the child is
32 represented by counsel on appeal or if a recommendation has been made to the Court
33 of Appeal for appointment of counsel for the child under rule 8.403(b)(2) and that
34 recommendation is either pending with or has been approved by the Court of Appeal
35 but counsel has not yet been appointed; and

36
37 (2) * * *

38
39 (d) * * *

1 (e) **Sending the record**

- 2
- 3 (1) When the transcripts are certified as correct, the ~~superior~~ court clerk must
- 4 immediately send:
- 5
- 6 (A) The original transcripts to the reviewing court, noting the sending date on each
- 7 original; and
- 8
- 9 (B) One copy of each transcript to the appellate counsel for the following, if they
- 10 have appellate counsel:
- 11
- 12 (i) The appellant;
- 13
- 14 (ii) The respondent;
- 15
- 16 (iii) The minor, and the minor's child's Indian tribe if the tribe has
- 17 intervened; and
- 18
- 19 (iv) The child.
- 20
- 21 (2) If appellate counsel has not yet been retained or appointed for the appellant, or the
- 22 respondent, or the minor if a recommendation has been made to the Court of Appeal
- 23 for appointment of counsel for the child under rule 8.403(b)(2) and that
- 24 recommendation is either pending with or has been approved by the Court of Appeal
- 25 but counsel has not yet been appointed, when the transcripts are certified as correct,
- 26 the clerk must send that counsel's copy of the transcripts to the district appellate
- 27 project. If a tribe that has intervened is not represented by counsel when the
- 28 transcripts are certified as correct, the clerk must send that counsel's copy of the
- 29 transcripts to the tribe.
- 30
- 31 (3) The clerk must not send a copy of the transcripts to the Attorney General or the
- 32 district attorney unless that office represents a party.
- 33

34 **Advisory Committee Comment**

35

36 **Subdivision (a).** Subdivision (a) calls litigants' attention to the fact that a different rule (rule 8.416)

37 governs ~~sending~~ the record in appeals from judgments or orders terminating parental rights and in

38 dependency appeals in certain counties. ~~Rule 8.408(b) governs preparing and certifying the record in~~

39 ~~those appeals. (See rule 8.416(c)(1) ["The record must be prepared and certified as provided in rule~~

40 ~~8.409(b)"].)~~

41

42 **Subdivision (b).** Examples of confidential records include records closed to inspection by court order

43 under *People v. Marsden* (1970) 2 Cal.3d 118 and in-camera proceedings on a confidential informant.

44

45 **Subdivision (c)(2).** * * *

46

1 **Subdivision (e).** Subsection (1)(B) clarifies that when a ~~minor's~~ child's Indian tribe has intervened in the
2 proceedings, the tribe is a party who must receive a copy of the appellate record. The statutes that require
3 notices to be sent to a tribe by registered or certified mail return receipt requested and generally be
4 addressed to the tribal chairperson (25 U.S.C. § 1912 (a), 25 C.F.R. § 23.11, and Welf. & Inst. Code,
5 § 224.2) do not apply to the sending of the appellate record.
6
7

8 **Rule 8.410. Augmenting and correcting the record in the reviewing court**
9

10 **(a) Omissions**
11

12 If, after the record is certified, the superior court clerk or the reporter learns that the record
13 omits a document or transcript that any rule or order requires to be included, without the
14 need for a motion or court order, the clerk must promptly copy and certify the document or
15 the reporter must promptly prepare and certify the transcript and the clerk must promptly
16 send the document or transcript—as an augmentation of the record—to all those who are
17 listed under 8.409~~(d)~~(e).
18

19 **(b) Augmentation or correction by the reviewing court**
20

- 21 (1) On motion of a party or on its own motion, the reviewing court may order the record
22 augmented or corrected as provided in rule 8.155(a) and (e).
23
24 (2) If, after the record is certified, the trial court amends or recalls the judgment or
25 makes any other order in the case, the trial court clerk must notify each entity and
26 person to whom the record is sent under rule 8.409~~(d)~~(e).
27
28

29 **Rule 8.416. Appeals from all terminations of parental rights; dependency appeals in**
30 **Orange, Imperial, and San Diego Counties and in other counties by local rule**
31

32 **(a) Application**
33

- 34 (1) This rule governs:
35
36 (A) Appeals from judgments or appealable orders of all superior courts terminating
37 parental rights under Welfare and Institutions Code section 366.26 or freeing a
38 child from parental custody and control under Family Code section 7800 et
39 seq.; and
40
41 (B) Appeals from judgments or appealable orders in all juvenile dependency cases
42 of:
43
44 (i) The Superior Courts of Orange, Imperial, and San Diego Counties; and
45
46 (ii) Other superior courts when the superior court and the District Court of
47 Appeal with jurisdiction to hear appeals from that superior court have

1 (A) The original transcripts to the reviewing court by the most expeditious method,
2 noting the sending date on each original; and
3

4 (B) One copy of each transcript to the district appellate project and to the attorneys
5 of record appellate counsel for the appellant, the respondent, and the child, and
6 to the district appellate project, the following, if they have appellate counsel,
7 by any method as fast as United States Postal Service express mail;:
8

9 (i) The appellant;

10 (ii) The respondent;

11 (iii) The child's Indian tribe if the tribe has intervened; and

12 (iv) The child.

13
14
15
16
17 (3) If appellate counsel has not yet been retained or appointed for the appellant or the
18 respondent or if a recommendation has been made to the Court of Appeal for
19 appointment of counsel for the child under rule 8.403(b)(2) and that recommendation
20 is either pending with or has been approved by the Court of Appeal but counsel has
21 not yet been appointed, when the transcripts are certified as correct, the clerk must
22 send that counsel's copies of the transcripts to the district appellate project. If a tribe
23 that has intervened is not represented by counsel when the transcripts are certified as
24 correct, the clerk must send that counsel's copy of the transcripts to the tribe.
25

26 (d)-(h) * * *

SPR14-04

Appellate Procedure: Record in Juvenile Appeals
Amend Cal. Rules of Court, rules 5.661, 8.409, 8.410 and 8.416
All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Appellate Defenders, Inc. and the First District Appellate Project. By: Jonathan Soglin Executive Director First District Appellate Project	AM	<p>These comments on the proposed rule change regarding the record on appeal in juvenile appeals are submitted on behalf of Appellate Defenders, Inc. and the First District Appellate Project.</p> <p>Introduction</p> <p>We strongly support the proposal, as we share the goal of eliminating the preparation of a copy of the record when it will not be needed. We do suggest a slight modification.</p> <p>The proposal provides that the clerk must prepare and send a copy of the record for a non-appealing minor if the minor either has appellate counsel or if a recommendation for appointment of counsel for the child has been made under rule 5.661(c). (Proposed Rule 8.409(c)(1) and (e)(2).) As drafted, the amendment could give the incorrect impression that recommendations for appointment of counsel for the child can only be made under rule 5.661(c), which provides for recommendations made by minor’s trial counsel. We recommend that the amendment not limit its application to recommendations for appointment under 5.661(c).</p> <p>Discussion</p> <p>Subdivision (b)(2) of rule 8.403 states that “[t]he reviewing court may appoint counsel to</p>	<p>The committee notes the commentator’s support for the proposal.</p> <p>The committee agrees with the commentator that the Court of Appeal’s authority to appoint counsel for a child who is not appealing the trial court decision is not limited to circumstances in which a recommendation is made by trial counsel under rule 5.661; the court has authority to consider recommendations from others as well. To reflect this, the committee has revised its proposed amendments to the relevant portions of rules 8.409 and 8.416 to refer to recommendations to the Court of Appeal for appointment of counsel for the child under rule 8.403.</p>

SPR14-04

Appellate Procedure: Record in Juvenile Appeals
Amend Cal. Rules of Court, rules 5.661, 8.409, 8.410 and 8.416
All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>represent an indigent child, parent, or guardian.” The rule puts no limit on that authority and does not require that the appointment be made only upon a recommendation by the minor’s trial counsel. Subdivision (b)(3) of rule 8.403 then states that “Rule 5.661 governs the responsibilities of trial counsel in Welfare and Institutions Code section 300 proceedings with regard to appellate representation of the child.” (Emphasis added.) The Judicial Council understood rule 5.66 —and, implicitly, it’s authorizing statute (Welf. & Inst. Code section 395)—to place obligations on trial counsel, nothing more. Rule 5.661, thus, does not define the sole circumstances under which the Court of Appeal can exercise its authority (inherent and under rule 8.403(b)(2)) to appoint counsel on appeal for a non-appealing minor.</p> <p>The history of Rule 5.661 shows that it was designed to guide trial counsel, without limiting the authority of the Court of Appeal to appoint counsel in the absence of recommendation from trial counsel.</p> <p>In December 2006, the Family and Juvenile Law Advisory Committee (the “committee”) circulated a proposed rule change for comment in December 2006. The rule change was initially targeted not at the juvenile rules but at the appellate rules. Proposed new appellate rule 8.402 would have provided, in subdivision (a), that appointment be mandatory when the minor</p>	

SPR14-04

Appellate Procedure: Record in Juvenile Appeals

Amend Cal. Rules of Court, rules 5.661, 8.409, 8.410 and 8.416

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

	Commentator	Position	Comment	Committee Response
			<p>was an appellant or “[i]f the child is not an appellant and the Court of Appeal determines upon its own motion or pursuant to the recommendation by the child’s trial counsel or guardian ad litem . . . that appointment of counsel would benefit the child . . .” (Invitations to Comment—Winter 2007 Proposals for Changes to Cal. Rules of Court and Jud. Council Forms to Become Eff. July 1, 2007 (Dec. 18, 2006) at p. 4.) The 2006 proposal also described, in subdivision (b), circumstances under which trial counsel would be required to make a recommendation for appointment of counsel. (Ibid.) Other subdivisions of proposed rule 8.402 governed the timing, the criteria, and the form of the recommendation. (Ibid.)</p> <p>After the comment period, the committee recommended to the Judicial Council that the rule be moved to the juvenile rules, because it guided trial counsel. (Rept. to Jud. Coun. from Family and Juv. Law Advisory Comm., Juv. Law: Proc. Re Appointments of Appellate Attorneys for Children in Juv. Dependency Appeals, Apr. 11, 2007 at p. 6.) The Judicial Council agreed and placed the rule in Title 5. During the comment cycle that preceded the committee’s decision to move the new provision, Gary Seiser, Senior Deputy County Counsel in San Diego and co-author of Seiser & Kumli, Cal. Juvenile Courts Practice and Procedure (2013) “recommend[ed] adding a provision stating court of appeal may appoint if</p>	

SPR14-04

Appellate Procedure: Record in Juvenile Appeals
Amend Cal. Rules of Court, rules 5.661, 8.409, 8.410 and 8.416
All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>the court finds the child would benefit or such appointment is otherwise in the child’s best interest.” To this, the committee responded, “[g]iven the move of the rule to section five, language directed to the court of appeal is no longer necessary.” (Id. at 28.) The committee further reported in the body of its report to the Judicial Council that, “One commentator recommended amending this subdivision to reflect that the recommendation can also come from any party or amicus curiae.” (Report at p. 12.) “The committee considered adding ‘any party’ or ‘the child’ to be consistent with existing law. Because this rule is directed at child’s trial counsel and CAPTA GAL, the committee did not believe it was necessary.” (Ibid.; see also Report at p. 31) Indeed, the comment and response chart portion of the report to the Judicial Council notes that several commenters recommended modifications to reflect that the recommendation could come from someone other than minor’s trial counsel. To each of these comments, the committee responded, “The rule is intended only to implement AB 2480 by directing trial counsel or a child’s CAPTA GAL.” (Report at pp. 29-31, 33, 37, 40.) The history of rule 5.661 shows the Judicial Council intended it to guide trial counsel, without precluding a recommendation from others. Indeed, a recent Court of Appeal decision acknowledged that not all appointments of appellate counsel for non-appelling minors are made upon a rule 5.661</p>	

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Appellate Procedure: Record in Juvenile Appeals

Amend Cal. Rules of Court, rules 5.661, 8.409, 8.410 and 8.416

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

	Commentator	Position	Comment	Committee Response
			<p>recommendation. (In re Felicity S. (2014) 225 Cal.App.4th 1389, 1402-1403.)</p> <p>Recommendation Accordingly, we respectfully suggest that the amendment not limit its application to recommendations for appointment under 5.661(c). This could be done with two changes. In 8.403(c)(1), the phrase “or appointment of counsel for the child has been recommended under rule 5.661(c)” could be replaced with “or appointment of counsel for the child has been recommended by trial counsel under rule 5.661(c) or by another interested individual or entity under rule 8.403(b)(2).” (Suggested additions to proposal in bold.) In 8.403(e)(2), the phrase “or if a recommendation for appointment of counsel for the child has been made under rule 5.661(c)” could be replaced with “or if a recommendation for appointment of counsel for the child has been made by trial counsel under rule 5.661(c) or by another interested individual or entity under rule 8.403(b)(2).” (Suggested additions to proposal in bold.)</p>	
2.	Court of Appeal, Second Appellate District Thomas Kallay Managing Attorney	A	<ol style="list-style-type: none"> 1. We support this proposal. 2. One of the positive effects of this procedure would be to eliminate the preparation of the record for a child who will not participate in the appeal. 	The committee notes the commentator’s support for the proposal; no response required.

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Appellate Procedure: Record in Juvenile Appeals
Amend Cal. Rules of Court, rules 5.661, 8.409, 8.410 and 8.416
All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
3.	Family Law Section State Bar of California Saul Bercovitch, Legislative Counsel	A	The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal.	The committee notes the commentator's support for the proposal; no response required.
4.	Los Angeles County Counsel Dawyn Harrison Assistant County Counsel	A	No additional comments	The committee notes the commentator's support for the proposal; no response required.
5.	Superior Court of Orange County Paul Aberg Administrative Analyst	AM	<p>The proposal states that courts are to provide copies of transcripts when there is a recommendation for a child to be represented by counsel.</p> <ul style="list-style-type: none">• How will Trial Courts know that an appellate attorney is pending appointment?<ul style="list-style-type: none">○ We suggest clarifying the rule to show how trial courts will be notified of a pending appellate appointment for a child.	The proposal includes an amendment to rule 5.661 requiring trial counsel or guardians ad litem who make a recommendation for the appointment of appellate counsel for the child under that rule to send a copy of that recommendation to the trial court. Thus the court will receive notice of all these recommendations. It is rare for the Court of Appeal to receive a recommendation for appointment of counsel for a child from anyone other than trial counsel or the child's guardian ad litem. In addition, it is the committee's understanding that the Court of Appeal acts quickly on all recommendations for the appointment of counsel for children in these proceedings and that it is current Court of Appeal practice to send the trial court a copy of any order appointing appellate counsel. Thus the trial court will know when appointment of appellate counsel for the child has been ordered, regardless of the source of the recommendation. The committee's view is that if there are unusual circumstances not covered by the proposed rule or current practice, it is preferable for the Court of Appeal and trial courts to determine how best to ensure timely preparation of a record in those circumstances,

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	Commentator	Position	Comment	Committee Response
			<p>While it is understood that copies of appellate records will only be provided to children who have representation, we are concerned about the inconsistency of treatment for children without representation. We suggest adding language to the rule that discusses why unrepresented children will not have a transcript copy requirement in appellate matters.</p>	<p>rather than trying to address these rare circumstances in the rules.</p> <p>The committee will make clear in its report to the Judicial Council that, under this proposal, the child will receive a copy of the record in all cases in which the child needs such a copy. This proposal does not alter the rule that a copy of the record on appeal is prepared and sent to the appellant. Thus the child will still receive a copy of the record if the child is appealing the trial court's decision. In addition, under this proposal, a copy of the record will also be prepared for the child even if the child is not appealing the decision if, for purposes of the appeal, the child's best interests cannot be protected without the appointment of separate counsel on appeal. In these circumstances, the child's trial counsel or guardian ad litem is obligated under rule 5.661 to make a recommendation for appointment of appellate counsel for the child. This proposal, in turn, would require preparation of a record for the child where such a recommendation is pending or counsel has been appointed. The committee's view is that a child who does not appeal the decision and whose rights can be protected without appointment of separate counsel would derive no benefit from the preparation of a copy of the record. It is only in these circumstances, therefore, that, under this proposal, no separate copy of the record would be prepared for the child.</p>

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	Commentator	Position	Comment	Committee Response
6.	Orange County Bar Association	A	No additional comments	The committee notes the commentator’s support for the proposal; no response required.
7.	Superior Court of Riverside County	NI	No specific comment	No response required.
8.	Superior Court of San Diego County Michael M. Roddy Executive Officer	AM	<p>Our court recommends the following changes:</p> <p>Rule 5.661. Representation of the child on appeal</p> <p>(e) Service of recommendation</p> <p>The child’s trial counsel or guardian ad litem must serve a copy of the recommendation filed in the Court of Appeal on the district appellate project and the trial court.</p> <p>Rule 8.409. Preparing and sending the record</p> <p>(a) Application</p> <p>Except as provided in 8.416(e)(1), This rule applies to appeals in juvenile cases except does not apply to cases under governed by rule 8.416. See, e.g., rule 8.412(c).</p> <p>(b) Form of record</p> <p>The clerk’s and reporter’s transcripts must comply with rules 8.45–8.467, relating to sealed and confidential records, and, except in cases governed by rule 8.416(b), with rule 8.144.</p>	<p>The committee has revised the proposal to include this suggested change.</p> <p>The committee has revised the proposal to include this suggested change.</p> <p>The committee has revised the proposal to include this suggested change.</p>

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	Commentator	Position	Comment	Committee Response
			<p>Advisory Committee Comment</p> <p>Subdivision (b). Examples of confidential records include records closed to inspection by court order under <i>People v. Marsden</i> (1970) 2 Cal.3d 118 and in-camera proceedings on a confidential informant.</p> <p>Subdivision (e). Subsection (1)(B) clarifies that when a minor’s child’s Indian tribe has intervened in the proceedings, the tribe is a party who must receive a copy of the appellate record. The statutes that require notices to be sent to a tribe by registered or certified mail return receipt requested and generally be addressed to the tribal chairperson (25 U.S.C. § 1912 (a), 25 C.F.R. § 23.11, and Welf. & Inst. Code, § 224.2) do not apply to the sending of the appellate record.</p> <p>Rule 8.416. Appeals from all terminations of parental rights; dependency appeals in Orange, Imperial, and San Diego Counties and in other counties by local rule</p> <p>(b) Cover Form of record</p> <p><u>(1) The clerk’s and reporter’s transcripts must comply with rules 8.45–8.467, relating to sealed and confidential records, and, except as provided in (2) and (3), with rule 8.144.</u></p> <p>(c) Preparing, certifying, and sending the</p>	<p>The committee has revised the proposal to include this suggested change.</p> <p>The committee has revised the proposal to include this suggested change.</p> <p>The committee has revised the proposal to include this suggested change.</p>

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	Commentator	Position	Comment	Committee Response
			<p>record</p> <p>(3) If appellate counsel has not yet been retained or appointed <u>for the appellant or the respondent or if a recommendation for appointment of counsel for the child under rule 5.661(c) is either pending with or has been approved by the Court of Appeal but counsel has not yet been appointed to the district appellate project</u>, when the transcripts are certified as correct, the clerk must send that counsel’s copies of the transcripts to the district appellate project. If a tribe that has intervened is not represented by counsel when the transcripts are certified as correct, the clerk must send that counsel’s copy of the transcripts to the tribe.</p> <hr/> <p>Further revision is requested for CRC rules 8.450(i) and 8454(i). The proposed revisions below are the result of a recent discussion with AOC CFCC attorney Marymichael Miatovich about the difference in clerk’s duties as set forth in rules 8.416(c)(2)(B) and 8.450(i)(2). That discussion resulted from inquiries by our court’s appeals clerk when sending the record for writ proceedings under the following circumstances:</p> <ol style="list-style-type: none"> 1. The unrepresented party was not related to the child who was the subject of the writ petition and there were factual circumstances stated in the record of a particularly sensitive 	<p>The committee has revised the proposal to include this suggested change.</p> <p>The committee appreciates this suggestion. However, it is beyond the scope of the current proposal. The committee, in conjunction with the Family and Juvenile Law Advisory Committee, will consider this suggestion during a later rules cycle.</p>

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	Commentator	Position	Comment	Committee Response
			<p>nature (i.e., regarding allegations of sexual abuse).</p> <p>2. The unrepresented party had never been actively involved in the case and had never shown any interest in participating in the proceedings.</p> <p>The purpose of the proposed revisions below is consistent with one of the reasons stated for SPR 14-04, i.e., “to eliminate the preparation of a copy of the record when it will not be needed.”</p> <p><u>Rule 8.450</u></p> <p>(i) Sending the record</p> <p>When the transcripts are certified as correct, the superior court clerk must immediately send:</p> <ol style="list-style-type: none"> (1) The original transcripts to the reviewing court by the most expeditious method, noting the sending date on each original, and (2) One copy of each transcript to each counsel of record and any unrepresented party by any means as fast as United States Postal Service express mail, and 	

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	Commentator	Position	Comment	Committee Response
			<p>(3) <u>One copy of each transcript to each unrepresented party by any means as fast as United States Postal Service express mail unless:</u></p> <p>(A) <u>the superior court has no address for that person;</u></p> <p>(B) <u>parentage was never established for that person;</u></p> <p>(C) <u>the subject of the writ proceeding is not that person’s child; or</u></p> <p>(D) <u>there is a clear statement in the record that the person does not wish to participate in the case.</u></p> <p><u>Rule 8.454</u></p> <p>(i) Sending the record</p> <p>When the transcripts are certified as correct, the superior court clerk must immediately send:</p> <p>(1) The original transcripts to the reviewing court by the most expeditious method, noting the sending date on each original, <u>and</u></p> <p>(2) One copy of each transcript to each counsel of record and any</p>	

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	Commentator	Position	Comment	Committee Response
			<p>unrepresented party and unrepresented custodian of the dependent child by any means as fast as United States Postal Service express mail, and</p> <p>(3) <u>One copy of each transcript to each unrepresented party by any means as fast as United States Postal Service express mail unless:</u></p> <p>(A) <u>the superior court has no address for that person;</u></p> <p>(B) <u>parentage was never established for that person;</u></p> <p>(C) <u>the subject of the writ proceeding is not that person's child; or</u></p> <p>(D) <u>there is a clear statement in the record that the person does not wish to participate in the case.</u></p>	
9.	TCPJAC/CEAC Joint Rules Subcommittee	A	<p>The proposal provides significant cost saving or efficiencies.</p> <p><u>General comments</u> There should be significant cost savings by reducing the cost for records for children not appealing, which, to a small degree, will be impacted by providing records to Indian tribes involved in an appeal. Superior court resources</p>	The committee notes the commentator's support for the proposal; no response required.

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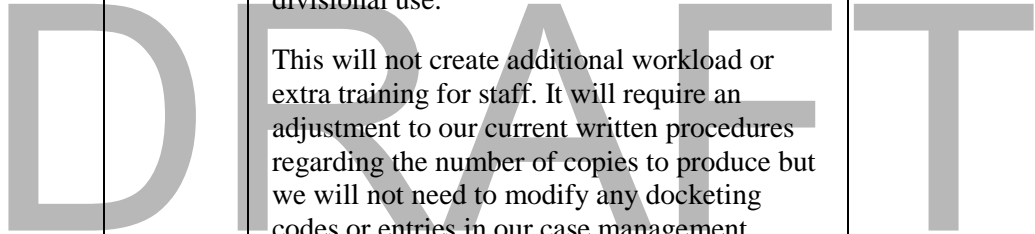
	Commentator	Position	Comment	Committee Response
			<p>would be saved by eliminating the need for Indian tribes to make and the court to rule on, motions to obtain copies of the record.</p> <p>The following is a response to the proposal’s Request for Specific Comments:</p> <p>Would the proposal provide cost savings? <i>Yes</i> If so please quantify. <i>One mid-size court (16-47 judges) estimates that they would realize cost savings associated with a total of 900 pages averaged over a 3-year period.</i></p> <p>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems. <i>It would only require revising processes and procedures. These revised procedures would clearly indicate the number of copies and distribution courts would need to provide. The JRWG recommends that trial courts arrange a staff meeting in advance of the proposal’s implementation date, to inform their Appeals Unit of the changes and requirements. This is an easy change and the proposal is in precise clear language.</i></p> <p>Would 2 months from Judicial Council approval of this proposal until its effective date provide</p>	

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			<p>sufficient time for implementation? <i>Yes</i></p> <p>How well would this proposal work in courts of different sizes? <i>It would be a significant cost savings and reduce resources.</i></p>	
10.	Cynthia Wojan Juvenile Court Coordinator Superior Court of Solano County	A	<p>We appreciate the cost savings of not having to prepare unneeded/unused copies of the clerk's transcript. A significant piece of our division budget goes to paper for appeals, and this cost savings can be directed toward other items for divisional use.</p> <p>This will not create additional workload or extra training for staff. It will require an adjustment to our current written procedures regarding the number of copies to produce but we will not need to modify any docketing codes or entries in our case management system.</p> <p>However, will the Superior Court be responsible for monitoring the appellate website regarding appointment of appellate counsel as the notifications of appellate counsel are often received after we have sent the record?</p>	<p>The committee notes the commentator's support for the proposal.</p> <p>This proposal does not place an obligation on the trial court to monitor the Court of Appeal website to determine if counsel has been appointed. It is the committee's understanding that it is current Court of Appeal practice to send the trial court a copy of any order appointing appellate counsel. This rule proposal is not intended to alter that practice. It is possible, however, that under the existing rules, such an order will be made after the trial court has already sent the record. Rule 5.661 specifically provides that recommendations for appointment of appellate counsel can be filed with the Court of Appeal by the child's trial counsel or</p>



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				guardian ad litem anytime from the filing of the notice of appeal until 20 calendar days after the filing of the last appellant's opening brief. If a recommendation is not made until the outer limit of this deadline, the Court of Appeal order appointing counsel based on the recommendation will come to the trial court after the record has been sent.

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JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Criminal Justice Realignment: Petition and Order for Dismissal	Action Required
	Effective Date
Rules, Forms, Standards, or Statutes Affected	January 1, 2015
Criminal Justice Realignment: Revise forms CR-180 and CR-181	Date of Report
	September 16, 2014
Recommended by	Contact
Criminal Law Advisory Committee	Eve Hershcopf, 415-865-7961
Hon. Tricia Ann Bigelow, Chair	eve.hershcopf@jud

Executive Summary

In response to criminal justice realignment legislation that provides a new statutory basis for dismissals, the Criminal Law Advisory Committee recommends revising the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to add data fields to facilitate dismissals under Penal Code section 1203.41 for cases in which the petitioner received a felony county jail sentence under Penal Code section 1170(h)(5). The committee recommends revising forms CR-180 and CR-181 to assist courts in specifying the granting or denial of a dismissal request under Penal Code sections 1203.4, 1203.4a, or 1203.41 for each conviction in a case, and to confirm which convictions, if any, are reduced from felonies to misdemeanors under Penal Code section 17(b). The committee also recommends related revisions to the format, advisements, and instructions on both forms.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015, revise the *Petition for Dismissal* (form CR-180) and the *Order for Dismissal* (form CR-181) to:

1. Add references to Penal Code section 1203.41 to items 3 and 4 and to the advisements in items 5, 6, and 7 on form CR-181 to incorporate an additional statutory basis for dismissal;
2. Add check boxes and related instructions to revised item 4 on form CR-180 to facilitate requests for dismissal under Penal Code section 1203.41;
3. Add check boxes to items 3 and 4 on form CR-181 to clarify whether the court is granting or denying the request for dismissal relief, under which Penal Code section the court is providing the requested relief, and whether the court's decision to grant or deny the requested relief is for all or only selected convictions in the case;
4. Convert item 1 on form CR-180 into a table format that provides space for the petitioner to list each conviction in the case separately, and to specify whether each conviction is a felony eligible for reduction to a misdemeanor under Penal Code section 17(b);
5. Revise items 1 and 2 on form CR-181 to clarify whether the court is granting or denying the request for reduction of a felony to a misdemeanor under Penal Code section 17(b), and whether the court's decision to grant or deny the requested relief is for all or only selected convictions in the case;
6. Revise item 6 on form CR-181 to include an advisement about the effect of a dismissal on a subsequent prosecution; and
7. Revise the format, advisements, and instructions on the forms by (a) adding a reference to Penal Code section 1203.41 to the caption of both forms; (b) using the term "petitioner" in place of "defendant" on both forms; (c) expanding the instructions on providing information to support a request for dismissal in the interests of justice on form CR-180; and (d) adding an advisement to form CR-181 that in any subsequent prosecution the prior conviction may be pleaded and proved, and have the same effect as if the accusation or information had not been dismissed.

The proposed revised forms are attached at pages 5–8.

Previous Council Action

Revisions to both forms were previously approved by the Judicial Council on October 25, 2013, with an effective date of January 1, 2014, in response to legislation that amended Penal Code section 1203.4a to extend dismissal relief to certain infractions and clarified that petitioners are not relieved of any prohibition against holding public office, and also amended Penal Code section 1203.4 to authorize courts to grant dismissal relief "in the interests of justice."

Rationale for Recommendation

The *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) are optional forms used by petitioners and courts to facilitate the dismissal procedures authorized by Penal Code sections 1203.4 and 1203.4a. In 2013, criminal justice realignment legislation added section 1203.41 to authorize courts to issue orders for dismissal in cases in which the defendant received a felony county jail sentence under Penal Code section 1170(h)(5).¹ In response, the committee recommends adding the new statutory basis for relief to the petition and order for dismissal forms.

On June 30, 2014, the Court of Appeal, First Appellate District, Division One, issued a decision in *People v. Smith*² that indicated that courts should evaluate each conviction in a case individually to determine whether the requested dismissal relief should be granted or denied for all or only selected convictions, citing *People v. Mgebrov*.³ In response, the committee recommends revisions to the forms to facilitate the listing of each conviction for which dismissal relief is requested, the court's grant or denial of dismissal relief for each conviction, and the court's decision on which convictions, if any, are reduced from felonies to misdemeanors under Penal Code section 17(b).

To reduce confusion and update and enhance the information on the forms, the committee also recommends revising the format, advisements, and instructions on both forms.

Comments, Alternatives Considered, and Policy Implications

The attached forms were circulated for public comment from April 18, 2014, to June 18, 2014. A total of seven comments were received; of those, four agreed with the proposal and three agreed if modified. No commentators opposed the proposal. A chart with all comments received and the committee's responses is attached at pages 9–14.

During the public comment period, one commentator noted that forms CR-180 and CR-181 are used to request and order a dismissal of convictions *and* to request and order a reduction of a felony conviction to a misdemeanor under Penal Code section 17(b), and observed that the current forms did not clearly distinguish between those two separate determinations. In response, the committee recommends revisions to the forms that assist the petitioner to clearly request a reduction from a felony to a misdemeanor for each conviction and assist the court in confirming whether it is granting or denying section 17(b) reduction relief for each conviction. Following

¹ Assem. Bill 651 [Bradford]; Stats. 2013, ch. 787.

² 227 Cal.App.4th 717, 726, 174 [Cal.Rptr.3d 103] (2014) (Ct. App., First Dist., Div. One) ["We conclude the motion for expungement was sufficient to apprise the court it should evaluate each of defendant's four convictions individually under section 1203.4."].

³ 166 Cal.App.4th 579, 595, 82 [Cal.Rptr.3d 778] (2008) (Ct. App., First Dist., Div. Two) ["The plain and commonsense meaning of the text of section 1203.4 indicates trial courts may set aside guilty verdicts on individual counts in an information and dismiss the counts pursuant to section 1203.4, subdivision (a)."].

the comment period, the committee added recommendations in response to the *Smith* and *Mgebrov* cases noted above.

Notable comments

One commentator noted that “some judges will not check both numbers 2 and 4 when granting only PC §§ 1203.4/1203.4a/1203.41 relief but denying a § 17(b) petition. The order should reflect that the judge may be considering two independent motions.”

The committee agreed with the comment and revised the form to more clearly reflect the petitioner’s request for consideration of a Penal Code section 17(b) reduction for eligible felony offenses in addition to the petitioner’s request for the court to grant dismissals for each conviction in the identified case. The committee revised the petition to enable the petitioner to list multiple convictions in a particular case, some of which may be eligible for dismissal and others ineligible, and for the court to clearly indicate on the order its determination to grant or deny the requested relief for each offense.

Alternatives considered

The committee considered postponing or declining to recommend any form revisions in light of the severe economic circumstances faced by courts. The committee, however, decided to recommend the revisions in response to recent legislation and case law. The committee believes the revisions would not impose any significant change in court practices; rather, the recommended revisions are designed to improve dismissal procedures and Penal Code section 17(b) felony reduction procedures by enhancing the information on the forms.

Implementation Requirements, Costs, and Operational Impacts

Expected costs and implementation requirements are limited to training and the production of new forms. No other implementation requirements or operational impacts are expected.

Attachments and Links

1. Forms CR-180 and CR-181, at pages 5–8
2. Comment chart, at pages 9–14

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	
PETITION FOR DISMISSAL (Pen. Code, §§ 17(b), 1203.4, 1203.4a, 1203.41)	CASE NUMBER: _____ FOR COURT USE ONLY Date: _____ Time: _____ Department: _____

1. On (date): _____, the petitioner (the defendant in the above-entitled criminal action) was convicted of a violation of the following:

Offense (Specify each offense in the case noted above.)	Code	Section	Type of offense: (Felony; Misdemeanor; Infraction)	Eligible for reduction to misdemeanor under Penal Code § 17(b) (Yes or No)

If additional space is needed for listing offenses, use Attachment to Judicial Council Form (Form MC-025).

2. **Felony or misdemeanor with probation granted (Pen. Code, § 1203.4)**
 Probation was granted on the terms and conditions set forth in the docket of the above-entitled court; the petitioner is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the petitioner (check all that apply):
- a. has fulfilled the conditions of probation for the entire period thereof;
 - b. has been discharged from probation prior to the termination of the period thereof;
 - c. should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)
3. **Misdemeanor or infraction with sentence other than probation (Pen. Code, § 1203.4a)**
 Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The petitioner has complied with the sentence of the court and is not serving a sentence for any offense or under charge of commission of any crime; and the petitioner (check one):
- a. has lived an honest and upright life since pronouncement of judgment and conformed to and obeyed the laws of the land; **or**
 - b. should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)

Continued

PETITIONER:	CASE NUMBER:
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4. **Felony county jail sentence under Penal Code section 1170(h)(5) (Pen. Code, § 1203.41)**
 The petitioner is not under supervision under Penal Code section 1170(h)(5)(B) and is not serving a sentence for, on probation for, or charged with the commission of any offense, should be granted relief in the interests of justice, and (check one:)
- a. more than one year has elapsed since petitioner completed the felony county jail sentence **with** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); **or**
 - b. more than two years have elapsed since petitioner completed the felony county jail sentence **without** a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A);
- (Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the Attached Declaration (form MC-031) or submit other relevant documents.)*

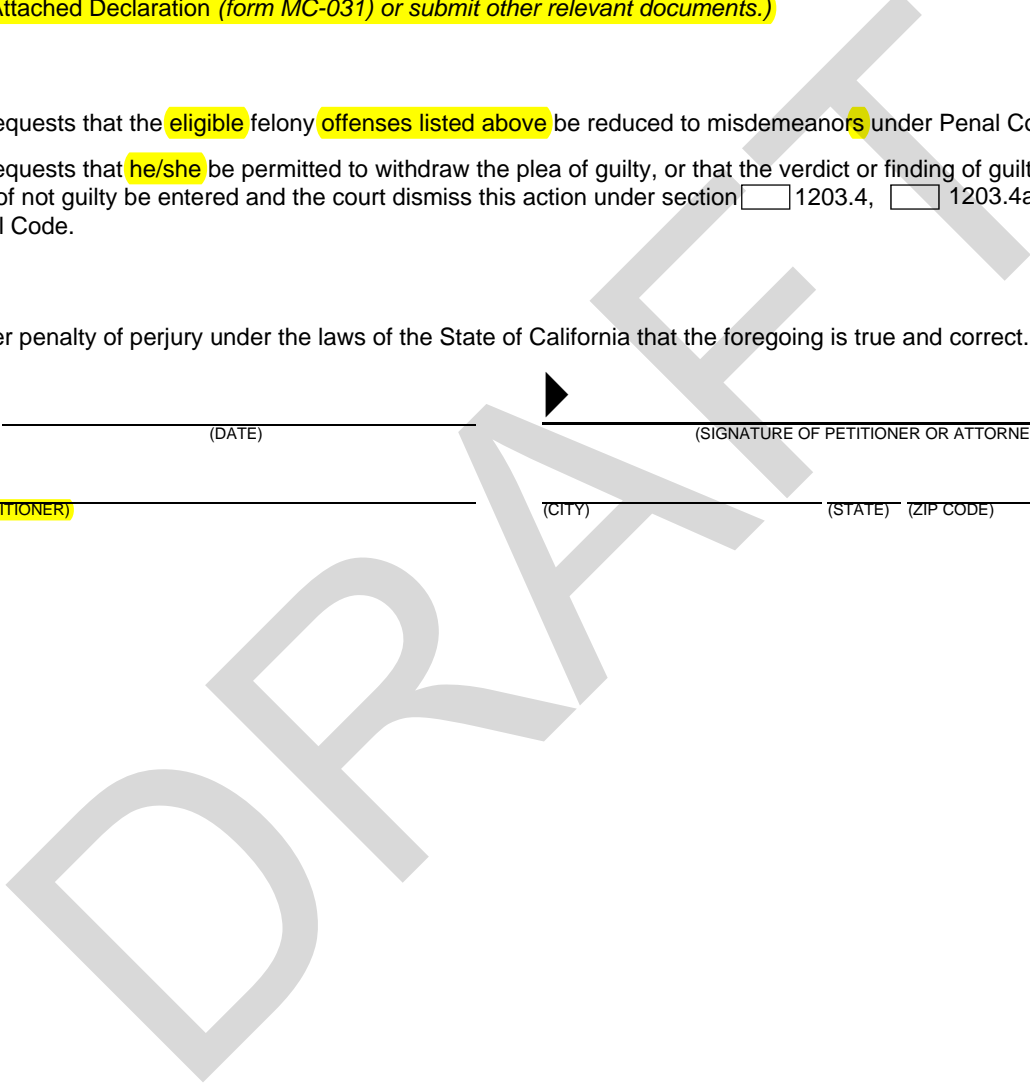
Petitioner requests that the eligible felony offenses listed above be reduced to misdemeanors under Penal Code section 17(b).

Petitioner requests that he/she be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: _____ (DATE)  _____ (SIGNATURE OF PETITIONER OR ATTORNEY)

 (ADDRESS, PETITIONER) (CITY) (STATE) (ZIP CODE)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not Approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: _____ DATE OF BIRTH: _____	
ORDER FOR DISMISSAL (Pen. Code, §§ 17(b), 1203.4, 1203.4a, 1203.41)	CASE NUMBER: _____

The court finds from the records on file in this case, and from the foregoing petition, that the petitioner (the defendant in the above-entitled criminal action) is eligible for the following requested relief:

1. The court **GRANTS** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) and reduces the following felony convictions to misdemeanors:

- ALL FELONY CONVICTIONS in the above-entitled action; or
- Only the following felony convictions in the above-entitled action (specify charges and date of conviction):

2. The court **DENIES** the petition for reduction of a felony to a misdemeanor under Penal Code section 17(b) for:

- ALL FELONY CONVICTIONS in the above-entitled action; or
- Only the following felony convictions in the above-entitled action (specify charges and date of conviction):

3. The court **GRANTS** the petition for dismissal regarding the following convictions under Penal Code § 1203.4, or § 1203.4a, or § 1203.41, and it is ordered that the pleas, verdicts, or findings of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed for:

- ALL CONVICTIONS in the above-entitled action; or
- Only the following convictions in the above-entitled action (specify charges and date of conviction):

4. The court **DENIES** the petition for dismissal regarding the following convictions under Penal Code § 1203.4, or § 1203.4a, or § 1203.41 for:

- ALL CONVICTIONS in the above-entitled action; or
- Only the following convictions in the above-entitled action (specify charges and date of conviction):

5. If this order is granted under the provisions of Penal Code section 1203.4 or 1203.41:

- a. The petitioner is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency, or for contracting with the California State Lottery Commission.
- b. Dismissal of the conviction does not automatically relieve petitioner from the requirement to register as a sex offender. (See, e.g., Penal Code section 290.5.)
- c. The petitioner may also be eligible to obtain a certificate of rehabilitation and pardon under the procedure set forth in Penal Code section 4852.01 et seq.

Continued

PETITIONER:	CASE NUMBER:
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6. If the order is granted under the provisions of either Penal Code section 1203.4, 1203.4a, or 1203.41, the petitioner is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 29800 and 29900 (formerly sections 12021 and 12021.1) and Vehicle Code section 13555. In any subsequent prosecution of the petitioner for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 29800 or 29900 (formerly sections 12021 and 12021.1). Dismissal of a conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
7. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17(b), 1203.4, 1203.4a, or 1203.41 does not release petitioner from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if petitioner was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

FOR COURT USE ONLY

Date:

(JUDICIAL OFFICER)

DRAFT

SPR14-08

Criminal Justice Realignment: Petition and Order for Dismissal (*revise forms CR-180 and CR-181*)

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

	Commentator	Position	Comment	Committee Response
1.	East Bay Community Law Center Eliza Hersh, Director Clean Slate Practice	AM	<ul style="list-style-type: none"> • <u>RE CR 180</u> Sections 3(c), 4(b), and 5(b) on the current form include the following advisement: <i>“Please note: You must explain why granting a dismissal would be in the interests of justice by completing and attaching the Attached Declaration (form MC-031).”</i> <p>We request a change to this sentence to reflect that (1) there is no statutory requirement that a petitioner file a MC-031 form or any other documents with a petition for dismissal pursuant to Penal Code § 1203.4; (2) many litigants, especially those represented by counsel, file documents in support of their petitions—including letters of support and sworn declarations—that do not conform to the format of MC-031, and make that form extraneous; and (3) in many counties it is not the current practice of court clerks to inform <i>pro per</i> litigants about, or provide with, the MC-031 form.</p> <p>A proposed alternative might be: “You may explain why granting a dismissal would be in the interests of justice by completing and attaching the Attached Declaration (form MC-031) or submitting other documents relevant to this issue.”</p> <ul style="list-style-type: none"> • <u>RE CR 181</u> We request reformatting of the top section of the order (Numbers 1 to 4) to address the 	<ul style="list-style-type: none"> • To ensure that courts receive sufficient information when considering what constitutes “in the interests of justice” for granting a dismissal, including any documents offered in support of the petition, the committee revised items 2(c), 3(b), and 4 on form CR-180 to read: <i>(Please note: You must explain why granting a dismissal would be in the interests of justice. You may complete and attach the optional Attached Declaration (form MC-031) or submit other relevant documents.)</i> • The committee agrees that the forms should more clearly reflect that the court is responding to two separate motions: a felony

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Criminal Justice Realignment: Petition and Order for Dismissal (*revise forms CR-180 and CR-181*)

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

	Commentator	Position	Comment	Committee Response
			<p>instances when a judge grants/denies the petition <u>in part</u>. Specifically, we have noted that some judges will not check both numbers 2 and 4 when granting only PC §§ 1203.4/1203.4a/1203.4 relief but denying a § 17(b) petition. The order should reflect that the judge may be considering two independent motions.</p> <p>We also have noted that some judges forget or overlook the need to check both box 2 and box 4. We have heard from representatives from some licensing agencies that those orders, with only box 2 checked, are deemed defective.</p> <p>A possible revision is:</p> <p>1. <input type="checkbox"/> The court grants the petition for <input type="checkbox"/> § 1203.4 <input type="checkbox"/> § 1203.4a <input type="checkbox"/> § 1203.41 and it is ordered that the plea, verdict, or finding of guilt regarding the following conviction in the above-entitled action be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed (specify charges and dates of convictions):</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>2. <input type="checkbox"/> The court denies the petition for <input type="checkbox"/> § 1203.4 <input type="checkbox"/> § 1203.4a <input type="checkbox"/> § 1203.41</p>	<p>reduction motion under Penal Code section 17(b) and a dismissal motion under section 1203.4, 1203.4a, or 1203.41.</p> <p>The committee revised items 1, 2, 3, and 4 on form CR-181 to aid the court in clearly indicating its determination whether to grant or deny the requested section 17(b) reduction relief <i>and/or</i> the requested dismissal relief for each conviction.</p> <p>Because varying collateral consequences are associated with each type of dismissal, the committee revised form CR-181 for the court to indicate whether the dismissal is granted under Penal Code section 1203.4, 1203.4a, or 1203.41.</p> <p>To enable the petitioner to list multiple convictions in a case, and to clearly request both a section 17(b) reduction and dismissal relief <i>for each eligible conviction</i>, the committee revised item 1 on form CR-180 into a table format.</p>

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Criminal Justice Realignment: Petition and Order for Dismissal (*revise forms CR-180 and CR-181*)

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

	Commentator	Position	Comment	Committee Response
			3. <input type="checkbox"/> The court reduces the felony offense to a misdemeanor. 4. <input type="checkbox"/> The court denies the petition to reduce the felony to a misdemeanor.	
2.	Orange County Bar Association Thomas Bienert, Jr., President	AM	For Penal Code section 1203.41 dismissals, may consider adding subdivision (b)(1) language on order (CR-181) that dismissal does not bar use of conviction as prior in subsequent prosecution.	The committee agrees. Item 6 on form CR-181 has been revised to add the following advisement, which conforms with the statutory language and applies to all dismissals: <i>“In any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.”</i>
3.	State Bar Standing Committee on the Delivery of Legal Services (SCDLS) Maria Livingston, Vice Chair	A	Agree with proposal in its entirety These forms are frequently used by self-represented parties, and the proposed improvements benefit those without means to pay for a lawyer because they add references to the statutes, meaning that individuals can more easily research the law, and add an additional checkbox to each form to allow individuals to request expungement. <u>Disclaimer</u> This position is only that of the State Bar of California’s Standing Committee on the Delivery of Legal Services. This position has not been adopted by the State Bar’s Board of Trustees or overall membership, and is not to be construed as representing the position of	No response required.

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Criminal Justice Realignment: Petition and Order for Dismissal (*revise forms CR-180 and CR-181*)

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

	Commentator	Position	Comment	Committee Response
			the State Bar of California. Committee activities relating to this position are funded from voluntary sources.	
4.	Superior Court of Los Angeles County	A		No response required.
5.	Superior Court of Riverside County Daniel Wolfe, Managing Attorney	A	Agree with proposal. This is a welcome modification of the forms CR-180 and CR-181 in light of the enactment of Penal Code section 1203.41 and will be very helpful to the court.	No response required.
6.	Superior Court of San Diego County Mike Roddy, Executive Officer	A	Our court already has its own court forms for this process, therefore, this one will not have any effect on us.	No response required.
7.	Yolo County Public Defender’s Office Hannah Labaree, Record Mitigation Attorney	AM	I write with proposed modifications to the new CR180 forms. I handle all of the 1203.4, 17(b) and 1203.41 matters for the Yolo County Public Defender's office. My goal when recommending these modifications is for the form to be both accurate and clear, to the degree that is possible. <ul style="list-style-type: none"> • First, I think the form should use one term consistently to refer to the individual filing the form - i.e., use “petitioner” instead of both “petitioner” and “defendant.” (I believe petitioner is more appropriate in this context, given that the individual is petitioning the court for relief). • Second, I don't see that it's necessary to repeat the following language in each of #3- 	<ul style="list-style-type: none"> • The committee agrees. To more accurately reflect the status of the person seeking relief, the committee has revised forms CR-180 and CR-181 to consistently use the term “petitioner” throughout the forms. • The committee declines the suggestion because the language specifying the eligibility

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Criminal Justice Realignment: Petition and Order for Dismissal (*revise forms CR-180 and CR-181*)

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

	Commentator	Position	Comment	Committee Response
			<p>5: “the defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime,” or in the case of #5, to delineate that the petitioner is not currently “under supervision under Penal Code section 1170(h)(5)(B).” Instead, I think it would be sufficient to add that language in at the end, just before the “under penalty of perjury” statement:</p> <p>“the defendant is not serving a sentence for any offense, nor on probation for any offense or under supervision under Penal Code section 1170(h)(5)(B), nor under charge of commission of any crime.”</p> <p>In this way, the petitioner is being alerted to the fact that he is attesting, under penalty of perjury, that he meets the threshold eligibility requirements.</p> <ul style="list-style-type: none"> • Third, I think that #5 is unnecessarily confusing. As above, I don't believe it is necessary to specify that the petitioner is not currently serving a sentence, etc., and so that language should be eliminated and placed later in the form. I propose the following (or similar) modifications to #5, to maximize clarity and accuracy: <p>Felony county jail sentence under PC section 1170(h)(5) (Pen. Code § 1203.41)</p>	<p>requirements for a dismissal differs in each of the three Penal Code sections (1203.4, 1203.4a, and 1203.41), and it is critical to set forth the specific requirements accurately on form CR-180.</p> <ul style="list-style-type: none"> • To reduce confusion and more clearly explain the bases for relief, the committee revised item 4 on form CR-180 by reversing the order of items 4a and 4b and bolding essential wording to highlight the difference between the two statutory requirements. <p>“a. <input type="checkbox"/> more than one year has elapsed since defendant completed the felony county jail sentence with a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(B); or</p>

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Criminal Justice Realignment: Petition and Order for Dismissal *(revise forms CR-180 and CR-181)*

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

	Commentator	Position	Comment	Committee Response
			<p>Please check one of the following:</p> <p>a. Received county jail sentence WITHOUT a period of supervision, and two years have passed since the date of completion of jail time:</p> <p>b. Received county jail sentence WITH a period of supervision, and one year has passed since the date of completion of supervision.</p> <ul style="list-style-type: none"> • Fourth, and last, I believe it would be useful to reinstate a portion of the previous CR181, which leaves room for the petitioner to provide not only their Date of Birth (which still exists on current form), but also their CII, Cal. Driver's License, and last four of their SS#. In my opinion, this only really matters with the CR181, as it makes the official Order from the court that much more useful given that it has very specific identifying information on it. <p>Thank you.</p>	<p>b. <input type="checkbox"/> more than two years have elapsed since defendant completed the felony county jail sentence without a period of mandatory supervision imposed under Penal Code section 1170(h)(5)(A).”</p> <ul style="list-style-type: none"> • To protect personal information in a public record when that information is not needed for identifying the petitioner or the case, the committee declines the suggestion to reinstate requests for the petitioner’s personal information on form CR-181.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Criminal Justice Realignment: Petitions for Revocation of Supervision	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise form CR-300	January 1, 2015
Recommended by	Date of Report
Criminal Law Advisory Committee	September 11, 2014
Hon. Tricia A. Bigelow, Chair	Contact
	Kimberly DaSilva, 415-865-4534
	kimberly.dasilva@jud.ca.gov

Executive Summary

The Criminal Law Advisory Committee recommends revising the *Petition for Revocation* (form CR-300) to apply the form to proceedings to revoke probation or mandatory supervision under Penal Code section 1170(h)(5)(B) in response to recent legislation that applied long-standing probation revocation procedures to all categories of supervision engendered by criminal justice realignment. This proposal was developed at the request of courts to promote uniform revocation procedures.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015, revise the *Petition for Revocation* (form CR-300) to:

1. Add check boxes to the caption of the form for supervising agencies to note that the petition also applies to revocations of probation or mandatory supervision;
2. Replace the data field for the supervisee's "CDCR Number" with one for the supervisee's "Supervising Agency Number"; and

3. Add the following phrase to the conviction information section in item 3, which was inadvertently deleted during a past revision: “and sentenced to (*specify sentence*).”

The revised form is attached at page 5.

Previous Council Action

After criminal justice realignment legislation was enacted in 2011, the Judicial Council adopted the *Petition for Revocation* (form CR-300) for use by supervising agencies to initiate revocations of postrelease community supervision (PRCS) under Penal Code section 3455. The form was then amended in 2012 to apply to parole revocations and revised from mandatory to optional.¹

Rationale for Recommendation

Criminal justice realignment created two new categories of supervision and transferred parole revocation responsibilities to the courts. As a result, courts became responsible for hearing all categories of supervision revocation proceedings.

Recent legislation amended Penal Code section 1203.2 to apply long-standing probation revocation procedures to all postrealignment categories of supervision, including parole, PRCS, and mandatory supervision under section 1170(h)(5)(B).² This recommendation was developed in response to this legislation at the request of courts to promote uniform revocation procedures for all supervision categories.

To apply the form to all supervision categories governed by Penal Code section 1203.2, the committee recommends adding check boxes to the caption of the form for supervising agencies to note that the petition applies to revocations of probation or mandatory supervision.

The committee further recommends replacing the data field for the supervisee’s “CDCR Number” with the supervisee’s “Supervising Agency Number” to encompass all supervising agencies.

In addition, the committee recommends adding the following phrase to the conviction information section in item 3, which was inadvertently deleted during a past revision: “and sentenced to (*specify sentence*).”

¹ In 2013, the Criminal Law Advisory Committee circulated proposed revisions to the form that, among other things, would have returned to the form a previously deleted data field for courts to note certain probable cause findings. The committee, however, ultimately declined to recommend those proposed revisions to the Judicial Council because the findings are not expressly required by statute.

² Senate Bill 76 (Comm. on Budget & Review; Stats. 2013, ch. 32).

Comments, Alternatives Considered, and Policy Implications

The proposed revisions circulated for public comment in spring 2014. The comment period ended on June 18th. A total of seven comments were received. Of those, four commentators agreed with the proposal and three agreed with the proposal if modified. A chart providing all of the comments received and committee recommendations is attached at pages 6-13.

Notable comments

Notable comments and committee responses include:

- **Additional types of petitions to revoke:** Both the Superior Court of Los Angeles County and the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group suggested revising the form to apply to additional categories of revocation, including misdemeanor probation revocations in lieu of new filings, deferred entry of judgment, post-filing diversion under Penal Code section 1001, and applications to reentry court under Penal Code section 3015. The committee declined the suggestion because the other categories of revocation and application to reentry courts are not conducted under the revocation procedures prescribed by Penal Code section 1203.2.
- **Request for warrant:** The same two commentators also suggested adding a data field to enable supervising agencies to request a warrant in conjunction with a petition to revoke. The committee declined the suggestion because, as of July 1, 2013, Judicial Council form CR-301, *Warrant Request and Order*, has been available for use by supervising agencies to request warrants for violations of parole and PRCS. The committee, however, will consider revising form CR-301 to apply to probation and mandatory supervision at a future meeting.
- **Title change:** One commentator suggested changing the case title in the header of the form from “IN THE MATTER OF (*name of supervised person*)” to “PEOPLE v. (*name of defendant*)” because in cases involving probation and mandatory supervision, the alleged violation is part of the underlying file. Thus, “PEOPLE v. (*name of defendant*)” would be more appropriate in those cases. The committee declined this suggestion as unnecessary because the current title allows for the supervising agency to incorporate the name of the underlying file.

Alternatives

The committee alternatively considered not revising the form to apply to probation and mandatory supervision. The committee, however, decided to recommend the revisions to promote uniform revocation procedures for all supervision categories.

Implementation Requirements, Costs, and Operational Impacts

Expected costs are limited to training and the production of new forms. No other implementation requirements, costs, or operational impacts for courts are expected.

Relevant Strategic Plan Goals and Operational Plan Objectives

The proposed revisions support the policy underlying Goal III, Modernization of Management and Administration, in the Operational Plan for California’s Judicial Branch. Specifically, these revisions support Goal III, Part B, objective 5, to “[d]evelop and implement effective trial... management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases” through “improved forms.”

Attachments and Links

1. Form CR-300, at page 5
2. Chart of comments, at pages 6–11

DRAFT

SUPERVISING AGENCY <i>(Name and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____	FOR COURT USE ONLY <div style="border: 2px solid yellow; padding: 5px; display: inline-block;"> DRAFT Not Approved by the Judicial Council </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF <i>(name of supervised person):</i> _____ Date of birth: _____	
<div style="text-align: center;"> PETITION FOR REVOCATION <input type="checkbox"/> PAROLE (Pen. Code, §§ 3000.08, 1203.2) <input type="checkbox"/> PRCS (Pen. Code, §§ 3455, 1203.2) <input type="checkbox"/> PROBATION (Pen. Code, § 1203.2) <input type="checkbox"/> MANDATORY SUPERVISION (Pen. Code, §§ 1170(h)(5)(B), 1203.2) </div>	SUPERVISING AGENCY NUMBER: _____ COURT/CASE NUMBER: _____

INSTRUCTIONS

- Before filing this form, petitioner should consult local rules and court staff to schedule the hearing in item 1.
- Petitioner must note whether the petition applies to a parole (beginning July 1, 2013), postrelease community supervision, **probation,** or **mandatory supervision** matter by marking the appropriate check box above.

1. **HEARING INFORMATION:** A hearing on this petition for revocation has been scheduled as follows:

Date:	Time:	Dept.:
Location <i>(if different than court address above):</i> _____		

If an interpreter is needed, please specify the language: _____

2. **CUSTODY STATUS (Select one):** not in custody in custody *(specify location):* _____
 Booking number *(if any):* _____

3. **CONVICTION INFORMATION:**
 The supervised person was originally convicted of the following offenses:

on *(date):* _____ in case numbers *(specify):* _____
 in county of *(specify):* _____ and sentenced to *(specify sentence):* _____

4. **SUPERVISION INFORMATION:** The supervised person was released on supervision on *(specify date):* _____
 Name of current supervising agent or officer: _____
 Supervision is scheduled to expire on (i.e., the controlling discharge date is) *(date):* _____

5. **SPECIFIC TERMS AND CONDITIONS:** Petitioner alleges that the supervised person has violated the following terms and conditions of supervision *(if more space is needed, please use Attachment to Judicial Council Form (MC-025)):*

6. **SUMMARY:** The supervising agency established probable cause for the alleged violation on *(date):* _____
 The circumstances of the alleged violation are *(if more space is needed, please use Attachment to Judicial Council Form (MC-025)):*

7. **SPECIAL PAROLE STATUS** *(check this box only if the supervised person is subject to parole under Penal Code section 3000.1):*
 The supervised person is on parole under Penal Code section 3000.1. If the court determines that the person has violated parole, the court is required to remand the person to the custody of CDCR for future parole consideration. (Pen. Code, § 3000.08(h).)

I declare under penalty of perjury and to the best of my information and belief that the foregoing is true and correct.

Date: _____ By _____
NAME AND TITLE OF PETITIONER SIGNATURE OF PETITIONER

DRAFT

SPR14-07

Criminal Justice Realignment: Petitions for Revocation of Supervision (revise form CR-300)

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

	Commentator	Position	Comment	Committee Response
1.	California Judges Association Lexi Howard Legislative Director	A	<p>The California Judges Association supports the Criminal Law Advisory Committee proposed revision to the <i>Petition for Revocation</i>, Form CR-300, to apply the form to proceedings to revoke probation and mandatory supervision under Penal Code section 1170(h)(5)(B).</p> <p>This proposal promotes uniform revocation procedures in response to recent legislation that applied longstanding probation revocation procedures to all categories of supervision enacted by criminal justice realignment. The revisions are appropriate and needed.</p> <p>Thank you for the opportunity to comment on these matters.</p>	No response required.
2.	Orange County Bar Association Thomas Bienert, Jr. President	AM	For probation violations, the number of prior revocations, reinstatements and any custody time served on any prior violation(s) should be included on the face of the petition, perhaps under 4, Supervision Information.	The committee declines this suggestion because information about prior revocations is not always available or necessary during the initial processing of petitions to revoke.
3.	State Bar’s Standing Committee on the Delivery of Legal Services Maria Livingston Vice Chair	A	<p>Agree with proposal in its entirety</p> <p>The proposal promotes uniform revocation procedures by eliminating the need for courts and supervising agencies to develop and employ distinct forms for different categories of supervision. The revision also makes it easier to understand the basis for the alleged violations, and would help ensure access to the court system by mandating the use of one form.</p> <p><u>Disclaimer</u> This position is only that of the State Bar of</p>	No response required.

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Criminal Justice Realignment: Petitions for Revocation of Supervision *(revise form CR-300)*

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

	Commentator	Position	Comment	Committee Response
			<p>California’s Standing Committee on the Delivery of Legal Services. This position has not been adopted by the State Bar’s Board of Trustees or overall membership, and is not to be construed as representing the position of the State Bar of California. Committee activities relating to this position are funded from voluntary sources.</p>	
4.	Superior Court of Los Angeles County	AM	<p>This form was originally designed to provide supervising county agencies a uniform means to petition the court to revoke, modify or terminate Postrelease community supervision (PRCS) per PC§1203.2. It later was modified to incorporate petitions to revoke or modify supervision by DAPO.</p> <ul style="list-style-type: none"> The current revision, to incorporate petitions to revoke, modify or terminate mandatory supervision and probation is not inclusive of all petitions the court may receive. <p>Specifically, it does not incorporate petitions filed by the jurisdictional prosecutor for misdemeanor to revoke probation in lieu of a new filing, or petitions to violate varying forms of diversion and deferred entry of judgment beginning at PC§1000 et. or applications to the court under PC§3015 for Reentry.</p> <p>Suggested modifications to the proposed CR-300 are:</p>	<ul style="list-style-type: none"> The Committee considered each of the suggestions regarding additional types of petitions to revoke. However, this proposal was designed to promote uniformity among supervising agencies filing petitions to revoke supervision under Penal Code section 1203.2. Thus, the committee declines the suggestions because the other categories of revocation and application to reentry courts are not conducted under the revocation procedures prescribed by Penal Code section 1203.2.

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Criminal Justice Realignment: Petitions for Revocation of Supervision *(revise form CR-300)*

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

	Commentator	Position	Comment	Committee Response
			<p>(Remove the instructions box in the header caption.)</p> <p>Expand the box “Petition for Revocation” to use the space formerly occupied by the instructions box and add (a) misdemeanor revoke probation in lieu of a new filing, (b) deferred entry of judgment, (c) post filing diversion per PC§1000, and (d) consider further expanding use of this form to include applications to the court under PC§3015 (i.e., Reentry).</p> <ul style="list-style-type: none"> Understanding requests for warrants may be made when the only alleged violation is absconding, made to the court using the CR- 301, the submitting agency should also have the option to request a warrant with the petition to revoke. A check box with language to request an absconder/arrest/bench warrant should be present. The CR-301 is more DAPO exclusive and is likely not representative of how warrants are requested for petitions under 1203.2, 1000 et seq. by supervising county agencies and jurisdictional prosecutors. Modify the language in item #3 (Conviction Information) to provide that open charges may be pending (e.g., “The supervised person has been “<i>charged with</i>” “ <i>convicted of</i>” the following offenses”). 	<ul style="list-style-type: none"> The committee declines the suggestion to add a request for warrant to form CR-300 because the Judicial Council has adopted CR-301, <i>Request for Warrant</i>, for use by supervising agencies to request warrants for the arrest of supervised persons. <p>The committee, however, will consider revising form CR-301 to apply to probation and mandatory supervision at a future meeting.</p> <ul style="list-style-type: none"> The committee declines the suggestion regarding conviction information as unnecessary and not always available during the initial processing of a petition revoke.

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Criminal Justice Realignment: Petitions for Revocation of Supervision (revise form CR-300)

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

	Commentator	Position	Comment	Committee Response
5.	Superior Court of Riverside County Daniel Wolfe Managing Attorney	A	Agree with proposal. The proposed modification of form CR-300 should change the title of the action from “IN THE MATTER OF (<i>name of supervised person</i>):” to “PEOPLE v. (<i>name of defendant</i>)”. In cases involving mandatory supervision and probation, the alleged violation is part of the existing case and thus the “IN THE MATTER OF” title is incorrect.	The committee declines this suggestion as unnecessary because the current case title could be used for all types of supervision, including writing “PEOPLE v. (<i>name of defendant</i>)” in the space currently provided.
6.	Superior Court of San Diego County Mike Roddy Executive Officer	A	No additional comments.	No response required.
7.	Trial Court Presiding Judges Advisory Committee / Court Executives Advisory Committee Joint Rules Working Group	AM	The revised form will provide efficiencies particularly if modified as suggested to work as an effective tool for AB 109 workload data collection. <u>Suggested modifications</u> The [Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee] TCPJAC/CEAC Joint Rules Working Group has suggestions to improve the effectiveness in capturing the necessary data on form CR-300 for AB 109 cases. This form was originally designed to provide supervising county agencies with a means to petition the court to revoke, modify or terminate supervision per PC§1203.2. It later was modified to incorporate petitions to revoke or modify supervision by DAPO. The current revision, to incorporate petitions to revoke, modify or terminate mandatory supervision and probation is not inclusive of all petitions the court may	Please see response to Comment 4 above.

SPR14-07

Criminal Justice Realignment: Petitions for Revocation of Supervision *(revise form CR-300)*

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

	Commentator	Position	Comment	Committee Response
			<p>receive. Specifically, it does not incorporate petitions filed by the jurisdictional prosecutor for misdemeanor probation, or petitions to violate varying forms of diversion and deferred entry of judgment as specified, beginning at PC§1000 et. seq.</p> <p>Suggested modifications to CR-300 are:</p> <ul style="list-style-type: none"> • Remove the instructions box in the header caption; • Use the space formerly occupied by the instructions box and add (a) misdemeanor probation, (b) deferred entry of judgment, (c) post filing diversion per PC§1000; • Consider further expanding use of this form to include applications to the court under PC§3015 (i.e., Reentry); and • Understanding requests for warrants may be made to the court using CR-301, the submitting agency should have the option to request a warrant with the petition to revoke. A check box with language to request an absconder/arrest/bench warrant should be present. The CR-301 is more DAPO exclusive and is likely not representative of how warrants are requested for petitions under 1203.2, 1000 et seq. by supervising county agencies and jurisdictional prosecutors. <p>The following are responses to the proposal's Request for Specific Comments:</p>	

SPR14-07

Criminal Justice Realignment: Petitions for Revocation of Supervision *(revise form CR-300)*

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

	Commentator	Position	Comment	Committee Response
			<p>Does the proposal appropriately address the stated purpose? <i>The proposal appropriately addresses the needed changes for the form CR-300 but could be improved with the enhancements suggested above.</i></p> <p>Would the proposal provide cost savings? If so please quantify. <i>It is not anticipated that the unmodified form as proposed will have a significant impact on the cost savings or operational requirements for data entry.</i></p> <p>Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <i>The implementation time frame of two months is sufficient, as currently modified, but the recommended enhancements as provided above, could necessitate an extension of time needed to implement the more comprehensive form.</i></p>	



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Fee Waivers: Payments Over Time and Specific Fees Included in Waivers	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; revise forms FW-001, FW-001-INFO, FW-002, FW-003, FW-005, FW-008, FW-012, APP-001, and APP-015/FW-015-INFO	March 1, 2015
Recommended by	Date of Report
Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair	October 1, 2014
Appellate Advisory Committee Hon. Raymond Ikola, Chair	Contact
	Anne M. Ronan, Senior Attorney, 415-865-8933, anne.ronan@jud.ca.gov
	Heather Anderson, Senior Attorney, 415-865-7691, heather.anderson@jud.ca.gov
	Legal Services, Judicial Council

Executive Summary

The Civil and Small Claims Advisory Committee recommends modifying the fee waiver rules and forms to (1) permit parties to waive the right to a hearing prior to the court's issuing an order denying a fee waiver application if the court has authorized payments over time following the denial and the parties are satisfied with making payments over time; (2) limit payments over time to first appearance fees and a payment period of three months; and (3) make other clarifying changes to the *Request to Waive Court Fees* (form FW-001). These changes should eliminate the costs to parties and the court for unnecessary hearings and limit the administrative burden of payments over time.

In addition, the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee jointly recommend amendments to the rules that list the court fees that must be

waived as part of an initial fee waiver and those that may be waived at the court's discretion. The Appellate Advisory Committee recommends amending these rules to consolidate the list of mandatorily waived fees in one rule and to also list the new \$50 fee for the court to hold in trust funds deposited to pay court reporters for a transcript. The Civil and Small Claims Advisory Committee recommends further rule amendments to reflect recent changes in law that mandates that any fees charged for the court's cost for court reporting services and assessments for court investigation under certain provisions of the Probate Code- be included in a waiver. Several fee waiver forms and information sheets would be revised to reflect these changes.

Recommendation

1. The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective March 1, 2015, amend California Rules of Court, rule 3.52 and *Request to Waive Court Fees* (form FW-001), *Information Sheet on Waiver of Superior Court Fees and Costs* (FW-001-INFO), and superior court fee waiver order forms (forms FW-003 and FW-008) to more directly address the payment of filing fees over time—including limiting such payment plans to initial filing fees and generally limiting the time period to three months—and to provide for an informed waiver of an advance hearing if such payments are satisfactory to the party in the event a fee waiver is denied. Other nonsubstantive, clarifying changes would be made to the forms at the same time.
2. The Civil and Small Claims Advisory Committee and Appellate Advisory Committee recommend that the Judicial Council, effective March 1, 2015:
 - Amend California Rules of Court, rules 3.55, 3.56, and 8.818 to:
 - a. consolidate in rule 3.55 the list of superior court fees relating to appellate matters that are waived as part of an initial fee waiver, including adding the new \$50 fee for the court to hold in trust funds deposited to pay court reporters for a transcript on appeal; and
 - b. reflect in rules 3.55 and 3.56 the new statutory requirement that court fees for court reporting services be included in all fee waivers, and add an advisory committee comment to rule 3.55 to clarify that the inclusion of all court reporter's fees in the rule is not intended to mandate that a court reporter be provided for all fee waiver recipients.
 - Revise the list of waived fees on all the fee waiver order forms (forms FW-002, FW-003, FW-005, FW-008, and FW-012) and information sheets (forms FW-001-INFO, APP-001, and APP-015/FW-015-INFO) to reflect the changes in rules 3.55 and 3.56 and the recently enacted amendment to Government Code section 68631.
3. The Appellate Advisory Committee recommends that the Judicial Council, effective March 1, 2015, further revise form APP-001 to reflect recent changes in appellate fees, rules, and procedures.

The text of the amended rules and the revised forms are attached at pages 22–40. (The recommended revisions are highlighted on the forms.)

Previous Council Action

The Judicial Council last amended the rules on fee waivers in July 2009, to implement council-sponsored legislation that revised the fee waiver procedures. New and revised forms became operative at that same time. Since then, only minor changes have been made to the rules and forms—primarily annual revisions of an income eligibility chart on forms FW-001 and APP-015/FW-015 to reflect changes in the federal poverty guidelines on which the chart is based.

The list of superior court fees that must be waived under rule 3.55 as part of an initial fee waiver was referenced in a report to the council in 2013. A proposal to establish a new \$50 fee to be paid to the superior court by those litigants who deposit funds with the court to hold in trust to pay for a reporter's transcript on appeal was approved by the Judicial Council at its October 2013 meeting, and the new fee took effect on January 1, 2014. In the report to the council on the proposal, the Appellate Advisory Committee and the Court Executives Advisory Committee indicated that, based on the public comments received, they would recommend that this fee be added to the list of superior court fees that must be waived under rule 3.55 as part of an initial fee waiver.

Rationale for Recommendation

Payments of trial court fees over time

Government Code section 68634¹ governs how an application for a fee waiver is to be handled by the trial court.² A court may deny a fee waiver without a prior hearing only if the application is incomplete or because the information provided conclusively establishes that the applicant is not eligible. (§ 68634(e)(2) and (3).) If the information in the application does not establish that the applicant meets the eligibility requirements for a fee waiver but does not *conclusively* establish that the applicant is not eligible for one, then the court must hold an eligibility hearing with 10 days' notice to the applicant. (§ 68634(e)(5).) If at that hearing the court finds the applicant not eligible for a fee waiver (and so denies the fee waiver), the court may grant a partial waiver or permission to pay fees over time. (*Id.*)

To implement this statutory provision for allowing payments over time only after a hearing, the Judicial Council includes on its current *Order on Court Fee Waiver After Hearing (Superior Court)* (form FW-008) an item in which a court may order payments of filing fees or other items (to be identified in the order) over time. Several judicial officers³ and the Ad Hoc Advisory Committee on Trial Court Efficiencies have requested that a similar item be added to the order form that is used when no hearing is required, *Order on Court Fee Waiver (Superior Court)* (form FW-003). The judicial officers have recommended that hearings should not be required before the grant of installment payments because many parties do not want to have to appear in court for a fee waiver eligibility hearing if they are going to be permitted to make payments over

¹ Unless otherwise indicated, all statutory references are to the Government Code.

² A separate statute, Government Code section 68634.5, addresses the handling of fee waiver applications in the appellate courts.

³ Express requests have been received from judicial officers in the Superior Courts of Solano, San Diego, and Contra Costa Counties.

time. The judicial officers noted that requiring a hearing before all orders permitting payments over time is unnecessarily burdensome to both parties and courts.

As the same time, several court administrators have raised concerns that, when payments over time are permitted, problems can arise in ultimately collecting the full amount if the time period for payments is too long. When a time period of a year or more is allowed, the decisions on substantive issues can be issued and the main case completed long before the time for payment concludes—particularly in unlawful detainer cases and certain family law proceedings—and the unsuccessful parties in such cases are often unwilling to pay any remaining fees. In addition, spreading the payments out over a long period places a heavy administrative burden on the courts. The administrators suggested that the time period over which payments could be made should be fairly short. In addition, in those cases that do go on for a longer period, court administrators have asked for clarification as to exactly what filing fees are covered by an order permitting payments over time—only the initial filing fee or also fees for filing motions or ex parte applications.

Because statute mandates that a court provide an applicant with the opportunity for a hearing before denying a fee waiver and instead permitting payments over time, that provision may not be changed by rule of court.⁴ This proposal would not, therefore, eliminate the opportunity for a hearing before the grant of payments over time when a fee waiver is denied, but rather provides that an applicant may make an informed waiver of the right to such a hearing and thus avoid unnecessary court appearances. The proposal would also limit the applications of payments over time to the initial filing fees and, as a general rule, limit the time period in which the payments can be made to three months. A court may, at its discretion, provide for a longer time period.

The committees propose making all the amendments to the fee waiver rules and forms effective March 1, 2015, because further amendments to a chart on forms FW-001 and APP-015/FW-015 will be needed if, as expected, the federal poverty guideline are amended in late January. The March effective date will result in those forms only being amended once in 2015.

The details of the recommended rule amendments and form revisions are described below.

Rule 3.52.⁵ This rule, concerning how a superior court processes a fee waiver application, would be amended in a few places.

- The rule would be clarified to provide that an order on a fee waiver application that is issued without a hearing should be on form FW-003. (Rule 3.52(2).)⁶
- A new subdivision would be added regarding payments over time, limiting such orders to initial filing fees; providing that such payments should be for a period of three months, unless a court finds good cause for a longer period; and allowing orders

⁴ The Judicial Council is authorized to make rules regarding payment of court fees in installments by applicants not eligible for a fee waiver (see Gov. Code, § 68640), but is not authorized to make rules inconsistent with statute.

⁵ All references to rules in this report are to the California Rules of Court.

⁶ This is not a substantive change in the rule, which already distinguishes between orders issued with or without a hearing. (Cf. rule 3.52(3) (any order issued determining an application for an initial fee waiver *after* a hearing in the trial court must be made on *Order on Court Fee Waiver After Hearing (Superior Court)* (form FW-008).)

- permitting such payments to be made on form FW-003—and so without a hearing—if the advance hearing has been waived. (Rule 3.52(6).)
- Renumbered subdivision (7) would be revised to allow courts a grace period after this latest revision of the order forms, in which they may use forms created within their own electronic case management system rather than the Judicial Council so long as the forms met certain requirements. This is similar to the grace period provided when the current forms were adopted in 2009.

Form FW-001, Request to Waive Court Fees would be revised as follows:

- Item 5a, for eligibility based on eligibility to receive public benefits, would be amended to further abbreviate some of the longer names of the public benefits programs, to make one name longer (the descriptor of Supplemental Security Income) to avoid confusion, and to include an express reference to the information sheet (form FW-001-INFO) where the full names of all the public benefits programs can now be found.
- Item 5b, for eligibility based on a household’s income being below 125% of the federal poverty guideline (§ 68633(b)), would not be amended at this time. The chart showing the maximum amount of income for this type of eligibility would be retained.⁷ The specific amounts will be changed if, as expected, the federal poverty guidelines are revised in late January.
- Item 5c, for eligibility based on income not being sufficient for common necessities of life (§ 68633(c)), would be amended to clarify that any request for payments over time is only an alternative request in the event that a fee waiver is denied. The instruction that an applicant checking this basis for eligibility must complete all of the items on the back of the form has been moved and made more emphatic, in response to requests by several court administrators to emphasize this direction.

The option to request to “waive some court fees” would be deleted from the item. While a partial waiver is a possible outcome for an applicant denied a waiver based on income not being sufficient for common necessities, there is no express statutory basis for asking for a partial waiver and, based on the experience of advisory committee members, a partial fee waiver is seldom, if ever, requested unless in conjunction with a full waiver. Removal of the item reduces confusion and provides more space on the form.

- New item 7, Waiver of Hearing With Payments Over Time, would be added at the top of the second page. The text describes the party’s right to a hearing before a denial of a fee waiver, along with the possibility of waiving that right in the event a court allows payments over time. There are also instructions on how to provide facts to support good cause for making payments over a period longer than three months. Two check boxes are included so that the applicant can indicate whether or not he or she is waiving an advance hearing.

⁷ See discussion below in Alternatives Considered, at page 10.

- Items 9, 10, and 12, seeking financial information, would be amended, so that all items in the left column of the form will be for gross income figures—rather than some seeking net income and others gross—and the item for payroll deductions has been moved from the income items to the list of expenses in renumbered item 12 (*Your Monthly Deductions and Expenses*). The text in these items has also been clarified.

Form FW-001-INFO. Some new items have been added to the *Information Sheet on Waiver of Superior Court Fees and Costs* and three current items have been revised, as described below. The changes will make this a two-page form.

- Paragraph 1 in the general instructions section, containing a list of fees that will be waived if a fee waiver is granted, would be revised to add **fees for court investigations under certain Probate Code provisions** and two fees regarding appellate records, and to revise the item for court reporter’s fees to include all such fees.⁸
- Paragraph 2, listing the fees the court has the discretion to waive upon an additional request for waiver from the parties, would be revised to delete the item regarding court reporter’s fees for a hearing after 60 days from the list of items the court has the discretion to waive, as all court reporter’s fees are now automatically included in any fee waiver.
- Paragraph 3 is a new item added to provide information about the possibility of a court’s permitting payment of the initial filing fee over time if a fee waiver request is denied. It identifies the item on the application form in which to ask the court to consider such an alternative and describes the applicant’s potential right to a hearing in advance of a fee waiver denial and the possibility of giving up this right if the applicant does not want a hearing should payments over time be permitted by the court. It also warns the applicant that, if payments over time are permitted, the period of time will generally be for up to only three months unless the party provides the court with good cause for a longer time, and instructs the applicant on how to show good cause.
- A new paragraph on public benefits programs would be added to list the full names of all the public programs listed in item 5b on the fee waiver application. The programs are in the same order as they appear on the application form.
- The paragraph on court collections would be amended to expand the warning that the court can use collection proceedings and add a fee and costs for collection, to include the court’s efforts to collect any unpaid fees that a party was permitted to pay over time.
- The paragraph on prisoner applicants would be revised to include a citation to the portion of the fee waiver statutes addressing applications by prisoners (§ 68635). This is an area

⁸ The rationale for amending rules 3.55 and 3.52 regarding the appellate and court reporting fees, which amendments are the reason for these revisions, is discussed below in the section on **Fees Waived by Initial Fee Waiver**. **The statutory amendment that is the rationale for adding the new probate fees is discussed in that same section.**

that has caused some confusion among applicants and, while there has not yet been a separate set of forms developed for prisoner applications, the committee concluded that a cross-reference to the applicable statute may be helpful.

Form FW-003. The *Order on Court Fee Waiver (Superior Court)* would be revised to:

- Add new item 4c. The major change to item 4 would be the addition of this new sub-item on payments over time. It parallels the item on payments over time on the current form for an order after hearing (see form FW-008, at item 5b(2)) with the following changes:
 - The item begins with a finding that the right to a hearing has been waived and a note that the fee waiver application has been denied (with a cross-reference to the item on the order in which the denial and the reasons for the denial are stated).
 - There is a reference to proposed rule 3.52(d), which provides a general limit of three months' time to such deferrals. The Civil and Small Claims Advisory Committee intends this rule reference to be a reminder to the judicial officers as well as parties of the time limitation.
 - The type of fees that may be paid over time is now limited to "initial" filing fees, rather than just "filing fees." This change is intended to reflect the amended rule that the order allowing payments over time does not extend to fees for filing motions.
- Item 4a. The other changes proposed to this form, not related to payments over time, are all in the first section of item 4, on the first page of the form, as follows:
 - The current direction to "check one", which indicates that the form could be used only to rule on either a *Request to Waive Court Fees* or a *Request to Waive Additional Court Fees*, but not both, has been removed.
 - Item 4a(1) has been amended to include a reference to the rule of court providing for waiver of fees on appeals, some of which occur in the superior court.
 - The item for court reporter's fees has been amended in item 4(a)(1) and deleted from item 4(a)(2) to reflect proposed changes in rule 3.55 and 3.56.
 - A new item has been added for fees for court investigations under Probate Code sections 1513, 1826, or 1587, as provided in recently amended section 68631.
 - The two new items for fees proposed for addition to rule 3.55, relating to trial court fees for appellate records, are added to the list of waived fees and costs in item 4a(1), and the other item relating to appellate fees has been expanded to track the language of the rule more exactly in light of the additional space available on the revised form.
 - Current item 4a(3), Fee Waiver for Appeal, has been deleted because the items listed were duplicative of those already listed in item 4a(1).

Form FW-008. The *Order on Court Fee Waiver After Hearing (Superior Court)* would be revised in parallel with the changes described above in form FW-003, in that item 5a, listing the items included in a fee waiver, would be amended in all the ways item 4a on form FW-003 has been amended, and item 5b(2), regarding payments over time, would be amended to include the limitations of payments over time described above on form FW-003.

Fees waived by initial fee waiver

Background. Last year, the Appellate Advisory Committee and the Court Executives Advisory Committee circulated for public comment a proposal to amend the California Rules of Court relating to reporter's transcripts in civil appeals. Among other things, that proposal recommended the establishment of a new \$50 fee to be paid to the superior court by those litigants who deposit funds with the court to hold in trust to pay for a reporter's transcript on appeal. Because this was a new fee, the committees anticipated that there would be questions about the potential waiver of this fee. The invitation to comment therefore also specifically solicited comments on whether this fee should be listed among the superior court fees that must be waived under rule 3.55 or may be waived under rule 3.56. All four commentators who responded to this question suggested that the new fee should be on the list of specific superior court fees and costs that must be waived as part of an initial fee waiver under rule 3.55.

As indicated above, the proposal to establish the new \$50 fee was approved by the Judicial Council at its October 2013 meeting, and the new fee took effect on January 1, 2014. In the report to the Judicial Council, the committees indicated that, based on the public comments received, they would recommend that this fee be added to the list of superior court fees that must be waived under rule 3.55 as part of an initial fee waiver.

There is also another rule—rule 8.818, part of the appellate division rules—that currently includes a separate list of superior court fees that must be waived as part of an initial fee waiver in an appeal in a limited civil case. The list in rule 8.818 identifies several of the same fees as rule 3.55. However, it also includes one fee that is not currently identified in rule 3.55: the fee for transcribing or copying an official electronic recording. Because this fee is not currently listed in rule 3.55, there may be confusion about whether it must be waived as part of an initial fee waiver.

There has also been a recent change in the law regarding court reporting fees in trial courts that must be reflected in the fee waiver rules and forms. Government Code section 68086 on court reporter's fees was amended a year ago to include a \$30 court reporter fee for hearings taking less than an hour, as well as pro rated daily fees for hearings taking less than half a day. That statute has recently been amended further to expressly require that court reporting services provided at the expense of the court must be waived for a person who has been granted a fee waiver under section 68631. (See § 68086(b).) This statutory amendment requires that rule 3.55(7) and rule 3.56(4) be amended not only so that the \$30 fee is covered, but also so that the time distinction in the current rules, giving a court the discretion to waive the reporter fees for a hearing more than 60 days after the grant of the fee waiver, is eliminated. As the rules currently read, they are in conflict with statute.

The statutory fee waiver provisions in section 68631 have also been recently amended, effective January 1, 2105, to expressly provide that assessments for court investigations under Probate Codes sections 1513, 1826, or 1851 are included in all initial fee waivers granted by a court.⁹

⁹ See Assembly Bill 2747 (Wieckowski) (Stats. 2014; ch. ____). Recommendations regarding rules and forms implementing other provisions in that legislation concerning fee waivers in probate matters will be addressed by the Probate and Mental Health Advisory Committee.

Proposal regarding rules on fees. The Appellate Advisory Committee recommends amending rule 3.55, which lists the superior court fees and costs that must be waived upon granting an application for an initial fee waiver, to add to this list the new \$50 fee to be paid to the superior court by those litigants who deposit funds with the court to hold in trust to pay for a reporter’s transcript on appeal. The proposed language of the amendment is based on language from rules 8.130 and 8.334 referring to the \$50 fee as being for “the superior court to hold this deposit [for the reporter’s transcript] in trust.”

In the interest of ensuring that all of the fees that the superior court must waive upon granting an application for an initial fee waiver can easily be found in one place, the committee recommends further amending rule 3.55 to add the fee now listed in rule 8.818—for transcribing official electronic recordings—to the list of superior court fees in rule 3.55 that must be waived and amending rule 8.818 to simply cross-reference to rule 3.55 for the list of fees that must be waived.

The Civil and Small Claims Advisory Committee recommends amending rule 3.55(7), which currently includes on the list of fees that must be waived only those court reporters fees for hearing held within 60 days of the issuance of the fee waiver order, to eliminate the time restriction in light of the new mandate in Government Code section 68086(b) that all court reporter’s fees otherwise charged by a court are waived for a party who has received a fee waiver. For the same reason, the committee recommends that the item including reporter’s fees for hearing held more than 60 days after the issuance of the fee waiver order be deleted from the list of fees the court has discretion to grant a waiver for in rule 3.56, since the waiver of such fees are no longer discretionary. An advisory committee comment has been added following rule 3.55 to clarify that the inclusion of such fees in the list of waived fees is in no way intended to mandate that reporters be provided by the court for all hearings or trials at which a fee waiver recipient appears.

Trial court forms. Several trial court forms would be revised to reflect the recommended amendments to rules 3.55 and 3.56, and the recently enacted amendments to Government Code section 68631.

- *Forms FW-001-INFO, FW-003, FW-008.* As noted above, form FW-001-INFO, the information sheet on waiver of superior court fees, and forms FW-003 and FW-008, the primary superior court fee waiver order forms, currently identify the superior court fees that must be waived upon granting an application for an initial fee waiver. As noted above, these forms would be revised to reflect the amendment to the fee waiver statute regarding probate fees and the proposed amendments to rule 3.55 in addition to the changes relating to payments over time.
- *Form FW-002, Request to Waive Additional Court Fees (Superior Court).* This form is used by a party to request that a court exercise its discretion to waive one or more of the court fees that are not automatically included in a fee waiver. Item 5 of this form would be revised to delete the item for court reporters’ fees for hearings 60 days after the fee waiver has been granted. Such fees are now automatically included in any fee waiver and

so should not be included in this application for waiver of additional fees.

- *Form FW-005, Notice: Waiver of Court Fees (Superior Court)*. This is the form issued by a court when a fee waiver is granted by operation of law when no court action is taken within five days of filing a request. The only change to this form is in item 4, where the item for court reporter's fees has been amended to include all such fees, and the new appellate fees **and probate fees** have been added.
- *Form FW-012, Order on Court Fee Waiver After Reconsideration Hearing (Superior Court)*. The only change to this form is in item 6d(2), where the item for court reporter's fees has been amended to parallel that same item in the other orders.¹⁰

Appellate Court Forms. Two appellate court forms would also be revised.

APP-015/FW-015-INFO, and APP-001. The *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO) is the form that provides litigants with information about waiver of appellate court fees and *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001) provides general information about appeals to the Court of Appeal in civil cases, including information about fee waivers. Both of these forms currently identify the superior court fees related to appeals that must be waived upon granting an application for an initial fee waiver. These forms would be revised in the following places to reflect the proposed amendments to rule 3.55:

Because form APP-001 must be revised to reflect these changes in the fee waiver rules, the Appellate Advisory Committee is also recommending a number of other updates to form APP-001 to reflect recent changes in appellate fees, rules, and procedures, including:

- Updating the amount of the fee to file a notice of appeal (page 1, item 4);
- Adding information about new fees for respondents (page 1, item 4);
- Reflecting that there are permissible substitutes to depositing funds with the court for a reporter's transcript (page 2, item 5, Reporter's Transcript section, middle paragraph);
- Updating rule references and the procedures relating to designation of the record (pages 2 and 3, item 5, Clerk's Transcript or Appendix section);
- Updating the procedures for filing a *Civil Case Information Statement* (form APP-004) (page 3, item 8); and

¹⁰ These revisions and three of these forms, forms FW-002, FW-005, and FW-012, were not among those circulated for comment. The committee is recommending that the council approve the further changes without circulation, as "minor substantive change[s] that [are] unlikely to create controversy," under rule 10.22(d)(2). While the change to the statutes to waive all fees for court reporting services **and for investigations under the Probate Code** may themselves have been likely to create a controversy, the changes to the rule and forms now that the laws are in effect are not, in that they are essentially mandated by the change in statute. Making the changes without circulation would allow all the changes to the fee waiver forms and rules to take place at the same time, rather than having some forms continue to be in non-compliance with the law until next July.

- Updating information about required copies of briefs (page 4, item 10, Service and Filing of Briefs section).

Comments, Alternatives Considered, and Policy Implications

Summary of comments received

The proposal was circulated with an invitation to comment in spring 2014. Fourteen comments were received, some extensive, from 16 different commentators (3 public interest law organizations from Los Angeles submitted a joint comment). Comments were received from 5 courts (Los Angeles, Orange, Riverside, Sacramento, and San Diego), a judicial officer (from San Bernardino), a family law facilitator, 2 State Bar committees, 2 county bar associations, an individual lawyer, the Joint Rules Working Group of the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee (TCPJAC/CEAC), and the three public interest law organizations (Harriett Buhai Center for Family Law, Western Center on Law & Poverty, and Public Counsel).

Of the 16 commentators:

- 2 *agree* with the proposal as circulated: Superior Court of Riverside County and the Committee on Administration of Justice (CAJ), with CAJ expressly agreeing that there should be a method to waive the advance hearing when the party agrees to payments over time.¹¹
- 6 *agree* with the proposal *but propose it be modified*: the individual attorney, individual judge, family law facilitator, Orange County Bar Association, Superior Courts of Orange County and San Diego County (many of the modifications requested have been made, as described below);
- 6 *oppose* making the proposed changes relating to installment, payments: the three public interest law groups, Superior Court of Los Angeles County and Superior Court of Sacramento County, and the TCPJAC/CEAC Joint Rules Working Group; and
- 2 commented only on the appellate portion of the proposal: Appellate Courts Section of Los Angeles Bar and Committee on Appellate Courts of State Bar.

A chart listing all commentators and showing all the comments received and modifications requested is attached, at pages 41–71. In light of the variety of issues in this proposal, and the variety of concerns raised, the comments chart is organized by subject matter. The chart starts with a list of all commentators in alphabetical order, and a note of the position taken by the commentator. The comments are then organized by topics, so that it is easier to see comments on each topic all together.

¹¹ The Family and Juvenile Law Advisory Committee and the Access and Fairness Advisory Committee also reviewed the proposal as circulated, and provided informal comments to staff. The large majority of members of both groups who reviewed the invitation to comment were in favor of going forward with the proposal to allow a party to waive a hearing before receiving permission to make payments over time in the event the fee waiver request was denied. The groups noted that procedures could be used to provide better access to the courts for lower-income parties who are not eligible for fee waivers generally. A few members of the Family and Juvenile Law Advisory Committee were opposed to the proposal, noting that payments over time are seldom completed by the parties and place a heavy administrative burden on the courts, and so should not be facilitated.

The main points raised by the commentators and the committees' proposed responses are summarized below, by topic.

Comments on payments of trial court fees over time

Opposition to proposal. As noted above, while the majority of commentators agree with the proposal generally, at least with some minor modifications, six commentators oppose the proposal. All six note that the proposal will encourage courts to make more orders for payments over time rather than either granting fee waiver applications or simply denying them outright—and conclude that this is not desirable. But the commentators have different reasons for why they view the expected outcome negatively.

The Superior Court of Los Angeles County and the TCPJAC/CEAC Joint Rules Working Group, in identical comments, expressed concern that the increased amount of orders allowing payments over time will increase the work of court staff, requiring substantial additional staff time for processing multiple payments, especially with older court computerized case systems and with the fact that cash will frequently be involved. The commentators are also concerned that collections will be difficult and time consuming. The Superior Court of Sacramento County agrees that the proposed amendments would burden the courts more than benefit them, due to the increased time that would have to be spent on handling multiple payments and collections.

While the advisory committee agrees that payments over time are administratively burdensome, the majority concluded that the benefits of this proposal (eliminating some hearings) was a benefit to the court, particularly because the statute already provides that judicial officers should consider the alternative of payments over time at any eligibility hearing at which the court denies a fee waiver application. (See § 68634(c)(5), at last paragraph.) The proposal would not change or expand the law authorizing payments over time; it just attempts to ease the requirement for hearings before such payments are permitted. The advisory committee also notes that there is no mandate in the statute (or in the rules or forms) that courts authorize payments over time for all parties who are denied a fee waiver—this option is within a court's discretion.

The three public interest law groups oppose the proposal from a different viewpoint, from the harm they perceive it will cause to the parties. They have provided an extensive comment pointing out the flaws they perceive in the proposal. Their first stated concern is that the statute providing for payments over time rather than a fee waiver (Government Code section 68634(c)(5)) is itself contrary to law, citing a Supreme Court opinion to support this position:

. . . *Earls v. Superior Court* (1971) 6 Cal.3d 109. The trial court there denied a fee waiver application because the court concluded the applicant could set aside a little money over a number of months to pay the fee. The Supreme Court rejected this approach, concluding, “We know of no authority permitting a court to deny an application to proceed in forma pauperis upon the ground that, although the applicant is currently indigent, he may, over a period of months, succeed in accumulating the amount necessary to defray his costs.” (*Id.* at p. 117.)

“The right of an indigent civil litigant to proceed in forma pauperis is grounded in a common law right of access to the courts and constitutional principles of due process.” (*Cruz v. Superior Court* (2004) 120 Cal.App.4th 175, 185, emphasis added.) Because of this, and because of the holding in *Earls*, the practice of ordering payment of fees over time, even though permitted by statute, is constitutionally suspect.

The fee waiver statute, however, which was enacted after the *Earls* decision, can be read as consistent with that decision, because it expressly authorizes a court to allow payments over time or a partial waiver only when a court has determined that a party is *not* indigent at the time of the application, and so is not eligible for a full fee waiver under the standards of the statute, and when the court provides a written statement of the reasons why not. (See § 68634(c)(5), last sentence.)

The commentators also expressed skepticism that courts can make the kind of fine distinction required to determine that a party cannot pay the full court fee while paying for the common necessities of life (the standard for a fee waiver under § 68632(c)), but can afford to pay for part of the court fees, calling such a decision an “exercise in false precision,” which, while theoretically possible, should not be encouraged. The majority of the committee disagreed that this type of decision-making was beyond the normal scope of judicial officer’s work.

In addition to opposing the practice of installment payments altogether, the public interest group commentators also raise several objections concerning the specifics of this proposal, which can be read in their entirety in the comments chart, but are summarized here, along with the advisory committee’s responses:

- A request for payments over time should not be on the application form because it is not a type of relief that may be requested, but only an option for a court as part of a denial of a fee waiver application.

The advisory committee agrees that permission for payments over time is indeed an alternative to be considered only in the event that a fee waiver has been denied, and has modified the text of the form to more clearly express this. (See also § 68640, which authorizes the council to make rules of court to allow parties who are not eligible for a fee waiver to pay court fees in installments.)

- The application form is contradictory, because if someone wants all fees to be waived, they do not want to pay the initial fee over time.

The form has been modified in light of this comment to reflect that the payments over time would only be considered as an alternative if the fee waiver request is denied.

- The application form should not include a prospective waiver, but instead, if payments over time to be made, the court should have the opportunity to make such an order as a tentative order, with a hearing date scheduled, and allow the party to either appear at a hearing or waive the hearing and accept the payments over time.

The committee concluded that this alternative would be significantly more burdensome

for the court, without a significant added benefit to the parties. As now modified, the form makes it clear that the party can request a hearing after the order has been issued, should the party wish to do so, and that there is a form which may be used for such a request.

- Order form FW-003 should not include a space to deny application for payments over time, because there should not be a separate request for such a thing to begin with for court to rule on.

The committee agreed with this comment and has eliminated the item for denial of a request for payments over time. The committee is not recommending that the fee waiver forms be used for stand-alone requests for payments over time.

- Rules 3.50 and 3.51 should not be amended because there should not be any specific applications for installments of payment over time.

The committee agreed that the forms should not be used for specifically requesting installment payments over time except as an alternative when a fee waiver application has been denied, and so is no longer recommending amendments to these rules.

- If the provisions on forms and rules are changed to include requests for installment payments, they should also include requests for partial waivers.

The committee disagreed. It concluded that partial waivers are a more complex alternative and could only be granted after a hearing.

Requests to modify proposal regarding payments over time. There were several requests for modifications to the forms, some to sections not related to the payment of fees over time (the committee also revised the financial information worksheet on the form). Those requests not directed to payments over time, but to other proposed changes to forms, can be found in the section of the chart entitled “Other Comments/Suggestions – Forms FW-001, FW-001-INFO, FW-003 and FW-008”. Requests for modifications that relate to payments over time are included in the first topic section of the chart and summarized here.

Restrictions on payments over time. Several commentators (Judge Frangie from San Bernardino, Ms. Larsen (Family Law Facilitator from Shasta County), the Orange County Bar Association, and some of the judicial officers at Superior Court of Orange County) state that the three-month default period for payments over time included in the proposed rules and forms is too restrictive, and that a longer period of six months or a year would be preferable. On the other hand, some judicial officers at the Orange County court believed that three months was appropriate. The Civil and Small Claims Advisory committee concluded that, in light of administrative burdens on the court of handling payments over time, three months is an appropriate time frame, with each judicial officer retaining discretion to provide for a longer period where good cause is shown. This conclusion is in accordance with opinion of the Access and Fairness Advisory Committee and the majority of the members of the Family and Juvenile Law Advisory Committee.¹²

¹² The Access and Fairness Advisory Committee found the three-month period to be reasonable, as long as the court retained discretion to make it longer. The Family and Juvenile Law Advisory Committee members who reviewed the proposal split on this point, with a majority agreeing with the three-month period so long as the court has the discretion to make longer, and the rest opining that a six-month period would be preferable.

As to limiting the payments over time to the initial filing fee, a couple of comments were received, with a family law facilitator disagreeing with the limitation altogether, and proposing that all filing fees—including motion fees—should be covered by the payment plans. Superior Court of Orange County, however, questioned how the option of allowing payments of other fees over time would work. Would another fee waiver application be required? With another option for a full fee waiver hearing (if no waiver of advance hearing agreed to)? And would the new application be required each time a motion or other item triggering a filing fee is filed? The committee agrees that the idea of allowing payments over time for all kinds of filing fees is overly complex and would be too much of a burden on the courts.

Specific request for payments over time. Two commentators (Superior Court of Orange County and Orange County Bar) suggested changes to the item on the application form requesting payments over time (form FW-001 at 5c), suggesting that the request for such payments should only be applicable should a fee waiver be denied. The committee agreed and the form has been modified to reflect this suggestion.

The Orange County Bar and Ms. Larsen also noted that there was no instruction or space provided on the form for a party to show good cause for getting a longer time for payments. The committee has now added instructions to the information sheet and to item 7 on the application form.

Superior Court of Orange County pointed out that forms FW-001 and FW-001-INFO are silent as to when fees are due if payment plan request is denied. The Civil and Small Claims Advisory Committee notes that the application form has never contained information as to when payment is due if the fee waiver request is denied; rather, such information has been included on the order forms, and may be found on forms FW-003 and FW-008.

Text of waiver of hearing in advance. Several commentators find the text of the waiver (form FW-001 at item 7) as circulated awkward and incomplete, and requested it be changed to more closely track the information sheet. (See comments of Ms. Larson, Orange County Bar Association, Superior Courts of Orange and San Diego Counties.) The Civil and Small Claims Advisory Committee agreed and has further modified the text of this item and paragraph 3 of the information sheet in light of the suggestions made by the commentators.

Order re payments over time. Orange County Bar Association objected that the order form, FW-003, does not provide for a statement of reasons for denial of installment payments at item 4b(3) although the law requires statement of reasons for denying a fee waiver request. As noted above, the committee has deleted the possibility of a separate request for payments over time, so the separate item for denial of such a request (which was on the circulated form) has been deleted from the form recommended here. Payments over time will only be considered in the event that the fee waiver request is denied, and the reasons for that denial must be included in form FW-003 at item 4b(2).

Family law facilitator Larson commented that there is no provision included in the order allowing for a party to request a hearing post-order. She notes that the proposed waiver is expressly for an advance hearing on the issue of a denial of fee waiver, but not a waiver of all hearing rights. The committee agrees and has modified the form to clarify that, even when payments over time are authorized, a party whose fee waiver has been denied must be provided with the opportunity to request a hearing. (See form FW-003, at item 4b(2).)

Comments on chart on forms showing income eligibility dollar amounts and effective date

As noted above, the fee waiver application, form FW-001, contains a chart showing the income amounts for fee waiver eligibility based on 125% of the current poverty guidelines.¹³ Members of the council's Rules and Projects Committee suggested that this chart be removed from FW-001 on the grounds that such amounts (and hence the form) have to be revised almost every year. The suggestion was that the information could instead be maintained on the Judicial Council's website, where revisions would not automatically result in changes to the forms. To assist in assessing this suggestion, the invitation to comment asked for specific input on this issue.

Five commentators opposed removing the chart from the forms in spite of the annual revisions required: Committee on Administration of Justice of State Bar, family law facilitator Larsen, the Orange County Bar Association, and Superior Courts of Orange and Riverside Counties. The two courts noted that having the chart of the form was valuable to court staff and judicial officers as well as to fee waiver applicants.

Two commentators, Superior Court of Los Angeles County and TCPJAC/CEAC Joint Rules Working Group, made identical comments, noting the cost of having to revise the form yearly. They propose, instead, that form FW-001 could include a pointer to the website containing the information *and* that an optional form be created that would include both the information in the family size/income eligibility chart and explanations of the public benefits abbreviations (which they suggest be removed from the proposed INFO sheets). According to these commentators, courts could then choose to use that optional form if they wished, to hand out to all applicants or to post in clerk's office of self-help center.

Because FW-001 is used in both the superior court and Court of Appeal, removal of the chart from this form would impact both levels of court. For this reason, both the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee considered this issue. In addition, informal comments on this issue were received from the Family and Juvenile Law Advisory Committee and the Access and Fairness Advisory Committee. All of these Judicial Council committees agree with the majority of the commentators that the chart should stay on the form, in order to assist both the applicants and the courts in determining eligibility.

¹³ Government Code section 68632(b) provides that a fee waiver should be given to any applicant "whose monthly income is 125 percent or less of the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services." Note that this chart also appears on the appellate information sheet regarding fee waivers (form APP-015/FW-015-INFO).

The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee particularly considered the fact that most applicants for fee waivers are indigent self-represented litigants, many without easy access to the Internet, and that they are asserting their eligibility under penalty of perjury. The committees also note that the chart was originally on the information sheet, rather than the application, but was moved to the application in 2009 at the recommendation of the Fee Waiver Working Group that developed the fee waiver legislation sponsored by the council back at that time. They proposed the move in order to make clearer to both the applicant and the court the factual basis for the applicant's assertion being made under penalty of perjury that he or she is eligible for a fee waiver under section 68632(b). In addition, the committees noted that, since the amendments to reflect the change in eligibility amounts are regularly issued in late February of each year, courts can plan for the changes in stocking the fee waiver forms.

All the commentators who addressed the issue support delaying the effective date of all changes recommended here until March 1, 2015, so that any changes to the income charts in form FW-001 and form APP-015/FW-015 would be made at the same time as all the other changes. This would eliminate the need to have one version of those forms go into effect on January 1, 2015, only to have to amend them the following month. If the proposed revisions to the forms are adopted by the council, and if, as expected, the federal poverty guidelines are changed in late January 2015, the Civil and Small Claims Advisory Committee will return to the council by circulating order in February 2015 to seek approval of revisions of the dollar figures on the income charts, so that the charts can be changed before the new forms go into effect.

Comments on types of fees included in all initial fee waivers

Appellate fees. Three commentators—the Appellate Courts Section of the Los Angeles County Bar, the State Bar's Committee on Appellate Courts of, and Superior Court of San Diego County—submitted comments on the proposal to amend rule 3.55 and related forms to add the two additional appellate fees that must be waived as part of an initial fee waiver. All agreed with the proposed amendments to the rule and the resulting changes to the forms to reflect the change.

The Superior Court of Los Angeles County and TCPJAC/CEAC Joint Rules Working Group raised a somewhat different issue relating to appellate fees, stating that appellate fees should not be referenced in the initial fee waiver forms (presumably meaning in the application form FW-001, which includes request for waiver of fees for appeals, and the two order forms, FW-003 and FW-008) because it was confusing to applicants to see information regarding appellate fees on forms at the start of the case. Removing this information from the fee waiver forms would be an important substantive change and thus is not the type of change that can be considered for implementation without public comment having been sought. When the current fee waiver forms were adopted in 2009 to implement changes in the fee waiver statutes, the committees specifically considered and sought public comment on whether to have a single fee waiver application or separate applications for the trial and appellate courts. Based on the public comments, the committees specifically recommended the adoption of a single fee waiver application form in 2009. Removing the appellate fee references from these forms requires the

committees to reconsider that earlier policy decision. The committees will add this suggestion to the list of proposals for future consideration by the committees.

Trial court fees. Several commentators also raised some points about some of trial court fees listed in rule 3.55, with particularly strong concerns raised by both the Superior Court of Orange County and Superior Court of San Diego County concerning the recent amendments to Government Code section 68086 regarding court reporter's fees that they believe should be reflected in modifications to current rule 3.55(7). As the commentators note, the Government Code section on court reporter's fees was amended this past year to expressly require that the fees for all court reporting services provided at the expense of the court—whether a daily fee or the new \$30 fee for a short hearing—must be waived for a person who has been granted a fee waiver under section 68631. (See §68086(b).) The three public interest law groups that jointly commented on the circulated proposal also sent a separate joint proposal to the committee that that rules 3.55(7) and 3.56(4) should be changed, to reflect the current state of the law under section 68086 that the waiver of court reporter's fees is now unconditional and cannot be time-restricted by rule of court.

As discussed above, the Civil and Small Claims Advisory Committee agrees that, as the rules currently read, the two rules are in conflict with statute. The committee is recommending that further modifications be made to rules 3.55 and 3.56, and to the forms that include the lists of items in those rules.

Other alternatives considered

In addition to the alternatives raised in the comments, the following alternatives were considered by the committees.

No change. The Civil and Small Claims Advisory Committee initially considered the alternative of not amending the fee waiver rules and forms to address the issue of payments over time. The committee recognizes that these forms and the fee waiver procedures are both complex and very heavily used in the courts and that, as a result, any change will place a burden on the courts, requiring training of court clerks and judicial officers who deal with fee waivers. In addition, revising the forms to provide for installment payments on the order issued without a hearing (form FW-003) necessarily lengthens the form, which will become three-pages long—a length some courts may find burdensome. The goal of these changes, however, is to save parties and courts the time and expense of unnecessary court appearances. Because the change has been urged by sitting judicial officers who regularly handle fee waiver applications, and because the change was recommended by the Ad Hoc Advisory Committee on Trial Court Efficiencies, et al., the majority of the committee concluded that proposing amendments to effect the requested change is appropriate.¹⁴

The Appellate Advisory Committee similarly considered not proposing amendments to the fee waiver rules and forms. However, based on the comments received last year, the committee

¹⁴ One member of the committee voted to leave the forms and rules as they currently stand regarding payments over time.

concluded that it was important to specifically provide that the new fee for holding deposits for reporters' transcripts in trust is among those superior court fees that must be waived when an initial fee waiver is granted. Given that changes to the fee waiver rules and forms were being considered by both the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee, the committees also concluded that it would be most economical to consider all of the potential changes to these forms at the same time.

Separate forms for payments over time. The Civil and Small Claims Advisory Committee considered the alternative of leaving the current fee waiver forms as they exist, and adding another set of forms (application and order) solely focused on requests for payments over time. This alternative had the advantage of leaving the fee waiver forms unchanged and so might result in a lesser training burden on the courts. However, the committee concluded that a second set of forms and procedures would not solve the current problem of courts and parties not wanting to have to appear for a hearing should a court denying a fee waiver permit a party to make payments over time. While such forms could be useful for the small number of individuals who are seeking only the relief of making payments over time, without requesting any waiver of their fees, they would not help relieve the burden of unnecessary hearings for parties who do apply for fee waivers. Those individuals who want a fee waiver if possible, but who are willing to settle for the payments over time as an alternative, would still be able to get such relief only following a hearing. The committee concluded that this alternative was not a useful one.

Implementation Requirements, Costs, and Operational Impacts

The proposal regarding payments over time will impose a need for training of court clerks and judicial officers on the amended forms and new procedures for handling requests from parties willing to give up their right to an advanced hearing before such payments may be permitted. It will also impose a cost in producing or procuring new forms. Some of that cost, at least as to the application forms, could be minimized by making the effective date March 1, 2015 so that any changes to three of the forms because of a change in the federal poverty guidelines could be made at the same time. It is anticipated that costs will also be offset to some degree by courts being able to eliminate hearings in cases where parties have agreed to waivers.

Adding the new \$50 fee for the court to hold in trust funds deposited to pay court reporters for a transcript to the list of fees that must be waived when an initial fee waiver is granted may result in a reduction in revenues to the trial court from this fee. It is anticipated that this reduction would be small, as indigent parties may already request that the court waive this fee under rule 3.56(6) ("Other fees or expenses as itemized in the application"). There may also be some offsetting reduction in costs, as the court will not have to consider separate requests to waive this fee.

Attachments

1. Cal. Rules of Court, rules 3.52, 3.55, 3.56, and 8.818, at pages 20–22.
2. Forms FW-001, FW-002, FW-003, FW-005, FW-008, FW-012, APP-001, and APP-015-INFO, at pages 23–40
3. Chart of comments, at pages 41–71.

California Rules of Court, rules 3.52, 3.55, 3.56, and 8.818 would be amended, effective March 1, 2015, to read:

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Title 3. Civil Rules

Division 2. Waiver of Fees and Costs

Rule 3.52. Procedure for determining application

The procedure for determining an application is as follows:

- (1) The trial court must consider and determine the application as required by Government Code sections 68634 and 68635.
- (2) An order determining an application for an initial fee waiver without a hearing must be made on *Order on Court Fee Waiver (Superior Court)* (form FW-003), except as provided in ~~(6)~~ (7) below.
- (3)–(5) ***
- (6) On denial of a fee waiver application, any order allowing payment of initial filing fees over time should limit the time for payments to three months unless there is good cause for a longer time. The order may be issued on form FW-003 if the party has expressly waived a hearing.
- (7) Until January 1, ~~2013~~ 2016, a court with a computerized case management system may produce electronically generated court fee waiver orders as long as:
 - (A) The document is substantively identical to the mandatory Judicial Council form it is replacing;
 - (B) Any electronically generated form is identical in both language and legally mandated elements, including all notices and advisements, to the mandatory Judicial Council form it is replacing; and
 - (C) The order is an otherwise legally sufficient court order, as provided in rule 1.31(g), concerning orders not on Judicial Council mandatory forms.

Rule 3.55. Court fees and costs included in all initial fee waivers

Court fees and costs that must be waived upon granting an application for an initial fee waiver include:

- (1) Clerk's fees for filing papers;
- (2) Clerk's fees for reasonably necessary certification and copying;

- 1 (3) Clerk's fees for issuance of process and certificates;
- 2
- 3 (4) Clerk's fees for transmittal of papers;
- 4
- 5 (5) Court-appointed interpreter's fees for parties in small claims actions;
- 6
- 7 (6) Sheriff's and marshal's fees under article 7 of chapter 2 of part 3 of division 2 of title 3 of
- 8 the Government Code (commencing with section 26720);
- 9
- 10 (7) Reporter's ~~daily~~ fees for attendance at hearings and trials, if the reporter is provided by the
- 11 court held within 60 days of the date of the order granting the application;
- 12
- 13 (8) The court fee for a telephone appearance under Code of Civil Procedure section 367.5; ~~and~~
- 14
- 15 (9) Clerk's fees for preparing, copying, certifying, and transmitting the clerk's transcript on
- 16 appeal to the reviewing court and the party. A party proceeding under an initial fee waiver
- 17 must specify with particularity the documents to be included in the clerk's transcript on
- 18 appeal;
- 19
- 20 (10) The fee under rule 8.130(b) or rule 8.834(b) for the court to hold in trust the deposit for a
- 21 reporter's transcript on appeal; and
- 22
- 23 (11) The clerk's fee for preparing a transcript of an official electronic recording under rule
- 24 8.835 or a copy of such an electronic recording.
- 25

Advisory Committee Comment

27 The inclusion of court reporter's fees in the fees waived upon granting an application for an

28 initial fee waiver is not intended to mandate that a court reporter be provided for all fee waiver

29 recipients. Rather, it is intended to include within a waiver all fees mandated under the

30 Government Code for the cost of court reporting services provided by a court.

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Rule 3.56. Additional court fees and costs that may be included in initial fee waiver

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35 Necessary court fees and costs that may be waived upon granting an application for an initial fee

36 waiver, either at the outset or upon later application, include:

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- 38 (1) Jury fees and expenses;
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- 40 (2) Court-appointed interpreter's fees for witnesses;
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- 42 (3) Witness fees of peace officers whose attendance is reasonably necessary for prosecution or
- 43 defense of the case;

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2 ~~(4) Reporter’s fees for attendance at hearings and trials held more than 60 days after the date~~
3 ~~of the order granting the application;~~

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5 ~~(54)~~ Witness fees of court-appointed experts; and

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7 ~~(65)~~ Other fees or expenses as itemized in the application.
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10 **Title 8. Appellate Rules**

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12 **Division 2. Rules Relating to the Superior Court Appellate Division**

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14 **Chapter 1. General Rules Applicable to Appellate Division Proceedings**
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16 **Rule 8.818. Waiver of fees and costs**

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18 **(a)–(c) * * ***

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20 **(d) Court fees and costs waived**

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22 Court fees and costs that must be waived upon granting an application for initial waiver of
23 court fees and costs ~~include:~~ are listed in rule 3.55. The court may waive other necessary
24 court fees and costs itemized in the application upon granting the application, either at the
25 outset or upon later application.

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27 ~~(1) The fee for filing the notice of appeal;~~

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29 ~~(2) The clerk’s fees for preparing and certifying the clerk’s transcript on appeal and for~~
30 ~~copying and transmitting a copy of this transcript to the applicant;~~

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32 ~~(3) The fee for preparing a transcript of an official electronic recording under rule 8.835~~
33 ~~or a copy of such an electronic recording; and~~

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35 ~~(4) Any court fee for telephonic oral argument.~~

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37 **(e)–(f) * * ***

Clerk stamps date here when form is filed.

DRAFT
08/20/14
NOT APPROVED BY
THE JUDICIAL COUNCIL

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees.

- You cannot give the court proof of your eligibility,
Your financial situation improves during this case, or
You settle your civil case for \$10,000 or more.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (person asking the court to waive the fees):

Name:
Street or mailing address:
City: State: Zip:
Phone number:

2 Your Job, if you have one (job title):

Name of employer:
Employer's address:

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature:

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- I receive (check all that apply; see form FW-001-INFO for definitions): Food Stamps Supp. Sec. Inc.
SSP Medi-Cal County Relief/Gen. Assist. IHSS CalWORKS or Tribal TANF CAPI
My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 8, 9, and 10 on page 2 of this form.)

Table with 6 columns: Family Size, Family Income, Family Size, Family Income, Family Size, Family Income. Rows show income levels for family sizes 1-6.

c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check all boxes that apply, and you must fill out page 2):

- Waive all court fees and costs.
If the fee waiver is denied, let me pay my initial Superior Court filing fee over time (see item 7 on page 2).

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here:)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date:

Print your name here

Sign here

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 8, 9, and 10 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 Waiver of Hearing With Payments Over Time

If your fee waiver is denied, you may be allowed to pay your filing fee in Superior Court over time, generally over 3 months. State law sometimes requires that the court set a hearing for you to be able to speak with the court about the fee waiver request before the court denies it. If you are willing to give up that hearing **now** in the event that (1) the court denies your fee waiver and (2) the court permits you to make payments over time, then you should check item 7a below.

A court may allow up to 3 months for payment of the filing fee, unless you can show a really good reason for a longer time. (*Cal. Rules of Court, rule 3.52(6).*) If you have a good reason for needing more than 3 months, set out the reasons on form MC-025 and attach it to this form.

- a. I waive any right to a hearing in advance of denial of my fee waiver request if the court allows payments over time.
- b. I do not waive any right I have to a hearing at court before my request for a waiver is denied.

8 Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

9 Your Gross Monthly Income

a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

- (1) _____ \$ _____
- (2) _____ \$ _____
- (3) _____ \$ _____
- (4) _____ \$ _____

b. Your total monthly income: \$ _____

10 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (9b plus 10b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, or why you need more than 3 months for payments over time, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page.

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

11 Your Money and Property

- a. Cash \$ _____
- b. All financial accounts (*List bank name and amount*):
 - (1) _____ \$ _____
 - (2) _____ \$ _____
 - (3) _____ \$ _____
- c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____
- d. Real estate

Address	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

12 Your Monthly Deductions and Expenses

- a. List any payroll deductions and the monthly amount below:
 - (1) _____ \$ _____
 - (2) _____ \$ _____
 - (3) _____ \$ _____
 - (4) _____ \$ _____
- b. Rent or house payment & maintenance \$ _____
- c. Food and household supplies \$ _____
- d. Utilities and telephone \$ _____
- e. Clothing \$ _____
- f. Laundry and cleaning \$ _____
- g. Medical and dental expenses \$ _____
- h. Insurance (life, health, accident, etc.) \$ _____
- i. School, child care \$ _____
- j. Child, spousal support (another marriage) \$ _____
- k. Transportation, gas, auto repair and insurance \$ _____
- l. Installment payments (*list each below*):

Paid to:		
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____
- m. Wages/earnings withheld by court order \$ _____
- n. Any other monthly expenses (*list each below*):

	How Much?
(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

Total monthly expenses (add 12a –12n above): \$ _____

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, or if you are filing or have received a family law petition, and if you cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs *and* your court fees, you may ask the court to waive all or part of your court fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001). If you qualify, the court will waive all or part of its fees for the following:
 - Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
 - Making and certifying copies
 - Sheriff's fee to give notice
 - Court fee for telephone hearing
 - Reporter's fee for attendance at hearing or trial, if a reporter is provided by the court.
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851.
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal.
 - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.833 or 8.834.
 - Making a transcript or copy of an official electronic recording under rule 8.835
 - Giving notice and certificates
 - Sending papers to another court department
 - Having a court-appointed interpreter in small claims court
2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002). The court will consider waiving fees for items such as the following, or other court services you need for your case:
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Other necessary court fees
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness

3. If your fee waiver is denied, you may be allowed to pay your filing fee in Superior Court over time, generally over three months. If your fee waiver is denied, and if you want the court to consider allowing you to pay the filing fee over time, check box 5 c(ii) on your *Request to Waive Court Fees*. State law sometimes requires that the court set a hearing for you to be able to speak about the fee waiver request before the court denies it. If you are willing to give up that hearing *now* in the event that (1) the court denies your fee waiver and (2) the court permits you to make payments over time, then you should check item 7a on the request form and fill out all the other sections of that form.

A court may allow up to three months for payment of the filing fee, unless you can show a good reason for needing a longer time. See Rules of Court, rule 3.52(6). If you have a good reason for needing more than three months, you should set out the reasons on form MC-025 and attach it to your *Request to Waive Court Fees*.

4. If you want the Appellate Division of Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees, Supreme Court, Court of Appeal, Appellate Division* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.**
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **Public benefits programs listed on the application form.** In item 5 on the *Request to Waive Court Fees*, there is a list of programs from which you may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:
 - Medi-Cal
 - Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
 - Supp. Sec. Inc.—Supplemental Security Income (not Social Security)
 - SSP—State Supplemental Payment
 - County Relief/General Assistance—County Relief, General Relief (GR) or General Assistance (GA)
 - IHSS—In Home Supportive Services
 - CalWORKS—California Work Opportunity and Responsibility to Kids Act
 - Tribal TANF—Tribal Temporary Assistance for Needy Families
 - CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants

- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court within five days if your finances improve or if you become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) with the court.) You may be ordered to repay any amounts that were waived after your eligibility came to an end.
- **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases. (Government Code, section 68637(d), (e).)
- **If you settle your civil case for \$10,000 or more:** Any trial court waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- **The court can collect fees and costs due to the court.** If waived fees and costs are ordered paid to the trial court, **or if you fail to make the payments over time,** the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you are not eligible for a fee waiver.
- **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time. **See Government Code section 68635.**

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This form asks the court to waive *additional* court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file a *Request to Waive Court Fees (Superior Court)*, form FW-001, along with this form.

1 Your Information (person asking the court to waive the fees):

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone number: _____

Fill in court name and street address:
Superior Court of California, County of

2 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

Fill in case number and name:
Case Number:
Case Name:

- a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No
- b. (If yes, your lawyer must sign here):
Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Date your last court fee waiver order, if any, was granted: _____

4 Has your financial situation improved since your last Request to Waive Court Fees? No Yes (If yes, you must fill out a new Request to Waive Court Fees, form FW-001, and attach it to this form.)

5 What other fees do you want your court fee waiver order to cover? (Check all that apply):

- a. Jury fees and expenses
- b. Court-appointed interpreter fees for a witness
- c. Fees for a peace officer to testify in court
- d. Fees for court-appointed experts
- e. Other (specify): _____

6 Why do you need these other services? (Explain):

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Print your name here

Sign here

Order on Court Fee Waiver (Superior Court)

Clerk stamps date here when form is filed.

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1 Person who asked the court to waive court fees: Name: Street or mailing address: City: State: Zip:

2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number):

3 A request to waive court fees was filed on (date): The court made a previous fee waiver order in this case on (date):

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees.

4 After reviewing your: Request to Waive Court Fees Request to Waive Additional Court Fees the court makes the following orders:

a. The court grants your request, as follows:

(1) Fee Waiver. The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
Making copies and certifying copies
Sheriff's fee to give notice
Court fee for phone hearing
Reporter's fee for attendance at hearing or trial, if reporter provided by the court
Assessment for court investigations under Probate Code section 1513, 1826, or 1851
Preparing, certifying, copying, and sending the clerk's transcript on appeal
Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
Making a transcript or copy of an official electronic recording under rule 8.835
Giving notice and certificates
Sending papers to another court department
Court-appointed interpreter in small claims court

(2) Additional Fee Waiver. The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- Jury fees and expenses
Fees for a peace officer to testify in court
Fees for court-appointed experts
Court-appointed interpreter fees for a witness
Other (specify):

Case Number: _____

Your name: _____

b. The court **denies** your fee waiver request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

(2) The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay your fees and costs in full or the amount listed in c. below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. Having waived the right to a hearing, and the fee waiver having been denied (*see b(2) above*), you may pay your initial filing fee over time. (See *Cal. Rules of Court, rule 3.52(6)*.) You must make monthly payments of at least \$ _____ beginning (*date*): _____ and then payable on the 1st of each month after that, until the fees are paid in full.

You must pay all other court fees and costs as they are due.

d. The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*): _____

Bring the following proof to support your request if reasonably available:

Name and address of court if different from above:

Hearing Date	→ Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____

Warning! If item d is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one): Judicial Officer Clerk, Deputy

This is a Court Order.

Your name: _____

Case Number: _____



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.
 I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
 This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California on the date below.
Date: _____ Clerk, by _____, Deputy

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This is a Court Order.

**Notice: Waiver of Court Fees
(Superior Court)**

Clerk stamps date here when form is filed.

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1 Person who asked the court to waive court fees:
Name: _____
Mailing address: _____
City: _____ State: _____ Zip: _____
Phone number: _____

2 Lawyer, if person in 1 has one: (name, address, phone number, e-mail, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of

3 Your Request to Waive Court Fees was filed on (date):

Court fills in case number when form is filed.

Case Number:

Case Name:

4 Your request is granted by operation of law because no court action was taken within five days after it was filed. A fee waiver is granted for the following court fees and costs (Cal. Rules of Court, rule 3.55):

- Filing papers
- Giving notice and certificates
- Sending papers to another court department
- Court fee for phone hearing
- Reporter's fee for attendance at hearing or trial, **if reporter provided by the court**
- **Assessment for court investigations under Probate Code section 1513, 1826, or 1851**
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- **Holding in trust the deposit for a reporter's transcript on appeal under rules 8.130 or 8.834**
- **Making a transcript or copy of an official electronic recording under rule 8.835**
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court-appointed interpreter in small claims court

Date: _____ Clerk, by _____, Deputy

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one): A certificate of mailing is attached.
 I handed a copy of this notice to the party and attorney, if any, listed in 1 and 2, at the court, on the date below.
 This notice was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in 1 and 2, from (city): _____, California on the date below.

Date: _____ Clerk, by _____, Deputy

Order on Court Fee Waiver After Hearing (Superior Court)

Clerk stamps date here when form is filed.

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10/01/14

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1 Person who asked the court to waive court fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number):

3 A request to waive court fees was filed (date): _____

4 There was a hearing on (date): _____
at (time): _____ **in (Department):** _____

The following people were at the hearing (check all that apply):

Person in 1 Lawyer in 2

Others (names): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

5 After reviewing your: Request to Waive Court Fees Request to Waive Additional Court Fees **the court makes the following order:**

a. The court **grants** our request and waives your court fees and costs as follows:

(1) **Fee Waiver.** The court **grants** your request and waives your court fees and costs listed below (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, **if reporter provided by the court**
- **Assessment for court investigations under Probate Code section 1513, 1826, or 1851**
- Preparing and certifying the clerk's transcript on appeal
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- **Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834**
- **Making a transcript or copy of an official electronic recorder under rule 8.835**

(2) **Additional Fee Waiver.** The court **grants** your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other: (*specify*): _____
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness



Case Name: _____	Case Number: _____
-------------------------	---------------------------

- b. The court **denies** your request and **will not waive or reduce** your fees and costs.
- (1) The reason for this denial is as follows:
- (a) Your request is incomplete, and you did not provide the information that the court requested (*specify items missing*): _____
- (b) You did not go to court on the hearing date to provide the information the court needed to make a decision.
- (c) The information you provide shows that you are not eligible for the fee waiver you requested because (*check all that apply*):
- i. Your income is too high.
- ii. Other (*explain*): _____
- (d) There is not enough evidence to support a fee waiver.
- (e) Other (*state reasons*): _____
- (2) You may pay your initial filing fee over time. (See *Cal. Rules of Court, rule 3.52(6)*.) You must make monthly payments of at least \$ _____ beginning (*date*): _____ and then payable on the 1st of each month after that, until the fee is paid in full.
You must pay all other court fees and costs as they are due.
- c. The court **partially grants** your request so you can pay court fees without using money you need to pay for your household's basic needs. You are ordered to pay a portion of your fees, **as checked below**. The court only partially grants the request because (*state reasons for partial denial*): _____
- (1) You must pay _____ % of your court fees.
- (2) The court waives some fees. The fees checked below are waived. You must pay all other court fees.
- | | |
|---|---|
| <input type="checkbox"/> Filing papers at superior court | <input type="checkbox"/> Giving notice and certificates |
| <input type="checkbox"/> Sheriff's fee to give notice | <input type="checkbox"/> Sending papers to another court department |
| <input type="checkbox"/> Court-appointed interpreter | <input type="checkbox"/> Court-appointed interpreter fees for a witness |
| <input type="checkbox"/> Reporter's fee for attendance at trial or hearing if reporter provided by the court. | |
| <input type="checkbox"/> Jury fees and expenses | <input type="checkbox"/> Fees for a peace officer to testify in court |
| <input type="checkbox"/> Court-appointed experts' fees | <input type="checkbox"/> Court fees for telephone hearings |
| <input type="checkbox"/> Making certified copies | |
| <input type="checkbox"/> Other (<i>specify</i>): _____ | |
- (3) Other (*specify*): _____

Warning! If b or c above are checked: You have **10 days** after the clerk gives notice of this order (see date below) to pay your fees as ordered, unless there is a later date for beginning payments in item b(2). If you do not pay, your court papers will not be processed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: _____

▶ _____
Signature of Judicial Officer

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California on the date below.

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

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1 Name of person who asked the court to waive court fees:

Street or mailing address: _____
City: _____ State: _____ Zip: _____

2 Lawyer, if person in **1** has one: (*name, address, phone number, e-mail,
and State Bar number*):

3 The court made a previous fee waiver order in this case on (*date*):

4 The court sent you a notice to go to court about your fee waiver on (*date*):

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

Read this form carefully. All checked boxes are court orders.

5 There was a hearing on (*date*): _____
at (*time*): _____ in (*Department*): _____

The following people were at the hearing (*check all that apply*):

- Person in **1** Lawyer in **2**
 Others (*names*): _____

- 6** After considering the information provided at the hearing, **the court makes the following order:**
- a. No Change to Fee Waiver. The *Order on Court Fee Waiver* issued by this court on (*date*): _____ remains in effect. No change is made at this time.
 - b. Fee Waiver Is Ended as of: (*date*): _____. The court finds that beginning on that date you were no longer eligible for a fee waiver because: _____

 - (1) You must pay all court fees in this case from the date of this order.
 - (2) You must also pay the court \$ _____ for fees that were initially waived after you were no longer eligible.
 - (a) You must pay that amount within 10 days of this order.
 - (b) You may pay that amount in monthly payments of \$ _____ beginning (*date*): _____ and payable on the 1st of each month after that until paid in full.
 - c. **Fee Waiver Is Retroactively Withdrawn.** The court finds that you were never entitled to a fee waiver in this case because: _____

 - (1) You must pay all court fees in this case from the date of this order.
 - (2) You must also pay the court \$ _____ for fees that the court initially waived.
 - (a) You must pay that amount within 10 days of this order.
 - (b) You may pay that amount in monthly payments of \$ _____ beginning (*date*): _____ and payable on the 1st of each month after that until paid in full.

Case Number: _____

Your name: _____

6 d. Fee Waiver Is Modified. The court finds that you obtained the initial fee waiver in bad faith, for an improper purpose, or to needlessly increase the costs of litigation. The court places the following limitations on the fee waiver that was granted to you:

- (1) You must pay all court fees in this case from the date of this order.
- (2) From the date of this order, only the following court fees will be waived (*court to check all that apply*).

You must pay for all court fees that are not checked below:

- Filing papers at superior court Making certified copies Giving notice and certificates
- Sheriff's fee to give notice Sending papers to another court department
- Court-appointed interpreter Court-appointed interpreter fees for a witness
- Reporter's fee for attendance at hearing or trial, **if reporter provided by court**
- Jury fees and expenses Fees for a peace officer to testify in court
- Court-appointed expert's fees Court fees for telephone hearings
- Other (*specify*): _____

(3) Other modification: _____

e. Other Order: _____

Date: _____
Signature of Judge or Judicial Officer

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California on the date below.

Date: _____ Clerk, by _____, Deputy

INFORMATION ON APPEAL PROCEDURES FOR UNLIMITED CIVIL CASES

The following is general information about the procedures for appeals of unlimited civil cases (“unlimited civil case” generally means a civil case in which the amount in controversy is more than \$25,000; see Code of Civil Procedure sections 85 and 88). This information is not intended to be comprehensive, but to provide an overview to help guide you through the appeal process. **You should thoroughly read rules 8.100–8.276 of the California Rules of Court. If you have questions about the appellate process, you should consult an attorney of your own choosing.**

1. NATURE OF AN APPEAL

An appeal is a review of a court’s decision by another court. A party may appeal an unfavorable judgment and certain orders in an unlimited civil case made in the superior court to the Court of Appeal for the district in which the superior court is located. Generally, the appeal must be based on an argument that a **legal error** was made by the superior court. An appeal is not a retrial. You will not be permitted to introduce new evidence, and the appellate court will not reassess conflicting evidence. You may not appeal on behalf of a friend, a spouse, a child, or other relative (unless you are a legally appointed guardian).

2. PARTIES

The party filing the appeal is called the APPELLANT. The party against whom the appeal is brought is called the RESPONDENT.

STEPS IN THE APPEAL PROCESS AT THE SUPERIOR COURT

3. NOTICE OF APPEAL

To appeal from a superior court decision in an unlimited civil case, the appellant must file a notice of appeal **in the superior court** (Cal. Rules of Court, rule 8.100). A notice of appeal tells the other party or parties in the case and the superior court that you are appealing the decision of the superior court. You may use Judicial Council form APP-002, *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)*, to file a notice of appeal in an unlimited civil case.

The notice of appeal must be served on the other party or parties in the case and filed with the clerk of the superior court. Generally, this service and filing must be completed within **60 calendar days** after the clerk or a party serves either a notice of entry of judgment or a file-stamped copy of the judgment. If neither of these documents is served, the notice of appeal must be filed within **180 calendar days** after entry of judgment (generally the date the judgment is file-stamped). **If your notice of appeal is filed late, your appeal will be dismissed** (Cal. Rules of Court, rules 8.104 and 8.108).

If a notice of appeal has been filed in a case, any other party to the case may file its own appeal from the same judgment or order. This is called a cross-appeal. To cross-appeal, a party must file a notice of appeal within either the regular time for filing a notice of appeal or within 20 days after the clerk of the superior court mails notice of the first appeal, whichever is later (Cal. Rules of Court, rule 8.108). You may use Judicial Council form APP-002, *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)*, to file this notice in an unlimited civil case.

4. FEES ON APPEAL

The notice of appeal must be accompanied by a \$775 filing fee (Gov. Code, §§ 68926 and 68926.1) made payable to “Clerk, Court of Appeal” and a \$100 deposit (Gov. Code, § 68926.1) made payable to “Clerk of the Superior Court.” **Parties other than the appellant must pay a fee of \$390 when they file their first document in the Court of Appeal.** If you do not have the money for the fees, you may submit an application for waiver of court fees and costs on appeal under rules 8.26 and 3.50–3.63 of the California Rules of Court (Cal. Rules of Court, rule 8.100).

5. DESIGNATION OF RECORD

See rules 8.120–8.163 of the California Rules of Court, which govern the preparation of the record on appeal.

Since the appellate court was not present at the trial or other proceedings in the superior court, there must be an official record of the proceedings from the superior court for the appellate court to review in assessing the appeal. Within 10 days of filing the notice of appeal, the appellant must tell the superior court in writing (“designate”) what documents and oral proceedings, if any, to include in the record that will be sent to the Court of Appeal. **You will need to designate all the parts of the record that the Court of Appeal will need to decide the issues you raise in the appeal.** You can use Judicial Council form APP-003, *Notice Designating Record on Appeal (Unlimited Civil Case)* to designate the record in an unlimited civil case.

Reporter’s Transcript

A court reporter’s transcript is a written record (often called the “verbatim” record) of the oral proceedings in the superior court. A reporter’s transcript is not required but is usually necessary.

Within 10 days of filing the notice of appeal, the appellant must serve and file with the superior court clerk either a notice designating a reporter’s transcript or a notice of intent to proceed without a reporter’s transcript (Cal. Rules of Court, rule 8.121). You can use Judicial Council form APP-003, *Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case)* to file this notice in an unlimited civil case.

If the appellant chooses to designate a reporter’s transcript, **among other things**, the notice designating this transcript must specify the date of each proceeding to be included in the transcript and must be served on each known court reporter (Cal. Rules of Court, rule 8.130). The names of the court reporters who reported the proceedings are found in the superior court clerk’s minute orders, which are prepared for each day of the proceedings and then placed in the superior court file.

With the notice designating the reporter’s transcript, the appellant must deposit the approximate cost of transcribing the proceedings designated **or one of the substitutions authorized by rule 8.130(b)(3)** (Cal. Rules of Court, rule 8.130). The cost may be obtained from the reporter’s written estimate or calculated at \$650 per day (more than three hours of court time) or \$325 per fraction of a day (less than three hours of court time) **for proceedings that were not previously transcribed. For previously transcribed proceedings, the deposit is calculated at \$160 per day (more than three hours of court time) or \$80 per fraction of a day (less than three hours of court time).** If the appellant deposits these funds with the court, the appellant must also pay the court a \$50 fee for holding this deposit in trust, unless the trial court has waived the appellant’s fees under rules 3.50–3.63 (Cal. Rules of Court, rule 8.130).

Within 10 days after service of the appellant’s designation of the reporter’s transcript, the respondent may serve and file a notice designating additional proceedings to be included in the reporter’s transcript (Cal. Rules of Court, rule 8.130). Respondent must pay for the cost of transcribing any additional proceedings designated.

If the appellant chooses to proceed without a reporter’s transcript, the respondent may not designate a reporter’s transcript without first obtaining an order from the reviewing court (Cal. Rules of Court, rule 8.130).

Clerk’s Transcript or Appendix

The clerk’s transcript is a compilation of the documents filed in the superior court **that is prepared by the clerk. An appendix is a compilation of these documents prepared by a party** (Cal. Rules of Court, rule 8.124). Within 10 days of filing the notice of appeal, the appellant must serve and file with the superior court clerk a notice **indicating what form of the record of the documents filed in the trial court the appellant wants to use.** You can use Judicial Council form APP-003, *Appellant’s Notice Designating Record on Appeal (Unlimited Civil Case)* to file this notice in an unlimited civil case.

If the appellant chooses to designate a clerk’s transcript, the appellant must identify (designate) **the documents from the court file that the appellant wants the superior court to include in the clerk’s transcript** (Cal. Rules of Court, rule 8.122). Each document designated for inclusion in the clerk’s transcript must be identified by its title and filing date. If the filing date is not known, the date the document was signed may be used instead (Cal. Rules of Court, rule 8.122).

Within 10 days after service of a notice designating the documents to be included in the clerk’s transcript, respondent may serve and file a notice designating additional documents to be included in the clerk’s transcript (Cal. Rules of Court, rule 8.122).

The superior court clerk will send the appellant a bill for the cost of preparing an original and one copy of the transcript (Cal. Rules of Court, rule 8.122). **Unless the trial court has waived the appellant's fees and costs under rules 3.50–3.63,** this bill must be paid within 10 days or the appeal may be dismissed by the Court of Appeal.

If the appellant chooses to prepare an appendix of the documents filed in the superior court, rather than designating a clerk's transcript, that appendix must include all of the documents and be prepared in the form required by California Rules of Court, rule 8.124. The parties may prepare separate appendices **or** stipulate (agree) to a joint appendix. If separate appendices are prepared, each party must pay for its own appendix. If a joint appendix is prepared, the parties can agree on how the cost of preparing the appendix will be paid or the cost will be paid by the appellant(s) (Cal. Rules of Court, rule 8.124).

6. FILING OF CLERK'S AND REPORTER'S TRANSCRIPTS (IF ANY)

If the appellant chooses to designate a clerk's transcript, after all the fees have been paid, the superior court clerk will compile the requested documents into a transcript format and forward the original clerk's transcript, together with the original reporter's transcript, if any, to the Court of Appeal for filing. A copy of the transcript(s) will be sent to the appellant. If the respondent has purchased a copy, the clerk's transcript will also be mailed to the respondent (Cal. Rules of Court, rules 8.122, 8.130, and 8.150).

7. ABANDONMENT OF APPEAL

If the appellant decides not to proceed with the appeal and the record has not yet been filed in the Court of Appeal, the appellant must file an abandonment of appeal in the superior court (Cal. Rules of Court, rule 8.244). You can use Judicial Council form APP-005, *Abandonment of Appeal (Unlimited Civil Case)*, for this purpose.

STEPS IN THE APPEAL PROCESS AT THE COURT OF APPEAL

8. CIVIL CASE INFORMATION STATEMENT

Within 15 days after the trial court clerk mails out a notice that a notice of appeal has been filed in an unlimited civil case, the appellant must serve and file in the Court of Appeal a completed *Civil Case Information Statement* (form APP-004), attaching a copy of the judgment or appealed order that shows the date it was entered (Cal. Rules of Court, rules 8.100 and 8.104).

9. SERVING AND FILING APPENDIX IN LIEU OF CLERK'S TRANSCRIPT

If a party chooses to prepare an appendix of the documents filed in the superior court under rule 8.124 rather than designating a clerk's transcript, the party preparing the appendix must serve the appendix on each other party (unless the parties have agreed or the Court of Appeal has ordered otherwise) and file the appendix in the Court of Appeal. A joint appendix or an appellant's appendix must be served and filed with the appellant's opening brief. A respondent's appendix, if any, must be served and filed with the respondent's brief. An appellant's reply appendix, if any, must be served and filed with the appellant's reply brief (Cal. Rules of Court, rule 8.124).

10. BRIEFS

A brief is a party's written description of the facts in the case, the relevant law, and the party's argument. The preparation and filing of briefs is governed by rules 8.200–8.224 of the California Rules of Court. Parties are encouraged to read these rules thoroughly and comply accordingly.

Contents and Format of Briefs

See rule 8.204 of the California Rules of Court.

The brief must clearly explain, using references to the clerk's and reporter's transcripts (or other form of the record being used), the claimed legal errors in the superior court proceedings. Each brief must be no longer than 14,000 words if produced on a computer (you can rely on the word count provided by your computer in meeting this requirement) or up to 50 pages if produced on a typewriter. The brief must contain a table of contents and a table of authorities.

Service and Filing of Briefs

The appellant's opening brief must be served and filed within 40 days after the record is filed in the Court of Appeal or 70 days from the date the appellant elects to proceed under rule 8.124 with no reporter's

transcript. The cover of the appellant's opening brief must be green (Cal. Rules of Court, rules 8.212 and rule 8.40).

The respondent's brief must be served and filed within 30 days after the appellant's opening brief is filed. If this brief is the first document you have filed in the Court of Appeal in this case, you may have to pay a filing fee with the brief. The cover of the respondent's brief must be yellow.

The appellant's reply brief, if any, must be served and filed within 20 days after the respondent's brief is filed. The cover of the appellant's reply brief must be tan.

Generally, an original and four paper copies of each brief, along with proof of service, must be filed with the Court of Appeal. However, the court may provide by local rule that an electronic copy of the brief substitutes for one or more of the paper copies. If a brief is not filed electronically under rules 8.70–8.79, one electronic copy must be submitted to the Court of Appeal or, if it would cause undue hardship for the party filing the brief to submit an electronic copy to the Court of Appeal, the party may instead serve four paper copies on the California Supreme Court (Cal. Rules of Court, rule 8.212). The addresses of the California Supreme Court, Courts of Appeal, and superior courts can be found on the Internet at www.courts.ca.gov/courts.htm.

A copy of each brief must be served on all counsel and self-represented parties and on the superior court clerk for delivery to the trial judge. In some instances a copy of each brief must also be served on the Attorney General or the local district attorney. See rule 8.29 of the California Rules of Court and the *Civil Case Information Statement* (form APP-004).

Cover:	Appellant's opening brief—green Respondent's brief—yellow Appellant's reply brief—tan
File:	Original plus 4 paper copies along with proof of service in the Court of Appeal, unless court has local rule substituting electronic copy for one or more paper copies
Submit:	1 electronic copy to the Court of Appeal (or, if this is a hardship, serve 4 paper copies on the California Supreme Court)
Serve:	Superior court—1 copy All counsel All self-represented parties

Extension of Time to File Brief

If the time to file a brief has not already been extended by the court on application of a party, the parties may extend the time to file a brief for up to 60 days by filing a stipulation (agreement) in the Court of Appeal (Cal. Rules of Court, rule 8.212).

An application for extension of time must be filed with the Court of Appeal before the brief is due when:

- The parties cannot agree to a stipulation; or
- The parties have stipulated to the maximum automatic extension permitted under rule 8.212 of the California Rules of Court, and the applicant seeks a further extension.

Judicial Council form APP-006, *Application for Extension of Time to File Brief (Civil Case)*, can be used to apply to the Court of Appeal for an extension of time to file a brief.

11. DISMISSAL OF APPEAL

If the appellant decides not to proceed with the appeal after the record has been filed in the Court of Appeal, the appellant must file a request for dismissal in the Court of Appeal (Cal. Rules of Court, rule 8.244). You can use Judicial Council form APP-007, *Request for Dismissal of Appeal (Civil Case)* for this purpose (Cal. Rules of Court, rule 8.244).

INFORMATION SHEET ON WAIVER OF APPELLATE COURT FEES
(SUPREME COURT, COURT OF APPEAL, APPELLATE DIVISION)

If you file an appeal, a petition for a writ, or a petition for review in a civil case, such as a family law case or a case in which you sued someone or someone sued you, you must generally pay a filing fee to the court. If you are a party other than the party who filed the appeal or the petition, you must also generally pay a fee when you file your first document in a case in the Court of Appeal or Supreme Court. You and the other parties in the case may also have to pay other court fees in these proceedings, such as fees to prepare or get a copy of a clerk’s transcript in an appeal. However, if you cannot afford to pay these court fees and costs, you may ask the court to issue an order saying you do not have to pay these fees (this is called “waiving” these fees).

- Who can get their court fees waived? The court will waive your court fees and costs if:
 - You are getting public assistance**, such as Medi-Cal, Food Stamps, Supplemental Security Income (not Social Security), State Supplemental Payment, County Relief/General Assistance, In-Home Supportive Services, CalWORKS, Tribal Temporary Assistance for Needy Families, or Cash Assistance Program for Aged, Blind, and Disabled.
 - You have a low income level.** Under the law you are considered a low-income person if the gross monthly income (before deductions for taxes) of your household is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,215.63	3	\$2,061.46	5	\$2,907.30
2	\$1,638.55	4	\$2,484.38	6	\$3,330.21

If more than 6 people at home, add \$422.92 for each extra person.

- You do not have enough income to pay for your household’s basic needs and your court fees .**
- What fees and costs will the court waive? If you qualify for a fee waiver, the Supreme Court, Court of Appeal, or Appellate Division will waive the filing fee for the notice of appeal, a petition for a writ, a petition for review, or the first document filed by a party other than the party who filed the appeal or petition, and any court fee for participating in oral argument by telephone. The trial court will also waive costs related to the clerk’s transcript on appeal, the fee for the court to hold in trust the deposit for a reporter’s transcript on appeal under rule 8.130(b) or rule 8.834(b) of the California Rules of Court, and the fees for making a transcript or copy of an official electronic recording under rule 8.835. If you are the appellant (the person who is appealing the trial court decision), the fees waived include the deposit required under Government Code section 68926.1 and the costs for preparing and certifying the clerk’s transcript and sending the original to the reviewing court and one copy to you. If you are the respondent (a party other than the appellant in a case that is being appealed), the fees waived include the costs for sending you a copy of the clerk’s transcript. You can also ask the trial court to waive other necessary court fees and costs.

The court **cannot** waive the fees for preparing a reporter’s transcript in a civil case. A special fund, called the Transcript Reimbursement Fund, may help pay for the transcript. (See <http://www.courtreportersboard.ca.gov/consumers/index.shtml#trf> and Business and Professions Code sections 8030.2 and following for more information about this fund.) If you are unable to pay the cost of a reporter’s transcript, a record of the oral proceedings can be prepared in other ways, by preparing an agreed statement or, in some circumstances, a statement on appeal or settled statement.

- How do I ask the court to waive my fees?
 - Appeal in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** In a limited civil case, if the trial court already issued an order waiving your court fees and that fee waiver has not ended (fee waivers automatically end 60 days after the judgment), the fees and costs identified in item 2 above are already waived; just give the court a copy of your current fee waiver. If you do not already have an order waiving your fees or you had a fee waiver but it has ended, you must complete and file a *Request to Waive Court Fees* (form FW-001). If you are the appellant (the party who is appealing), you should check both boxes in item 4 on FW-001 and file the completed form with your notice of appeal. If you are the respondent (a party other than the appellant in a case that is being appealed), the completed form should be filed in the court when the fees you are requesting to be waived, such as the fee for the clerk’s transcript or telephonic oral argument, are due.

- **Writ Proceeding in Limited Civil Case (civil case in which the amount of money claimed is \$25,000 or less).** If you want the Superior Court to waive the fees in a writ proceeding in a limited civil case, you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box. The completed form should be filed with your petition for a writ.
- **Appeal in Other Civil Cases.** If you want the court to waive fees and costs in an appeal in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). In item 4 on FW-001, check the second box to ask the Court of Appeal to waive the fee for filing the notice of appeal or, if you are a respondent (a party other than the one who filed the appeal), the fee for the first document you file in the Court of Appeal. Check both boxes if you also want the trial court to waive your costs for the clerk's transcript (if the trial court already issued an order waiving your fees *and that fee waiver has not ended*, you do not need to check the first box; **the fees and costs identified in item 2 above are already waived**, just give the court a copy of your current fee waiver). If you are the appellant, the completed form should be submitted with your notice of appeal (if you check both boxes in item 4, the court may ask for two signed copies of this form). If you are the respondent, the completed form should be submitted at the time the fee you are asking the court to waive is due. For example, file the form in the trial court with your request for a copy of the clerk's transcript if you are asking the court to waive the transcript fee or file the form in the Court of Appeal with the first document you file in that court if you are asking the court to waive the fee for filing that document. To request waiver of a court fee for telephonic oral argument, you should file the completed form in the Court of Appeal when the fee for telephonic oral argument is due.
- **Writ Proceeding in Other Civil Cases.** If you want the Supreme Court or Court of Appeal to waive the fees and costs in a writ proceeding in a civil case other than a limited civil case, such as a family law case or an unlimited civil case (a civil case in which the amount of money claimed is more than \$25,000), you must complete a *Request to Waive Court Fees* (form FW-001). If you are the petitioner (the party filing the petition), the completed form should be submitted with your petition for a writ in the Supreme Court or Court of Appeal clerk's office. If you are a party other than the petitioner, the completed form should be filed with first document you file in the Supreme Court or Court of Appeal.
- **Petition for Review.** If you want to request that the Supreme Court waive the fees in a petition for review proceeding, you must complete a *Request to Waive Court Fees* (form FW-001). If you are the petitioner, you should submit the completed form with your petition for review. If you are a party other than the petitioner, the completed form should be filed with first document you file in the Supreme Court.

IMPORTANT INFORMATION!

- **Fill out your request completely and truthfully.** When you sign your request for a fee waiver, you are declaring under penalty of perjury that the information you have provided is true and correct.
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you are granted may be ended if you do not go to court when asked. You may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **If you receive a fee waiver, you must tell the court if there is a change in your finances.** You must tell the court immediately if your finances improve or if you become able to pay court fees or costs during this case (file form FW-010 with the court). You may be ordered to repay any amounts that were waived after your eligibility ended. If the trial court waived your fees and costs and you settle your case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or when the court finds that you are not eligible for a fee waiver.

SPR14-05

Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; and revise forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	Appellate Courts Section Los Angeles County Bar Association By: John A. Taylor, Jr.	AM	See comments on specific provisions below.	
2.	Committee on Administration of Justice State Bar of California By: Saul Bercovitch, Staff Attorney	A	As a whole, CAJ agrees with the proposed amendments and supports the amendments as proposed to the Rules of Court and the Forms. See comments on specific provisions below.	
3.	Committee on Appellate Courts State Bar of California By: Saul Bercovitch, Staff Attorney	A	See comments on specific provisions below.	
4.	Magda Conant Oceanside, California	AM	See comments on specific provisions below.	
5.	Hon. Janet M. Frangie Superior Court of San Bernardino County	AM	See comments on specific provisions below.	
6.	<i>[joint comment by three legal aid organizations in Los Angeles area]</i> -Harriett Buhai Center for Family Law By: Betty Norwind, Executive Director and David S. Ettinger, Member Board of Directors -Western Center on Law & Poverty By: Richard A. Rothschild, Director of Litigation	N	On behalf of the Harriett Buhai Center for Family Law, Western Center on Law & Poverty, and Public Counsel, we write concerning SPR 14-05, which proposes various changes to rules and forms concerning waivers of court fees and costs for indigent litigants. We appreciate the opportunity to comment. (Last month, we separately submitted our own proposal to make other changes to the fee	

SPR14-05

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	-Public Counsel By: Lisa R. Jaskol Directing Attorney - Appellate Law		waiver rules and forms.) See comments on specific provisions below.	
7.	Stacy Larsen Family Law Facilitator Superior Court of Shasta County	AM	See comments on specific provisions below.	
8.	Orange County Bar Association By: Thomas Bienert, Jr., President	AM	See comments on specific provisions below.	
9.	Superior Court of Los Angeles County (no name provided)	N	See comments on specific provisions below.	
10.	Superior Court of Orange County By: Paul Alberga, Administrative Analyst/Officer II	AM	See comments on specific provisions below.	
11.	Superior Court of Riverside County By: Daniel Wolfe, Managing Attorney	A	See comments on specific provisions below.	
12.	Superior Court of Sacramento County By: Elaine Flores	N	See comments on specific provisions below.	
13.	Superior Court of San Diego County By: Michael Roddy, Executive Officer	AM	See comments on specific provisions below.	
14.	TCPJAC/CEAC Joint Rules Working Group	N	See comments on specific provisions below.	

SPR14-05

Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; and revise forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO

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

Payments of Trial Court Fees Over Time – Rules 3.50, 3.51 and 3.52 and forms FW-001, FW-001-INFO, FW-003, and FW-008		
Commentator	Comment	Committee Response
Committee on Administration of Justice State Bar of California By: Saul Bercovitch, Staff Attorney	<p>It will be much more efficient to have both fee waivers and payment plans for those denied a full fee waiver addressed within the Rules of Court and on the same forms. We agree that there should be a method to waive the hearing when a payment plan is agreed to. We also agree that having a separate set of forms set up for payment plans is not efficient, especially when these issues are generally addressed together.</p> <p>We are also in favor of limiting the payment period time to three (3) months or less, absent good cause, and allowing for those litigants who agree to a payment plan to waive the court appearance.</p>	<p>The committee agrees.</p> <p>The committee agrees.</p>
Hon. Janet M. Frangie Superior Court of San Bernardino County	<p>I believe the length of time for installment payments should be for up to six months instead of three months. For the court to find good cause there may be a hearing required in any event if the applicant fails to provide good cause for a longer period. In my experience the applicant may miss that he/she will have to establish "good cause" up front when submitting the fee waiver and unless I missed it I did not see a place for the applicant to list the reasons a longer period is needed. The fees can be in excess of \$400 and a longer period may be needed.</p>	<p>The committee has concluded that three months is appropriate as the default time frame in light of the administrative burden payments over time places on the court. The form has been further modified to include instructions for attaching a separate sheet when a party wants to show good cause for additional time.</p>
<i>[joint comment by three legal aid organizations]</i> -Harriett Buhai Center for Family Law By: Betty Norwind, Executive Director and David S. Ettinger, Member Board of Directors	<p>SPR 14-05's primary focus concerns the trial court's authority to deny a fee waiver application under Government Code section 68632, subdivision (c), and instead require the fee waiver applicant to pay court fees over a period of time. For several reasons, we are opposed to most of the changes in this regard.</p>	

SPR14-05

Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; and revise forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO

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

Payments of Trial Court Fees Over Time – Rules 3.50, 3.51 and 3.52 and forms FW-001, FW-001-INFO, FW-003, and FW-008		
Commentator	Comment	Committee Response
<p>-Western Center on Law & Poverty By: Richard A. Rothschild, Director of Litigation -Public Counsel By: Lisa R. Jaskol Directing Attorney - Appellate Law</p>	<p>To begin with, although section 68632, subdivision (c), allows a court to require certain fee waiver applicants to pay fees over time, that is contrary to the Supreme Court’s landmark opinion in <i>Earls v. Superior Court</i> (1971) 6 Cal.3d 109. The trial court there denied a fee waiver application because the court concluded the applicant could set aside a little money over a number of months to pay the fee. The Supreme Court rejected this approach, concluding, “We know of no authority permitting a court to deny an application to proceed in forma pauperis upon the ground that, although the applicant is currently indigent, he may, over a period of months, succeed in accumulating the amount necessary to defray his costs.” (Id. at p. 117.)</p> <p>“The right of an indigent civil litigant to proceed in forma pauperis is grounded in a common law right of access to the courts and constitutional principles of due process.” (<i>Cruz v. Superior Court</i> (2004) 120 Cal.App.4th 175, 185, emphasis added.) Because of this, and because of the holding in <i>Earls</i>, the practice of ordering payment of fees over time, even though permitted by statute, is constitutionally suspect.</p> <p>Additionally, we have always been skeptical that courts can make such a fine distinction as the payment-over-time option requires. At what point is an indigent litigant able to “afford” to pay a court fee over time, but would be sacrificing “the common necessities of life” (§ 68632, subd. (c)) if ordered to pay the entire court fee at once? Although possible in theory, such a determination in</p>	<p>The committee appreciates the thoughtful comments, but disagrees with this analysis. The fee waiver statute, however, which was enacted after the <i>Earl</i> decision, can be read as consistent with that decision, because it expressly authorizes a court to allow payments over time or a partial waiver only when a court has determined that a party is <u>not</u> indigent at the time of the application, and so is not eligible for a full fee waiver under the standards of the statute, and when the court provides a written statement of the reasons why not. See § 68634(c)(5).</p> <p>The committee disagrees that this type of decision making was outside the normal scope of judicial officer’s work.</p>

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Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

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Commentator	Comment	Committee Response
	<p>practice is an exercise in false precision.</p> <p>Payment of fees over time is thus at the least an option that should not be encouraged. But encouraging the practice is what SPR 14-05’s proposed changes do. The following proposals are particularly objectionable:</p> <ol style="list-style-type: none">1. The possibility of paying fees over time should not be mentioned at all on the fee waiver request form (FW-001). The fee waiver statutes do not state that payment over time is a type of relief that an applicant may request. (See §§ 68632, subd. (c), 68633, subd. (c).) Rather, it is an option — albeit a questionable one — given to the trial court in ruling on a fee waiver application if an applicant claims that she or he “cannot pay court fees without using moneys that normally would pay for the common necessities of life for the applicant and the applicant’s family.” (§ 68632, subd. (c).) Moreover, there is unlikely to be any person who would apply only to pay court fees over time instead of seeking to have fees waived entirely. Therefore, including a payment-over-time option on a fee waiver request form is confusing for litigants, who are typically unrepresented.2. The proposed form FW-001 is contradictory in instructing the applicant that she or he can ask the court to both “waive all court fees and costs” and let her or him pay the “initial Superior Court filing fees over time.” If the applicant wants all fees waived, he or she does not want to pay fees over time.	<ol style="list-style-type: none">1. The committee agrees that permission for payments over time is indeed an alternative to be considered only in the event that a fee waiver has been denied, and has modified the text of the form to more clearly express this. See also § 68640, which authorizes the council to make rules of court to allow parties who are not eligible for a fee waiver to pay court fees in installments.2. The form has been modified in light of this comment to reflect that the payments over time would only be considered as an alternative if the fee waiver request is denied

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	<p>3. The proposed form FW-001 should not include an item allowing the applicant to waive a hearing if the court orders payment of fees over time. There should be no prospective waiver of a right to a hearing. Instead, the court order form (FW-003) should be revised to allow the court to deny the fee waiver application and to indicate that it will permit the applicant to pay fees over time without a hearing, and to then give the applicant the option of either appearing at a scheduled hearing or agreeing to pay fees over time without a hearing. The form should also state that foregoing a hearing does not waive the applicant’s right to seek appellate review of the court’s order.</p> <p>4. The proposed form FW-003 should not include an option for the court to state that it “denies your request for payments over time.” As explained, it is confusing to include on the fee waiver application form (FW-001) a place to ask to pay fees over time, so there should be no such requests for the court to rule on.</p> <p>5. The proposed amendments of rules 3.50(a) and 3.51 should not be made. As explained, there should be no applications for leave to pay filing fees over time.</p> <p>6. The proposed changes concerning paying fees over time should not be adopted, but are incomplete in any event. The “partial initial fee waiver” permitted by section 68632, subdivision (c), and section 68643, subdivision (e)(5), includes the possibility of paying “a portion of court fees”</p>	<p>3. The committee concluded that this alternative would be significantly more burdensome for the court, without a significant added benefit to the parties. As now modified, the order form makes it clear that the party can request a hearing after the fee waiver request has been denied should the party wish to do so, and will be provided with a form on which to make such a request.. This applies whether or not payments over time have been authorized.</p> <p>4, The committee has removed the separate item for the denial of a request for payments over time from the form. The committee is not recommending that the forms be used for stand-alone requests for payments over time.</p> <p>The committee agrees that the forms should not be used for specifically applying for installment payments over time, other than in the instance in which a fee waiver application has been denied, and so is no longer recommending amendments to rules 3.50 and 3.51.</p> <p>6. The committee disagrees, having concluded that partial waivers are a more complex alternative and are not appropriately considered or ordered without a hearing.</p>

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	<p>in addition to the option of paying fees over time. However, the proposed changes to rules 3.50(a) and 3.51 and to forms FW-001 and FW-003 do not mention the partial payment option. If changes are to be made, the partial payment option should be included along with the payment over time option.</p>	
<p>Stacy Larsen Family Law Facilitator Superior Court of Shasta County</p>	<p>I agree that providing an option for litigants to voluntarily waive their right to a hearing in circumstances where their fee waiver is denied but the court is willing to allow them payments over time will likely eliminate unnecessary hearings. However, if the Court approves a payment schedule or amount that is not financially possible for the litigants, and they have already waived their right to a hearing on this issue, will they have the ability to request a hearing on these issues?</p> <p>Limiting payments over time, generally, to three months and payments over time to first-appearance fees creates a general rule that limits access to the courts for our most financially needy, disenfranchised, and challenged litigants. Courts already have discretion to set the monthly payment amount and to limit payments to three months or less if appropriate. My concern is that the possible result in creating this rule is an automatic setting the monthly payment at \$145 per month for a period of three months rather than carefully considering each case on its facts. While those of us with steady incomes may believe that this amount is do-able for all Californians, this is not the case. When marriages or relationships fail, the financially weaker person in the relationship may be forced to remain in the</p>	<p>The committee notes the commentator’s agreement with the proposal in general. As now modified, the order form makes it clear that the party can request a hearing after the fee waiver request has been denied should the party wish to do so, and will be provided with a form on which to make such a request.. This applies whether or not payments over time have been authorized.</p> <p>The committee has concluded that three months is appropriate as the default time frame in light of the administrative burden payments over time places on the court.</p>

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	<p>home with the primary breadwinner whose income makes the household members ineligible for a fee waiver. This individual is often the primary caretaker of the couple’s children, and his/her primary concern is opening a dissolution case to obtain emergency temporary custody/visitation orders due to threats that the children will be taken away. The Court would have discretion to grant a fee waiver under subsection (c) but may choose not to do so given the gross income of the household members, instead ordering payments. This proposed revision allows the Court to make a finding of “good cause” to make payments smaller than the minimum \$145 and the payment schedule to stretch beyond the three months, but the Court already has that discretion. Creating a “rule of thumb” of three months creates a “default” order for litigants allowed to make payments and given the volume of fee waivers requested in each court everyday reduces the likelihood that each litigant’s financial position will be carefully considered on its merits. If the party requesting the fee waiver and/or option to make payments checked the new box to waive hearing if the Court allows him/her to make payments, it is not clear how he/she would obtain a court hearing to request different payment arrangements than the court ordered.</p> <p>CRC 3.50(a): As discussed above, I do not agree that the option of payments over time should be limited to first-appearance fees only. However, if this proposal is adopted, it should be made clear in CRC 3.50(a) that “leave to pay filing fees over time” is only an option when paying the \$435 first-appearance fee and that payments over time are</p>	<p>The application form and information sheet have been further modified to include instructions for attaching a separate sheet when a party wants to show good cause for additional time.</p> <p>The committee disagrees, in light of the complexity and burden that would occur if multiple fees throughout a case could be paid over time. The committee has further modified the rule in light of this comment to clarify the limitation.</p>

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	<p>not an option when paying the subsequent \$85 Request for Orders to Modify Custody/Parenting Time, etc. A possible revision would be as follows: “The rules in this division govern applications in the trial court for an initial waiver of court fees and costs or for leave to pay first-appearance filing fees over time . . .” This is particularly necessary as subdivision (b) defines “initial fee waiver” to mean the first time someone obtains a fee waiver, regardless of whether it’s at the time of first-appearance (\$435) or “at any stage of the proceedings.” For the layperson, it may not be clear that “initial fee waivers” apply to waivers of fee only and not to payments over time.</p> <p>CRC 3.51: As discussed above, I do not agree that the option of payments over time should be limited to first-appearance fees only. However, if this proposal is adopted, it should be made clear in CRC 3.51 that “leave to pay filing fees over time” is only an option when paying the \$435 first-appearance fee and that payments over time are not an option when paying the subsequent \$85 Request for Orders to Modify Custody/Parenting Time, etc. A possible revision would be as follows: “An application for initial fee waiver under rule 3.55 or for leave to pay first-appearance filing fees over time . . .”</p> <p>CRC 3.52(6): If the request/order to make payments is only applicable to first-appearance fees, this should be made clear in this provision. A possible revision is as follows: “Any order allowing “payment of first-appearance fees over time should limit the time for payments . . .”</p>	<p>The originally proposed amendment to this rule is no longer recommended, so no modification is required.</p> <p>The recommended amendment of this rule has been modified in light of this comment.</p>

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	<p>FW-001, first paragraph: If the request/order to make payments is only applicable to first-appearance fees, this should be made clear in this provision. A possible revision is as follows: “. . . waive your court fees or allow payment of your first-appearance fee over time.”</p> <p>FW-001, Item 7: If the request/order to make payments is only applicable to first-appearance fees, this should be made clear in this provision. The paragraph reads awkwardly and is a bit confusing. It’s definitely not an easy rule to word clearly and concisely, but here is a possible revision: “You may request that the Court allow you to make payments instead of, or in addition to, requesting that the Court waive your first-appearance fee. If the Court denies your request for a fee waiver, you have the right to a hearing on that issue before the Court decides whether you qualify to make payments over time. You may waive this hearing in advance if you wish the Court to make a ruling on your request to make payments over time without a hearing on the denial of your fee-waiver request. Do you waive your right to come to court for a hearing before the court rules on your application to make payments toward your first-appearance fee over time?” In the alternative, the wording on FW-001-INFO, Item (3), is helpful and could be integrated in modified form here.</p> <p>FW-001-INFO, Item (3): If the request/order to make payments is only applicable to first-appearance fees, this should be made clear in this provision. A possible revision is as follows: “You may ask to pay your first-appearance filing fee . . .”</p>	<p>Because the recommendation no longer includes a specific request to make payments over time, other than as alternative to be considered upon the denial of a fee waiver , this section of the form is not being amended.</p> <p>Item 7 has been modified in light of this and other comments.</p> <p>Paragraph 3 of the information sheet has been modified in light of this and other comments</p>

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	<p>FW-003, page 2, Item (d): If the individual waives his right to a denial-of-fee-waiver hearing in advance and the Court sets the payments at an amount or on a payment schedule that is not financially possible, how does the litigant request a hearing on this issue?</p> <p>FW-003, page 2, Item (d): If the request/order to make payments is only applicable to first-appearance fees, this should be made clear in this provision. A possible revision is as follows: “Having waived . . . you may pay your first-appearance fee over time.” It is not clear what the “other” box would be for under this proposal if payments over time would be limited to first-appearance fees.</p>	<p>See item 2(b) on the form. Any applicant whose fee waiver is denied, whether or not authorized to make payments over time, will be provided with a form on which the party can request a hearing after issuance of the order.</p> <p>This item has been modified in light of this and other comments.</p>
<p>Orange County Bar Association By: Thomas Bienert, Jr., President</p>	<p>Comments: The fee waiver statutes and rules are complex and over-lapping with the Legislative findings for implementation set forth at Govt. Code §68630. With these findings in mind, we believe the proposal needs modification in the following areas:</p> <p>(1) a limit on installment payments to 3 months is too restrictive and does not allow for consideration of other factors—the justification for such limit is not sound;</p> <p>(2) Govt. Code §68634(e) requires the court to give a written statement of reasons if an application is denied in whole or part but this proposal does not advise applicants of this right nor provide a statement of reasons at all for a</p>	<p>(1) The committee has concluded that three months is appropriate as the default time frame in light of the administrative burden payments over time places on the court. The court will have the the discretion to increase the time period for good cause.</p> <p>(2) The committee has eliminated from the proposal the possibility of a separate request for installment payments, so the separate item for denial of such a request has been deleted from the proposed form.</p>

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	<p>denial of installment payments under FW-003;</p> <p>(3) FW-001 was inexplicably modified to delete in total a request for partial waiver of some but not all fees which request appears authorized by statute;</p> <p>(4) the proposal and specifically FW-001 asks the applicant to “waive” in advance any and all hearings without any explanation of the entitlements to an “in camera” hearing required by statute prior to any denial under Govt. Code §68633 and §68641;</p> <p>(5) FW-001—INFO adds new instructions at paragraph 3 that the court will allow only up to 3 months for installment payments “unless you can show a really good reason for a longer time”, but that language is not instructive nor helpful to the applicant; . . .</p> <p>If the stated purpose is solely to allow parties to waive rights to a hearing in exchange for installment payments then the proposal is defective as outlined above.</p>	<p>Payments over time will only be considered in the event that the fee waiver request is denied, and the reasons for that denial must be included in form FW-003 at item 4.b(2).</p> <p>(3) The committee concluded that both payments over time and partial waivers are not appropriate as stand-alone requests, but instead are alternatives to be considered by the court only in the event that the court denies a fee waiver. The committee further concluded that partial waivers are a more complex alternative than payments over time and are not appropriately considered or ordered without a hearing. The order form to be used after a hearing, form FW-008, still includes provisions for such an order.</p> <p>(4) The waiver and the information sheet have been revised in light of this and other comments. However no discussion of the hearings being “in camera” has been added as the committee concluded it was unnecessary.</p> <p>(5) Paragraph 3 has been amended in light of this and other comments.</p> <p>For the reasons set forth above, the committee disagrees.</p>

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Superior Court of Los Angeles County	Making the proposed changes in the fee waiver forms has the potential to increase the number of requests for an order permitting payment over time. Staff time for processing multiple payments over time is substantial, especially with the antiquated case management systems that many courts currently have. Moreover, collections from fee waiver applicants can be very difficult and time consuming for staff, particularly when multiple payments are involved. Many low-income individuals pay by cash rather than credit card.	While the committee agrees that payments over time are administratively burdensome, the majority concluded that the benefits of this proposal (eliminating some hearings) was a benefit to the courts, especially since the statute already provides that judicial officers should consider the alternative of such payments at any eligibility hearing at which the court denies a fee waiver application. See § 68634(c)(5) , at last paragraph. The proposal does not change or expand the law authorizing payments over time; it just attempts to ease the requirement for hearings before such payments are permitted. The committee also notes that there is no mandate that courts authorize payments over time for all parties who are denied a fee waiver—this option is within a court’s discretion.
Superior Court of Orange County By: Paul Alberga, Administrative Analyst/Officer II	<ul style="list-style-type: none">• There were opposing viewpoints when soliciting comments by the Orange County Superior Court related to the proposed three month time frame for a payment plan. From one end of the spectrum, the opinion was that three months seemed to be too short of a time period for a person to pay in excess of \$100 each month for the filing fee. Judicial Officers in Family Law matters typically order payments of less than \$50 per month. One recommendation was to propose a one year payment plan. Another suggestion was to have a six-month time frame because it would coincide with the time frame for finalization of status in a dissolution, and provides a logical nexus to finalization time frames in family law matters. But at the other end of the	The committee has concluded that three months is appropriate as the default time frame in light of the administrative burden payments over time places on the court. The court continues to have discretion to extend that time when appropriate.

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	<p>spectrum, the opinion was that three months was a lenient time frame in which to pay fees on a payment plan when the party did not qualify for a fee waiver.</p> <ul style="list-style-type: none"> • For Civil Unlawful Detainer and Small Claims actions that conclude within three months (parties being unwilling to pay remaining fees due), Staff proposes maintaining the three-month timeframe with a discretionary allowance for a judicial officer to assign an altered timeframe. ▪ FW-001 and FW-001-INFO are silent as to when fees are due if a payment plan is denied. We suggest adding clarifying language on the forms for when a payment plan is denied. • What is the penalty for non-payment of payment plan fees? Do petitions get voided? • • What if a hearing document is filed after the initial fee waiver is granted? <ul style="list-style-type: none"> ○ Is a new fee waiver required for the additional fees? ○ What if a new payment plan is ordered? ○ Please clarify how subsequently filed documents that trigger filing fees are included or considered if there is already a payment plan 	<p>The committee agrees, although does not limit its conclusion to only these types of cases.</p> <p>Form FW-003, the order form, addresses this point, stating that when a fee waiver is denied, payments must be made within 10 days unless a hearing is requested or another date has been set in the item authorizing payments over time.</p> <p>There has been no change recommended to the law on this point. The committee is not aware of any statutory authority which would authorize a court to void a petition on this ground.</p> <p>In light of the many complexities and administrative burden demonstrated by these questions, the committee has modified the proposal to limit payments over time to initial filing fees only, not to fees for later filings in an action.</p>

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	<p>in place.</p> <ul style="list-style-type: none"> • Under section 5c suggest adding wording to clarify that a party may choose both boxes with the payment plan being considered if the waiver is denied: "...waive all court fees and costs OR, if waiver is denied, let me pay my initial Superior Court filing fees over time." • Under Section 7 the wording "in advance" is not clear to a person unfamiliar with the process (in advance of what?) <ul style="list-style-type: none"> ○ Suggest changing text in form to read: "...you may have the right to a hearing on your request in advance which means you will need to come to court..." ○ Suggest changing the first check box to read: "Yes, I waive the right to a hearing in advance, and request that the court make its decision based on this written request." • FW-003: Order on Court Fee Waiver, Page 2, number 4b(3): The denial of the request for time payments seems out of place in the section that addresses the denial of the fee waiver. Item 4b(3) would only be used if the application did not contain a request for a fee waiver. 	<p>This item has been modified in light of this and other comments.</p> <p>This item has been modified in light of this and other comments.</p> <p>Item 4.b(3) was intended to only be used if the application did not contain a request for fee waiver. Because the committee has eliminated such a request from the proposal, the item is no longer on the proposed form.</p>
<p>Superior Court of Riverside County By: Daniel Wolfe, Managing Attorney</p>	<p>This proposal will eliminate unnecessary hearings where the fee waiver applicant is willing to provide installment payments and does not want to attend a hearing in order to</p>	<p>The committee agrees.</p>

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	receive authorization to do so.	
Superior Court of Sacramento County By: Elaine Flores	<p>6466 fee waivers filed 4121 granted w/out hearing 345 denied w/out hearing 51 granted after hearing 56 denied after hearing</p> <p>In a year and 4 months, we’ve had 107 fee waiver hearings which is an average of just over 1 per week...not the biggest workload. If all of the denials without hearing were allowed to make payments, the court would have to implement account monitoring for 345 people over that same period of time. Questions regarding procedure for failure to make payments timely/failure to pay would need to be answered. Our current case management system is not developed to accommodate collections so this would need to be done outside of the CMS and manually updated until modifications to the system could be made. This expense and workload doesn’t seem to outweigh the expense and workload for conducting fee waiver hearings.</p>	<p>Different courts have different experience without the number of fee waivers requested, and the number of hearings required. In all, when a fee waiver is denied following an eligibility hearing, the court is to consider the alternatives of payments over time or a partial waiver. The proposal is not intended to expand the number of instances when payments over time will be permitted, but to make the process easier for the parties and the courts in some of those cases.</p>
Superior Court of San Diego County By: Michael Roddy, Exexutive Officer	<p>FW001, number 7 on the second page [re the waiver of a hearing], does not read well at all. I would suggest using the wording in #3 on FW-001-INFO as a template for number 7 on FW-001.</p>	<p>The item has been modified in light of this and other comments.</p>
TCPJAC/CEAC Joint Rules Working Group	<p>Although the proposal is purportedly intended to save time with respect to fee waiver adjudications, the TCPJAC/CEAC Joint Rules Working Group believes that</p>	<p>While the committee agrees that payments over time are administratively burdensome, the majority concluded that the benefits of this proposal (eliminating some</p>

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Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; and revise forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO

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

Payments of Trial Court Fees Over Time – Rules 3.50, 3.51 and 3.52 and forms FW-001, FW-001-INFO, FW-003, and FW-008		
Commentator	Comment	Committee Response
	<p>in operation, the proposal would significantly increase burdens on staff.</p> <p>General comments</p> <p>While the proposed changes may eliminate the need for some fee waiver hearings, these changes are likely to increase the number of partial payment requests and the number of partial payments that court staff must process. More applicants may be attracted to requesting installment payment plans if a hearing before a bench officer is not required, and if the forms are changed as proposed.</p> <p>Staff time for processing multiple payments over time is substantial, especially with the antiquated case management systems that many courts currently have. Moreover, collections from fee waiver applicants can be very difficult and time consuming for staff, particularly when multiple payments are involved. Many low- income individuals pay by cash rather than credit card, and therefore court staff must monitor compliance with progress payments. In addition, there is concern that litigants with credit cards may elect installment payments over time in lieu of single credit card payment transaction. This would result in further unnecessary court expenditure of resources used to establish, process, and follow up on payment arrangements. Unlike in criminal and minor offense cases, courts have little leverage to enforce collection efforts.</p>	<p>hearings) was a benefit to the courts, especially since the statute already provides that judicial officers should consider the alternative of such payments at any eligibility hearing at which the court denies a fee waiver application. See § 68634(c)(5) , at last paragraph. The proposal does not change or expand the law authorizing payments over time; it just attempts to ease the requirement for hearings before such payments are permitted. The committee also notes that there is no mandate that courts authorize payments over time for all parties who are denied a fee waiver—this option is within a court’s discretion.</p>

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Chart on Form FW-001 Showing Income Eligibility Dollar Amounts and Effective Date		
Commentator	Comment	Committee Response
Committee on Administration of Justice State Bar of California By: Saul Bercovitch, Staff Attorney	<p>2. Should the chart of income amounts for eligibility under Government Code section 68632(b) be removed from the application (form FW-001) and placed on the judicial branch’s website, so that yearly changes to those amounts would not require changes to the form? Would the resulting savings to the courts offset the added burden to the parties and judicial officers in finding that information? CAJ supports the inclusion of the chart on the application at this time. While there is a concern regarding the costs to update these forms each year, CAJ supports having the chart readily accessible on the applications for the benefit of the applicants and the Court. CAJ questions whether the costs to revise these forms each year would be drastically different than the costs to update the website to show the updated income amounts each year and the costs to have a conspicuously posted form at the clerk locations available for those applicants without internet access. In fact, the ability and/or costs to monitor the availability of this chart in each of the clerk’s offices may not be efficient. Accordingly, the savings of the form costs incurred would not appear to offset the added burden to the parties and judicial officers in finding the income amount information.</p> <p>3. In light of the fact that one item on form FW-001 (the figures in the eligibility chart in item 5b) is likely to have to be revised in late February 2015, would it be helpful to make the effective date of the proposed amendments to all the rules and forms March 1, to coincide with changes to the amounts in the eligibility chart? CAJ recommends that in an effort to be as cost effective as possible, the proposed amendments to all the rules and forms should coincide with the late February 2015 date. Inasmuch as there will be necessary costs to update and</p>	<p>2. Based on the public comments received, the committees recommend retaining the income eligibility chart on FW-001.</p> <p>3. The committees agree and are recommending a March 1 effective date.</p>

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Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; and revise forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO

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Chart on Form FW-001 Showing Income Eligibility Dollar Amounts and Effective Date		
Commentator	Comment	Committee Response
	change the forms regardless, CAJ believes it makes economic sense to make all changes at the same time to avoid duplicative costs.	
Stacy Larsen Family Law Facilitator Shasta County Superior Court	<p>I agree that maintaining the chart showing the cut-offs for incomes above 125 percent of the current poverty guidelines on the FW-001 is a good idea. In its current location, litigants can more easily determine whether they are eligible, and the majority of self-represented litigants would find it overly burdensome, confusing, and overwhelming to access the chart online. My understanding is that fee waivers are designed to ensure equal access to the courts for our indigent litigants, many of whom have limited education, literacy skills, and resources. Litigants frequently do not file responses, erroneously allowing default to be entered against them, because they do not understand the availability of or eligibility criteria for fee waivers. Removing the chart places one more obstacle in their path to obtaining access to the courts.</p> <p>I support the alternative to make the changes to the fee-waiver forms/rules go into effect on March 1, 2015, rather than January 1, 2015. Two changes so close together leads to confusion and waste of paper. The court already has discretion to limit payments over time, etc., and the disadvantages of this brief delay are outweighed (at least in my opinion) by the benefits.</p>	<p>Based on the public comments received, the committees recommend retaining the income eligibility chart on FW-001.</p> <p>The committees agree and are recommending a March 1 effective date.</p>
Orange County Bar Association By: Thomas Bienert, Jr., President	The chart of income amounts for eligibility should not be removed from Form FW-001 and placed on a website since applicants, court personnel, and others need that information readily available. Whether the proposed amendments are	<p>Based on the public comments received, the committees recommend retaining the income eligibility chart on FW-001.</p> <p>The committees believe a March 1 effective date will</p>

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Chart on Form FW-001 Showing Income Eligibility Dollar Amounts and Effective Date		
Commentator	Comment	Committee Response
	effective January 1 or March 1 depends on the amount of associated costs savings (if any).	achieve cost savings in eliminating a second amendment to the same form within a two month period..
Superior Court, County of Los Angeles (no name provided)	If, however, this proposal is adopted, every effort should be taken to (1) make the forms as short as possible, and (2) to draft the forms in such a way that they do not need regular revision. For this reason the chart in 5b of FW-001 should be eliminated. In addition to directing applicants to the website, as suggested, there should be an optional form that explains both the public benefits abbreviations (which should be removed from the information sheet) and the 5b family size/income charts. Courts can decide to hand the optional form to all applicants, to post the optional form as information in the clerk’s office or self-help center, or to use the form in some other way that would supplement information available on the website.	The committees agree with generally trying to keep the forms as short as possible, but not at the cost of leaving off information useful to the parties or the court. The committees do not agree that the income eligibility chart should be removed from the fee waiver request form. The chart should stay on the form in order to assist both the applicants and the courts in determining eligibility. The committees particularly considered the fact that most applicants for fee waivers are indigent self-represented litigants, without easy ongoing access to the internet, and that they are asserting their eligibility based on the federal poverty guidelines under penalty of perjury.
Superior Court, County of Orange By: Paul Alberga, Administrative Analyst/Officer II	2. Should the chart of income amounts for eligibility under Government Code section 68632(b) be removed from the application (form FW-001) and placed on the judicial branch’s website, so that yearly changes to those amounts would not require changes to the form? <ul style="list-style-type: none"> We would not recommend removing the chart that shows the Family Size to Family Income from page 1 of the FW-001. This chart has proved to be valuable for the clerk as well as the applicant when explaining, completing and evaluating if the fee waiver can be granted under this provision. 3. Would the resulting savings to the courts [by removing income form from chart] offset the added burden to the parties and judicial officers in finding that information? (See discussion under Alternatives Considered, at page 12)	Based on the public comments received, the committees recommend retaining the income eligibility chart on FW-001.

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Chart on Form FW-001 Showing Income Eligibility Dollar Amounts and Effective Date		
Commentator	Comment	Committee Response
	<ul style="list-style-type: none">• See number 5 below; no cost savings identified <p>4. In light of the fact that one item on form FW-001 (the figures in the eligibility chart in item 5b) is likely to have to be revised in late February 2015, would it be helpful to make the effective date of the proposed amendments to all the rules and forms March 1, to coincide with changes to the amounts in the eligibility chart? (See discussion under Alternatives Considered, at page 13)</p> <ul style="list-style-type: none">• Yes, the March 1st date would be an effective timeframe.	<p>The committees appreciate the response.</p> <p>The committee agrees.</p>
Superior Court of Riverside By: Daniel Wolfe, Managing Attorney	The chart of income amounts for eligibility should not be removed from the application (FW-001). If it was removed it would make it more difficult for judicial officers and clerks to process the fee waivers effectively if the chart was removed.	Based on the public comments received, the committees recommend retaining the income eligibility chart on FW-001.
TCPJAC/CEOC Joint Rules Working Group	If, however, this proposal is adopted, every effort should be taken to (1) make the forms as short as possible, and (2) to draft the forms in such a way that they do not need regular and costly revision. For this reason the chart in 5b of FW-0010 should be eliminated. In addition to directing applicants to the website, as suggested, there should be an optional form that explains both the public benefits abbreviations (which should be removed from the information sheet) and the 5b family size/income charts. Courts can decide to hand the optional form to all applicants, to post the optional form as information in the clerk's office or self-help center, or to use the form in some other way that would supplement information available on the website.	The committees agree with generally trying to keep the forms as short as possible, but not at the cost of leaving off information useful to the parties or the court. The committees do not agree that the income eligibility chart should be removed from the fee waiver request form. The chart should stay on the form in order to assist both the applicants and the courts in determining eligibility. The committees particularly considered the fact that most applicants for fee waivers are indigent self-represented litigants, without easy ongoing access to the internet, and that they are asserting their eligibility based on the federal poverty guidelines under penalty of perjury.

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Fees Included in All Initial Fee Waiver - Rules 3.55, and 8.818 and forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO		
Commentator	Comment	Committee Response
Appellate Courts Section Los Angeles County Bar Association By: John A. Taylor, Jr.	The Appellate Courts Section of the Los Angeles County Bar Association has reviewed SPR14-05 insofar as it affects appellate courts and practitioners, and supports the proposal with one suggested modification to account more clearly for a recent rule change regarding payment for appellate transcripts.	The committees note the commentator's support for the proposal.
Committee on Appellate Courts State Bar of California By: Saul Bercovitch, Staff Attorney	The Committee on Appellate Courts limited its review to issues relating to the recommendations of the Appellate Advisory Committee, and agrees with those recommendations.	The committees note the commentator's support for the proposal.
Stacy Larsen Family Law Facilitator Shasta County Superior Court	CRC 3.55(3): A recent question has arisen regarding whether waiver of "clerks fees for reasonably necessary certification and copying" includes post-judgment copies. Since post-judgment copies are often necessary to prepare pleadings to modify or enforce judgments, it would seem these fees are covered in this provision. A secondary issue that has arisen is whether this provision waives fees for copying paperwork originally submitted by the litigant who is now requesting copies. Specifically, family-law cases continue long past judgment due to ongoing child support, custody, visitation, and spousal support issues. The family-law litigants are frequently the most financially challenged litigants in our courthouses, and their issues are often urgent. This population is the most impacted when there is significant "wobble room" in fee waiver statutes. These sorts of issues will continue to arise as our budgetary constraints increase, and it would be helpful if some uniformity was obtained through guidance from the Committee. Interpretation of "reasonably necessary copying" easily varies	The committee notes that the cost of post-judgment copies would be covered for parties with a fee waiver in place. As to the issue of amending item 3.55(3) regarding making reasonably necessary copies in order to assure consistent application throughout the state, that issue is beyond the scope of the current proposal. The committee will consider it in the future as time and resources permit.

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Fees Included in All Initial Fee Waiver - Rules 3.55, and 8.818 and forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO		
Commentator	Comment	Committee Response
	<p>between individuals and courts, and it is not fair for one court to implement a blanket prohibition of waiving post-judgment copy fees or fees to copy pleadings prepared/filed by the litigants when the same fees are waived in another court. Guidance is appreciated given our ongoing struggle to balance fiscal demands of maintaining a court with ensuring indigent litigants meaningful access to justice.</p> <p>FW-001-INFO, Item 1, “making and certifying copies”: please see comment above requesting clarity for uniformity’s sake on this issue.</p> <p>FW-003 Item (4) “making and certifying copies”: please see comment above requesting clarity for uniformity’s sake on this issue.</p> <p>FW-008, Item (5) “making and certifying copies”: please see comment above requesting clarity for uniformity’s sake on this issue.</p>	
<p>Superior Court, County of Los Angeles (no name provided)</p>	<p>With respect to fees related to appeal to the appellate division of the Superior Court, these fees should not be referenced on the initial fee waiver forms but rather should be explained in the context of other information with respect to appeal on the “Information Sheet on Waiver of Appellate Court Fees.” It is simply confusing to applicants to be presented to information with respect to appeal when they are applying for a fee waiver at the outset of litigation.</p>	<p>Removing this information from the fee waiver forms would be an important substantive change and thus is not the type of change that can be considered for implementation without public comment having been sought. When the current fee waiver forms were adopted in 2009 to implement changes in the fee waiver statutes, the committees specifically considered and sought public comment on whether to have a single fee waiver application or separate applications for the trial and appellate courts. Based on the public comments, the</p>

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Fees Included in All Initial Fee Waiver - Rules 3.55, and 8.818 and forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO		
Commentator	Comment	Committee Response
		committees specifically recommended the adoption of a single fee waiver application form in 2009. The committees will add this suggestion to reconsider that earlier policy decision to the list of suggestions for future consideration by the committees.
Superior Court of Orange County By: Paul Alberga, Administrative Analyst/Officer II	Rule 3.55(7) speaks to reporter's daily fees for attendance at hearings and trials held within 60 days of the date of the order granting the applications. However, there is no reference to the reporter fee (currently \$30.00, Gov. Code 68086(a)(1)(A)) for hearings lasting less than 1 hour. <ul style="list-style-type: none">• Suggest revising rule by striking the word "daily," and recommend removing the 60 day reference.• Suggest referencing the same period of time for all fee waivers related to court reporter fees.	The committees agree with this comment, and are recommending amendment of rule 3.55 and 3.56 to reflect the change in law, along with recommending amendments to the items in forms FW-001-NFO, FW-002, FW-003, FW-005, FW-008, and FW-012 which set out the items included in those rules.-
Superior Court of San Diego County By: Michael Roddy, Executive Officer	Additional suggested question/revisions are as follows: <ol style="list-style-type: none">1. Should we add the new Government Code sect. 68086 Court Reporter Fee of \$30 to FW-001?	The committees agrees with this suggestion, and are recommending amendment of rule 3.55 and 3.56 to reflect the change in law, along with recommending amendments to the items in forms FW-001-NFO, FW-002, FW-003, FW-005, FW-008, and FW-012 which set out the items included in those rules.-
TCPJAC/CEAC Joint Rules Working Group	With respect to fees related to appeal to the appellate division of the Superior Court, these fees should not be referenced on the initial fee waiver forms but rather should be explained in the context of other information with respect to appeal on the "Information Sheet on Waiver of Appellate Court Fees." It is simply confusing to applicants to be presented to information with respect to appeal when they are applying for a fee waiver at the outset of litigation.	Removing this information from the fee waiver forms would be an important substantive change and thus is not the type of change that can be considered for implementation without public comment having been sought. When the current fee waiver forms were adopted in 2009 to implement changes in the fee waiver statutes, the committees specifically considered and sought public comment on whether to have a single fee waiver

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Fees Included in All Initial Fee Waiver - Rules 3.55, and 8.818 and forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO		
Commentator	Comment	Committee Response
		application or separate applications for the trial and appellate courts. Based on the public comments, the committees specifically recommended the adoption of a single fee waiver application form in 2009. The committees will add this suggestion to reconsider that earlier policy decision to the list of suggestions for future consideration by the committees.

Other Comments/Suggestions – Forms FW-001, FW-001-INFO, FW-003 and FW-008		
Commentator	Comment	Committee Response
Stacy Larsen Family Law Facilitator Shasta County Superior Court	<p>FW-001, first paragraph, second line: There seems to be a word (“your”) missing before “household’s basic needs” in both this and the current version.</p> <p>FW-001, subsection (5)(c): It seems redundant to direct the litigant that he/she “must fill out page 2” in the first checkbox item and then tell him/her to “complete item 7 on page 2, along with all other items on that page” in the second checkbox item. Perhaps the first checkbox item on (c) should state that they must “fill out page 2 with the exception of item 7” and the second should remain as is (?).</p> <p>FW-001, page 2, Directions: If the litigant checked 5c, he/she needs to complete only all of page 2 except Item 7. If he/she is requesting payments, he/she must complete Item 7. Can this be clarified?</p> <p>FW-001, page 2, Item (8): The wording “fill out below” is a bit awkward. A possible revision is as follows: “Fill out the remainder of this page based on your . . .”</p>	<p>The committee has modified the form in light of this comment.</p> <p>The committee has modified the form in light of this comment.</p> <p>The committee has modified the form in light of this comment.</p> <p>The committee has modified the form in light of this comment.</p>

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Other Comments/Suggestions – Forms FW-001, FW-001-INFO, FW-003 and FW-008		
Commentator	Comment	Committee Response
	<p>FW-001, page 2, Item (9): It’s a great idea to group all income in one category and one side of the page, and then all deductions/expenses in another category on the other side of the page. This will help litigants to fill out the page more correctly.</p> <p>FW-002, page 2, box at bottom of page: It reads awkwardly to start the second sentence with the conjunction “Or.” It could be combined with the first sentence (with a comma before the “or”), or it could be made into two sentences separated by a period or semicolon, starting the second sentence with “In the alternative, attach a sheet of paper . . .”</p> <p>FW-003, Item (1): In this, and the current, version of this form, the litigant must provide his/her name and address but is not required to provide his/her telephone number. Is this an omission?</p> <p>FW-008, Item (1): In this, and the current, version of this form, the litigant must provide his/her name and address but is not required to provide his/her telephone number. Is this an omission?</p>	<p>The committee agrees.</p> <p>The committee has modified the form in light of this comment.</p> <p>This form is an order, and the information regarding party’s name and address is to identify who the order applies to, not to provided contact information.</p> <p>See above.</p>
Orange County Bar Association By: Thomas Bienert, Jr., President	. (6) FW-003 at paragraph 4.a(3) and generally at App-001 have deleted all references to the waiver of appellate fees without explanation and contrary to Govt. Code §68634.5.	As explained in the Invitation to Comments, current item 4a(3), Fee Waiver for Appeal, has been deleted, because the items listed were duplicative of those already listed in item 4a(1).
Superior Court, County of Orange By: Paul Alberga, Administrative Analyst/Officer II	<p>Form FW-001: Request to Waive Court Fees</p> <ul style="list-style-type: none"> Under Section 9, the first sentence is confusing: “List the source and amount of any other income you get each 	The committee has modified the form in light of this comment.

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Other Comments/Suggestions – Forms FW-001, FW-001-INFO, FW-003 and FW-008		
Commentator	Comment	Committee Response
	<p>month;” Other than what income? At this point the party has not listed any income. Suggest rewording as follows: “List the source and amount of all income you get each month.</p> <ul style="list-style-type: none">• Under Section 10 the first sentence is confusing: “List all other persons living in your home and their income; include only your spouse and all individuals who depend...” The party is first asked to list ALL other persons and then to include ONLY a select group of persons. The sentence seems to be contradictory. Suggest changing text to read as follows: “List your spouse and all individuals who live in your home and depend in whole or in part on you for support,...” <p>FW-001-INFO: Information Sheet on Waiver of Superior Court Fees and Costs</p> <ul style="list-style-type: none">• Recommend aligning all bullet points with the left margin throughout the form.• Under the first bullet under “IMPORTANT INFORMATION”: Suggest the word “Please” be removed. To answer “truthfully, accurately, and completely” should not be a request. <p>FW-003: Order on Court Fee Waiver</p> <ul style="list-style-type: none">• Page 3, ,Clerk’s Certificate of Service should include language to allow for electronic service.	<p>The committee has modified the form in light of this comment.</p> <p>The fee waiver application, generally filed by self-represented parties, does not have a space for a party to include information regarding electronic addresses or to agree to electronic service. Amending the forms to allow for such information and such service will be considered in the future.</p>

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Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

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Other Comments/Suggestions – Form APP-001		
Commentator	Comment	Committee Response
Appellate Courts Section Los Angeles County Bar Association By: John A. Taylor, Jr.	<p>SPR14-05 includes certain proposed revisions to Judicial Council appellate form APP-001, which provides general information regarding appellate procedures in unlimited civil cases. Page 2 of that form contains information about the designation of the reporter’s transcript, stating that “the appellant must deposit the approximate cost of transcribing the proceedings designated,” which may be “calculated at \$650 per day (more than three hours of court time) or \$325 per fraction of a day (less than three hours of court time).” SPR14-05 would add “for proceedings that were not previously transcribed” to this description of the statutory deposit amounts.</p> <p>This new language hints at a recent addition to rule 8.130 of the California Rules of Court that provides for a lesser deposit “[f]or proceedings that have previously been transcribed: \$80 per fraction of the day’s proceedings that did not exceed three hours, or \$160 per day or fraction that exceeded three hours.” (Cal. Rules of Court, rule 8.130(b)(1)(B)(ii).) However, the new language proposed by SPR14-05 does not go far enough, because it obscures the fact that a lesser deposit is required for proceedings that were previously transcribed, and it does not state what those lesser amounts are. A practitioner not already familiar with rule 8.130 would not be alerted to the availability of a lesser deposit amount from the new language that is proposed by SPR14-05.</p> <p>To make APP-001 more helpful to practitioners, the Appellate Courts Section suggests that after the new proposed language “for proceedings that were not previously transcribed,” the following sentence be inserted: “For previously transcribed</p>	The committee has revised its proposal to include the sentence suggested by the commentator in the proposed revisions to form APP-001.

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Other Comments/Suggestions – Form APP-001		
Commentator	Comment	Committee Response
	proceedings, the cost is calculated at \$160 per day (more than three hours of court time) or \$80 per fraction of a day (less than three hours of court time).”	

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Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

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Other Comments/Suggestions – General		
Commentator	Comment	Committee Response
Committee on Administration of Justice State Bar of California By: Saul Bercovitch, Staff Attorney	<p>Our comments in response to specific questions that are asked are as follows:</p> <p>1. Does the proposal appropriately address the stated purpose? Yes, the proposal is an appropriate response to address the stated purpose. The forms will adequately address the concerns and with the amendments will efficiently allow a waived hearing for payment plans and will also effectively include the new \$50 court reporter fee deposit.</p>	The committee agrees.
Magda Conant Oceanside, California	<p>Why not also allow the Judge discretion to decide whether a “reduced” fee be allowed in lieu of waiving the entire amount, based upon review of the income of the applicant?</p> <p>Perhaps a matriculation of reduced fees would be available to the court/applicant for a clear determination of the reduced amount they qualify to pay based on the amount of applicant's income.</p> <p>This coincides with the suggested “payment plan” which affords the courts some income as opposed to waiving the fee entirely.</p>	That discretion to grant a partial fee waiver is already provided for in Government Code section 68634(c)(5), which allows a court to grant a partial waiver if a full waiver has been denied. See also form FW-008, order after hearing on fee waiver application.
Stacy Larsen Family Law Facilitator Shasta County Superior Court	Although beyond the scope of this “Invitation to Comment” cycle, it would be helpful to provide guidance on these forms regarding how litigants can prepare/submit an amended fee-waiver request for use when they are granted payments over time but then their financial situation dramatically changes such that they wish to request that the remaining unpaid fees be waived.	If a party’s financial circumstances change after a fee waiver has been denied, he or she may apply again for a waiver. The only additional requirement is to inform the court if a prior request had been made within 6 months and to attach the previous request. See form FW-001, item 6.

SPR14-05

Fee Waivers: Payments Over Time and Fees Included in Initial Fee Waiver

Amend Cal. Rules of Court, rules 3.50, 3.51, 3.52, 3.55, and 8.818; and revise forms FW-001, FW-001-INFO, FW-003, FW-008, APP-001, and APP-015/FW-015-INFO

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

Other Comments/Suggestions – General		
Commentator	Comment	Committee Response
Superior Court, County of Orange By: Paul Alberga, Administrative Analyst/Officer II	<p>SPR 14-05: Request for Specific Comments</p> <p>1. Does the proposal appropriately address the stated purpose?</p> <ul style="list-style-type: none">• Yes <p>[¶¶]</p> <p>5. Would the proposal provide cost savings? If so, please quantify.</p> <ul style="list-style-type: none">• No <p>6. What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</p> <ul style="list-style-type: none">• Brief staff training sessions and procedural updates; no case management system updates. <p>7. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <ul style="list-style-type: none">• Yes	The committee appreciates the responses to the specific questions asked.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title

Child Support: Revise Income Withholding for Support and Related Instructions

Agenda Item Type

Action Required

Effective Date

January 1, 2015

Rules, Forms, Standards, or Statutes Affected

Revise forms FL-195 and FL-196

Date of Report

September 9, 2014

Recommended by

Family and Juvenile Law Advisory Committee

Contact

Hon. Jerilyn L. Borack, Cochair
Hon. Kimberly J. Nystrom-Geist, Cochair

Anna L. Maves, 916-263-8624
anna.maves@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends revising *Income Withholding for Support* (form FL-195/OMB No. 0970-0154) and *Income Withholding for Support—Instructions* (form FL-196/OMB No. 0970-0154) to comply with Family Code section 5208 and federal law.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015, revise *Income Withholding for Support* (FL-195/OMB No. 0970-0154) and *Income Withholding for Support—Instructions* (FL-196/OMB No. 0970-0154) to comply with Family Code section 5208 and federal law.

The proposed forms are attached at pages 6–16.

Previous Council Action

Income Withholding for Support (FL-195/OMB No. 0970-0154) and *Income Withholding for Support—Instructions* (FL-196/OMB No. 0970-154) were developed by the federal Office of Child Support Enforcement and were adopted by the Judicial Council on December 2, 1999. The *Income Withholding for Support* form was renumbered, effective January 1, 2003, as FL-195 and the instructions for the FL-195 were renumbered as FL-196. The federal Office of Management and Budget (OMB) revised the form and instructions in 2007, and the Judicial Council revised FL-195 and FL-196 to incorporate the changes made to the federal form effective July 1, 2008. Most recently, the federal OMB revised the form and instructions on May 16, 2011, and the Judicial Council revised FL-195 and FL-196, without circulating the forms for public comment, to incorporate the changes made to the federal forms effective January 1, 2012.

Rationale for Recommendation

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub.L. No. 104-193) instituted welfare reform, which included a requirement that the Office of Child Support Enforcement (OCSE) develop a standardized form to collect child support payments in all title IV-D cases and in nontitle IV-D cases with orders initially issued in the state on or after January 1, 1994. Local child support agencies and the courts that are authorized under state law to issue Income Withholding Orders (IWOs) must use the federal Office of Management and Budget–approved IWO for all child support income withheld by employers.

Family Code section 5208 was amended in 1999 to comply with this federal mandate and required that the federal form *Order/Notice to Withhold Income for Child Support*¹ be used as the earnings assignment order in any action in which child or family support is ordered.² Under Family Code section 5208, the Judicial Council must adopt a new version of the federal form without any modifications. California courts are provided an opportunity to comment when federal OCSE solicits comments for revisions to the form via the Federal Register.

In governmental child support cases, after a judgment for child support is issued or child support is modified, the *Income Withholding for Support* (FL-195) is prepared by the local child support agency and sent to the obligor’s employer. The employer then withholds child support from the obligor’s earnings consistent with the instruction on the form and sends the child support to the State Distribution Unit. In family law cases where the local child support agency is not involved in enforcing the support order, the wage assignment is usually prepared by the obligee and then filed with the court. The court must issue the order and the order becomes part of the court’s record. The obligee then sends the order to the employer for withholding. The Judicial Council adopted the federal form as a Judicial Council form to make this commonly-used form readily

¹ In 2007, the federal form was renamed *Income Withholding for Support*.

² PRWORA requires that states transmit orders and notices for income withholding to employers using uniform formats prescribed by the Secretary of Health and Human Services. (42 U.S.C. § 666(b)(6)(A)(ii).) A copy of 42 U.S.C. § 666(b) can be found at http://www.law.cornell.edu/uscode/42/usc_sec_42_00000666---000-.html. Family Code section 5208 is available at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=2327708132+1+0+0&WAIAction=retrieve>.

accessible to family law litigants who are often self-represented, and because this form becomes part of the court's record when the court issues the order.

The Income Withholding for Support form previously approved by the Office of Management and Budget was modified to address items identified by states and employers/income withholders. The federal Office of Child Support Enforcement solicited comments for revisions to the Income Withholding Order via the *Federal Register* on July 9, 2013.³ The comments were reviewed and many of the recommended changes were incorporated into the revised form. The revised form was issued on July 15, 2014, and became effective immediately, but states are allowed until July 31, 2015, to implement the changes to the form.

Consistent with the changes to the federal form, *Income Withholding for Support* (FL-195) has been revised. These key changes include:

- Updating the hyperlinks in the form to provide the current OCSE web pages.
- Standardizing the terms in the form such as changing "Remittance ID" to "remittance identifier" and revising legal citations to all appear in similar fashion.
- Enlarging the font size to improve readability and adding more lines to allow states to include state-specific information. These and other changes resulted in the addition of one page in the total number of pages of the IWO form.
- Adding language to the **Remittance Information** section on page 2 that directs employers/income withholders to Supplemental Information on page 3 for withholding limits for nonemployees.
- Updating the headers on pages 2–4 so they contain all of the same information, which includes the employer name and Federal Employer Identification Number, employee name and social security number, child support agency case identifier, and order identifier.
- Clarifying that tribal law governs withholding limits for tribal orders.

In addition to the changes made by the federal Office of Child Support Enforcement, the Family and Juvenile Law Advisory Committee recommends that the remittance section on page 2 of FL-195 be pre-populated with the address of the California State Disbursement Unit. This addition would ensure compliance with federal and state law which requires employers to send all earnings withheld pursuant to the terms of an earnings assignment order to the State Disbursement Unit for disbursement to the obligee, and not directly to the obligee, whether the local child support agency is providing services or not. Adding the State Disbursement Unit address would not modify the language of the form, but instead pre-populate the form to add information required to be completed by the litigant. In some rare circumstances an attorney or litigant may need to access an income withholding order in which the child support payments

³ The federal website does not provide the actual content of the comments, but more information on the comments and how to individually request them can be found at <http://www.gpo.gov/fdsys/pkg/FR-2013-07-19/pdf/2013-17331.pdf>.

should not be sent to the California State Disbursement Unit. These circumstances include an attorney who is assisting someone who resides in another state or members of a tribe who have a title IV-D program. In both these circumstance, the payments are still required to be sent to a state disbursement unit, but not California's. In these uncommon situations, a wage withholding order without the California State Disbursement Unit's pre-populated address can be obtained on the federal Office of Child Support Enforcement's website.

Income Withholding for Support—Instructions (FL-196) has also been revised to provide guidance in the instructions to the form that one IWO form must be issued for each title IV-D case (as defined in 45 C.F.R. § 305.1).

Income Withholding for Support (FL-195) continues to require that the employee's social security number be included on the form. The intention of this requirement is so that employers can do their due diligence in making sure that the wage assignment received is for the correct employee or where the employer may employ several people with the same name. There may be some concerns regarding potential identity theft and confidentiality. Because this is a mandatory federal form, it cannot be revised to remove this item or provide further instruction to the person completing the form. However, rule 1.20(b)(2)(A) of the California Rules of Court provides, "If an individual's social security number is required in a pleading or other paper filed in the public file, only the last four digits of that number may be used." Compliance with this rule by the person filling out the form will protect the obligor's confidential information while still providing sufficient information for the employer and substantially adhering to the federal form.

Significant amounts of federal funding for both welfare and child support programs are contingent on compliance with federal child support program regulations. Thus, it is important that state forms and procedures comply with these regulations. The federal government requires that the form be adopted without any local changes to either content or format although—because these are Judicial Council forms—the Judicial Council form numbers would continue to appear on the forms. Adopting these federal forms as Judicial Council forms FL-195 and FL-196 ensures that they are published and made easily available for California users.

Comments, Alternatives Considered, and Policy Implications

The Family and Juvenile Law Advisory Committee did not circulate FL-195 or FL-196 for comment because these forms must be implemented exactly as approved by the OMB without any local changes. The federal forms approval process included a public comment period and stakeholder input through a federal Office of Child Support Enforcement workgroup, review of the forms and recommendations for changes by the U.S. Government Accountability Office, and approval by OMB.

Because the recommended revisions of *Income Withholding for Support* (FL-195/OMB No. 0970-0154) and *Income Withholding for Support—Instructions* (FL-196/OMB No. 0970-0154) are necessary to comply with federal requirements, no alternative actions were considered.

Implementation Requirements, Costs, and Operational Impacts

The committee is not aware of any implementation requirements, costs, or operational impacts affecting the local courts that will result from approval of the proposed forms other than standard reproduction costs. The forms will be posted on the California Courts website. Courts will not incur costs beyond those that they may incur if they provide the forms to the public.

Attachment

1. Forms FL-195 and FL-196, at pages 6–16.

DRAFT

INCOME WITHHOLDING FOR SUPPORT

- ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
- AMENDED IWO
- ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
- TERMINATION OF IWO

Date: _____

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-instructions). If you receive this document from someone other than a state or tribal CSE agency or a court, a copy of the underlying order must be attached.

State/Tribe/Territory _____ Remittance ID (include w/payment) _____
 City/County/Dist./Tribe _____ Order ID _____
 Private Individual/Entity _____ CSE Agency Case ID _____

 Employer/Income Withholder's Name

 Employer/Income Withholder's Address

Employer/Income Withholder's FEIN _____

Child(ren)'s Name(s) (Last, First, Middle) _____

Child(ren)'s Birth Date(s) _____

RE: _____

Employee/Obligor's Name (Last, First, Middle) _____

Employee/Obligor's Social Security Number _____

Custodial Party/Obligee's Name (Last, First, Middle) _____



ORDER INFORMATION: This document is based on the support or withholding order from _____ (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ _____ Per _____ current child support
 \$ _____ Per _____ past-due child support - **Arrears greater than 12 weeks?** Yes No
 \$ _____ Per _____ current cash medical support
 \$ _____ Per _____ past-due cash medical support
 \$ _____ Per _____ current spousal support
 \$ _____ Per _____ past-due spousal support
 \$ _____ Per _____ other (must specify) _____

for a **Total Amount to Withhold** of \$ _____ per _____.

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ _____ per weekly pay period \$ _____ per semimonthly pay period (twice a month)
 \$ _____ per biweekly pay period (every two weeks) \$ _____ per monthly pay period
 \$ _____ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

Employer's Name: _____ Employer FEIN: _____

Employee/Obligor's Name: _____ SSN: _____

CSE Agency Case Identifier: _____ Order Identifier: _____

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is _____ (State/Tribe), you must begin withholding no later than the first pay period that occurs _____ days after the date of _____. Send payment within _____ working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to _____ % of disposable income. If the obligor is a non-employee, obtain withholding limits from Supplemental Information on page 3. If the employee/obligor's principal place of employment is not _____ (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees at www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit (SDU)), see www.acf.hhs.gov/programs/css/employers/electronic-payments.

Include the **Remittance ID with the payment** and if necessary this FIPS code: _____.

Remit payment to _____ California State Disbursement Unit (SDU/Tribal Order Payee) at _____ P.O. Box 989067, West Sacramento, CA 95798-9067 (SDU/Tribal Payee Address)

Return to Sender [Completed by Employer/Income Withholder]. Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if Required by State or Tribal Law): _____
Print Name of Judge/Issuing Official: _____
Title of Judge/Issuing Official: _____
Date of Signature: _____

If the employee/obligor works in a state or for a tribe that is different from the state or tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information.

Priority: Withholding for support has priority over any other legal process under State law against the same income (42 USC §666(b)(7)). If a federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a court, attorney, or private individual/entity and the initial order was entered before January 1, 1994 or the order was issued by a tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the state (or tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to federal, state, or tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the state or tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

OMB Expiration Date - 7/31/2017. The OMB Expiration Date has no bearing on the termination date of the IWO; it identifies the version of the form currently in use.

Employer's Name: _____ Employer FEIN: _____

Employee/Obligor's Name: _____ SSN: _____

CSE Agency Case Identifier: _____ Order Identifier: _____

Lump Sum Payments: You may be required to notify a state or tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by state or tribal law/procedure.

Anti-discrimination: You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 USC §1673(b)); or 2) the amounts allowed by the state of the employee/obligor's principal place of employment or tribal law if a tribal order (see *Remittance Information*). Disposable income is the net income after mandatory deductions such as: state, federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% --to 55% and 65% --if the arrears are greater than 12 weeks. If permitted by the state or tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers/income withholders who receive a state IWO, you may not withhold more than the limit set by tribal law.

Depending upon applicable state or tribal law, you may need to consider amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the employer should calculate the CCPA limit using the lower percentage.

Supplemental Information:

IMPORTANT: The person completing this form is advised that the information may be shared with the employee/obligor.

Employer's Name: _____ Employer FEIN: _____

Employee/Obligor's Name: _____ SSN: _____

CSE Agency Case Identifier: _____ Order Identifier: _____

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, you must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the contact information below:

This person has never worked for this employer nor received periodic income.

This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ Last known phone number: _____

Last known address: _____

Final payment date to SDU/tribal payee: _____ Final payment amount: _____

New employer's name: _____

New employer's address: _____

CONTACT INFORMATION:

To Employer/Income Withholder: If you have questions, contact _____ (issuer name)

by phone: _____, by fax: _____, by e-mail or website: _____.

Send termination/income status notice and other correspondence to: _____ (issuer address).

To Employee/Obligor: If the employee/obligor has questions, contact _____ (issuer name)

by phone: _____, by fax: _____, by e-mail or website: _____.

The Paperwork Reduction Act of 1995

This information collection and associated responses are conducted in accordance with 45 CFR 303.100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting burden for this collection of information is estimated to average 5 minutes per response for Non-IV-D CPs; 2 minutes per response for employers; 3 seconds for e-IWO employers, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

INCOME WITHHOLDING FOR SUPPORT - Instructions

The Income Withholding for Support (IWO) is the OMB-approved form used for income withholding in tribal, intrastate, and interstate cases as well as all child support orders initially issued in the state on or after January 1, 1994, and all child support orders initially issued (or modified) in the state before January 1, 1994 if arrearages occur. This form is the standard format prescribed by the Secretary in accordance with 42 USC §666(b)(6)(A)(ii). Except as noted, the following information is required and must be included.

Please note:

- For the purpose of this IWO form and these instructions, “state” is defined as a state or territory.
- Do’s and don’ts on using this form are found at www.acf.hhs.gov/programs/css/resource/using-the-income-withholding-for-support-form-dos-and-donts.

COMPLETED BY SENDER:

- 1a. **Original Income Withholding Order/Notice for Support (IWO).** Check the box if this is an initial or original IWO.
- 1b. **Amended IWO.** Check the box to indicate that this form amends a previous IWO. Any changes to an IWO must be done through an amended IWO.
- 1c. **One-Time Order/Notice For Lump Sum Payment.** Check the box when this IWO is to attach a one-time collection of a lump sum payment. When this box is checked, enter the amount in field 14, Lump Sum Payment, in the *Amounts to Withhold* section. Additional IWOs must be issued to collect subsequent lump sum payments.
- 1d. **Termination of IWO.** Check the box to stop income withholding on a child support order. Complete all applicable identifying information to aid the employer/income withholder in terminating the correct IWO.
- 1e. **Date.** Date this form is completed and/or signed.
- 1f. **Child Support Enforcement (CSE) Agency, Court, Attorney, Private Individual/Entity (Check One).** Check the appropriate box to indicate which entity is sending the IWO. If this IWO is **not** completed by a state or tribal CSE agency, the sender should contact the CSE agency (see www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) to determine if the CSE agency needs a copy of this form to facilitate payment processing.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

This IWO must be regular on its face. The IWO must be rejected and returned to sender under the following circumstances:

- IWO instructs the employer/income withholder to send a payment to an entity other than a state disbursement unit (for example, payable to the custodial party, court, or attorney). Each state is required to operate a state disbursement unit (SDU), which is a centralized facility for collection and disbursement of child support payments. Exception: If this IWO is issued by a court, attorney, or private individual/entity and the initial child support order was entered before January 1, 1994 or the order was issued by a tribal CSE agency, the employer/income withholder must follow the payment instructions on the form.
- Form does not contain all information necessary for the employer to comply with the withholding.
- Form is altered or contains invalid information.
- Amount to withhold is not a dollar amount.
- Sender has not used the OMB-approved form for the IWO.
- A copy of the underlying order is required and not included.

If you receive this document from an attorney or private individual/entity, a copy of the underlying order containing a provision authorizing income withholding must be attached.

COMPLETED BY SENDER:

- 1g. **State/Tribe/Territory.** Name of state or tribe sending this form. This must be a governmental entity of the state or a tribal organization authorized by a tribal government to operate a CSE program. If you are a tribe submitting this form on behalf of another tribe, complete line 1i.
- 1h. **Remittance ID (include w/payment).** Identifier that employers must include when sending payments for this IWO. The Remittance ID is entered as the case identifier on the electronic funds transfer/electronic data interchange (EFT/EDI) record.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

The employer/income withholder must use the Remittance ID when remitting payments so the SDU or tribe can identify and apply the payment correctly. The Remittance ID is entered as the case identifier on the EFT/EDI record.

COMPLETED BY SENDER:

- 1i. **City/County/Dist./Tribe.** Name of the city, county, or district sending this form. This must be a government entity of the state or the name of the tribe authorized by a tribal government to operate a CSE program for which this form is being sent. (A tribe should leave this field blank unless submitting this form on behalf of another tribe.)
- 1j. **Order ID.** Unique identifier associated with a specific child support obligation. It could be a court case number, docket number, or other identifier designated by the sender.
- 1k. **Private Individual/Entity.** Name of the private individual/entity or non-IV-D tribal CSE organization sending this form.
- 1l. **CSE Agency Case ID.** Unique identifier assigned to a state or tribal CSE case. In a state IV-D case as defined at 45 Code of Federal Regulations (CFR) 305.1, this is the identifier reported to the Federal Case Registry (FCR). One IWO must be issued for each IV-D case and must use the unique CSE Agency Case ID. For tribes, this would be either the FCR identifier or other applicable identifier.

Fields 2 and 3 refer to the employee/obligor's employer/income withholder and specific case information.

- 2a. **Employer/Income Withholder's Name.** Name of employer or income withholder.
- 2b. **Employer/Income Withholder's Address.** Employer/income withholder's mailing address including street/PO box, city, state, and zip code. (This may differ from the employee/obligor's work site.) If the employer/income withholder is a federal government agency, the IWO should be sent to the address listed under Federal Agency Income Withholding Contacts and Program Information at www.acf.hhs.gov/programs/css/resource/federal-agency-income-withholding-contact-information.
- 2c. **Employer/Income Withholder's FEIN.** Employer/income withholder's nine-digit Federal Employer Identification Number (if available).
- 3a. **Employee/Obligor's Name.** Employee/obligor's last name, first name, middle name.
- 3b. **Employee/Obligor's Social Security Number.** Employee/obligor's Social Security number or

other taxpayer identification number.

- 3c. **Custodial Party/Obligee's Name.** Custodial party/obligee's last name, first name, middle name. Enter one custodial party/obligee's name on each IWO form. Multiple custodial parties/obligees are not to be entered on a single IWO. Issue one IWO per state IV-D case as defined at 45 CFR 305.1
- 3d. **Child(ren)'s Name(s).** Child(ren)'s last name(s), first name(s), middle name(s). (Note: If there are more than six children for this IWO, list additional children's names and birth dates in field 33 - Supplemental Information). Enter the child(ren) associated with the custodial party/obligee and employee/obligor only. Child(ren) of multiple custodial parties/obligees is not to be entered on an IWO.
- 3e. **Child(ren)'s Birth Date(s).** Date of birth for each child named.
- 3f. **Blank box.** Space for court stamps, bar codes, or other information.

ORDER INFORMATION – Field 4 identifies which state or tribe issued the order. Fields 5 through 12 identify the dollar amount to withhold for a specific kind of support (taken directly from the support order) for a specific time period.

4. **State/Tribe.** Name of the state or tribe that issued the order.
- 5a-b. **Current Child Support.** Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order.
- 6a-b. **Past-due Child Support.** Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order.
- 6c. **Arrears Greater Than 12 Weeks?** The appropriate box (Yes/No) must be checked indicating whether arrears are greater than 12 weeks so the employer/income withholder can determine the withholding limit.
- 7a-b. **Current Cash Medical Support.** Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order.
- 8a-b. **Past-due Cash Medical Support.** Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order.
- 9a-b. **Current Spousal Support.** (Alimony) Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order.
- 10a-b. **Past-due Spousal Support.** (Alimony) Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order.
- 11a-c. **Other.** Miscellaneous obligations dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order. **Must specify** a description of the obligation (for example, court fees).
- 12a-b. **Total Amount to Withhold.** The total amount of the deductions **per** the corresponding time period. Fields 5a, 6a, 7a, 8a, 9a, 10a, and 11a should total the amount in 12a.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

An acceptable method of determining the amount to be paid on a weekly or biweekly basis is to multiply the monthly amount due by 12 and divide that result by the number of pay periods in a year.

AMOUNTS TO WITHHOLD - Fields 13a through 13d specify the dollar amount to be withheld for this IWO if the employer/income withholder's pay cycle does not correspond with field 12b.

- 13a. **Per Weekly Pay Period.** Total amount an employer/income withholder should withhold if the employee/obligor is paid weekly.
- 13b. **Per Semimonthly Pay Period.** Total amount an employer/income withholder should withhold if the employee/obligor is paid twice a month.
- 13c. **Per Biweekly Pay Period.** Total amount an employer/income withholder should withhold if the employee/obligor is paid every two weeks.
- 13d. **Per Monthly Pay Period.** Total amount an employer/income withholder should withhold if the employee/obligor is paid once a month.
- 14. **Lump Sum Payment.** Dollar amount withheld when the IWO is used to attach a lump sum payment. This field should be used when field 1c is checked.

REMITTANCE INFORMATION - Payments are forwarded to the SDU in each state, unless the order was issued by a tribal CSE agency. If the order was issued by a tribal CSE agency, the employer/income withholder must follow the remittance instructions on the form.

- 15. **State/Tribe.** Name of the state or tribe sending this document.
- 16. **Days.** Number of days after the effective date noted in field 17 in which withholding must begin according to the state or tribal laws/procedures for the employee/obligor's principal place of employment.
- 17. **Date.** Effective date of this IWO.
- 18. **Working Days.** Number of working days within which an employer/income withholder must remit amounts withheld pursuant to the state or tribal laws/procedures of the principal place of employment.
- 19. **% of Disposable Income.** The percentage of disposable income that may be withheld from the employee/obligor's paycheck.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

For state orders, the employer/income withholder may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 USC §1673(b)); or 2) the amounts allowed by the state of the employee/obligor's principal place of employment.

For tribal orders, the employer/income withholder may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers/income withholders who receive a state order, the employer/income withholder may not withhold more than the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303 (b) of the Federal Consumer Credit Protection Act (15 USC §1673(b)).

A federal government agency may withhold from a variety of incomes and forms of payment, including voluntary separation incentive payments (buy-out payments), incentive pay, and cash awards. For a more complete list, see 5 CFR 581.103.

COMPLETED BY SENDER:

- 20. **State/Tribe.** Name of the state or tribe sending this document.
- 21. **Document Tracking ID.** Optional unique identifier for this form assigned by the sender.

Please Note: Employer's Name, FEIN, Employee/Obligor's Name and SSN, Remittance ID, CSE Agency Case ID, and Order ID must appear in the header on pages two and subsequent pages.

- 22. **FIPS Code.** Federal Information Processing Standards code.
- 23. **SDU/Tribal Order Payee.** Name of SDU (or payee specified in the underlying tribal support order) to which payments must be sent. Federal law requires payments made by IWO to be sent to the SDU except for payments in which the initial child support order was entered before January 1, 1994 or payments in tribal CSE orders.
- 24. **SDU/Tribal Payee Address.** Address of the SDU (or payee specified in the underlying tribal support order) to which payments must be sent. Federal law requires payments made by IWO to be sent to the SDU except for payments in which the initial child support order was entered before January 1, 1994 or payments in tribal CSE orders.

COMPLETED BY EMPLOYER/INCOME WITHHOLDER:

- 25. **Return to Sender Checkbox.** The employer/income withholder should check this box and return the IWO to the sender if this IWO is not payable to an SDU or tribal payee or this IWO is not regular on its face. Federal law requires payments made by IWO to be sent to the SDU except for payments in which the initial child support order was entered before January 1, 1994 or payments in tribal CSE orders.

COMPLETED BY SENDER:

- 26. **Signature of Judge/Issuing Official.** Signature (if required by state or tribal law) of the official authorizing this IWO.
- 27. **Print Name of Judge/Issuing Official.** Name of the official authorizing this IWO.
- 28. **Title of Judge/Issuing Official.** Title of the official authorizing this IWO.
- 29. **Date of Signature.** Optional date the judge/issuing official signs this IWO.
- 30. **Copy of IWO checkbox.** Check this box for all intergovernmental IWOs. If checked, the employer/income withholder is required to provide a copy of the IWO to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

The following fields refer to federal, state, or tribal laws that apply to issuing an IWO to an employer/income withholder. State-or tribal-specific information may be included only in the fields below.

COMPLETED BY SENDER:

- 31. **Liability.** Additional information on the penalty and/or citation of the penalty for an employer/income withholder who fails to comply with the IWO. The state or tribal law/procedures of the employee/obligor's principal place of employment govern the penalty.
- 32. **Anti-discrimination.** Additional information on the penalty and/or citation of the penalty for an employer/income withholder who discharges, refuses to employ, or disciplines an

employee/obligor as a result of the IWO. The state or tribal law/procedures of the employee/obligor's principal place of employment govern the penalty.

33. **Supplemental Information.** Any state-specific information needed, such as maximum withholding percentage for non-employees, fees the employer/income withholder may charge the obligor for income withholding, or children's names and DOBs if there are more than six children on this IWO. Additional information must be consistent with the requirements of the form and the instructions.

COMPLETED BY EMPLOYER/INCOME WITHHOLDER:

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS

The employer must complete this section when the employee/obligor's employment is terminated, income withholding ceases, or if the employee/obligor has never worked for the employer.

- 34a-b. **Employment/Income Status Checkbox.** Check the employment/income status of the employee/obligor.
35. **Termination Date.** If applicable, date employee/obligor was terminated.
36. **Last Known Phone Number.** Last known (home/cell/other) phone number of the employee/obligor.
37. **Last Known Address.** Last known home/mailling address of the employee/obligor.
38. **Final Payment Date.** Date employer sent final payment to SDU/tribal payee.
39. **Final Payment Amount.** Amount of final payment sent to SDU/tribal payee.
40. **New Employer's Name.** Name of employee's/obligor's new employer (if known).
41. **New Employer's Address.** Address of employee's/obligor's new employer (if known).

COMPLETED BY SENDER:

CONTACT INFORMATION

42. **Issuer Name (Employer/Income Withholder Contact).** Name of the contact person that the employer/income withholder can call for information regarding this IWO.
43. **Issuer Phone Number.** Phone number of the contact person.
44. **Issuer Fax Number.** Fax number of the contact person.
45. **Issuer E-mail/Website.** E-mail or website of the contact person.
46. **Termination/Income Status and Correspondence Address.** Address to which the employer should return the Employment Termination or Income Status notice. It is also the address that the employer should use to correspond with the issuing entity.
47. **Issuer Name (Employee/Obligor Contact).** Name of the contact person that the employee/obligor can call for information.
48. **Issuer Phone Number.** Phone number of the contact person.

49. **Issuer Fax Number.** Fax number of the contact person.
50. **Issuer E-mail/Website.** E-mail or website of the contact person.

The Paperwork Reduction Act of 1995

This information collection and associated responses are conducted in accordance with 45 CFR 303.100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting burden for this collection of information is estimated to average 5 minutes per response for Non-IV-D CPs; 2 minutes per response for employers; 3 seconds for e-IWO employers, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103, and FL-123	January 1, 2015
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 17, 2014
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Kimberly J. Nystrom-Geist, Cochair	Bonnie Hough, 415-865-7668 bonnie.hough@jud.ca.gov
	Gabrielle D. Selden, 415-865-8085 gabrielle.selden@jud.ca.gov

Executive Summary

In light of the changes to federal and state laws legalizing marriages between persons of the same sex, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the use of one petition (*Petition—Marriage/Domestic Partnership* (form FL-100)) and one response (*Response—Marriage/Domestic Partnership* (form FL-120)) in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. The committee also recommends that the council revoke forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123), which were previously adopted for use by persons in a same-sex marriage or domestic partnership (or both); amend rule 5.76 (Domestic partnership); and revise other forms so they conform to these changes.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Amend rule 5.76 of the California Rules of Court to delete references to *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) and include information about ending a domestic partnership through the superior court or the California Secretary of State;
2. Revise *Petition—Marriage* (form FL-100) to retitle it *Petition—Marriage/Domestic Partnership* (form FL-100) and expand it to three pages to include the statutory provisions of the Family Code that are specific to domestic partnerships and same-sex marriages;
3. Revise *Response—Marriage* (form FL-120) to retitle it *Response—Marriage/Domestic Partnership* (form FL-120) and expand it to three pages to include the statutory provisions of the Family Code that are specific to domestic partnerships and same-sex marriages;
4. Revise *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) to delete references to revoked forms FL-103 and FL-123 and update information provided on page 2 regarding domestic partnerships;
5. Revise *Summons (Family Law)* (form FL-110) and *Proof of Service of Summons* (form FL-115) to delete references to forms FL-103 and FL-123;
6. Revise *Notice and Acknowledgment of Receipt* (form FL-117) to delete references to forms FL-103 and FL-123 and make formatting changes that help clarify how to complete the form;
7. Revoke *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123) since provisions integral to actions involving same-sex marriages and domestic partnerships will be consolidated into revised forms FL-100 and FL-123.

The text of the amended rule is attached at page 13. The revised and revoked forms are attached at pages 14–30.

Previous Council Action

To implement procedures for ending domestic partnerships under Family Code section 299 (Assem. Bill 205; Stats. 2003, ch. 421), effective January 1, 2005, the Judicial Council adopted rule 5.28 (Domestic partnerships) and forms *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123). The rule was amended effective January 1, 2007, and was amended and renumbered as rule 5.76, effective January 1, 2013, when the Judicial Council approved the restructuring of the family law rules of court. Forms FL-103 and FL-123 were revised, effective January 2012, as mandated by Assembly Bill

2700 (Stats. 2010, ch. 397) and Senate Bill 651 (Stats. 2011, ch. 721). The forms were then revised, effective January 1, 2013, to correct substantive and technical omissions.

Petition—Marriage (form FL-100) and *Response—Marriage* (form FL-120) were last revised, effective January 1, 2005, as required by urgency legislation enacted on June 7, 2004. Assembly Bill 782 (Stats. 2004, ch. 45) required that the Judicial Council add notices to family law forms that parties may redact their social security numbers from all written materials in their case other than forms to enforce child or spousal support.

Legal Steps for Divorce or Legal Separation (form FL-107-INFO) was adopted effective July 1, 2012, to help courts comply with rule 5.83 (Family centered case resolution). The form was then revised, effective July 1, 2013, to reflect changes in the law regarding declarations of disclosure, provide information about legal separation cases, and include information pertinent to same-sex marriages and domestic partnerships

Summons (Family Law) (form FL-110), was revised effective January 1, 2014, to address the requirements of Assembly Bill 792 and Senate Bill 1206 to provide a notice to the parties in dissolution and adoption cases about eligibility for reduced or no-cost insurance coverage through the California Benefit Exchange or no-cost coverage through Medi-Cal, and include other restraining order provisions relating to minor children of the parties.

Proof of Service of Summons (form FL-115) was revised effective July 1, 2012, to replace references to *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) with references to *Request for Order* (form FL-300).

Notice and Acknowledgment of Receipt (form FL-117) was revised, effective July 1, 2013, to replace references to *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) with *Request for Order* (form FL-300).

Rationale for Recommendation

On June 26, 2013, the U.S. Supreme Court issued decisions in *United States v. Windsor*¹ striking down the federal Defense of Marriage Act and *Hollingsworth v. Perry*,² dismissing an appeal of an order that held that the ballot initiative known as Proposition 8 defining marriage as a union between a man and a woman was unconstitutional. Further, on July 7, 2014, Governor Edmund G. Brown, Jr. approved Senate Bill 1306 (Stats. 2014, ch. 82), which among other things, repealed the statutory provisions indicating that only a marriage between a man and a woman is valid or recognized in California. Thus, marriages between persons of the same sex are legal in California.

¹ 570 U.S. 12 (2013).

² 570 U.S. ____ (June 26, 2013, Docket No.12-144).

As previously noted, the Judicial Council adopted a separate petition (form FL-103) and response (form FL-123) for use by married persons of the same sex and by domestic partners to file an action in family court. The separate forms alerted the court that there might be special issues to consider regarding the tax consequences of an order of spousal support, or different treatment of pensions under the Defense of Marriage Act, or special concerns regarding custody orders if same-sex parents leave the state of California. However, given the recent changes in the law relating to same-sex marriages, these differences have limited relevance.³ Thus, there does not appear to be a need for married persons of the same sex to use form FL-103 instead of form FL-100. Further, there does not appear to be a need to maintain forms FL-103 and FL-123 exclusively for use by domestic partners to file an action in family court.

Consolidate *Petitions* and *Responses*; revoke forms

In light of the changes to federal and state law relating to same-sex marriages, and to streamline procedures in family court, the Family and Juvenile Law Committee proposes, effective January 1, 2015, the use of one form for all petitions and one form for all responses filed in family court requesting dissolution, separation, or nullity of a marriage, domestic partnership, or both in one proceeding.

The committee also recommends revising forms FL-100 and FL-120 to incorporate additional substantive and technical changes suggested by courts and court users over the years outside of any particular comment period. The changes include reorganizing the forms under specific subject headings to make the petition and response easier for the parties to complete and easier for court clerks to read and process.

To this end, *Petition—Marriage* (form FL-100) is revised to include the necessary provisions of *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Marriage* (form FL-120) is revised to incorporate items from *Response—Domestic Partnership/Marriage* (form FL-123). Forms FL-103 and FL-123 would then be revoked.

Since the above changes require expanding forms FL-100 and FL-120 beyond the current two pages to three pages, the committee initially proposed incorporating into the petition and response the information that courts are required to convey to parties about the divorce process

³ Domestic partnerships are still not recognized by the federal government. Therefore, in actions to dissolve a domestic partnership, there might be special issues to consider regarding the tax consequences of an order of domestic partner support, the different treatment of pensions under the Defense of Marriage Act, or special concerns regarding custody orders if same-sex parents leave the state of California.

under rule 5.83 (Family centered case resolution) subdivision (g)(1)(A)–(E).⁴ Specifically, the committee proposed that *Legal Steps for Divorce or Legal Separation* (form FL-107-INFO), be included as pages 3 and 4 of forms FL-100 and FL-103. The committee believed that including the information from FL-107-INFO on these forms would streamline the process for courts in complying with rule 5.83 by eliminating the need to produce a separate form. In addition, the committee believed that the change could also improve litigant education by placing on the forms information about the legal process as well as references to court-provided and other resources that could help resolve their case.

Revise rule and forms to reflect consolidated forms

Rule 5.76 Domestic partnerships

Revising rule 5.76 implements the committee’s recommendations by deleting references to forms FL-103 and FL-123 and updating the content with information about dissolving a domestic partnership either through the superior court or through the California Secretary of State.

Legal Steps for Divorce or Legal Separation (form FL-107-INFO)

The committee recommends revising this informational form to delete references to revoked forms (FL-103 and FL-123) and add other notices and procedures specific to domestic partnerships.

Revising *Summons (Family Law)* (form FL-110), *Proof of Service of Summons* (form FL-115), and *Notice and Acknowledgment of Receipt* (form FL-117) implements the committee’s recommendations by deleting references to forms FL-103 and FL-123.

⁴ (g) **Family centered case resolution information**

- (1) Upon the filing of first papers in dissolution, legal separation, nullity, or parentage actions the court must provide the filing party with the following:
 - (A) Written information summarizing the process of a case through disposition;
 - (B) A list of local resources that offer procedural assistance, legal advice or information, settlement opportunities, and domestic violence services;
 - (C) Instructions for keeping the court informed of the person's current address and phone number, and e-mail address;
 - (D) Information for self-represented parties about the opportunity to meet with court self-help center staff or a family law facilitator; and
 - (E) Information for litigants on how to request a status conference, or a family centered case resolution conference earlier than or in addition to, any status conference or family centered case resolution conferences scheduled by the court.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal circulated for comment as part of the spring 2014 invitation to comment cycle, from April 18 to June 18, 2014, 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 staff, social workers, probation officers, and other juvenile law professionals, and the National Center for Lesbian Rights. The proposal was also reviewed by the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group.

Sixteen individuals or organizations submitted comments on the proposal. Of these, 3 supported the proposal as circulated, 9 supported it with modifications, 3 did not indicate a position, but suggested additional changes to the forms, and 1 disagreed with the proposal. A chart with the full text of the comments received and the committee's responses is attached at pages 31-67.

The committee sought comment on whether forms FL-100 and FL-120 should be streamlined for use as multipurpose forms that incorporate actions for dissolution, legal separation, or nullity of a marriage or domestic partnerships, or both in one proceeding. The committee also asked if there would be any advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL-123, if there are any other changes that are important to make in response to the U.S. Supreme Court decisions striking down the Defense of Marriage Act, and if the changes would impact the courts.

Fifteen commentators agreed with the recommendation to combine form FL-100 with FL-103 as well as form FL-120 with FL-123 so that one *Petition* (form FL-100) and one *Response* (form FL-120) can be used by a petitioner or respondent in an action for dissolution, legal separation, or nullity of a same-sex marriage, a different-sex marriage, a domestic partnership, or both a marriage and domestic partnership. None of the commentators expressed the opinion that there is an advantage to maintaining separate procedures. One commentator specifically stated that maintaining two separate sets of forms would only create confusion about the rights and responsibilities of same-sex spouses and unnecessarily stigmatize same-sex spouses.

Petition (form FL-100) and Response (form FL-120)

Expanding the forms.

While some commentators agreed with the proposal to integrate *Legal Steps for Divorce or Legal Separation* (form FL-107-INFO) as pages 3 and 4 of the petition and response, several commentators urged the committee to keep the instruction sheet on a separate form to avoid a number of problems for courts. For example, some courts cited the potential for increased costs to copy, process, and store the expanded mandatory forms, as well as increased costs to scan them into the case management system, and print them should a judicial officer in an electronic environment request a copy for reference.

In addition, some commentators expressed that the 4-page petition and response would have a negative impact on litigants. Some commentators stated that the proposed page 4 was too busy or too dense and would be confusing for self-represented litigants to understand. Other commentators stated that the 4-page form would also increase the costs for persons requesting a copy from the court file.

Further, some courts objected to including basic information on a mandatory form because all other Judicial Council information forms are separate from the mandatory form that is filed with the court. Other courts also indicated that they distribute a similar handout, which they prefer to use to comply with rule 5.83 of the California Rules of Court instead of form FL-107-INFO because their version contains county-specific information about self-help resources.

In response to these comments, the committee agreed that neither the petition nor the response should be expanded to four pages to integrate the information sheet FL-107-INFO. However, consolidating forms FL-100 and FL-120 with forms FL-103 and FL-123 necessarily requires expanding the petition and response beyond the current two pages to three pages to cover categories particular to actions involving same-sex marriages and domestic partnerships (i.e., legal relationship, residence requirements, and statistical facts). The issue for the committee, then, became how to use the extra space on page 3 of the *Petition* and *Response*. As noted below, commentators provided a few ideas for the committee to consider about the content of the revised *Petition* and *Response*.

Content changes to the Petition and Response.

Commentators suggested additional content for the petition and response:

- *Caption.* One commentator requested that the caption of forms FL-100 and FL-120 be revised to include a specific checkbox or more space for a party to note he or she is pleading in the alternative for a nullity of domestic partnership or a dissolution of domestic partnership (so that the dissolution could be granted if the nullity is denied).

Although rule 5.60(b) does require that the request for alternative relief be noted in the petition; it does not require that the alternative relief be stated in the caption of the petition. The committee was concerned that the term “alternate relief” might be confusing for many litigants and suggested that such a request can be noted more completely in the “Other requests” section of the petition.

- *Child custody.* Two comments related to the child custody section of the petition and response. One court requested that the section regarding minor children not be removed from page 1 of these forms. The court stated that having this information on the face page creates ease and efficiency for court staff and judicial officers referencing the petition and response. For example, they rely on the first page to capture the names and date of birth of minor children in their case management systems. In response, the committee agreed

to recommend that statistical information about minor children in the case remain on page 1, while the specific request for child custody and visitation (parenting time) be moved to page 2, along with all other requests being made in the forms.

Another commentator stated that it would be helpful if there were a check box for a party to specify if a party to the marriage or domestic partnership is pregnant with the other party's child at the time the petition or response is filed. The committee agreed with this suggestion and recommends revising form FL-100 and FL-120 to include a new item for a party to list a child who is not yet born at the time the action is filed. This addition would make form FL-100 and FL-120 consistent with other Judicial Council forms like *Petition to Establish Parental Relationship* (form FL-200), which provide a check box to capture this information.

- *Child support.* One commentator suggested adding a check box option to allow a party to indicate that he or she is attaching an *Income and Expense Declaration* (form FL-150) and proposed guideline child support calculation. The commentator believed that the change would maximize notice to respondent of the proposed child support order and minimize post-default court filings. Instead of a specific check box, the committee recommends adding a check box under the child support item titled "Other (*specify*):" and providing fillable space for a party to use as he or she needs.
- *Notice of intent to amend petition.* A commentator suggested revising the petition (on page 1 under "Residence Requirements") to include a new check box for a petitioner to provide notice to the respondent of his or her intent to amend the petition for legal separation and seek a divorce once a party in the case meets the residency requirements for such an action. Given the space limitations of this form due to its expanded use, the committee prefers not to recommend a specific item on form FL-100 for such a notice. Instead, the committee recommends expanding the amount of fillable space under "Other Requests" for this purpose.
- *Property.* Three commentators requested more space for a party to list items of community and quasi-community property on the petition and response. One noted that the forms that circulated for comment had no blank space to list minimal community property items (cars, credit cards, bank accounts) typical for a self-represented litigant, but left ample space to list separate property. The other commentator noted that the lack of space can pose a notice problem if the attachment is not completed and there are issues involving real estate, or pensions, or other retirement accounts in a default situation. A third commentator requested that the "separate property" section of the forms include a check box similar to the one for community property that states that there is no separate property for the court to confirm.

In response, the committee recommends that the petition and response include two separate headings relating to property: one for community and quasi-community property

and another for separate property. Further, the committee recommends expanding the amount of fillable space under each category of property to assist parties in listing such property. Providing additional fillable space in these two areas could assist parties and the courts by reducing the number of attachment required to be filed with these two forms. In addition, to be consistent with the community and quasi-community property heading on the forms, the committee recommends that a check box be included under the “Separate Property” item so that a party can indicate if there are no items of separate property to be confirmed by the court.

- *Notices about domestic partnerships.* Two commentators, the Executive Committee of the Family Law Section of the State Bar (FLEXCOM) and the National Center for Lesbian Rights (NCLR), requested that the petition and response be revised to include new notices relating to domestic partnerships. They noted that using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same when they are not.

Because marriages are federally recognized and domestic partnerships are not, “the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.”

FLEXCOM stated that they “support[] the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of: **[¶] YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.**”

Similarly, NCLR recommended that a notice be included to state that “...couples who are only dissolving a domestic partnership (entered in California or another state) may face federal tax consequences because these relationships are not recognized by the IRS, and are encouraged to seek advice from an attorney.” In addition, “[s]pace permitting, [NCLR] also recommend[ed] inclusion of a note that same-sex and different-sex spouses are treated exactly the same under both California and federal law for all purposes.

The committee agrees with FLEXCOM and NCLR that parties should be provided with information about the differential tax treatment of domestic partnerships under federal law. Similar information currently appears in form FL-107-INFO and on the California Courts website. After considering the notices and other requested changes to the petition

and response, the committee decided to refrain from including the specific notices on the forms and limit the notices on the petition and response to those required by statute to appear on these forms. The committee has revised form FL-107-INFO to incorporate many of these suggestions.

Legal Steps for Divorce or Legal Separation (form FL-107-INFO)

As previously noted, many commentators preferred that form FL-107-INFO not be consolidated into the petition and response. The committee, agreeing with the rationale for maintaining information sheets separate from standard forms, no longer recommends that form FL-107-INFO be revoked. Instead, the committee recommends making several substantive and technical changes to the information sheet. The changes include deleting references to forms FL-103 and FL-123 and revising the section about same-sex marriage and domestic partnerships to highlight special issues for domestic partnerships.

In addition, the committee recommends revising the information on page 2 of this form to better describe the resources available to help parties resolve their family law case. For example, the committee recommends revising the section about Family Court Services to clarify that the court refers family court litigants to Family Court Services only when the parties have filed a *Request for Order* (form FL-300) seeking orders about child custody and visitation (parenting time). This change will help parties understand the prerequisites for a referral to this court resource.

The committee also recommends replacing the numbered web address links embedded throughout form FL-107-INFO with short, readable names that relate to the subject matter covered in the text. For example, instead of “Annulments: See <http://courts.ca.gov/1224.htm#tab8687> for information about annulments,” the web address would be changed to courts.ca.gov/annulment. This change will make the forms easier for users who cannot access active links in the form but who have to retype the URL to access the information. This change will also make the form internally consistent since it already includes other short, readable web address names.

Summons (Family Law) (form FL-110)

A commentator noted that if forms FL-103 and FL-123 are revoked, then *Summons (Family Law)* (form FL-110) would need to be revised to delete these references. The committee agreed to recommend revising form FL-110 accordingly.

Proof of Service of Summons (form FL-115)

The committee recommends revising this form to delete references to forms FL-103 and FL-123. In addition, to conform to the revisions approved by the Judicial Council to *Summons – Family Law* (form FL-110), effective January 1, 2014, the committee recommends deleting item 4 on page 2 of form FL-115 and renumbering the subsequent items. In its report to the council dated

October 1, 2013, the committee indicated that the notice on form FL-110, which is repeated in form FL-115, does not apply to family law actions.⁵

Notice and Acknowledgment of Receipt (form FL-117)

The committee recommends revising this form to delete references to forms FL-103 and FL-123. In addition, the committee recommends substantive and technical changes to the form to respond to public comment. A commentator, a legal document assistant, noted that “[a]t least 50 percent of the time, the date is left off, or put in the wrong place.” To avoid this problem, the commentator suggested “revers[ing] the place for signature and the date, as we read left to right, the signer would see the place to date the form after signing it on the left hand side of the page.” The committee considered the proposed revision, but decided to recommend another solution. The committee added item numbers to the places required to be completed on the form and added text to clearly specify which of those items are required to be completed by either the form’s sender or the recipient.

Alternatives considered

Before making a recommendation, the committee considered several versions of the petition and response developed by staff in response to public comments, as well as the potential impact each would have on the courts. The committee considered these options:

1. A four-page petition and response that integrated the information from form FL-107-INFO and included other suggestions for content changes from commentators;
2. A three-page petition and response that included only partial information from form FL-107-INFO about resources to help parties resolve their case;
3. A three-page form that excluded any information from FL-107-INFO, and included notices regarding same-sex marriages and domestic partnerships suggested by FLEXCOM and the NCLR; and
4. A three-page petition and response that included only those notices required by statute and expanded the fillable space for parties to provide more complete answers under each item listed on the forms.

By recommending option 4, the committee refrained from adding a fourth page to the petition and response and allowed for flexibility for courts to use either form FL-107-INFO or a locally developed form to comply with the requirements of rule 5.83.

⁵ The report titled Family Law: Revisions to Family Law Summons can be found at <http://www.courts.ca.gov/documents/jc-20131025-itemA19.pdf>

The committee also considered the request of some courts to delay implementation of the forms until July 1, 2015, instead of January 1, 2015. A few courts indicated in their comments that two months may not be sufficient time to implement the changes to the four-page version of the petition and response that circulated for comment. They stated that the proposed changes would impact court operations and would require more than two months to update and discontinue affected forms. By recommending a three-page form that does not integrate an information sheet, the committee believes that this will reduce the amount of work needed for courts to implement the changes by January 1, 2015.

Implementation Requirements, Costs, and Operational Impacts

The Family and Juvenile Law Advisory Committee recognizes that making changes to the two main forms required to file and respond to an action for dissolution, legal separation, or nullity of a marriage or domestic partnership (or both) will result in some costs to the courts. Courts will be required to update their case management and electronic (SmartForms) forms systems, update the form packets provided to parties by their self-help centers, provide training to court staff, and perhaps revise local rules that reference revoked forms FL-103 and FL-123. However, the changes will save court resources by consolidating forms and simplifying procedures involving marriages and domestic partnerships.

Relevant Strategic Plan Goals and Operational Plan Objectives

The committee's recommendations support the policies underlying Goal I, Access, Fairness, and Diversity, by creating one petition and one response for use by same-sex and different-sex marriages and domestic partnerships in actions for dissolution, legal separation, or nullity of a marriage or domestic partnership. Further, revising *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) will give self-represented litigants better access to the courts by updating information about court resources and special issues in domestic partnership cases. The recommendations also support the policies of Goal III. B, Modernization of Management and Administration by adopting a streamlined practice for filings in family law cases involving marriages and domestic partnerships.

Attachments

1. Cal. Rules of Court, rule 5.76, at page 13.
2. Revised forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, FL-120, at pages 14–26
3. Revoked forms FL-103 and FL-123, at pages 27–30
4. Chart of comments, at pages 31–67

Rule 5.76 of the California Rules of Court is amended, effective January 1, 2015, to read:

1 **Rule 5.76. Domestic partnerships**

2
3 To obtain a dissolution, a legal separation, or an annulment of a domestic partnership:

- 4
5 (1) ~~*Petition—Domestic Partnership/Marriage (Family Law)* (form FL-103) must be~~
6 ~~filed to commence an action for dissolution, legal separation, or annulment of a~~
7 ~~domestic partnership. *Response—Domestic Partnership/Marriage (Family Law)*~~
8 ~~(form FL-123) must be filed in response to this petition. Persons who qualify for a~~
9 ~~summary dissolution as described in the booklet *Summary Dissolution Information*~~
10 ~~(form FL-810) may act to dissolve their partnership through the California~~
11 ~~Secretary of State using forms found at www.sos.ca.gov or in the superior court~~
12 ~~following the procedures described in form FL-810.~~
13
14 (2) For persons who do not qualify for a summary dissolution proceeding, all other
15 forms and procedures used for the dissolution, legal separation, or annulment of a
16 domestic partnership are the same as those used for the dissolution, legal
17 separation, or annulment of a marriage.
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PETITION FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):
 - a. We are married.
 - b. We are domestic partners and our domestic partnership was established in California.
 - c. We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):
 - a. Petitioner Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
 - b. We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.
 Petitioner's residence (state or nation): _____ Respondent's residence (state or nation): _____
 - c. Our domestic partnership was established in California. Neither of us has been a resident or have a domicile in California to dissolve our partnership here.

3. **STATISTICAL FACTS**
 - a. (1) Date of marriage (specify): _____ (2) Date of separation (specify): _____
 (3) Time from date of marriage to date of separation (specify): _____ Years _____ Months
 - b. (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): _____
 (2) Date of separation (specify): _____
 (3) Time from date of registration of domestic partnership to date of separation (specify): _____ Years _____ Months

4. **MINOR CHILDREN** (children born before (or born or adopted during) the marriage or domestic partnership):
 - a. There are no minor children.
 - b. The minor children are:

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>
 - c. (1) continued on [Attachment 4b](#).
 (2) a child who is not yet born.
 - c. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
 - d. Petitioner and Respondent signed a voluntary declaration of paternity. A copy is is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Petitioner requests that the court make the following orders:

5. LEGAL GROUNDS (Family Code sections 2200–2210, 2310–2312)

- a. Divorce or Legal separation of the marriage or domestic partnership based on (check one):
 - (1) irreconcilable differences.
 - (2) incurable insanity.
- b. Nullity of void marriage or domestic partnership based on:
 - (1) incest.
 - (2) bigamy.
- c. Nullity of voidable marriage or domestic partnership based on:
 - (1) petitioner's age at time of registration of domestic partnership or marriage.
 - (2) prior existing marriage or domestic partnership.
 - (3) unsound mind.
 - (4) fraud.
 - (5) force.
 - (6) physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- | | Petitioner | Respondent | Joint | Other |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- As requested in: form [FL-311](#) form [FL-312](#) form [FL-341\(C\)](#)
 form [FL-341\(D\)](#) form [FL-341\(E\)](#) [Attachment 6c\(1\)](#)
- d. Determine the parentage of children born to Petitioner and Respondent before the marriage or domestic partnership.

7. CHILD SUPPORT

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d. Other (specify):

8. SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a. Spousal or domestic partner support payable to Petitioner Respondent
- b. Terminate (end) the court's ability to award support to Petitioner Respondent
- c. Reserve for future determination the issue of support payable to Petitioner Respondent
- d. Other (specify):

9. SEPARATE PROPERTY

- a. There are no such assets or debts that I know of to be confirmed by the court.
- b. Confirm as separate property the assets and debts in Property Declaration (form [FL-160](#)) Attachment 9b
 the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
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10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a. There are no such assets or debts that I know of to be divided by the court.
- b. Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
 - in *Property Declaration* (form [FL-160](#)) in [Attachment 10b](#).
 - as follows (*specify*):

11. OTHER REQUESTS

- a. Attorney's fees and costs payable by Petitioner Respondent
- b. Petitioner's former name be restored to (*specify*):
- c. Other (*specify*):

Continued on [Attachment 11c](#).

12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR PETITIONER)

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

FL-107-INFO Legal Steps for a Divorce or Legal Separation

STEP 1. Start Your Case

- The **petitioner** (the person who files the first divorce or legal separation forms with the court) fills out and files with the court clerk at least a *Petition—Marriage/Domestic Partnership* (form FL-100) and a *Summons* (form FL-110) and, if there are children of the marriage, a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105).
- The forms needed to start your case and information about filing fees and fee waivers are available at “Filing Your Case,” at courts.ca.gov/filing.
- The court clerk will stamp and return copies of the filed forms to the **petitioner**.

STEP 2. Serve the Forms

- **Someone 18 or older**—not the **petitioner**—serves the spouse or domestic partner (called the **respondent**) with all the forms from Step 1 plus a blank *Response—Marriage/Domestic Partnership* (form FL-120) and files with the court a proof-of-service form, such as *Proof of Service of Summons* (form FL-115), telling when and how the respondent was served. (To *serve* means “to give in the proper legal way.”) For more information, see “Serving Your First Set of Court Forms” at courts.ca.gov/filing.
- The **respondent** has 30 days to file and serve a *Response*. So, the **petitioner** must wait 30 days before starting Step 4.

STEP 3. Disclose Financial Information

- At the same time as Step 1 or within 60 days of filing the *Petition*, the **petitioner** must fill out and have these documents served on the **respondent**: *Declaration of Disclosure* (form FL-140), *Income and Expense Declaration* (form FL-150), *Schedule of Assets and Debts* (form FL-142) or *Property Declaration* (form FL-160), and all tax returns filed by the party in the two years before serving the disclosure documents. These disclosure documents are not filed with the court.
- If the **respondent** files a *Response*, he or she must also complete and serve the same disclosure documents on the **petitioner** within 60 days of filing the *Response*.
- The 60-day time frame for serving the disclosures may be changed by written agreement between the parties or by court order.
- The **petitioner** and **respondent** each file a *Declaration Regarding Service* (form FL-141) with the court saying disclosures were served. If the **respondent** does not serve disclosures, the **petitioner** can still finish the case without them. For more information, see “Fill Out and Serve Your Financial Declaration of Disclosure Forms” at courts.ca.gov/filing (click on Step 4).

STEP 4. Finish the Divorce or Legal Separation Case in One of Four Ways

Respondent does not file a *Response* (called “default”)

No Response and NO written agreement:
Petitioner waits 30 days after Step 2 is complete and prepares a proposed *Judgment* (form FL-180), together with all other needed forms. See “True Default Case” at courts.ca.gov/truedefault.

No Response BUT written agreement: Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (form FL-180), together with all other needed forms. See “Default Case with Written Agreement” at courts.ca.gov/defaultagree.

Respondent files a *Response*

Response AND written agreement: Either party files *Appearance, Stipulations, and Waivers* (form FL-130) and the proposed *Judgment* with written agreement attached and other needed forms. See “Uncontested Case” at courts.ca.gov/uncontested.

Response and NO agreement: Parties must go to trial to have a judge resolve the issues. See “Contested Case” at courts.ca.gov/contested.

IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from one of these three dates (whichever occurs first): (1) the date Respondent was served with the *Summons* (form FL-110) and *Petition* (form FL-100), (2) the date the *Response* (form FL-120) was filed, or (3) the date *Appearance, Stipulations, and Waivers* (form FL-130) was filed. Legal separation has no waiting period. You are NOT divorced or legally separated until the court enters a *Judgment* in your case.
- If you need court orders for child support, custody, parenting time (visitation), spousal or partner support, restraining orders, or other issues, file a *Request for Order* (form FL-300) asking for temporary orders. See “Request for Order Information” at courts.ca.gov/divorcerequests for more information.
- Annulments: See courts.ca.gov/annulment for information about annulments.
- You must keep the court and the other party informed of any change in your mailing address or other contact information. File and serve a *Notice of Change of Address or Other Contact Information* (form MC-040) on the other party or his or her attorney to let them know about the change in your contact information.

Do you have a registered domestic partnership? The process for a divorce or legal separation of a domestic partnership is the same as on page 1. For information about ending your domestic partnership in the superior court, see courts.ca.gov/filing. To find out if you are eligible to end your domestic partnership through the Secretary of State, see courts.ca.gov/summdissodp. Note: There may be differences in federal taxes and other issues for domestic partnerships. Seek advice from an attorney experienced in domestic partner law.

What if you want a legal separation? The process on page 1 is the same, except you will **NOT** get a *Judgment* for legal separation unless both parties agree to a legal separation OR if **respondent** has not filed a *Response*. If both parties agree to be legally separated but do not agree on other issues, the parties must go to trial to have a judge resolve those issues. You are **NOT** legally separated until you receive a *Judgment* signed by the court. For more information, see “Legal Separation” at courts.ca.gov/legalseparation. AFTER the court enters a judgment for legal separation, if you decide you want a divorce, you must start a new case to request a divorce and pay another filing fee.

Getting help to resolve divorce or legal separation cases

You may prefer to resolve some or all of the issues in your divorce or legal separation case without having the court decide for you. You and your spouse or domestic partner can put your agreement in writing and file it in your case. But your agreement must follow all legal requirements.

Court Services

- **Family Law Facilitators and Self-Help Centers** help with court forms and instructions. They can provide samples of agreements and other information and, in some cases, help with mediation.
- **Family Court Services.** If you and the other parent already have a family law case and have filed a *Request for Order* (form FL-300) seeking orders about child custody and visitation (parenting time), the court will refer you to Family Court Services. They provide child custody mediation or child custody recommending counseling to try to help you both make a parenting plan that is in the best interest of your child. Note: They cannot help with financial issues.
- **Settlement Conferences.** An informal process in which a judge or an experienced lawyer meets with the parties and their lawyers to discuss the case and their positions and suggests a resolution. The parties can either agree to the suggestions or use the suggestions to help in further settlement discussions.

Private services (which you can hire to help you resolve your case):

- **Lawyers.** Also called attorneys, lawyers can help work out agreements between the parties and represent you at court hearings and trials.
- **Collaborative Lawyers.** Lawyers who represent each party but do not go to court. They try to reach an agreement. If court is necessary, the parties must hire new lawyers.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.

Where can I get help?

This information sheet gives you only basic information on the divorce or legal separation and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources. For more information, see courts.ca.gov/courtresources.
- Find a lawyer through a certified lawyer referral service on the State Bar of California's website: calbar.ca.gov/LRS or by calling 866-442-2529 (toll-free).
- Hire a private mediator. For more information about court and private services, see courts.ca.gov/selfhelp-adr.htm.
- Find information on the California Courts Online Self-Help Center website: courts.ca.gov/selfhelp.
- Find free and low-cost legal help (if you qualify) at lawhelpcalifornia.org.
- Find information at your local law library or public library.

What if there is domestic violence?

If there is domestic violence or a protective or restraining order, talk to a lawyer, counselor, or mediator before making agreements.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; TDD: 800-787-3224; or 211 (if available in your area).

SUMMONS (Family Law)

CITACIÓN (Derecho familiar)

NOTICE TO RESPONDENT (Name):
AVISO AL DEMANDADO (Nombre):

FOR COURT USE ONLY
 (SOLO PARA USO DE LA CORTE)

You have been sued. Read the information below and on the next page.
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name is:
Nombre del demandante:

CASE NUMBER (NÚMERO DE CASO):

<p>You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> are served on you to file a <i>Response</i> (form FL-120) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p> <p>If you do not file your <i>Response</i> on time, the court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs.</p> <p>For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local county bar association.</p>	<p>Tiene 30 días de calendario después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-120) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</p> <p>Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten su matrimonio o pareja de hecho, sus bienes y la custodia de sus hijos. La corte también le puede ordenar que pague manutención, y honorarios y costos legales.</p> <p>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lawhelpca.org) o poniéndose en contacto con el colegio de abogados de su condado.</p>
<p>NOTICE—RESTRAINING ORDERS ARE ON PAGE 2: These restraining orders are effective against both spouses or domestic partners until the petition is dismissed, a judgment is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.</p>	<p>AVISO—LAS ÓRDENES DE RESTRICCIÓN SE ENCUENTRAN EN LA PÁGINA 2: Las órdenes de restricción están en vigencia en cuanto a ambos cónyuges o miembros de la pareja de hecho hasta que se despidan la petición, se emita un fallo o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes puede hacerlas acatar en cualquier lugar de California.</p>
<p>FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p>EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</p>

[SEAL]

1. The name and address of the court are *(El nombre y dirección de la corte son)*:

2. The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, are: *(El nombre, dirección y número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son)*:

Date *(Fecha)*: _____ Clerk , by *(Secretario, por)* _____ , Deputy *(Asistente)*

STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse or domestic partner are restrained from:

1. removing the minor children of the parties from the state or applying for a new or replacement passport for those minor children without the prior written consent of the other party or an order of the court;
2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor children;
3. transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or to pay court costs.

ÓRDENES DE RESTRICCIÓN ESTÁNDAR DE DERECHO FAMILIAR

En forma inmediata, usted y su cónyuge o pareja de hecho tienen prohibido:

1. llevarse del estado de California a los hijos menores de las partes, o solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte;
2. cobrar, pedir prestado, cancelar, transferir, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura, como de vida, salud, vehículo y discapacidad, que tenga como beneficiario(s) a las partes y su(s) hijo(s) menor(es);
3. transferir, gravar, hipotecar, ocultar o deshacerse de cualquier manera de cualquier propiedad, inmueble o personal, ya sea comunitaria, cuasicomunitaria o separada, sin el consentimiento escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades personales y comerciales o para satisfacer las necesidades de la vida; y
4. crear o modificar una transferencia no testamentaria de manera que afecte la asignación de una propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Antes de que se pueda eliminar la revocación de una transferencia no testamentaria, se debe presentar ante la corte un aviso del cambio y hacer una entrega legal de dicho aviso a la otra parte.

Cada parte tiene que notificar a la otra sobre cualquier gasto extraordinario propuesto por lo menos cinco días hábiles antes de realizarlo, y rendir cuenta a la corte de todos los gastos extraordinarios realizados después de que estas órdenes de restricción hayan entrado en vigencia. No obstante, puede usar propiedad comunitaria, cuasicomunitaria o suya separada para pagar a un abogado que lo ayude o para pagar los costos de la corte.

NOTICE—ACCESS TO AFFORDABLE HEALTH INSURANCE: Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay towards high quality affordable health care. For more information, visit www.coveredca.com. Or call Covered California at 1-800-300-1506.

AVISO—ACCESO A SEGURO DE SALUD MÁS ECONÓMICO: ¿Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir el costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

WARNING—IMPORTANT INFORMATION

California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

ADVERTENCIA—INFORMACIÓN IMPORTANTE

De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	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:	
PETITIONER: RESPONDENT:	
PROOF OF SERVICE OF SUMMONS	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action. **I served the respondent with copies of:**
- a. Family Law—Marriage/Domestic Partnership: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
 –or–
 - b. Uniform Parentage: *Petition to Establish Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Establish Parental Relationship* (form [FL-220](#))
 –or–
 - c. Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
 and
 - d. (1) Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form [FL-105](#)) (5) Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
 (2) Completed and blank *Declaration of Disclosure* (form [FL-140](#)) (6) Completed and blank *Property Declaration* (form [FL-160](#))
 (3) Completed and blank *Schedule of Assets and Debts* (form [FL-142](#)) (7) *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
 (4) Completed and blank *Income and Expense Declaration* (form [FL-150](#)) (8) Other (*specify*):

2. Address where respondent was served:

3. I served the respondent by the following means (*check proper boxes*):

- a. **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (*date*): _____ at (*time*): _____
- b. **Substituted service.** I left the copies with or in the presence of (*name*): _____ who is (*specify title or relationship to respondent*): _____
 - (1) **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
 - (2) **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers.

on (*date*): _____ at (*time*): _____

I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (*date*): _____

A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.

PETITIONER: RESPONDENT:	CASE NUMBER:
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3. c. **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on *(date)*: _____ from *(city)*: _____
- (1) with two copies of the *Notice and Acknowledgment of Receipt* (form [FL-117](#)) and a postage-paid return envelope addressed to me. **(Attach completed *Notice and Acknowledgment of Receipt* (form [FL-117](#).)**
(Code Civ. Proc., § 415.30.)
- (2) to an address outside California (by registered or certified mail with return receipt requested). **(Attach signed return receipt or other evidence of actual delivery to the respondent.)** (Code Civ. Proc., §§ 415.40, 417.20.)
- d. **Other** (*specify code section*): _____
 Continued on Attachment 3d.

4. **Person who served papers**

Name:
Address:

Telephone number:

This person is

- a. exempt from registration under Business and Professions Code section 22350(b).
- b. not a registered California process server.
- c. a registered California process server: an employee or an independent contractor
(1) Registration no.: _____
(2) County: _____
- d. **The fee** for service was (*specify*): \$ _____
5. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or-
6. **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

(NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE OF PERSON WHO SERVED PAPERS)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	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:	
PETITIONER: RESPONDENT:	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT	CASE NUMBER: _____

(Sender completes items 1 through 4 and signs before mailing. Recipient completes items 5 and 6, signs, then returns.)

1. To (*name of individual being served*): _____

NOTICE

The documents identified below are being served on you by mail with this acknowledgment form. You must personally sign, or a person authorized by you must sign, this form to acknowledge receipt of the documents.

If the documents described below include a summons and you fail to complete and return this acknowledgment form to the sender within 20 days of the date of mailing, you will be liable for the reasonable expenses incurred after that date in serving you or attempting to serve you with these documents by any other methods permitted by law. If you return this form to the sender, service of a summons is deemed complete on the date you sign the acknowledgment of receipt below. This is **not** an answer to the action. If you do not agree with what is being requested, you must submit a completed *Response* form to the court within 30 calendar days.

2. Date of mailing (*specify*): _____

3. _____
(TYPE OR PRINT SENDER'S NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE AND MUST BE 18 YEARS OR OLDER)

ACKNOWLEDGMENT OF RECEIPT

4. I agree I received the following:

- a. Family Law: *Petition—Marriage/Domestic Partnership* (form [FL-100](#)), *Summons* (form [FL-110](#)), and blank *Response—Marriage/Domestic Partnership* (form [FL-120](#))
- b. Uniform Parentage: *Petition to Establish Parental Relationship* (form [FL-200](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition to Establish Parental Relationship* (form [FL-220](#))
- c. Custody and Support: *Petition for Custody and Support of Minor Children* (form [FL-260](#)), *Summons* (form [FL-210](#)), and blank *Response to Petition for Custody and Support of Minor Children* (form [FL-270](#))
- d. (1) Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form [FL-105](#))
- (2) Completed and blank *Declaration of Disclosure* (form [FL-140](#))
- (3) Completed and blank *Schedule of Assets and Debts* (form [FL-142](#))
- (4) Completed and blank *Property Declaration* (form [FL-160](#))
- (5) Completed and blank *Income and Expense Declaration* (form [FL-150](#))
- (6) Completed and blank *Financial Statement (Simplified)* (form [FL-155](#))
- (7) *Request for Order* (form [FL-300](#)), and blank *Responsive Declaration to Request for Order* (form [FL-320](#))
- (8) Other (*specify*): _____

5. Recipient signed this acknowledgment on (*specify date*): _____

6. _____
(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY OPTION 4 NOT APPROVED BY THE JUDICIAL COUNCIL (3 pages)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
RESPONSE <input type="checkbox"/> AND REQUEST FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution (Divorce) of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Legal Separation of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Nullity of: <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER:

1. **LEGAL RELATIONSHIP** (check all that apply):
 - a. We are married.
 - b. We are domestic partners and our domestic partnership was established in California.
 - c. We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):
 - a. Petitioner Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
 - b. We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.
 Petitioner's residence (state or nation): _____ Respondent's residence (state or nation): _____
 - c. Our domestic partnership was established in California. Neither of us has been a resident or have a domicile in California to dissolve our partnership here.

3. **STATISTICAL FACTS**
 - a. (1) Date of marriage (specify): _____ (2) Date of separation (specify): _____
 (3) Time from date of marriage to date of separation (specify): _____ Years _____ Months
 - b. (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): _____
 (2) Date of separation (specify): _____
 (3) Time from date of registration of domestic partnership to date of separation (specify): _____ Years _____ Months

4. **MINOR CHILDREN** (children born before (or born or adopted during) the marriage or domestic partnership):
 - a. There are no minor children.
 - b. The minor children are:

Child's name	Birthdate	Age	Sex

(1) continued on [Attachment 4b](#).
 (2) a child who is not yet born.

 - c. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
 - d. Petitioner and Respondent signed a voluntary declaration of paternity. A copy is is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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Respondent requests that the court make the following orders:

5. LEGAL GROUNDS (Family Code sections 2200–2210; 2310–2312)

- a. Respondent contends that the parties never legally married or registered a domestic partnership.
- b. Respondent denies the grounds set forth in item 5 of the petition.
- c. Respondent requests
 - (1) divorce legal separation of the marriage or domestic partnership based on
 - (a) irreconcilable differences. (b) incurable insanity.
 - (2) nullity of void marriage or domestic partnership based on
 - (a) incest. (b) bigamy.
 - (3) nullity of voidable marriage or domestic partnership based on
 - (a) respondent's age at time of registration of domestic partnership or marriage. (d) fraud.
 - (b) prior existing marriage or domestic partnership. (e) force.
 - (c) unsound mind. (f) physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- | | Petitioner | Respondent | Joint | Other |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- As requested in: form [FL-311](#) form [FL-312](#) form [FL-341\(C\)](#)
 form [FL-341\(D\)](#) form [FL-341\(E\)](#) [Attachment 6c\(1\)](#)
- d. Determine the parentage of children born to Petitioner and Respondent before the marriage or domestic partnership.

7. CHILD SUPPORT

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d. Other (specify):

8. SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a. Spousal or domestic partner support payable to Petitioner Respondent
- b. Terminate (end) the court's ability to award support to Petitioner Respondent
- c. Reserve for future determination the issue of support payable to Petitioner Respondent
- d. Other (specify):

9. SEPARATE PROPERTY

- a. There are no such assets or debts that I know of to be confirmed by the court.
- b. Confirm as separate property the assets and debts in *Property Declaration* (form [FL-160](#)) Attachment 9b
 the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
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10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a. There are no such assets or debts that I know of to be divided by the court.
- b. Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
 - in *Property Declaration* (form [FL-160](#)) in [Attachment 10b](#).
 - as follows (*specify*):

11. OTHER REQUESTS

- a. Attorney's fees and costs payable by Petitioner Respondent
- b. Respondent's former name be restored to (*specify*):
- c. Other (*specify*):

Continued on [Attachment 11c](#).

12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO. : _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> DOMESTIC PARTNERSHIP OF <input type="checkbox"/> MARRIAGE OF PETITIONER: RESPONDENT:	
PETITION FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage <input type="checkbox"/> Legal Separation of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage <input type="checkbox"/> Nullity of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage	CASE NUMBER:

NOTICE: If petitioner and respondent are of the same sex, use this form. If petitioner and respondent are of the opposite sex and are *not* also domestic partners, use form FL-100.

1. STATISTICAL FACTS

- a. (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent:
 (2) Date of separation: _____
 (3) Time from date of registration of domestic partnership to date of separation (*specify*): _____ Years _____ Months
- b. (1) Date of marriage: _____ (2) Date of separation: _____
 (3) Time from date of marriage to date of separation (*specify*): _____ Years _____ Months

2. RESIDENCE (*check all that apply*)

- a. Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
- b. Our domestic partnership was established in a place other than California. Petitioner Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
- c. We are the same sex and are married. We are the opposite sex and are married. We are also domestic partners. Petitioner Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
- d. We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.
 Petitioner's residence (*state or nation*): _____ Respondent's residence (*state or nation*): _____

3. DECLARATION REGARDING MINOR CHILDREN (*include children of this relationship born or adopted prior to or during this domestic partnership or marriage*)

- a. There are no minor children.
 The minor children are
- | <u>Child's name</u> | <u>Birthdate</u> | <u>Age</u> | <u>Sex</u> |
|---------------------|------------------|------------|------------|
| | | | |

Continued on Attachment 3b.

- c. If there are minor children of the petitioner and respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or partner support.

Petitioner:	CASE NUMBER:
Respondent:	

4. **DECLARATION REGARDING SEPARATE PROPERTY AS CURRENTLY KNOWN**
- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts listed are listed in *Property Declaration* (form FL-160) Attachment 4b and should be confirmed as petitioner's or respondent's separate property as indicated in form FL-160 or Attachment 4b.
5. **DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN**
- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts are listed in *Property Declaration* (form FL-160) Attachment 5b and should be divided between petitioner and respondent as indicated in form FL-160 or Attachment 5b.

6. **Petitioner requests**
- a. dissolution of the domestic partnership marriage based on
 (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).)
- b. legal separation of the domestic partnership marriage based on
 (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).)
- c. nullity of void domestic partnership marriage based on
 (1) incest. (Fam. Code, § 2200.) (2) bigamy. (Fam. Code, § 2201.)
- d. nullity of voidable domestic partnership marriage based on
 (1) petitioner's age at time of registration of domestic partnership or marriage. (Fam. Code, § 2210(a).) (3) unsound mind. (Fam. Code, § 2210(c).)
 (2) prior existing marriage or domestic partnership. (Fam. Code, § 2210(b).) (4) fraud. (Fam. Code, § 2210(d).)
 (5) force. (Fam. Code, § 2210(e).) (6) physical incapacity. (Fam. Code, § 2210(f).)

7. **Petitioner requests** that the court grant the above relief and make punitive (including restraining) and other orders as follows:
- | | Petitioner | Respondent | Joint | Other |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 7c. | | | | |
| d. <input type="checkbox"/> Determination of parentage of any children born to the petitioner and respondent prior to the domestic partnership or marriage. | | | | |
| e. Attorney fees and costs payable by | <input type="checkbox"/> | <input type="checkbox"/> | | |
| f. Partner or spousal support payable to | <input type="checkbox"/> | <input type="checkbox"/> | | |
| g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award partner or spousal support to respondent. | | | | |
| h. <input type="checkbox"/> Determine property rights. | | | | |
| i. <input type="checkbox"/> Restore petitioner's former name (<i>specify</i>): | | | | |
| j. <input type="checkbox"/> Other (<i>specify</i>): | | | | |
| <input type="checkbox"/> Continued on Attachment 7j. | | | | |

8. **Child support:** If there are minor children who were born to or adopted by the petitioner and respondent before or during this domestic partnership or marriage, the court will make orders for the support of the children on request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

9. **I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR PETITIONER)

NOTICE: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your partner or spouse or a court order (see Fam. Code, §§ 231–235).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> DOMESTIC PARTNERSHIP OF <input type="checkbox"/> MARRIAGE OF PETITIONER: RESPONDENT:	
RESPONSE <input type="checkbox"/> and REQUEST FOR <input type="checkbox"/> AMENDED <input type="checkbox"/> Dissolution of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage <input type="checkbox"/> Legal Separation of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage <input type="checkbox"/> Nullity of <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Marriage	CASE NUMBER:

NOTICE: Use this form to respond to *Petition—Domestic Partnership/Marriage* (form FL-103).

1. STATISTICAL FACTS

- a. (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent:
 (2) Date of separation:
 (3) Time from date of registration of domestic partnership to date of separation (*specify*): Years Months
- b. (1) Date of marriage: (2) Date of separation:
 (3) Time from date of marriage to date of separation (*specify*): Years Months

2. RESIDENCE (check all that apply)

- a. Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.
- b. Our domestic partnership was established in a place other than California. Petitioner Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
- c. We are the same sex and are married. We are the opposite sex and are married. We are also domestic partners. Petitioner Respondent has been a resident of the state of California for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*.
- d. We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.
 Petitioner's residence (*state or nation*): Respondent's residence (*state or nation*):

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born or adopted prior to or during this domestic partnership or marriage)

- a. There are no minor children.
- b. The minor children are
- | | | | |
|---------------------|------------------|------------|------------|
| <u>Child's name</u> | <u>Birthdate</u> | <u>Age</u> | <u>Sex</u> |
|---------------------|------------------|------------|------------|

Continued on Attachment 3b.

- c. If there are minor children of the petitioner and the respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or partner support.

Petitioner: Respondent:	CASE NUMBER:
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4. **DECLARATION REGARDING SEPARATE PROPERTY AS CURRENTLY KNOWN**
- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts listed are listed in *Property Declaration* (form FL-160) Attachment 4b and should be confirmed as petitioner's or respondent's separate property as indicated in form FL-160 or Attachment 4b.
5. **DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN**
- a. There are no such assets or debts subject to disposition by the court in this proceeding.
- b. All such assets and debts are listed in *Property Declaration* (form FL-160) Attachment 5b and should be divided between petitioner or respondent as indicated in form FL-160 or Attachment 5b.
6. **Respondent contends** that there is not a valid domestic partnership, marriage, or equivalent.
7. **Respondent denies** the grounds stated in item 6 of the petition.

8. **Respondent requests**
- a. dissolution of the domestic partnership marriage based on
 (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).)
- b. legal separation of the domestic partnership marriage based on
 (1) irreconcilable differences. (Fam. Code, § 2310(a).) (2) incurable insanity. (Fam. Code, § 2310(b).)
- c. nullity of void domestic partnership marriage based on
 (1) incest. (Fam. Code, § 2200.) (2) bigamy. (Fam. Code, § 2201.)
- d. nullity of voidable domestic partnership marriage based on
 (1) respondent's age at time of registration of domestic partnership or marriage. (Fam. Code, § 2210(a).) (3) unsound mind. (Fam. Code, § 2210(c).)
 (2) prior existing marriage or domestic partnership. (Fam. Code, § 2210(b).) (4) fraud. (Fam. Code, § 2210(d).)
 (5) force. (Fam. Code, § 2210(e).) (6) physical incapacity. (Fam. Code, § 2210(f).)

9. **Respondent requests** that the court grant the above relief and make injunctive (including restraining) and other orders as follows:
- | | Petitioner | Respondent | Joint | Other |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 9c. | | | | |
| d. <input type="checkbox"/> Determination of parentage of any children born to the petitioner and respondent prior to the domestic partnership or marriage. | | | | |
| e. Attorney fees and costs payable by | <input type="checkbox"/> | <input type="checkbox"/> | | |
| f. Partner or spousal support payable to | <input type="checkbox"/> | <input type="checkbox"/> | | |
| g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award partner or spousal support to the petitioner. | | | | |
| h. <input type="checkbox"/> Determine property rights. | | | | |
| i. <input type="checkbox"/> Restore respondent's former name (<i>specify</i>): | | | | |
| j. <input type="checkbox"/> Other (<i>specify</i>): | | | | |
| <input type="checkbox"/> Continued on Attachment 9j. | | | | |

10. **Child support:** If there are minor children who were born to or adopted by the petitioner and respondent before or during this domestic partnership or marriage, the court will make orders for the support of the children on request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

Date: _____

(SIGNATURE OF RESPONDENT)

Date: _____

(TYPE OR PRINT NAME)

Date: _____

(SIGNATURE OF ATTORNEY FOR RESPONDENT)

The original response must be filed in the court with proof of service of a copy on petitioner.

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

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	Stephanie M. Bamberger Attorney Sacramento	N	See comments on specific provisions below.	See response to specific provisions below.
2.	Hon. John Chemeleski Court Commissioner Superior Court of Los Angeles County	AM	See comments on specific provisions below.	See response to specific provisions below.
3.	Jolene Dashut, LDA Studio City	NI	See comments on specific provisions below.	See response to specific provisions below.
4.	Richard deBlois Family Law Facilitator Superior Court of Solano County	NI	See comments on specific provisions below.	See response to specific provisions below.
5.	Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco	AM	See comments on specific provisions below.	See response to specific provisions below.
6.	Stacy Larson Family Law Facilitator Superior Court of Shasta County	AM	See comments on specific provisions below.	See response to specific provisions below.
7.	National Center for Lesbian Rights by Catherine Sakimura Family Law Director San Francisco	AM	See comments on specific provisions below.	See response to specific provisions below.
8.	State Bar of California's Standing	A	* The proposed new forms seem streamlined	No response required.

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>sheets remain separate documents.</p> <ul style="list-style-type: none"> • Separation allows for less copying and scanning into CMS. • Reduced costs for copies due to fewer pages on form. • In Orange County, the INFO form is already included within the general fee waiver packet. <p>Summary Dissolution forms should be updated as well.</p> <ul style="list-style-type: none"> • References at the bottom of FL-830: <i>Notice Of Revocation Of Joint Petition For Summary Dissolution</i> should be changed. • In some cases, a party may wish to revoke summary dissolution for the sake of legal separation (rather than divorce). • Recommend the "Notice" at the bottom 	<p><i>Petition</i> (form FL-100), <i>Response</i> (form FL-120, and <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.</p> <p>The committee agrees with the change suggested by the commentator, and recommends that form FL-830 be revised with the other summary dissolution forms that are expected to be changed in July 2015, to reflect changes in the California Consumer Price Index.</p>

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>of FL-830 to read as follows:</p> <p><i>“If the clerk’s certificate of mailing above has been dated and signed by the clerk, this summary dissolution case is ended. You are still married and/or domestic partners. If you want to get a divorce or a legal separation, you must use Form FL-100, Petition – Marriage/Domestic Partnership.”</i></p>	
			See comments on specific provisions below.	See response to specific provisions below.
11.	Superior Court of Riverside County by Daniel Wolfe Managing Attorney	AM	See comments on specific provisions below.	See response to specific provisions below.
12.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	No specific comment provided.	No response required.
13.	Superior Court of Santa Barbara County by Deborah Mullin Family Law Facilitator	AM	Overall, I believe the proposed changes are an excellent idea. Consolidation would be good and easier for all concerned. The court has decided that we should all be treated the same. Using the same forms is a step in that direction.	No response required.

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			See comments on specific provisions below.	See response to specific provisions below.
14.	Superior Court of Sonoma County by Joyce MacLaury Family Law Facilitator	AM	<p>1. Should forms FL-100 and FL-120 be streamlined for use as multipurpose forms that incorporate actions for dissolution, legal separation, or nullity of domestic partnerships or both marriages and domestic partnerships? YES.</p> <p>2. Is there any advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL-123? NO COMMENT</p> <p>3. Are there other changes that are important to make in response to the Supreme Court decisions striking down the Defense of Marriage Act? NO COMMENT</p> <p>4. Will the proposal provide cost savings? If so please quantify.</p> <ul style="list-style-type: none"> • What are the implementation requirements for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, 	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>or modifying case management system.</p> <p>ANSWER: No processing changes required. Minimal training or orientation on changes. No revision of processes or procedures.</p> <ul style="list-style-type: none"> • Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? ANSWER: Yes. • How well would this proposal work in courts of different sizes? ANSWER: No comment <p>See comments on specific provisions below.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>See response to specific provisions below.</p>
15.	Gregory S. Tanaka Supervising Attorney Family Law Facilitator/Self-Help Center Superior Court of San Mateo County	NI	See comments on specific provisions below.	See response to specific provisions below.
16.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Working Group	A	<p>The proposal conforms existing forms to a change of law.</p> <p><u>Impact on existing automated systems</u> Trial courts may experience a slight impact to updating automated case management systems</p>	<p>No response required.</p> <p>The committee believes that its revised recommendation to not incorporate form FL-107-INFO into form FL-100 will reduce the impact</p>

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			with minor coding changes. <u>Results in additional trial court staff training</u> Staff training would be required on the new forms. Existing procedures would need to be updated. Time and cost amounts estimated to complete training and procedural updates is minimal.	on courts. Therefore, the committee recommends that the proposed changes take effect January 1, 2015. Same as above response.

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Revise form FL-100		
Commentator	Comment	Committee Response
Stephanie Bamberger Sacramento	<p>I believe the proposed revised form FL-100 is too "busy" and will be extremely confusing for pro per litigants who already have difficulty in completing the existing form correctly.</p> <p>The proposed revision does not allow for a listing of community property items on the form which can pose a notice problem if the attachment is not completed and there are issues involving real estate or pensions/retirement accounts in a default situation.</p> <p>While I understand the desire to streamline, I am concerned that pro per litigants who make up the majority of our litigants in Family Court will be unduly confused by the number of boxes and will not complete the paperwork correctly which will cause even more delays in completing their dissolution processes.</p>	<p>The committee recommends maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document which will make the form easier to read.</p> <p>The committee recommends revising form FL-100 and form FL-120 to include fillable space to list items of community and quasi-community property.</p> <p>The committee recommends providing and updating materials to help litigants complete the revised form.</p>
Hon. John Chemeleski Court Commissioner Superior Court of Los Angeles County	<p>Although I agree with the proposal to combine the existing FL-100 and FL-103 forms, and the corresponding response forms, into one form for both purposes, I do not agree that it is necessary or appropriate to expand both the Petition and Response to four pages.</p>	<p>The committee was unable to find a way to limit the FL-100 and FL-120 to two pages given the additional information required from forms FL-103 and FL-123. This would allow the form to be used to also request dissolution, legal separation, or nullity of a domestic partnership or both a marriage and domestic partnership in one proceeding.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>Any benefit from such expansion will be outweighed by the addition pages that will have to be copied, processed, served and stored. For the approximately 100,000 dissolution cases filed in this state each year that means 400,000 extra pages to be handled, filed, stored and transported by the court clerks back and forth from storage to the court room for each proceeding. All this for forms that have no use in the proceeding after the filing thereof. Another 400,000 copies will be made by each party for their records. An additional 400,000 pages will have to be copied to be served on the respondents and many of those will be copied again to be provided to attorneys.</p> <p>I urge the committee to keep the instructions on a separate form that must be served but not filed with the court and to keep the Petition and Response at two pages each and avoid the above mentioned problems and save hundreds of thousands of unnecessarily wasted pages each year.</p>	<p>Reducing the expansion of the forms FL-100 and FL-120 from four to three pages, and including only notices that are required by statute to be on the <i>Petition</i> and <i>Response</i>, will decrease the impact on courts described by the commentator.</p> <p>The committee agrees to recommend maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document and not including information from the form on the <i>Petition</i> or <i>Response</i>.</p>
<p>Richard deBlois Family Law Facilitator Superior Court of California, County of Solano</p>	<p>I'd like to submit a suggestion for an additional change to the FL-100.</p> <p>A petitioner who does not meet the residency requirements at the time they file their paperwork can file for legal separation initially and then amend to a petition for dissolution of marriage once they do meet the residency requirements. Family Code section 2321(b) requires that notice of that amendment be given as follows: "If the other party has appeared in the proceeding, notice of the amendment shall be</p>	<p>Instead of providing a specific item on form FL-100 for a notice of intent to amend a petition of legal separation under Family Code section 2321(b), the committee prefers to expand the amount of fillable space under "Other Requests" for a party to provide the notice to the other party.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>given to the other party in the manner provided by rules adopted by the Judicial Council. If no appearance has been made by the other party in the proceeding, notice of the amendment may be given to the other party by mail to the last known address of the other party, or by personal service, if the intent of the party to so amend upon satisfaction of the residence requirements of Section 2320 is set forth in the initial petition or pleading in the manner provided by rules adopted by the Judicial Council." To the best of my knowledge, there are no CRCs that specifically implement Section 2321. The FL-100 does not currently provide a place for the petitioner to give notice of the intent to amend once the residency requirements are satisfied. I suggest that a checkbox be added somewhere on the FL-100 that allows the petitioner to give the notice of the intent to amend per Family Code section 2321(b).</p>	
<p>Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal, with modification.</p> <p>FLEXCOM agrees that forms FL-100 and FL-120 should be streamlined for use as multipurpose forms that incorporate actions for dissolutions, legal separation, or nullity of domestic partnerships or both marriages and domestic partnerships.</p> <p>FLEXCOM does not believe there is an advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103</p>	<p>No response required.</p> <p>No response required.</p> <p>Given the large amount of information that could potentially be included on this form, the committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>and FL123, and that a single form would work, provided that single form contains a warning that under federal law, there is a distinction between marriages and domestic partnerships.</p> <p>Using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same. They are not, because marriages are federally recognized and domestic partnerships are not. Thus, the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.</p> <p>For these reasons, FLEXCOM supports the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of:</p> <p>YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL</p>	<p>those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p> <p>Same as above response.</p> <p>The committee prefers to limit the notices on the <i>Petition and Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revise form FL-100		
Commentator	Comment	Committee Response
	TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.	
Stacy Larson Family Law Facilitator Superior Court of Shasta County	<p>I agree that using the FL-100 and FL-120 as all-purpose forms relating to both marriages and domestic partnerships is consistent with current law and efficient. From my perspective as a facilitator, I will now be able to integrate same-sex-marriage litigants into my general dissolution/legal separation/nullity class more seamlessly.</p> <p>FL-100, Caption: The revised caption facilitates the use of this form for multiple purposes. However, there is no longer room to easily clarify that a litigant is pleading in the alternative pursuant to CRC 5.60(b). For example, litigants may plead in the alternative for a nullity OR a dissolution (so that the dissolution will be granted if the nullity is denied) or a legal separation OR a dissolution (if they do not yet meet the jurisdictional requirements). Can a checkbox or more space be added to accommodate these situations in the caption?</p> <p>FL-100, subsection (1): Litigants who are seeking a nullity are often asserting that they are NOT legally married, but rather that their marriage is void or voidable. They may be unwilling to sign under penalty of perjury that “they are married” as specified in item 1.a.</p>	<p>No response required.</p> <p>The committee does not recommend revising the caption to include a new item titled “Alternative Relief.” This addition could cause confusion to parties. The committee recommends providing additional space in the “Other requests” item on the petition for this purpose.</p> <p>The committee believes that the situation described can be addressed by providing information and education to litigants instead of revising the form.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>FL-100, subsection (6)(b) (<i>now item 4(b)</i>)¹: It would be helpful if there was a checkbox for unborn children for application when a party to the marriage is currently pregnant with the other party’s child. It could be placed horizontal and to the right of the “Continued on Attachment 6b” checkbox.</p>	<p>The committee recommends revising form FL-100 and FL-120 to include a new item for a party to list a child who is not yet born at the time the action is filed.</p>
	<p>FL-100, subsection (6)(c) (<i>now item 4(c)</i>): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in front of them indicates they are common nouns.</p>	<p>The committee recommends including the change suggested by the commentator.</p>
	<p>FL-100, subsection (6)(e)(2) (<i>now item 6</i>): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in front of them indicates they are common nouns.</p>	<p>The committee recommends the change suggested by the commentator.</p>
	<p>FL-100, subsection (7)(a): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are</p>	<p>The committee recommends the change suggested by the commentator.</p>

¹ Form FL-100 has changed since circulation for comment. Item 4, **LEGAL GROUNDS**, is now listed as item 5. Items 6(a)-(d), **MINOR CHILDREN**, are now listed as items 4 (a)-(d). Items 6(e)(1)-(2) are now listed as items 6(a)-(d) under the heading **CHILD CUSTODY AND VISITATION (PARENTING TIME)**. Any item and/or numbering changes are indicated in parenthesis.

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>proper nouns while the “the” in front of them indicates they are common nouns.</p> <p>FL-100, subsection (9)(a): This section on “separate property” is different than our current version as it involves a checkbox. It would be helpful if the “separate property” section had a checkbox item similar to the one for community property that states that there is no separate property for the court to confirm. Self-represented litigants frequently do not fill in the sections on “separate property” nor “community property,” also not stating that there is no such property for the Court to divide/confirm. This creates problems at the time of default judgment as their proposed judgments do not match their initial pleadings. Their judgments are rejected if they state that there is no such property to divide because this was not stated in their initial petitions. Similarly, their judgments are rejected if they leave these sections blank as their “final judgments on all issues” fails to address the issue of property/debt. Making the separate/community property sections “checkbox” items may exacerbate this problem as checkboxes generally mean that the section is optional rather than mandatory.</p> <p>FL-100, headings on page 2 and subsequent pages: Changing the heading on page 2 and subsequent pages to the standard “Petitioner” and “Respondent” instead of the current “Marriage of . . .” is a good idea as it promotes consistency for the litigants.</p>	<p>The committee recommends incorporating the suggested revision into form FL-100.</p> <p>No response required.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
<p>National Center for Lesbian Rights by Catherine Sakimura Family Law Director San Francisco</p>	<p>NCLR strongly supports the elimination of forms FL-103 and FL-123 and the amendments to FL-100 and FL-120 to allow these latter forms to be used for both same-sex and different-sex couples in marriages and domestic partnerships seeking dissolution, legal separation, or declarations of nullity.</p> <p>NCLR agrees with the committee that now that marriages between same-sex and different-sex couples are treated exactly the same under both state and federal law, there is no need for separate forms for same-sex married spouses. Maintaining 2 separate forms would only create confusion about the rights and responsibilities of same-sex spouses and unnecessarily stigmatize same-sex spouses.</p> <p>However, because the federal government does not recognize domestic partnerships for many purposes, including federal taxes, NCLR recommends that a notice be included in the information section that couples who are only dissolving a domestic partnership (entered in California or another state) may face federal tax consequences because these relationships are not recognized by the IRS, and are encouraged to seek advice from an attorney.</p> <p>Space permitting, we also recommend inclusion of a note that same-sex and different-sex spouses are treated exactly the same under both California and federal law for all purposes.</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee prefers to limit the notices on the Petition and Response to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p> <p>Same as above response.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	Finally, we also recommend that information about the remaining differential treatment of domestic partners by the federal government be included where appropriate in any court training on the use of the new forms.	The committee agrees with the commentator to promote continuing education about the differential treatment of domestic partners by the federal government.
Superior Court of Los Angeles County	<p>Impact on Court staff and budget - These changes will have a minimal impact on Court operations. Court staff will need to be briefly trained on the changes and the form packets will need to be updated.</p> <p>*Formatting issues - In the caption of [form FL-100...], we propose using bold font for the far left list of options - Dissolution, Legal Sep, Nullity - in order to offset them.</p> <p>*At item 4a (<i>now item 5(a)</i>) on the FL-100 ..., we propose adding the word "or" between Divorce and Legal Separation. We hope this will discourage litigants from inadvertently marking both boxes.</p> <p>At item 9, it might be helpful to have instruction like "select one of the following" before items 9b and 9c. Litigants might completely skip the community property questions having completed separate property.</p> <p>We recommend eliminating page 4 of the proposed Petition and Response. The instructions page is quite dense and self-represented litigants will find it hard to follow. We understand and appreciate the intent to give litigants useful</p>	<p>No response required.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees with these suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p> <p>The committee agrees to revise the form to provide separate headings for separate and community and quasi-community property.</p> <p>The committee agrees to eliminate page 4 of the proposed Petition and Response. The committee also recommends maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate</p>

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

Revise form FL-100		
Commentator	Comment	Committee Response
	<p>information about the court process and to meet the requirements of Rules of Court Rule 5.83, but we think that the Road Map we currently distribute is a more useful handout</p> <p>We still intend to distribute that packet even if the proposed 4th page instructions are added to the Petition and Response.</p>	<p>document which allows local courts to distribute their own information to comply with CRC 5.83.</p> <p>No response required.</p>
<p>Superior Court of Orange County by Paul E. Alberga Administrative Analyst/Officer II Juvenile & Family Law Units</p>	<p>Under Section 6 (<i>now item 4</i>) we suggest that this section regarding minor children be moved to the first page.</p> <ul style="list-style-type: none"> ○ This information is required at case initiation to determine case type and many courts capture minor children names and date of birth in their case management systems. ○ Having this information on the face page creates ease and efficiency for court staff and judicial officers referencing the Petition. 	<p>The committee recommends maintaining statistical information about minor children on page one of form FL-100 and adding another item on the form for a party to specify his or her request about child custody and visitation (parenting time).</p> <p>Same as above response.</p> <p>Same as above response.</p>

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

Revise form FL-100		
Commentator	Comment	Committee Response
	<ul style="list-style-type: none"> ○ Section 4 (<i>now item 5</i>), “Legal Grounds,” could be moved to second page as it is rarely referenced at case initiation. <p>On pages 3 & 4 we object to the inclusion of basic information on the form.</p> <ul style="list-style-type: none"> ○ All other information forms are separate from the form being submitted to the court. ○ This change will unnecessarily increase: <ul style="list-style-type: none"> ▪ Processing time for additional page scans into the CMS. ▪ Printing costs should a judicial officer in an electronic environment request a copy for reference. ▪ Cost for persons requesting a copy from the court file. 	<p>The committee recommends moving “Legal Grounds” to page 2 of the forms.</p> <p>The committee recommends expanding forms FL-100 and FL-120 to three pages to include the information required from forms FL-103 and FL-123. This would allow the form to be used to also request dissolution, legal separation, or nullity of a domestic partnership or both a marriage and domestic partnership in one proceeding. The committee also recommends maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.</p>
Superior Court of Riverside County by Daniel Wolfe Managing Attorney	<p>Riverside has no objection to consolidating the FL-103 and FL-123 into the FL-100 and FL-120.</p> <p>[H]owever, we request that the FL-107-INFO form not be consolidated into the Petition (FL-100).</p>	<p>No response required.</p> <p>The committee recommends not consolidating but maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>Riverside Court has developed its own flow chart based on how our Family Law Caseflow Management process works and provides specific information on Self Help resources in Riverside.</p> <p>If however, the FL-107-INFO is incorporated, we ask that the Spanish version (FL-107-INFO S) be incorporated into the Spanish version of the petition (FL-100 S).</p> <p>If the FL-123 is revoked, the FL-110 (Summons - Family Law) would also need to be updated. In addition, the Spanish versions of the FL-100 S and FL-120 S would also need to be updated if the forms were consolidated.</p> <p>Impact Consolidating the FL-103 and FL-123 into the FL-100 and FL-120 would have a moderate effect on the Riverside Superior Court. The changes our court would have to make are no different than with any other form change.</p> <ul style="list-style-type: none"> Slight impact to update our automated case management system with minor coding changes. The consolidating of forms would not affect our new case management process in family law or our eMinder 	<p>document.</p> <p>The committee also recommends not consolidating but maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.</p> <p>The committee agrees to recommend revising <i>Summons</i> form FL-110 and FL-110S) to delete references to form FL-123.</p> <p>No response required.</p> <p>No response required.</p>

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Revise form FL-100		
Commentator	Comment	Committee Response
	<p>system.</p> <ul style="list-style-type: none"> • Form packet(s) would need to be updated/eliminated based on the form consolidation. • Existing procedure would need to be updated. • Staff training would be required training on the new forms. <p>On a side note, the AOC/Judicial Council has several Self Help webpages that provide instructions and videos on how to complete forms (http://www.courts.ca.gov/1229.htm). The committee may want to consider the impact on updating and revising these pages if the forms are consolidated.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee's recommendation to maintain form FL-100 and FL-107-INFO as separate forms will reduce the impact on updating and revising the resources included on the California Courts Online Self-Help Center.</p>
<p>Superior Court of Santa Barbara County by Deborah Mullin Family Law Facilitator</p>	<p>The new Petition on p. 4/4 should be amended in the section re: "Important Notices" under step 4. It should indicate that "you will be divorced in six months and a day from the EARLIEST DATE of the following...."</p>	<p>Although the committee recommends not revising the petition to include a fourth page, the committee agrees to recommend revising form FL-107-INFO to include the commentator's suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.</p>
<p>Superior Court of Sonoma County by Joyce MacLaury Family Law Facilitator</p>	<p>ADDITIONAL COMMENT, applicable to Petition FL-100 and Response: FL-120 and FL-107-INFO:</p>	

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

Revise form FL-100		
Commentator	Comment	Committee Response
	<p>Item #5 on the proposed Petition leaves no blank space to list minimal community property items (cars, credit cards, bank account) typical of a self represented litigant, yet leaves ample space under #4 to list separate property – space seldom used by SRL. The allotment of space should be reversed.</p> <p>Item #7 Child Support: Add a box option for attaching an Income and Expense Declaration and Proposed Guideline Child Support calculation to maximize notice to Respondent of proposed child support order, minimize post-default court filings.</p>	<p>The committee recommends adding fillable space for a party to list items of community property on the form.</p> <p>The committee recommends adding a check box for “Other” under the child support item to allow a party to indicate whether there is a specific request for child support or if other items are attached relating to child support.</p>

Revise FL-107-INFO		
Commentator	Comment	Committee Response
Hon. John Chemeleski Court Commissioner Superior Court of Los Angeles County	* I urge the committee to keep the instructions on a separate form that must be served but not filed with the court and to keep the Petition and Response at two pages each and avoid the above mentioned problems and save hundreds of thousand of unnecessarily wasted pages each year.	The committee recommends not consolidating but maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.
Superior Court of Riverside County by Daniel Wolfe Managing Attorne	<p>*We request that the FL-107-INFO form not be consolidated into the Petition (FL-100).</p> <p>Riverside Court has developed its own flow chart based on how our Family Law Caseflow Management process works and provides specific information on Self Help resources in</p>	The committee recommends not consolidating form FL-107-INFO into form FL-100.

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Revise FL-107-INFO		
Commentator	Comment	Committee Response
	Riverside. If however, the FL-107-INFO is incorporated, we ask that the Spanish version (FL-107-INFO S) be incorporated into the Spanish version of the petition (FL-100 S).	
Superior Court of Santa Barbara County by Deborah Mullin Family Law Facilitator	The new Petition on p. 4/4 should be amended in the section re: "Important Notices" under step 4. It should indicate that "you will be divorced in six months and a day from the EARLIEST DATE of the following...."	Although the committee recommends not revising the petition to include a fourth page, the committee agrees to recommend revising form FL-107-INFO to include the commentator's suggestions and has incorporated them, with minor alterations, into the revisions that it is recommending for adoption.

Revise form FL-110		
Commentator	Comment	Committee Response
Superior Court of Riverside County by Daniel Wolfe Managing Attorney	If the FL-123 is revoked, the FL-110 (Summons - Family Law) would also need to be updated.	The committee agrees to recommend that the Judicial Council revise form FL-110 to delete references to form FL-123, effective January 1, 2015.

Revise form FL-115		
Commentator	Comment	Committee Response
Stacy Larson Family Law Facilitator	FL-115, subsection 1.d.(1)-(6): Although outside the scope of this revision, the litigants typically do not have blank copies of	The committee does not recommend revising the form as suggested. To help them comply with the rule on form

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Revise form FL-115		
Commentator	Comment	Committee Response
Superior Court of Shasta County	<p>the FL-105, FL-140, FL-142, FL-150, FL-155, and FL-160 served on the respondents. To reflect this, they cross out the “and blank” part of each of these provisions, requiring numerous initials of changes. Can the “and blank” wording be omitted for each?</p> <p>FL-115, subsection 1.d: Although outside the scope of this revision, it would be helpful to have a checkbox item for service of the last two years of tax returns to correlate with the FL-140, etc.</p>	<p>FL-115, litigants could be referred to the California Courts Online Self-Help Center, local law libraries, and public libraries to obtain blank copies of the forms listed on the form.</p> <p>The committee does not recommend revising forms FL-115 to include a new entry for filed tax returns. The tax returns are served as part of the Declaration of Disclosure (form FL-140).</p>

Revise form FL-117		
Commentator	Comment	Committee Response
Jolene Dashut, LDA Studio City	<p>Regarding form FL117, Notice and Acknowledgement of Receipt, I believe that it needs to be revised. At least 50 percent of the time, the date is left off, or put in the wrong place.</p> <p>My suggestion would be to reverse the place for signature and the date, as we read left to right, the signer would see the place to date the form after signing it on the left hand side of the page.</p> <p>I understand changes are slow, budgets are tight, etc. and that this forms was recently revised last year, but it's still not</p>	<p>The committee recommends revising form FL-117 by adding specific item numbers and making other formatting and substantive changes to highlight the areas that are required to be completed by the sender and the recipient.</p> <p>The committee prefers to revise the form as above described.</p> <p>The committee recommends revising the form as previously described, effective January 1, 2015.</p>

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Revise form FL-117		
Commentator	Comment	Committee Response
	working, and wanted to put this idea out there. This is such an important form, establishing the Jurisdiction date in a Dissolution.	
Gregory S. Tanaka Supervising Attorney Family Law Facilitator/Self-Help Center Superior Court of San Mateo County	<p>* ...the signature line on the proposed FL-117 for the person mailing the form (underneath the “Notice” section) states Petitioner as well whereas previously it required a 3rd party server to sign. It’s not a Proof of Service so probably fine for Petitioner to sign the form but again, wasn’t sure if that change was intended...</p> <p>* ...there appears to be a typo in the proposed <i>Notice of Acknowledgement of Receipt</i> (FL-117). On the signature line at the bottom where the recipient is supposed to sign, it incorrectly lists the Petitioner’s name...</p>	<p>The committee recommends that the signature line in the notice section of the form reflect the correct language that is found on the current form, which states the following: “(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE AND MUST BE 18 YEARS OR OLDER).”</p> <p>The committee recommends that the signature at the bottom of the form reflect the correct language that is found on the current form, which states the following: “(SIGNATURE PERSON ACKNOWLEDGING RECEIPT).”</p>
Stacy Larson Family Law Facilitator Superior Court of Shasta County	FL-117, subsection d.(1)-(5): Although outside the scope of this revision, the litigants typically do not have blank copies of the FL-105, FL-140, FL-142, FL-150, FL-155, and FL-160 served on the respondents. To reflect this, they cross out the “and blank” part of each of these provisions, requiring numerous initials of changes. Can the “and blank” wording be omitted for each?	The committee does not recommend revising the form as suggested. To help them comply with the rule on form FL-115, litigants could be referred to the California Courts Online Self-Help Center, local law libraries, and public libraries to obtain blank copies of the forms listed on the form.

Revise form FL-120

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Commentator	Comment	Committee Response
<p>Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco</p>	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal, with modification.</p> <p>FLEXCOM agrees that forms FL-100 and FL-120 should be streamlined for use as multipurpose forms that incorporate actions for dissolutions, legal separation, or nullity of domestic partnerships or both marriages and domestic partnerships.</p> <p>FLEXCOM does not believe there is an advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL123, and that a single form would work, provided that single form contains a warning that under federal law, there is a distinction between marriages and domestic partnerships.</p> <p>Using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same. They are not, because marriages are federally recognized and domestic partnerships are not. Thus, the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.</p> <p>For these reasons, FLEXCOM supports the combination of the</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p> <p>Same as above response.</p> <p>The committee prefers to limit the notices on <i>Petition</i></p>

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	<p>two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of:</p> <p>YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.</p>	<p>and <i>Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p>
<p>Stacy Larson Family Law Facilitator Superior Court of Shasta County</p>	<p>I agree that using the FL-100 and FL-120 as all-purpose forms relating to both marriages and domestic partnerships is consistent with current law and efficient. From my perspective as a facilitator, I will now be able to integrate same-sex-marriage litigants into my general dissolution/legal separation/nullity class more seamlessly.</p> <p>FL-120, subsection (1): Litigants who are seeking a nullity are often asserting that they are NOT legally married, but rather that their marriage is void or voidable. They may be unwilling to sign under penalty of perjury that “they are married” as specified in item 1.a.</p> <p>FL-120, Response: It is helpful how the numbers of each section on the response (e. g., Legal Relationship, Residence, Statistical Facts, etc.) correlate with the numbers on the petition. As a facilitator, litigants who wish to file a response to a dissolution/legal separation/nullity petition are in the same</p>	<p>No response required.</p> <p>The committee believes that the situation described can be addressed by providing information and education to litigants instead of revising the form.</p> <p>No response required.</p>

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	<p>class as those wishing to file petitions for this relief. When the numbers on the petition correlate with the numbers on the response, it eliminates confusion when I cover these issues.</p> <p>* It would be helpful if the “Legal Grounds” section at Item 4 (<i>now item 5</i>)² of the Response saved the two special categories challenging the grounds stated in the petition, currently shown as 4.a. and 4.b. (<i>now items 5(a) and 5(b)</i>), for the end so that they became Items [5].d. and [5].e. so that the correlation would continue through Item 4. My perspective on this issue is extremely narrow, so I completely understand that it will be shared by few, if any!</p> <p>FL-120, subsection (6)(b) (<i>now item 4(b)</i>): It would be helpful if there was a checkbox for unborn children for application when a party to the marriage is currently pregnant with the other party’s child. It could be placed horizontal and to the right of the “Continued on Attachment 6b” (<i>now “Continued on Attachment 4b”</i>) checkbox.</p> <p>FL-120, subsection (6)(c) (<i>now item 4(c)</i>): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in</p>	<p>The committee does not agree to revise form FL-120 as suggested by the commentator.</p> <p>The committee recommends including the change suggested by the commentator among the other changes to form FL-120 being recommended to the Judicial Council.</p> <p>The committee recommends including the change suggested by the commentator among the other changes to form FL-120 being recommended to the Judicial Council.</p>
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² Form FL-120 has changed since circulation for comment. Item 4, **LEGAL GROUNDS**, is now listed as item 5. Items 6(a)-(d), **MINOR CHILDREN**, are now listed as items 4(a)-(d). Items 6(e)(1)-(2) are now listed as items 6(a)-(d) under the heading **CHILD CUSTODY AND VISITATION (PARENTING TIME)**. Any item and/or numbering changes are indicated in parenthesis.

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	<p>front of them indicates they are common nouns.</p> <p>FL-120, subsection (9)(a) (<i>now item 9(b)</i>): This section on “separate property” is different than our current version as it involves a checkbox. It would be helpful if the “separate property” section had a checkbox item similar to the one for community property that states that there is no separate property for the court to confirm.</p> <p>FL-120, subsection (6)(e)(2) (<i>now item 6(d)</i>): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in front of them indicates they are common nouns.</p> <p>FL-120, subsection (7)(a): We should omit the “the” before “Petitioner” or make “petitioner” and “respondent” lower case. Capitalizing “Petitioner” and “Respondent” indicate they are proper nouns while the “the” in front of them indicates they are common nouns.</p> <p>FL-120, subsection (9)(a) (<i>now item 9(b)</i>): This section on “separate property” is different than our current version as it involves a checkbox. It would be helpful if the “separate property” section had a checkbox item similar to the one for community property that states that there is no separate property for the court to confirm. Self-represented litigants frequently do not fill in the sections on “separate property” nor “community property,” also not stating that there is no such</p>	<p>The committee agrees to recommend revising form FL-120 as suggested by the commentator.</p> <p>The committee recommends the change suggested by the commentator.</p> <p>The committee recommends the change suggested by the commentator.</p> <p>The committee agrees to revise form FL-120 as suggested by the commentator.</p>
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	<p>property for the Court to divide/confirm. This creates problems at the time of default judgment as their proposed judgments do not match their initial pleadings. Their judgments are rejected if they state that there is no such property to divide because this was not stated in their initial petitions. Similarly, their judgments are rejected if they leave these sections blank as their “final judgments on all issues” fails to address the issue of property/debt. Making the separate/community property sections “checkbox” items may exacerbate this problem as checkboxes generally mean that the section is optional rather than mandatory.</p> <p>FL-120, Item 10.b. (<i>now item 11(b)</i>): This appears to be a typographical error. “Petitioner’s” should be changed to “Respondent’s.” Sometimes the respondent is the one who wishes that her former name be restored.</p>	<p>The committee recommends the change suggested by the commentator.</p>
<p>National Center for Lesbian Rights by Catherine Sakimura Family Law Director San Francisco</p>	<p>NCLR strongly supports the elimination of forms FL-103 and FL-123 and the amendments to FL-100 and FL-120 to allow these latter forms to be used for both same-sex and different-sex couples in marriages and domestic partnerships seeking dissolution, legal separation, or declarations of nullity. NCLR agrees with the committee that now that marriages between same-sex and different-sex couples are treated exactly the same under both state and federal law, there is no need for separate forms for same-sex married spouses. Maintaining 2 separate forms would only create confusion about the rights and responsibilities of same-sex spouses and unnecessarily stigmatize same-sex spouses.</p>	<p>No response required.</p>

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	<p>However, because the federal government does not recognize domestic partnerships for many purposes, including federal taxes, NCLR recommends that a notice be included in the information section that couples who are only dissolving a domestic partnership (entered in California or another state) may face federal tax consequences because these relationships are not recognized by the IRS, and are encouraged to seek advice from an attorney.</p> <p>Space permitting, we also recommend inclusion of a note that same-sex and different-sex spouses are treated exactly the same under both California and federal law for all purposes.</p> <p>Finally, we also recommend that information about the remaining differential treatment of domestic partners by the federal government be included where appropriate in any court training on the use of the new forms.</p>	<p>The committee prefers including those notices on the petition and response that are mandated by statute. The committee recommends revising form FL-107-INFO to include a notice about federal tax consequences to parties who are filing actions to dissolve a domestic partnership.</p> <p>The committee prefers including those notices on the petition and response that are mandated by statute.</p> <p>The committee agrees with the commentator to promote continuing education to judicial officers about the differential treatment of domestic partners by the federal government.</p>
Superior Court of Los Angeles County	<p>Impact on Court staff and budget - These changes will have a minimal impact on Court operations. Court staff will need to be briefly trained on the changes and the form packets will need to be updated.</p> <p>*Formatting issues - In the caption of [form FL-120], we propose using bold font for the far left list of options - Dissolution, Legal Sep, Nullity - in order to offset them.</p> <p>*At item 4c (now item 5(c)) on form FL-120 we propose adding the word "or" between Divorce and Legal Separation. We hope this will discourage litigants from inadvertently</p>	<p>No response required.</p> <p>The committee agrees to recommend the formatting change suggested by the commentator.</p> <p>The committee agrees to recommend the change suggested by the commentator.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

	<p>marking both boxes.</p> <p>At item 9, it might be helpful to have instruction like "select one of the following" before items 9b (<i>now item 9(a)</i>) and 9c (<i>now included in 9(b)</i>). Litigants might completely skip the community property questions having completed separate property.</p> <p>We recommend eliminating page 4 of the proposed [...Response]. The instructions page is quite dense and self-represented litigants will find it hard to follow.</p> <p>We understand and appreciate the intent to give litigants useful information about the court process and to meet the requirements of Rules of Court Rule 5.83, but we think that the Road Map we currently distribute is a more useful handout.</p>	<p>To avoid the potential issue raised by the commentator, the committee recommends revising the form to include separate headings for "Separate Property" and "Community or Quasi-Community Property."</p> <p>The committee agrees with the commentator and recommends limiting forms FL-100 and FL-120 to three pages.</p> <p>The committee agrees to maintain form FL-107-INFO as a separate document.</p>
<p>Superior Court of Orange County by Paul E. Alberga Administrative Analyst/Officer II Juvenile & Family Law Units</p>	<p>Under Section 6 (<i>now item 4</i>) we suggest that this section regarding minor children be moved to the first page.</p> <ul style="list-style-type: none">○ This information is required at case initiation to determine case type and many courts capture minor children names and date of birth in their case management systems.○ Having this information on the face page creates ease and efficiency for court staff and judicial officers referencing the Petition.○ Section 4 (<i>now item 5</i>), "Legal Grounds", could be moved	<p>The committee recommends revising the form to maintain the issue of minor children on page one of form FL-100.</p> <p>The committee recommends moving "Legal Grounds" to page two of the <i>Petition and Response</i>.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>to second page as it is rarely referenced at case initiation.</p> <p>On pages 3 & 4 we object to the inclusion of basic information on the form.</p> <ul style="list-style-type: none">○ All other information forms are separate from the form being submitted to the court.○ This change will unnecessarily increase:<ul style="list-style-type: none">▪ Processing time for additional page scans into the CMS.▪ Printing costs should a judicial officer in an electronic environment request a copy for reference.▪ Cost for persons requesting a copy from the court file.	<p>The committee agrees with the recommendation to limit the inclusion of basic information on the form and recommends maintaining <i>Legal Steps for a Divorce or Legal Separation</i> (form FL-107-INFO) as a separate document.</p>
<p>Superior Court of Riverside County by Daniel Wolfe Managing Attorney</p>	<p>Riverside has no objection to consolidating the FL-103 and FL-123 into the FL-100 and FL-120,</p> <p>[H]owever we request that the FL-107-INFO form not be consolidated into the Petition (FL-100). Riverside Court has developed its own flow chart based on how our Family Law Caseflow Management process works and provides specific information on Self Help resources in Riverside. If however, the FL-107-INFO is incorporated, we ask that the Spanish version (FL-107-INFO S) be incorporated into the Spanish version of the petition (FL-100 S).</p>	<p>No response required.</p> <p>The committee recommends not consolidating form FL-107-INFO into the petition and response.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	<p>If the FL-123 is revoked, the FL-110 (Summons - Family Law) would also need to be updated. In addition, the Spanish versions of the FL-100 S and FL-120 S would also need to be updated if the forms were consolidated.</p> <p>Impact Consolidating the FL-103 and FL-123 into the FL-100 and FL-120 would have a moderate effect on the Riverside Superior Court. The changes our court would have to make are no different than with any other form change.</p> <ul style="list-style-type: none">• Slight impact to update our automated case management system with minor coding changes. The consolidating of forms would not affect our new case management process in family law or our eMinder system.• Form packet(s) would need to be updated/eliminated based on the form consolidation.• Existing procedure would need to be updated.• Staff training would be required training on the new forms. <p>On a side note, the AOC/Judicial Council has several Self Help webpages that provide instructions and videos on how to</p>	<p>The committee agrees to recommend revising <i>Summons</i> form FL-110 and FL-110S) to delete references to form FL-123, which is recommended to be revoked.No response required.</p> <p>No response required.</p> <p>No response required.No response required.</p> <p>No response required.</p> <p>The committee’s recommendations will reduce the impact on updating and revising the resources included on the California Courts Online Self-Help Center.</p>
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SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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	complete forms (http://www.courts.ca.gov/1229.htm). The committee may want to consider the impact on updating and revising these pages if the forms are consolidated.	
Superior Court of Sonoma County by Joyce MacLaury Family Law Facilitator	<p>ADDITIONAL COMMENT, applicable to Petition FL-100 and Response: FL-120 and FL-107-INFO:</p> <p>Item #9c on the proposed [Response] leaves no blank space to list minimal community property items (cars, credit cards, bank account) typical of a self represented litigant, yet leaves ample space under #9a to list separate property – space seldom used by SRL. The allotment of space should be reversed.</p> <p>Item #7 Child Support: Add a box option for attaching an Income and Expense Declaration and Proposed Guideline Child Support calculation to maximize notice to Respondent of proposed child support order, minimize post-default court filings.</p>	<p>The committee recommends revising form FL-120 to include fillable space for a party to list items of community and quasi-community property on the form, and maintaining the fillable space to list separate property items.</p> <p>The committee recommends adding a check box for “Other” under the child support item to allow a party to indicate whether there is a specific request for child support orders or if there are other items attached to the petition relating to child support.</p>

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Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revoke FL-103		
Commentator	Comment	Committee Response
Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco	<p>FLEXCOM does not believe there is an advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL123, and that a single form would work, provided that single form contains a warning that under federal law, there is a distinction between marriages and domestic partnerships.</p> <p>Using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same. They are not, because marriages are federally recognized and domestic partnerships are not. Thus, the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.</p> <p>For these reasons, FLEXCOM supports the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of:</p> <p>YOU ARE ADVISED THAT CALIFORNIA DOMESTIC</p>	<p>The committee recommends revoking form FL-103. However, the committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to those required by statute and revising content of the California Courts Online Self-Help Center and form FL-107-INFO to include information about differences in tax and other issues relating to the dissolution of a domestic partnership.</p> <p>Same as above response.</p> <p>Same as above response.</p>

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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Revoke FL-103		
Commentator	Comment	Committee Response
	PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.	
Stacy Larson Family Law Facilitator Superior Court of Shasta County	I am definitely in favor of revoking the FL-103/FL-123 in favor of using the FL-100/FL-120 as all-purpose forms.	The committee recommends revoking form FL-103 and FL-123.

Revoke Form FL-123		
Commentator	Comment	Committee Response
Executive Committee of the Family Law Section of the State Bar (FLEXCOM) by Saul Bercovitch Legislative Counsel San Francisco	FLEXCOM does not believe there is an advantage to maintaining separate procedures for those who want to dissolve both a marriage and domestic partnership using forms FL-103 and FL123, and that a single form would work, provided that single form contains a warning that under federal law, there is a distinction between marriages and domestic partnerships. Using the same form for dissolution of marriages and dissolution of domestic partnerships may send a message that the legal issues are the same. They are not, because marriages are federally recognized and domestic partnerships are not.	The committee recommends revoking form FL-123. However, the committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership. Same as above response.

SPR14-09

Family Law: Petition and Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership (amend Cal. Rules of Court, rule 5.76; revise forms FL-100, FL-107-INFO, FL-110, FL-115, FL-117, and FL-120; revoke forms FL-103 and FL-123)

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

	<p>Thus, the tax consequences of interspousal transfers and inter-domestic partnership transfers are completely different. Among other issues, support calculations need to be done differently because support payments to a domestic partner are not deductible to the payor, and domestic partnership cases generally cannot use qualified domestic relations orders.</p> <p>For these reasons, FLEXCOM supports the combination of the two forms into one, as long as there is an admonishment on the form (preferably in bold font) that says something to the effect of:</p> <p>YOU ARE ADVISED THAT CALIFORNIA DOMESTIC PARTNERSHIPS ARE NOT RECOGNIZED AS MARRIAGES UNDER FEDERAL LAW. THEREFORE THE FINANCIAL ISSUES THAT COME UP IN DISSOLUTIONS (FOR EXAMPLE TAXABILITY OF INTERSPOUSAL TRANSFERS, DEDUCTIBILITY OF SPOUSAL SUPPORT) MUST BE TREATED DIFFERENTLY.</p>	<p>The committee recommends revoking form FL-123. However, the committee prefers to limit the notices on <i>Petition</i> and <i>Response</i> to those required by statute. The California Courts Online Self-Help Center and form FL-107-INFO include information notifying the parties about differences in tax and other issues relating to the dissolution of a domestic partnership.</p>
Stacy Larson Family Law Facilitator Superior Court of Shasta County	I am definitely in favor of revoking the FL-103/FL-123 in favor of using the FL-100/FL-120 as all-purpose forms.	The committee recommends revoking forms FL-103 and FL-123.
Superior Court of Riverside County by Daniel Wolfe Managing Attorney	If the FL-123 is revoked, the FL-110 (Summons - Family Law) would also need to be updated.	The committee recommends that the Judicial Council, effective January 1, 2015, revise form FL-110 to remove the reference to form FL-123.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Family Law: Uniform Standards of Practice for Providers of Supervised Visitation	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Stds. Jud. Admin., std. 5.20; revise form FL-341(A)	January 1, 2015
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 8, 2014
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Kimberly J. Nystrom-Geist, Cochair	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov
	Shelly LaBotte, 415-865-7565 shelly.labotte@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending standard 5.20 of the California Standards of Judicial Administration, governing providers of supervised visitation, to conform to the requirements of recently enacted Family Code section 3200.5. The committee also recommends making additional changes to standard 5.20 to enhance its internal consistency. In addition, the committee recommends revising the *Supervised Visitation Order* (form FL-341(A)) to eliminate references to “therapeutic visitation” to maintain consistency with the provisions of section 3200.5 and to make technical changes to make the form consistent with other Judicial Council forms that relate to child custody matters.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Amend standard 5.20 of the California Standards of Judicial Administration to conform to recently enacted Family Code section 3200.5, which directs the council to incorporate new requirements into the standard, and to update the standard and enhance its internal clarity and consistency; and
2. Revise *Supervised Visitation Order* (form FL-341(A)) to eliminate references to “therapeutic visitation” consistent with the provisions of section 3200.5 and to make technical changes to make the form consistent with other Judicial Council forms that relate to child custody matters.

The text of the amended standard is attached at pages 9–16. The revised form is attached at page 17.

Previous Council Action

Standard 5.20, on standards for providers of supervised visitation, was adopted as section 26.2, effective January 1, 1998, under legislation requiring the council to adopt such standards. Minor amendments were made when the standard was renumbered effective January 1, 2007.

The council adopted form FL-341(A) effective January 1, 1999 as form 1296.31(A)(1) as a mandatory attachment for ordering supervised visitation, and renumbered it effective January 1, 2003, when all family law forms were renumbered.

Rationale for Recommendation

The Judicial Council adopted standard 5.20 to implement the provisions of Family Code section 3200, which was enacted in 1996. The legislation required the Judicial Council to enact standards for supervised visitation providers and identified the specific provisions that the council was required to consider in developing the standards of practice. In 2012, the Legislature enacted Assembly Bill 1674 (Stats. 2012, ch. 692), which added section 3200.5 to the Family Code. Section 3200.5 sets forth an array of mandatory provisions that are required to be included in the standards for supervised visitation that implement section 3200. Much of the language of Family Code section 3200.5 is drawn from the current text of standard 5.20. The key difference is that where standard 5.20 presents all of its provisions as suggested policies and best practices that supervised visitation providers *should* comply with, many of the provisions of section 3200.5 are mandatory requirements for the providers of supervised visitation (using the term *shall*). The legislative history for section 3200.5 shows that the intent of the Legislature in enacting it was to identify those provisions of standard 5.20 that needed to be required of all

providers and to add in requirements that the Legislature identified as missing in the standard (e.g., a specific number of hours of training for providers).¹

Existing suggested provisions of standard 5.20 that would become mandatory

As described above, section 3200.5 codifies certain provisions of standard 5.20 and makes them mandatory.² For the standard to conform to those provisions, it needs to be reorganized and amended to substitute the term *must* for *should* with regard to the mandatory statutory provisions stated under Family Code section 3200.5. Specifically, standard 5.20 would be amended to:

- Break up the current subdivisions on nonprofessional and professional providers and specify those requirements for nonprofessional providers that are mandatory and those that remain suggested;
- Make all of the eligibility requirements for professional providers mandatory;
- Make the training requirements for professional providers mandatory;
- Require that professional providers keep certain case records;
- Require all providers to implement appropriate terms and conditions during each visit;
- Require professional providers to carry out specified legal obligations, including reporting suspected abuse and suspending or terminating visitation when required.
- Require all providers to make every effort to provide a safe visit, to make a record of any visit that is suspended or terminated, and to advise the parties of the reasons for the suspension or termination; and
- Require professional providers to prepare a written statement of the reasons for suspension or termination of a visit and provide that written statement to the parties and the court.

New requirements incorporated into standard 5.20

Although the majority of the language in section 3200.5 comes verbatim from the current standard, section 3200.5 did add additional requirements that are incorporated into amended standard 5.20 as follows:

¹ See, for example, the July 2, 2012, Senate Judiciary Committee analysis of AB 1674.

² The committee recognizes that it is unusual to have mandatory provisions in a standard of judicial administration, but section 3200.5 specifically uses the term “standards” with reference to what the council is required to adopt; thus the committee has opted to modify the standard to make mandatory those items required by the statute while leaving the remainder of the standard’s provisions as permissive best practices.

- The requirement that the court specifically consider whether to use a professional or nonprofessional provider in any case in which the court has determined that domestic violence, child abuse, or neglect exists is incorporated into subdivision (c).
- The requirement that all professional providers receive 24 hours of training in specified areas is added.
- The training areas are expanded to include basic knowledge of family and juvenile law.
- All professional providers are required to sign a declaration or a *Declaration of Supervised Visitation Provider* (form FL-324) stating that they have met all of the requirements to be a professional provider.

Elimination of references to therapeutic visitation providers

In its current form, standard 5.20 identifies three types of supervised visitation providers: nonprofessional, professional, and therapeutic. Family Code section 3200.5 identifies only two types of providers: professional or nonprofessional. To ensure that standard 5.20 is consistent with Family Code section 3200.5, this proposal deletes all references to therapeutic visitation providers. In addition, form FL-341(A) is revised to delete the option to order therapeutic visitation (at item 4c on the current form) because this option is not contemplated by the statute.

Additional changes to enhance internal consistency

In its review of standard 5.20, the committee identified a number of provisions that were internally inconsistent with the overall approach of the standard and proposes additional changes unrelated to Family Code section 3200.5 to ensure that the standard is clear and consistent, i.e.:

- Deleting the sentence excluding supervised exchange from subdivision (b) because supervised exchange clearly falls into the definition of supervised visitation described in the preceding sentence;
- Deleting “providers of supervised visitation” from the list of individuals in subdivision (c) who may make a recommendation to the court about the manner in which supervision is provided, and deleting from paragraph (3) of subdivision (j) (current subdivision (h)) the authority of the court to order a provider to give an opinion or recommendation on future visitation because the remainder of the standard makes clear that providers are to be neutral and thus should not be in the position of making recommendations;
- Changing the word “assess” in paragraph (2) of subdivision (g) ((e) in the current standard) to “understand” to make clear that providers are not in an evaluative role;
- Clarifying subdivision (g) ((e) in the current standard) to provide that all professional providers, and not just supervised visitation centers, should have written protocols addressing local law enforcement responses;

- In subdivision (i) on conflict of interest provisions ((g) in the current standard), clarifying that the specific requirements about having no outside relationship with a client apply only to professional providers and not to nonprofessional providers, who are often related to the parties;
- Adding the court to the list of those who should be given a copy of a court-ordered report of a visitation in paragraph (3) of subdivision (j) (current (h)) to make that section consistent with subdivision (q) (current (o)), which requires that the court, along with the parties and their attorneys, receive all reports of suspended or interrupted visits;
- Adding a provision to subdivision (l) (current (j)) concerning terms and conditions for supervised visitation to require that there be no contact between the parents unless ordered by the court; and
- In subdivision (m) (current (k)) regarding special considerations concerning sexual abuse allegation cases, deleting the word “prolonged” as a modifier of “hugging” to make clear that the parent should have no physical contact with the child, as the earlier clause indicates.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal circulated for comment as part of the spring 2014 invitation-to-comment cycle, from April 18 to June 18, 2014, 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, social workers, probation officers, and other juvenile law professionals. Sixteen individuals or organizations provided comment; 6 agreed with the proposal, 7 agreed if modified, 2 disagreed with the proposal, and 1 expressed no position but included comments. A chart with the full text of the comments received and the committee’s responses is attached at pages 18–60.

The committee sought comment on three proposed modifications to standard 5.20, and most of the substantive comments were in response to the following issues: whether supervised exchanges should be subject to the standard; whether providers of supervised visitation services should be making recommendations about future visitation to the court; and whether the standard or the form should make any reference to therapeutic visitation. Each is discussed below. In addition, some commentators made suggestions for ensuring provider compliance with the training and qualification requirements of Family Code section 3200.5 and the amended standard beyond what is required by the statute.

Supervised exchanges. Current standard 5.20 provides that supervised visitation is “contact between a noncustodial party and one or more children in the presence of a neutral third person” but then goes on to state that the standards and this definition do not include supervision of

exchanges only. The committee proposed deleting this exception from the standard in the proposal circulated for comment based on feedback from professional providers of supervised visitation who opined that the exception was unwarranted and that supervised exchanges require the same care and standards as supervised visitation. The committee adopted their suggestion, but sought specific comment on this change. Five commentators specifically addressed this issue: three were in support of applying the standards to supervised exchange—one by expressly including it in the definition and two by eliminating the exception as proposed; one supported the current exception; and one suggested new separate standards to be adopted for supervised exchange. The committee opted to maintain the deletion of the exception for supervised exchanges from the definition section thereby ensuring that all cases in which a neutral party is monitoring contact between a noncustodial parent and children would be subject to the same standards of practice.

Recommendations by supervised visitation providers. Standard 5.20 sets forth a list of individuals who may make recommendations to the court about the manner in which supervision should be provided. Supervised visitation providers are on this list, along with the parties, their attorneys, and the attorney for the child as well as Family Court Services staff, child custody evaluators, and therapists. Because of concerns that making recommendations is fundamentally in conflict with the otherwise neutral role of the supervised visitation provider, the committee proposed to delete these providers from the list of those whose recommendations the court may consider in making its determination on visitation. The committee then sought specific comment on this change to determine its impact. Five commentators addressed this issue, with two arguing that providers continue to be allowed to make recommendations, two supporting the proposal to eliminate this authority as incompatible with the neutral role of the provider, and one expressing concern about the impact on the court without taking an express position. With the knowledge that many other professionals would still be available to the court for recommendations on future visitation, the committee was persuaded that the role conflict was sufficient to delete supervised visitation providers from the list.

Therapeutic visitation. Standard 5.20 currently defines three types of supervised visitation providers: nonprofessional, professional, and therapeutic. Nonprofessional providers are not paid for their services, any provider who is paid is a professional provider, and a therapeutic provider is defined as a licensed mental health professional paid for supervising visitation. Because Family Code Section 3200.5 expressly provides that a provider “shall be a professional or a nonprofessional provider,” the committee deleted all references to therapeutic providers from the standard and form FL-341(A), but sought comment on whether this deletion was necessary or if it was preferable to retain distinct references to these providers as a subcategory within the professional provider category. Seven commentators addressed this issue; of these four were in support of deleting all references to therapeutic visitation, one opposed such deletion, one wanted to include a subcategory on form FL-341(A), and one expressed some concern about current confusion about what therapeutic visitation includes. Given the express statutory language, and the fact that the Legislature appears to have purposefully deleted references to therapeutic visitation in section 3200.5 as versions prior to the enacted version of the statute

included the term, the committee felt constrained to eliminate this term from the standard and the form consistent with the statute. The committee notes, however, that the proposed changes will not prevent licensed mental health professionals from offering supervised visitation services, nor will it restrict the authority of the court to order visitation with these licensed professionals.

Compliance with the requirements of Family Code Section 3200.5. While Family Code section 3200.5 placed new mandatory requirements on supervised visitation providers, it did not enact any system for ensuring compliance with these requirements other than a requirement that each professional provider sign a declaration indicating that they meet the training and qualification requirements. To assist providers with this responsibility the council approved optional form FL-324 for providers to use to make their declaration. While the amended standard does require providers to sign the form or another declaration, it does not require them to take any other action with the declaration. Some commentators suggested requiring more in terms of compliance—one suggested requiring that the form be filed with the court in every case in which supervision is provided, while two others suggested requiring that each professional provider’s case record contain a copy of the FL-324 and some verification that it was provided to the parties. The committee concluded that imposing requirements for filing in each case would be overly burdensome on the courts, and similarly concluded that it had no authority to require providers to maintain a form for each case and provide it to their clients, although providers are free to implement this practice if they deem it optimal.

The committee did make some minor amendments to the standard to ensure it was in complete conformance with section 3200.5, that providers were required to provide court-ordered reports, and that the standard was clarified as specifying that only those persons included in the visitation order may participate in a supervised visit. A number of commentators made suggestions that were either incompatible with the statutory requirements (e.g., relaxing the qualifications for providers or requiring additional training or education) or beyond the scope of this proposal.

Alternatives Considered

The committee considered amending standard 5.20 to make it mirror Family Code section 3200.5, leaving out any content that was not included in that section. It determined that addressing each of the issues stated in section 3200 (not all of which are included in section 3200.5) was necessary and that it would be preferable to leave intact suggested best practices in the current standard as continuing guidance to those providing supervised visitation services rather than reducing the standard to only those provisions included in section 3200.5. The committee also refrained from adding new requirements for the courts or providers to enforce compliance with the standard (e.g., requiring courts to have a process to document the declarations of the professional providers), preferring instead to allow each court and/or provider flexibility to determine how best to comply with the requirements.

Additionally, the Family and Juvenile Law Advisory Committee intended to include technical changes to form FL-341(A) in response to public comments received in January 2014, to the proposal titled “SPR14-12, Family Law: Changes to Request for Order Rules and Form.” The

committee intended to recommend that the Judicial Council revise form FL-341(A), along with other child custody attachments in the above proposal, effective January 1, 2015, to add entries for “Other Parent/Party” where appropriate throughout the form. This change would allow the court to make orders applicable to another parent or party involved in the child custody matter, and would also make the form consistent with other Judicial Council forms that relate to child custody matters, including the *Request for Order* (form FL-300).

In March 2014, the committee decided to defer the SPR14-12 proposal to the Winter 2015 public comment cycle. If adopted by the Judicial Council, revisions to the forms in the Winter 2015 cycle would become effective July 1, 2015. To avoid additional costs to the courts by revising form FL-341(A) in two consecutive cycles, the committee decided to include the technical changes to the form along with the other changes that are mandated by statute in this report to take effect on January 1, 2015.

Implementation Requirements, Costs, and Operational Impacts

The committee recognizes that making many of the eligibility requirements for supervised visitation providers mandatory, rather than suggested best practices, may limit the available pool of supervised visitation providers. However, all of these changes are statutorily required and thus had to be included. The committee also notes that section 3200.5 and standard 5.20 do allow a court to order or the parties to stipulate to nonprofessional providers who do not meet these requirements, when appropriate. The court’s ability to maintain discretion to meet the unique needs of its local jurisdiction and the circumstances of particular cases should mitigate some of the impact of the legislative change incorporated into amended standard 5.20.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because this proposal will ensure that standard 5.20 and form FL-341(A) are in conformity with statutory requirements and provide clear guidance to providers of supervised visitation services on the uniform standards of practice that they must and should follow, this proposal will advance Strategic Plan Goal III: Modernization of Management and Administration.

Attachments

1. Cal. Stds. Jud. Admin., std. 5.20, at pages 9–16
2. Form FL-341(A), at page 17
3. Chart of comments, at pages 18–60

Standard 5.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2015, to read:

1 **Standard 5.20. Uniform standards of practice for providers of supervised visitation**

2
3 **(a) Scope of service**

4
5 This standard defines the standards of practice, including duties and obligations, for
6 providers of supervised visitation under Family Code sections 3200 and 3200.5. Unless
7 specified otherwise, the standards of practice are designed to apply to all providers of
8 supervised visitation, whether the provider is a friend, relative, paid independent
9 contractor, employee, intern, or volunteer operating independently or through a supervised
10 visitation center or agency. The goal of these standards of practice is to assure the safety
11 and welfare of the child, adults, and providers of supervised visitation. Once safety is
12 assured, the best interest of the child is the paramount consideration at all stages and
13 particularly in deciding the manner in which supervision is provided. Each court is
14 encouraged to adopt local court rules necessary to implement these standards of practice.
15

16 **(b) Definition**

17
18 Family Code section 3200 defines the term “provider” as including any individual or
19 supervised visitation center that monitors visitation. Supervised visitation is contact
20 between a noncustodial party and one or more children in the presence of a neutral third
21 person. ~~These standards of practice and this definition do not apply to supervision of~~
22 ~~visitation exchanges only, but may be useful in that context.~~
23

24 **(c) Qualifications of the Type of provider**

25
26 Who provides the supervision and the manner in which supervision is provided depends on
27 different factors, including local resources, the financial situation of the parties, and the
28 degree of risk in each case. While the court makes the final decision as to the manner in
29 which supervision is provided and any terms or conditions, the court may consider
30 recommendations by the attorney for the child, the parties and their attorneys, Family
31 Court Services staff, evaluators, and therapists, and providers of supervised visitation. As
32 specified in Family Code section 3200.5, in any case in which the court has determined
33 that there is domestic violence or child abuse or neglect, as defined in section 11165.6 of
34 the Penal Code, and the court determines supervision is necessary, the court must consider
35 whether to use a professional or nonprofessional provider based on the child’s best interest.
36

37 **(d) Qualifications of nonprofessional providers**

38
39 (1) A “nonprofessional provider” is any person who is not paid for providing supervised
40 visitation services. Unless otherwise ordered by the court or stipulated by the parties,
41 the nonprofessional provider ~~should~~ must:
42

- 1 (A) ~~Be 21 years of age or older;~~
- 2
- 3 (B) ~~Have no conviction for driving under the influence (DUI) within the last 5~~
- 4 ~~years;~~
- 5
- 6 (C) ~~Not have been on probation or parole for the last 10 years;~~
- 7
- 8 ~~(D)~~(A) Have no record of a conviction for child molestation, child abuse, or
- 9 other crimes against a person;
- 10
- 11 ~~(E)~~(B) Have proof of automobile insurance if transporting the child;
- 12
- 13 (F) ~~Have no civil, criminal, or juvenile restraining orders within the last 10 years;~~
- 14
- 15 ~~(G)~~(C) Have no current or past court order in which the provider is the person
- 16 being supervised; and
- 17
- 18 (H) ~~Not be financially dependent on the person being supervised;~~
- 19
- 20 (I) ~~Have no conflict of interest under (g); and~~
- 21
- 22 ~~(J)~~(D) Agree to adhere to and enforce the court order regarding supervised
- 23 visitation.
- 24

25 (2) Unless otherwise ordered by the court or stipulated by the parties, the

26 nonprofessional provider should:

27

- 28 (A) Be 21 years of age or older;
- 29
- 30 (B) Have no record of conviction for driving under the influence (DUI) within the
- 31 last 5 years;
- 32
- 33 (C) Not have been on probation or parole for the last 10 years;
- 34
- 35 (D) Have no civil, criminal, or juvenile restraining orders within the last 10 years;
- 36 and
- 37
- 38 (E) Not be financially dependent on the person being supervised.
- 39

40 (e) **Qualifications of professional providers**

41

42 ~~(2)~~ A “professional provider” is any person paid for providing supervised visitation

43 services, or an independent contractor, employee, intern, or volunteer operating

1 independently or through a supervised visitation center or agency. The professional
2 provider ~~should~~ must:

3
4 ~~(A)~~(1) Be 21 years of age or older;

5
6 ~~(B)~~(2) Have no record of conviction for driving under the influence (DUI) within the
7 last 5 years;

8
9 ~~(C)~~(3) Not have been on probation or parole for the last 10 years;

10
11 ~~(D)~~(4) Have no record of a conviction for child molestation, child abuse, or other
12 crimes against a person;

13
14 ~~(E)~~(5) Have proof of automobile insurance if transporting the child;

15
16 ~~(F)~~(6) Have no civil, criminal, or juvenile restraining orders within the last 10 years;

17
18 ~~(G)~~(7) Have no current or past court order in which the provider is the person being
19 supervised;

20
21 ~~(H)~~(8) Be able to speak the language of the party being supervised and of the child, or
22 the provider must provide a neutral interpreter over the age of 18 who is able to do
23 so;

24
25 ~~(I)~~ Have no conflict of interest under (g); and

26
27 ~~(J)~~(9) Agree to adhere to and enforce the court order regarding supervised visitation;

28
29 ~~(10)~~ Meet the training requirements stated in (f); and

30
31 ~~(11)~~ Sign a declaration or *Declaration of Supervised Visitation Provider* (form FL-324)
32 stating that all requirements to be a professional provider have been met.

33
34 ~~(3) A “therapeutic provider” is a licensed mental health professional paid for providing~~
35 ~~supervised visitation services, including a psychiatrist, a psychologist, a clinical~~
36 ~~social worker, a marriage and family counselor, or an intern working under direct~~
37 ~~supervision of a qualified licensed mental health professional. A therapeutic provider~~
38 ~~should meet the qualifications provided in (c)(2). A judicial officer may order~~
39 ~~therapeutic supervision for cases requiring a clinical setting.~~

40
41 ~~(d)~~(f) Training for providers
42

- 1 (1) Each court is encouraged to make available to all providers informational materials
2 about the role of a provider, the terms and conditions of supervised visitation, and
3 the legal responsibilities and obligations of a provider under this standard.
4
- 5 (2) In addition, professional ~~and therapeutic~~ providers ~~should~~ must receive 24 hours of
6 training that ~~should~~ includes the following subjects:
7
- 8 (A) The role of a professional ~~and therapeutic~~ provider;
 - 9
 - 10 (B) Child abuse reporting laws;
 - 11
 - 12 (C) Record-keeping procedures;
 - 13
 - 14 (D) Screening, monitoring, and termination of visitation;
 - 15
 - 16 (E) Developmental needs of children;
 - 17
 - 18 (F) Legal responsibilities and obligations of a provider;
 - 19
 - 20 (G) Cultural sensitivity;
 - 21
 - 22 (H) Conflicts of interest;
 - 23
 - 24 (I) Confidentiality; ~~and~~
 - 25
 - 26 (J) Issues relating to substance abuse, child abuse, sexual abuse, and domestic
27 violence; and
 - 28
 - 29 (K) Basic knowledge of family and juvenile law.
 - 30

31 **(e)(g) Safety and security procedures**

32
33 All providers ~~should~~ must make every reasonable effort to assure the safety and welfare of
34 the child and adults during the visitation. ~~Supervised visitation centers~~ Professional
35 providers should establish a written protocol, with the assistance of the local law
36 enforcement agency, that describes the emergency assistance and responses that can be
37 expected from the local law enforcement agency. In addition, the professional ~~and~~
38 ~~therapeutic~~ provider should:

- 39
- 40 (1) Establish and state in writing minimum security procedures and inform the parties of
41 these procedures before the commencement of supervised visitation;
- 42
- 43 (2) Conduct comprehensive intake and screening to assess understand the nature and
44 degree of risk for each case. The procedures for intake should include separate

1 interviews with the parties before the first visit. During the interview, the provider
2 should obtain identifying information and explain the reasons for temporary
3 suspension or termination of a visit under this standard. If the child is of sufficient
4 age and capacity, the provider should include the child in part of the intake or
5 orientation process. Any discussion should be presented to the child in a manner
6 appropriate to the child's developmental stage;
7

8 (3) Obtain during the intake process:
9

10 (A)–(D) * * *

11
12 (E) An account of the child's health needs if the child has a chronic health
13 condition; and
14

15 (4) Establish written procedures that must be followed in the event a child is abducted
16 during supervised visitation; ~~and~~
17

18 ~~(5) Suspend or terminate supervised visitation if the provider determines that the risk~~
19 ~~factors present are placing in jeopardy the safety and welfare of the child or provider~~
20 ~~as enumerated in (j).~~
21

22 ~~(f)~~(h) **Ratio of children to provider**
23

24 The ratio of children to a professional provider ~~should~~ must be contingent on:
25

26 (1) The degree of risk factors present in each case;
27

28 (2) The nature of supervision required in each case;
29

30 (3) The number and ages of the children to be supervised during a visit;
31

32 (4) The number of people, as provided in the court order, visiting the child during the
33 visit;
34

35 (5) The duration and location of the visit; and
36

37 (6) The experience of the provider.
38

39 ~~(g)~~(i) **Conflict of interest**
40

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

1
2 (1)-(4) * * *

3
4 **(h)(j) Maintenance and disclosure of records for professional providers**

5
6 (1) Professional ~~and therapeutic~~ providers ~~should~~ must keep a record for each case,
7 including the following:

8 (A) A written record of each contact and visit, ~~including the date, time, and~~
9 ~~duration of the contact or visit;~~

10
11 (B) Who attended the visit;

12
13 (C) ~~A summary of activities during the visit;~~

14
15 (D) ~~Actions taken by the provider, including any interruptions, terminations of a~~
16 ~~visit, and reasons for these actions;~~

17
18 (E) ~~An account of critical incidents, including physical or verbal altercations and~~
19 ~~threats;~~

20
21 (F) ~~Violations of protective or court visitation orders;~~

22
23 ~~(G)(C)~~ Any failure to comply with the terms and conditions of the visitation;
24 and

25
26 ~~(H)(D)~~ Any incidence of abuse as required by law.

27
28 (2) * * *

29
30 (3) If ordered by the court or requested by either party or the attorney for either party or
31 the attorney for the child, a report about the supervised visit ~~should~~ must be
32 produced. These reports should include facts, observations, and direct statements and
33 not opinions or recommendations regarding future visitation, ~~unless ordered by the~~
34 ~~court. A copy of any report should be sent to all parties, their attorneys, and the~~
35 ~~attorney for the child. The original report must be sent to the court if so ordered, or to~~
36 ~~the requesting party or attorney, and copies should be sent to all parties, their~~
37 ~~attorneys, and the attorney for the child.~~

38
39 (4) * * *

40
41 **(i)(k) Confidentiality**

42
43 Communications between parties and providers of supervised visitation are not protected
44 by any privilege of confidentiality. ~~The psychotherapist-patient privilege does not apply~~

1 during therapeutic supervision. Professional and therapeutic providers should, whenever
2 possible, maintain confidentiality regarding the case except when:

3
4 (1)–(5) * * *

5
6 **(j)(L) Delineation of terms and conditions**

7
8 The provider bears the sole responsibility for enforcement of all the terms and conditions
9 of any supervised visitation. Unless otherwise ordered by the court, the provider should
10 implement the following terms and conditions:

11
12 (1)–(10) * * *

13
14 (11) Allow no emotional, verbal, physical, or sexual abuse; ~~and~~

15
16 (12) Allow no contact between the custodial and noncustodial parents unless ordered by
17 the court; and

18
19 ~~(12)~~(13) Ensure that the parties follow any additional rules stated by the provider or the
20 court.

21
22 **(k)(m) Safety considerations for sexual abuse cases**

23
24 In cases where there are allegations of sexual abuse, in addition to the requirements of
25 (j)(L), the provider should comply with the following terms and conditions, unless
26 otherwise ordered by the court:

27
28 (1)–(2) * * *

29
30 (3) Allow no physical contact with the child such as lap sitting, hair combing, stroking,
31 hand holding, ~~prolonged~~ hugging, wrestling, tickling, horseplaying, changing
32 diapers, or accompanying the child to the bathroom;

33
34 (4)–(5) * * *

35
36 **(l)(n) Legal responsibilities and obligations of a provider**

37
38 All nonprofessional providers of supervised visitation should, and all professional
39 providers must:

40
41 (1) Advise the parties before commencement of supervised visitation that no
42 confidential privilege exists;

1 (2) Report suspected child abuse to the appropriate agency, as provided by law, and
2 inform the parties of the provider's obligation to make such reports; and
3

4 ~~(3) Implement the terms and conditions under (j) and~~
5 ~~(4)(3) Suspend or terminate visitation under ~~(n)(p)~~.~~
6

7 ~~(m)(o)~~ **Additional legal responsibilities of professional and therapeutic providers**
8

9 In addition to the legal responsibilities and obligations required in ~~(n)~~, professional and
10 therapeutic providers ~~should~~ must:
11

12 (1) Prepare a written contract to be signed by the parties before commencement of the
13 supervised visitation. The contract should inform each party of the terms and
14 conditions of supervised visitation; and
15

16 (2) Review custody and visitation orders relevant to the supervised visitation;
17

18 ~~(3) Implement an intake and screening procedure under (e)(2); and~~
19

20 ~~(4) Comply with additional requirements under (o).~~
21

22 ~~(n)(p)~~ **Temporary suspension or termination of supervised visitation**
23

24 (1) All providers ~~should~~ must make every reasonable effort to provide a safe visit for the
25 child and the noncustodial party.
26

27 (2) However, if a provider determines that the rules of the visit have been violated, the
28 child has become acutely distressed, or the safety of the child or the provider is at
29 risk, the visit may be temporarily interrupted, rescheduled at a later date, or
30 terminated.
31

32 (3) All interruptions or terminations of visits ~~should~~ must be recorded in the case file.
33

34 (4) All providers ~~should~~ must advise both parties of the reasons for interruption of a visit
35 or termination.
36

37 ~~(o)(q)~~ **Additional requirements for professional and therapeutic providers**
38

39 Professional and therapeutic providers ~~should~~ must state the reasons for temporary
40 suspension or termination of supervised visitation in writing and provide the written
41 statement to both parties, their attorneys, the attorney for the child, and the court.
42
43

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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SUPERVISED VISITATION ORDER
Attachment to Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)

1. Evidence has been presented in support of a request that the contact of Petitioner Respondent Other Parent/Party with the child(ren) be supervised based upon allegations of
- abduction of child(ren) physical abuse drug abuse neglect
 sexual abuse domestic violence alcohol abuse other (specify):
- Petitioner Respondent Other Parent/Party disputes these allegations and the court reserves the findings on these issues pending further investigation and hearing or trial.
2. The court finds, under Family Code section 3100, that the best interest of the child(ren) requires that visitation by Petitioner Respondent Other Parent/Party must, until further order of the court, be limited to contact supervised by the person(s) set forth in item 6 below pending further investigation and hearing or trial.

THE COURT MAKES THE FOLLOWING ORDERS

3. CHILD(REN) TO BE SUPERVISED

Child's Name	Birth Date	Age	Sex
--------------	------------	-----	-----

4. TYPE

- a. Supervised visitation b. Supervised exchange only

5. SUPERVISED VISITATION PROVIDER

- a. Professional (individual provider or supervised visitation center) b. Nonprofessional

6. AUTHORIZED PROVIDER

Name	Address	Telephone
------	---------	-----------

Any other mutually agreed-upon third party as arranged.

7. DURATION AND FREQUENCY OF VISITS (see form FL-341 for specifics of visitation):

8. PAYMENT RESPONSIBILITY Petitioner: % Respondent: % Other Parent/Party: %

9. Petitioner will contact professional provider or supervised visitation center no later than (date):
 Respondent will contact professional provider or supervised visitation center no later than (date):
 Other Parent/party will contact professional provider or supervised visitation center no later than (date):

10. THE COURT FURTHER ORDERS

Date: _____

 JUDICIAL OFFICER

SP14-10**Family Law: Uniform Standards of Practice for Providers of Supervised Visitation** (amend Cal. Stds. of Jud. Admin., std. 5.20, revise form FL-341(A))

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

	Commentator	Position	Comment	Committee Response
1.	California Association of Supervised Visitation Providers Sonia Melara, President	AM	<p>1. Does the proposal appropriately address the stated purpose?</p> <p>a. Yes, the proposal appropriately addressed the stated purpose.</p> <p>2. Should the committee consider any additional changes to the standard for supervised visitation providers?</p> <p>a. Supervised Exchanges. May the current definition of supervised visitation expand to include supervised exchanges? For example, both supervised visitation and supervised exchanges involve “contact between the non-custodial party and one or more children in the presence of a neutral third person,” as such, may it read “Supervised visitation/exchange is contact between a non-custodial party and one or more children in the presence of a neutral third person?” This is a natural extension as both services, supervised visitation and supervised exchanges involve the participation of the custodial parent, yet the custodial party is not mentioned in the definition – therefore, extending the definition to include the supervised exchanges would not present a conflict except for: (J) Delineation of Terms and Conditions: (2) Enforce the frequency and duration of the visits (and exchanges) as ordered by the court; and (8) Allow neither the provider nor the child to be used to gather information about the other party or caretaker or to transmit documents,</p>	<p>No response required</p> <p>No response required.</p> <p>The committee agrees that there need not be an exception for supervised exchanges that meet the definition in the standard for supervised visitation, thus rather than adding supervised exchange, the committee has chosen to maintain the deletion of the provision that excludes it, as the proposal was circulated for comment, thereby making supervised exchanges subject to the standards as applicable.</p>

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	Commentator	Position	Comment	Committee Response
			<p>information, or personal possessions* (*exchanges involve the transfer of personal possessions i.e. child's clothing, games, etc. for the course of the exchange-related visit, so the bolded portion of this area would need to be revised for exchange-only services, and (K) Special Considerations for Sexual Abuse Cases.</p> <p>i. Due to the nature of the service, all supervised visitations include a supervised exchange at the front and back end of the session. Additionally courts frequently order supervised/monitored exchanges and require those services to be conducted by a professional monitor, as defined by 3200.5. These services should be guided, as are visitations, by Standard 5.20 as it is beneficial for the provider to be trained the provisions of the standard, such as training, intake, orientation, safety practices, termination of services, recordkeeping, report writing (a report of the exchange should be produced also as it demonstrates pick up/return times, items exchanged at the time of visit), etc. Exchanges should still require an intake and orientation so that the provider can safety plan, and the participants can be oriented to the location of the exchange as well as the terms and conditions applicable to the exchange. Should the council not agree with the statement above, at minimum we ask that a separate set of Standards be created for Supervised Exchanges and that this Standard is required to be followed by all professional providers.</p>	

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	Commentator	Position	Comment	Committee Response
			<p>b. Determination of the type of provider. We ask that supervised visitation providers not participate in the recommendation process, rather their supervised visitation reports be reviewed by professionals who have trained to incorporate evaluative reviews into their professional roles. Currently, supervised visitation providers are required to provide direct statements and facts regarding the supervised visitation service. In this role, there is no more to add to the details of the service that are not contained in the supervised visitation report, and therefore their recommendation regarding future activities of the family in any context is unnecessary based on their role as neutral providers, and it causes concern to allow non-evaluators to provide recommendation, even at the courts request. Others identified in the recommendation process (attorney for the child, the parties and their attorneys, Family Court Services staff, evaluators, and therapists) naturally play an advocacy role and will recommend based on the best interest of their clients. Best interest are not an area that supervised providers are allowed to participate in, and their observations as documented in the supervised visitation reports, will provide all involved in the process of a picture of the visitation session. Supervised visitation monitors cannot predict future outcomes and many, educationally (and those who are limited to the 24 hours of</p>	<p>The committee agrees that making recommendations is inconsistent with the neutral role of a supervised visitation provider, and that the current requirements to provide a factual report consisting of observations and direct statements is all that should be contained in the provider’s report.</p>

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	Commentator	Position	Comment	Committee Response
			<p>required training), are not qualified to serve in a professional evaluative role. Additionally, providers are asked in the provision, Conflict of interest, to not discuss the merits of the case and that any conversation held between the provider and the parties should be for the purpose of arranging visitation and providing for the safety of the children. Therefore, outside of the observations obtained during the supervised service, the professional provider should only be able to speak about factual details such as reasons stated by the parties as to why the service could not be arranged; and/or issues regarding the safety of the children as it relates to the provision of supervised visitation/exchanges services. Other recommendations by the professional provider would be purely speculative and would be based on guesswork. Finally, we support the redaction of the ending of the sentence in #3 – Maintenance and disclosure of records, as it now reads “. . . or recommendations regarding future visitation,” which also supports our concerns as noted above.</p> <p>c. Safety and security procedures. Replace the word must with the word ‘should’ as in “Professional providers ‘must’ establish a written protocol, with the assistance of the local law enforcement agency, that describes the emergency assistance and responses that can be expected from the local law enforcement agency.” Also replace the word “should” with</p>	<p>No response required.</p> <p>While it is very unusual for a standard of judicial administration to use the term must, the committee has done so where necessary to meet the statutory requirements of Family Code section 3200.5 which specifically calls for a standard, rather than a rule of court, but also includes specified mandatory provisions. In order to</p>

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	Commentator	Position	Comment	Committee Response
			<p>“must” in the following sentence: “In addition, the professional provider ‘must’.” It is important that providers review the areas that they plan to offer services (many field services at offered at local malls, parks, book stores and libraries, amusement parks, etc.) without consideration and full knowledge of an expected response to emergency period. Many of the providers work alone, and allow the parent to choose the service location, without the provider performing due diligence on safety reviews for the proposed site. A requirement to meet with local law enforcement will assist in safety preparations as the provider will have the opportunity to understand the expected response time, understand the local procedures for making emergency calls, and may receive recommendation on proposed locations by the law enforcement agency that will yield a faster response.</p> <p>d. Confidentiality. Replace “should” with “must” to read, “Professional providers must, whenever possible, maintain confidentiality regarding the case...”</p> <p>e. Delineation of terms and conditions. Replace “should” with “must” to read “Unless otherwise ordered by the court, the provider must . . .”</p> <p>f. Safety considerations for sexual abuse cases. Replace “should” with “must” to read, “the provider must comply with the following terms and conditions, unless otherwise ordered</p>	<p>distinguish between those requirements that are required by the statute, and those that should be followed by all providers seeking to follow the best practices set forth in the standard the committee has opted to use must only in those provisions made mandatory by Family Code section 3200.5 with the exception of the provision concerning court ordered reports, which are similarly legally required.</p> <p>See response above.</p> <p>See response above.</p> <p>See response above.</p>

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	Commentator	Position	Comment	Committee Response
			<p>by the court.” Especially in sexual abuse cases, we emphasize that there should be no optional language for setting forth guidelines of no-contact. Additionally, #3, may an additional sentence be added to clarify that the examples are not exhaustive? This is a discussion that has come up in many trainings. Many providers believe that the examples provided are the only examples of physical contact, which is both dangerous and a demonstration on how important sexual abuse training is. Perhaps an additional sentence to read simply as “These are examples of contact, but this list is not exhaustive” may suffice.</p> <p>g. Legal responsibilities and obligations of a provider. We have nothing else to add, but want to state our agreement with the inclusion of nonprofessionals in this provision. While it is a recommendation that they “should,” as opposed to must (and we wonder why it is not a requirement” it is a reminder that nonprofessional still have legal liabilities in the supervised visitation (and exchange) process.</p> <p>h. Additional legal responsibilities of professional providers. The word “providers” is crossed out and should not be redacted in the title of the provision.(1) . . . “The contract ‘must’ (instead of ‘should’) inform each party . . . (2) “Review custody and visitation orders relevant to the supervised visitation (and exchange). . .”</p>	<p>The committee finds that the provision on physical contact is sufficiently precise, especially with the removal of the modifier “prolonged” before hugging. Thus the standard is no contact, and the list, which is preceded by the words “such as” is clearly illustrative and not which can be emphasized in training and education for providers.</p> <p>As described above, the committee has limited the use of the term must to those provisions mandated by Family Code section 3200.5</p> <p>The committee concurs that the term “providers” needs to be restored to the title of subdivision o, but as described above has opted to limit the use of the term must to legally mandated provisions.</p>

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Commentator	Position	Comment	Committee Response
		<p>3. Is there value in preserving the suggested elements of the current standard in addition to those provisions made mandatory by Family Code section 3200.5?</p> <p>a. Yes, there is value in preserving the suggested elements of the current standard, in addition to those provisions made mandatory by Family Code section 3200.5. The Standard provides with a general flow chart of procedures that, if followed, will equip the provider in understanding the level of attention to detail that is expected. The standard flows from general (e.g. scope, definition) to more detailed expectations for the provider and their services. It is beneficial to have a guiding document that provides a foundation from which providers can build reasonably safe and accountable practices.</p> <p>4. Is it appropriate to delete the exception for supervised exchange because it is a form of supervised visitation, or will the application of the standard to supervised visitation be problematic?</p> <p>a. See above. It is the position of CASVSP that exchanges be included in the definition of supervised visitation, and not be referenced as an exception. They are natural to the visitation process, with few distinctions. E.g. a transfer of items will naturally occur in a supervised exchange, such as clothing and other personal items. Many providers review the backpack and/or items that will follow the child</p>	<p>No response required.</p> <p>The committee concurs that elimination of the exception for supervised exchanges is the appropriate course of action to ensure that all conduct that falls within the definition of supervised visitation is subject to the standard.</p>

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	Commentator	Position	Comment	Committee Response
			<p>to/from each parent; so areas identified in the Delineation of Terms and Conditions will still apply – as even on exchanges, messages should not be transferred from one parent to another. Special considerations for sexual abuse cases would not apply; however the other provisions would likely still apply.</p> <p>5. Should supervised visitation providers be deleted from the list of those who may make recommendations to the court on the manner of visitation?</p> <p>a. Yes, see above.</p> <p>6. Should references to therapeutic visitation providers be removed from Standard 5.20 and form FL-341(A) for consistency with the statutory identification of only two types of providers, or is there a need to identify therapeutic providers as a subcategory of professional providers in the standards or on the family law form?</p> <p>a. Yes, references to therapeutic visitation providers should be removed from Standard 5.20, Form FL-341(A) and any other forms on which it appears. Therapeutic services vary greatly from non-therapeutic, neutral services and as such, should not be referenced in relation to an order for supervised visitation. The order should be for therapeutic counseling, where the supervision of the interactions between the non-custodial and the child/ren will naturally occur. The mere use of the term “therapeutic” suggests that therapy, on some level, will be involved in</p>	<p>No response required.</p> <p>The committee agrees that the term therapeutic visitation may be confusing, and due to the plain language of Family Code section 3200.5 which provides that non-professional and professional visitation are the only types of visitation to be subject to the standard, agrees that the term must be deleted from the form and the standard.</p>

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			<p>the process. The definition provided in the Standard specifically states that it is not a therapy session, however many providers (including therapeutic providers) and some within the Courts have an expectation of some level of therapy to occur if this type of visitation is ordered. Many providers (non-therapeutic and therapeutic) have reported that this provision is unclear and forces a person to make a case-by-case decision on the level of therapy they believe the Court is asking them to provide. In fact it has been reported that the language is conflicting, ambiguous, and essentially unnecessary since the role of the provider does not change simply because they are a clinician. Naturally this begets the other question: “Why is therapeutic visitation ordered when it is known that the clinician serves in the role as a professional (neutral) provider, and not a clinician.” The session is not a therapy session, rather it the same service (supervised visitation) with a trained professional whose training exceeds that as required by Family Code 3200.5 (24 hours). Additionally, while “clinical settings” are suggested, what comprises a clinical setting is left to the direction of the clinician who is serving in the role of a professional provider, and not a clinician. As such, trained clinicians performing non-clinical work are working in questionable places such as park, malls, and other public settings on cases specially ordered</p>	

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			<p>to “therapeutic” services. Finally, licensed mental health care professionals have a different perspective and are mainly an advocate for either their client – or the person they perceive as their client. They are bound by a different set of rules, with its own regulatory oversight agency (unlike professional supervised visitation providers) and these regulations impose other requirements upon the clinician. In regards to the supervised visitation report, a therapist does not standardly document in a non-neutral fashion, and this also serves possibly conflict with key elements required in the supervised visitation report: Documentation of direct statements, facts and observations, not opinions. This is itself undermines the core of supervised visitation performed by professional providers: neutrality. We believe that, if the decision by the council is that therapeutic supervised visitation should remain as a part of the standards - then it should be specified therapists are not providing “therapy”, but rather simply “supervised visitation” services.</p> <p>7. Do the other changes made to enhance and clarify the standard succeed in making it more straightforward and internally consistent?</p> <p>a. Yes.</p> <p>8. Other Areas for Consideration:</p> <p>a. Training for providers: May another line be added to this section to state that while A-K are mandatory, additional training (e.g. conflict resolution, understanding the stages of</p>	<p>No response required.</p> <p>The committee finds the current training standards to be expansive and comprehensive opts not to add additional areas of training that providers may wish to seek on their own.</p>

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			<p>grief, etc.) in other areas may also be beneficial – or something to that effect?</p> <p>b. Safety and security procedures. May #2 be reworded to provide clarity as to “sufficient capacity,” such as “If the child is of sufficient age and capacity, as determined by the providers knowledge and understanding of the developmental stages of growth, the provider should include the child in part of the intake or orientation process.”</p> <p>c. Ratio of Children to Provider: It is a safety risk, especially for solo providers, to allow others to attend the visit. This risk may be reduced by limiting the number of participants in the visitation to only those identified in the court order. While many agencies have adopted their own guidelines about this process, other providers have shared that it would be beneficial to have this identified in the Standard to support their commitment to measuring for safety during the intake process. May this section (#4) be reworded to read (e.g.) “The number of people, as named in the court order, visiting the child during the visit.” Additionally, providers have asked for clear information regarding the “nature of supervision,” as identified in #2 because it is unclear who is determining the nature – although provision C states that the court determines the nature, many court orders lack</p>	<p>While the committee recognizes that there is significant discretion afforded to providers to determine whether a child is of sufficient age and capacity to be included in the intake and orientation, any individualized determination of whether a child is of sufficient age and capacity will require the exercise of professional judgment. The suggested additional language seems superfluous rather than clarifying.</p> <p>The committee agrees that those participating in the visit should be limited to those specified in the court order and has modified this provision as suggested.</p> <p>Because the standard is already clear in subdivision (c) that the manner of supervision is ordered by the court the committee finds this change unnecessary.</p>

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			<p>these details. May this be reworded to highlight that the nature of supervision (per C) is determined by the court, and not the provider. For example, “The nature of supervision, as determined by the court, required in each case.” Providers that continue to receive unclear court orders should not, in the opinion of CASVSP, perform services under Standard 5.20 because they would have to continue to speculate on the terms and conditions of the court order.</p> <p>d. Maintenance and disclosure of records. May it be considered that the Declaration Form, FL-324, also be identified as a document that is maintained as a record in each case? E.g. A written document of receipt that a separate copy of the FL-324, as well as Standard 5.20 and Family Code 3200.5 was provided separately to each party during the orientation process? This action would support the courts to educate the parties about the process, and the declared qualifications of the provider. Just as in provision F-Training for providers, courts are encouraged to make available to all providers informational materials, the provider could assist (which would result in paper reduction and cost savings) in the parent-education process through inclusion of these mandatory documents in the orientation process (i.e. with their program agreements and/or policies for services). This action also empowers the family that is participating in the process as they have the assurance of knowing that the selected</p>	<p>Form FL-324 is an optional form to assist providers to fulfill their obligation to certify their compliance with Family Code section 3200.5. The committee finds that the suggested requirement that providers provide that form as well as copies of the standard and the statute to all parties to be overly burdensome on providers and potentially more overwhelming than informative to consumers. The statute requires that a declaration be executed, but it does not require the provider to certify this compliance to each party.</p>

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			<p>provider has declared both their professionalism and adherence to Standard 5.20 and Family Code 3200.5 to the court from which the order was made.</p> <p>i. Declaration Form FL-324: Information regarding maintenance of this document is necessary as it contains identifying information regarding families involved in the court system. CASVSP recommends consideration for a process that will address the use of a Custodian of Record. I.e. for agencies or those that employ multiple monitors sign along with the monitor, as a “Custodian of Record,” and may the “Custodian of Record,” maintain a copy of FL-324 in the event of future subpoena and the monitor is no longer employed with the agency? We are not suggesting that the Custodian of Record sign in place of the monitor, but along with the monitor and their signature is validated in the event that the monitor is no longer reachable. Additionally, the design of the document suggests that it is required for each case, as opposed to a general document filed once (or upon request from the Court) from the provider and the case information is not inserted because it will apply to all cases that the provider serves. Instructions on the use of this form vary from court to court, and a written uniform practice for guidance would be appreciated. It is our suggestion that this form be applied on a “per case” basis, it is signed by the provider during the orientation meeting, and</p>	<p>As described above, form FL-324 is an optional form that can be used by providers. While it allows for the inclusion of case specific information in the event that a court determines that its local policy is to have the form maintained for each case, it is not a requirement of the standard or Family Code section 3200.5 that it be maintained in the case file for each case. This may well be a practice that many providers adopt, but the committee finds no authority in the statute to require it in every case. Since the standard and Family Code section 3200.5 do not require the maintenance of the FL-324 in every case, the suggestion regarding custodians of record appears to be outside the scope of this proposal.</p>

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			<p>a copy be maintained in the client file. Each provider assigned to a case must sign the Declaration. A separate file contains all originals (original copies signed by the provider) for all cases must be maintained in the event that it is solicited by the court. This is paper reduction on the part of the courts and best practices for accountability on the part of the provider(s).</p> <p>ii. Storage and Disposal of Records: Neither the current nor the proposed revised version of Standard 5.20 address the issue of file storage and disposal. It is our recommendation that files are maintained for a period no less than 4 years in a locked and separate file cabinet as they contain identifying information regarding clients; and that files are destroyed in a manner consistent with other industry standards, such as shredding, burning, or pulverization. A log sheet should be maintained for the life of the business that provides details regarding: File Name (as shown on court order), date of destruction, and signature of the person that destroyed the document after the period of 4 years.</p> <p>iii. Additionally, #3, please replace “should” with “must” to read “. . . a report about the supervised visit (and exchange, if adopted – see comments above) must be produced.” Also, the additional sentence is recommended for clarification. It now reads as though the report will only be sent to the court,</p>	<p>The standard does require providers to maintain certain case records, and the committee recognizes that providers, like any professionals, will need to exercise due care in maintaining their case records and disposing of them as appropriate in the usual course of their business. The committee does not believe that it is necessary for the standard to contain express requirements to this effect but trusts that providers will implement standard practices.</p> <p>The committee concurs that since these reports may be court ordered, the use of the term “must” in this provision is appropriate. The committee finds the newly added sentence clear on the point that the report is sent to the court only if it is so ordered, and that otherwise it is sent to the requester and that in all cases copies go to all</p>

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			and the requesting party or attorney if so ordered. May it read as follows: “The original report must be provided to: (1) the requesting party or attorney, and copies ‘must’ be sent to all parties, their attorneys, and the attorney for the child. In addition, the original report ‘must’ be sent to the court if so ordered.	parties, their attorneys, and the attorney for the child.
2.	Comprehensive Youth Services Lisa Brott Program Manager	N	I am employed by an agency that provides therapeutic supervised visits. Families referred for TSV derive great benefit from this type of visitation and to eliminate it as an option would be a great disservice. I strongly object to the elimination.	The committee eliminated references in the standard to “therapeutic visitation” because Family Code section 3200.5 specifically provides that a supervised visitation provider for purposes of the standard is either a professional provider or a nonprofessional provider. Moreover, an earlier version of the legislation enacting section 3200.5 did include references to therapeutic visitation, but those provisions were not included in the final Chaptered version, indicating to the committee that the intent of the legislature was not to include a special category of therapeutic visitation in the standards. The committee also notes that the prior standard did not define a different service that therapeutic providers would offer but simply defined that service in relation to the type of provider, so that a therapeutic visitation provider was a licensed mental health professional providing the same services as a professional provider, but in a clinical setting. While the standard has been revised altered to conform with the new statutory provisions, there is nothing in the standard that bars mental health professionals from continuing to offer professional supervised visitation services or prevents courts from making

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				<p>an order for visitation that requires the use of a mental health professional as a provider if the courts deems that necessary. The committee also notes that Family Code section 3190 gives the court the authority to order the parents and the child to participate in counseling if it makes specific findings, so if the court believes that the family needs counseling, it has the clear authority to make such an order.</p>
3.	Cope Family Center Melinda Daugherty Program Manager	AM	<p>ELIMINATION OF REFERENCES TO THERAPEUTIC VISITATION PROVIDERS: I believe all reference to therapeutic supervised visitation should be removed from the standards. Based on my professional experience, there has been much confusion over the years as to the role of a “therapeutic supervised visitation” provider. Most people in general, including judicial officers seem to have the expectation of a certain level of therapy in conjunction with supervised visitation. In order to maintain true neutrality for visitations, the provision of supervised visitation should be of a narrow scope. Licensed mental health care professionals have a different perspective and are mainly an advocate for either their client – or the person they perceive as their client. In addition, mental health care providers also have a different set of rules and regulations to follow in conjunction with the licensing agencies that oversee them. For a therapist to not be able to provide visitation observation notes in a neutral fashion, undermines the core of supervised</p>	<p>The committee agrees that the term therapeutic visitation may be confusing, and due to the plain language of Family Code section 3200.5 which provides that non-professional and professional visitation are the only types of visitation to be referenced in the standard, agrees that it must be deleted from the form and the standard.</p>

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			<p>visitation: neutrality. Therapy and Supervised Visitation should be two separate processes, therefore I believe all references to “therapeutic supervised visitation” should be removed from the Standards.</p> <p>If the decision by the committee is that therapeutic supervised visitation should remain as a part of the Standards - then it should be specified therapists are not providing “therapy”, but rather simply providing “supervised visitation” services.</p> <p>ADDITIONAL CHANGES TO ENHANCE INTERNAL CONSISTENCY: As far as supervised exchanges, my opinion is there should be a separate standard set for exchanges. While they may be very similar in some respects to a visitation - meaning the front and back end of a supervised visitation - that is where the similarities end. The exchanges are typically for the most part, a temporary measure as the “dust settles” between the conflicting parties and the intent, in my opinion (based on my professional experience) is a little different than supervised visitation - and the rules should reflect that. For example, a natural consequence of parents switching the children back and forth on a weekly or bi-weekly basis can and does result in backpacks, toys, and other items being passed through, as well as messages such as what medications a child may have taken,</p>	<p>The committee has deleted the exception in the rule for supervised exchanges to make clear that when an exchange is within the supervised visitation definition of the standard (i.e. contact between the noncustodial party and one or more children in the presence of a neutral third party) then it is a form of supervised visitation subject to the standard. The provisions of the standard that are deemed problematic by the commenter can be overcome by a court order to the contrary, thus an order for supervised exchange can provide for exchange of information and possessions where appropriate. As a result the committee declines to set up a separate set of standards of practice for supervised exchange as the current standards will apply.</p>

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			<p>school appointments, etc. There are too many variables with exchanges that simply do not occur with supervised visitations.</p> <p>STANDARDS SECTION D: QUALIFICATIONS OF NON-PROFESSIONAL PROVIDERS: (PAGE 8, LINE 38) Add SECTION (2) (F): Not be the custodial parent of the children being supervised.</p> <p>TRAINING FOR PROVIDERS (PAGE 10, LINE 27 SECTION F) Providers should receive training via “approved” trainings or by “approved” trainers only. All providers should be trained in a consistent manner so as to maintain integrity in the field. Some of the various trainings provided up and down the state of California are inconsistent and also have provided misinformation. For example at one training it was announced the Standards did not exist any longer as the Family Code 3200.5 was now in place. This was a training provided to over thirty new providers. Oversight of trainers and their curriculums will provide consistency and also go a long way into maintaining the integrity of the field of Supervised Visitation.</p>	<p>As discussed above, supervised visitation is contact between a noncustodial parent and a child in the presence of a neutral third party. The custodial parent is not a neutral third party and thus by definition cannot be a nonprofessional supervised visitation provider. If the court were to order visits in the presence of the custodial parent that situation would not be subject to these standards as it falls outside the definition of supervised visitation.</p> <p>The committee cannot require training by approved providers because there is no entity charged with approving training providers for supervised visitation. The legislature opted to make training mandatory but then left to providers the responsibility to obtain and certify their compliance with the training. Neither the courts nor the Judicial Council have the authority or the resources to oversee this training.</p>

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			<p>In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <ul style="list-style-type: none"> • Does the proposal appropriately address the stated purpose? <ul style="list-style-type: none"> o Yes • Should the committee consider any additional changes to the standard for supervised visitation providers? <ul style="list-style-type: none"> o Yes, as stated above, in regards to non-professional providers – the custodial parent should not be the one supervising the visitation between their own children and the other parent. • Is it appropriate to delete the exception for supervised exchange because it is a form of supervised visitation, or will the application of the standard to supervised exchange be problematic? <ul style="list-style-type: none"> o Yes, I believe the application of the standard to supervised exchange would be problematic – the services may be similar in some respects, but different in a variety of ways. The differences are intent or reasoning behind the necessity for exchanges and also the logistics of custodial exchanges as children naturally will need to carry items such as backpacks, clothes, toys etc back and forth between homes. Parents also need to keep the other informed with regards to issues related to school, medical appointments, medications, etc. This in of itself will necessitate messages to be 	<p>No response required.</p> <p>See response above.</p> <p>See response above.</p>

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			<p>passed through. Please see above comments.</p> <ul style="list-style-type: none">• Should supervised visitation providers be deleted from the list of those who may make recommendations to the court on the manner of visitation? <p>o I do believe they should be deleted from the list, however if they are not deleted from the list - the court should carefully consider the provider as to the level of experience and length of time providing services to the particular family. The decision as to what (if any) weight to be given to a provider’s recommendation should rest completely with the judicial officer making the decision as to visitation.</p> <p>o If the committee chooses to delete supervised visitation providers from the list of those who may make recommendations - an alternative would be that providers who have been qualified as an expert in the field of supervised visitation should be considered for opinion on cases they have not directly supervised, which in turn, maintains neutrality, yet provides another tool for the judicial officer to make an informed decision on visitation. This would be especially helpful in counties with non-recommending mediation services.</p> <ul style="list-style-type: none">• Should references to therapeutic visitation providers be removed from standard 5.20 and form FL-341(A) for consistency with the statutory identification of only two types of providers, or is there a need to identify therapeutic providers as a subcategory of	<p>The committee agrees that making recommendations is inconsistent with the neutral role of supervised visitation providers and has therefore deleted them from the list of those authorized to do so.</p> <p>See response above.</p>

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			<p>professional providers in the standards or on the family law form?</p> <ul style="list-style-type: none"> o Therapeutic visitation in my opinion, is a completely different service than supervised visitation – and therefore, should not be a part of these standards. • Do the other changes made to enhance and clarify the standard succeed in making it more straightforward and internally consistent? o Yes they do. 	<p>No response required.</p>
4.	<p>Growth Motivator Enterprises Inc. Tamara L. Daniels Professional Monitor</p>	A	<p>Whereas the proposed changes are agreed with, however, I would like to add the following comment for consideration: that the 'requirements' for non-professional monitors (i.e. immediate family members, relatives or friends) are modified to include a 'minimum of 8 hours training in supervised visitation training. As a professional visitation provider, I have seen cases where the order allowed monitored visitation via a non-professional (i.e. immediate family member, relative or friend) whereby a) were not aware of the visitation guidelines or b) were aware but chose not to implement the guidelines due to the conflict of interest monitoring a 'family' member or 'friend'. Hence, in some cases, the minor is now at-risk.</p> <p>For example, the 'family/friend' leaves the minor alone with the NCP, allows derogatory comments to be made, allows in-appropriate</p>	<p>While the committee appreciates the underlying intent of the suggested requirement to impose training requirements on non-professional supervised visitation providers, it has no authority to do so under Family Code section 3200.5. The statute is clear that non-professional providers are not required to receive any training, and the committee is legally required to conform the standard to the statute.</p>

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			<p>activities to occur, is aware the visiting parent is slightly under the influence and allows the visit to take place.</p> <p>The CHALLENGE is this; for most family members, it is difficult to supervise a son, daughter, friend, etc. Non-professionals who are not exposed to/given a chance to fully understand the 5 basic roles of a provider per the Uniform Standards are, in many cases set up for failure and therefore place minors at-risk.</p> <p>Please 'consider' adding a minimum training qualifier to the non-professional requirements.</p>	
5.	Stacy Larson Family Law Facilitator Superior Court of Shasta County	AM	<p>§ It's helpful to break down the Standard into specific categories such as Scope of Service, Definition, Determination of the type of provider, etc. This creates easier reference to the relevant provision while also clarifying the context of each provision.</p> <p>§ Standard 5.20, subsection (c): The proposed elimination of "providers of supervised visitation" is an important and necessary change. The suggested insertion of the final sentence (e. g., "In any case in which the court has determined . . . child's best interest.") appears to be intended to require the court to fulfill its role in considering and making a specific order regarding whether supervised visitation should be monitored by a professional or nonprofessional after making findings of domestic violence, child abuse, or</p>	<p>No response required.</p> <p>The committee has opted to use the language from Family Code section 3200.5 which requires the court to "consider" rather than requiring a specific finding or determination. The legislative history of section 3200.5 shows that the legislature was trying to preserve discretion for the court while ensuring the safety of children subject to supervised visitation orders and determined that a requirement that the court consider which type of provider was appropriate struck the appropriate balance. As a result the committee finds that the standard must be in conformance with that</p>

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			<p>neglect. The sheer volume of family-law cases heard on each calendar in most cases often results in lack of specificity of orders, and as we all know, lack of specificity leads to lack of enforceability and increased conflict between the parties. I suggest that this last sentence be more clear—and more meaty—by requiring the court to make a specific determination regarding whether the supervised visitation shall be monitored by a professional or non-professional, not simply ordering the court to “consider” the issue.</p> <p>§ Standard 5.20, subsection (c): I agree that the reference to Penal Code §11165.6 for definition of domestic violence, child abuse, or neglect mirrors that found in Family Code §3200.5(b); however, this reference is very narrow. I assume this is intentional, but it does essentially eviscerate the requirement that the court should specifically determine the necessity of a professional rather than unprofessional supervisor. It is extremely rare that a court, at least those I’ve appeared in, makes a specific finding under this Penal Code section, but it is extremely common that the court determines supervised visitation to be necessary. Other statutes, such as Family Code §3100 and §3031(c) (pertaining to domestic violence) require the court to consider whether supervision by a neutral third-party is in the child’s best interest. In these circumstances, it</p>	<p>language and not exceed it.</p> <p>The legislature limited the requirement that the court consider whether to use professional or non-professional providers to those cases in which the court has determined that there is domestic violence, child abuse, or neglect. As a result, the committee has modified the standard to conform to the statute.</p>

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			<p>is equally important that the court analyze, and specifically order, whether a professional or nonprofessional supervisor is in the child’s best interest. Similarly, see Family Code §3048(b)(2)(A).</p> <p>§ Standard 5.20, subsection (d)(1)(C): I agree with this modification as it mirrors Family Code §3200.5(c)(1). I’m not sure if it comes up very much as I have observed Family Code §3200 or §3200.5 being litigated by the parties nor enforced by the Court; however, it would be interesting to learn whether nonprofessional supervisors should also be barred if there was previously a temporary “past court order in which the provider is the person being supervised.” The sad reality is that temporary orders for supervised visitation can frequently be granted on the “facts” of the requesting party with no notice to the responding party only later to be rescinded when they are determined to be completely false. The wording here does not distinguish between temporary orders (often made without notice or opportunity to be heard and based upon the allegations of only the moving party) and “permanent” orders made after the Court makes findings of truth. This would seem to mean that even temporary supervised-visitiation orders would forever bar an individual from ever serving as a nonprofessional supervisor, which further limits the pool of nonprofessional supervisors available to some litigants.</p>	<p>The language of this provision comes verbatim from Family Code section 3200.5 and was part of the current language of Standard 5.20. Given this fact the committee does not deem it within its authority to distinguish between temporary orders and orders after a hearing with regard to this requirement. However, if a court were to read this language as applying to temporary orders, the committee notes that the court may order and/or the parties may stipulate to a provider who does not meet the requirements of the standard, thus providing a means to rectify any injustice that would arise from inclusion of temporary orders.</p>

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			<p>§ Standard 5.20, subsection (e)(1): This was reworked to be consistent with Family Code §3200.5(c)(2)(A). Why not use the same wording (e. g. “be at least 21 years of age” rather than the proposed “be 21 years of age or older”).</p> <p>§ Standard 5.20, subsection (e)(2): This was reworked to be consistent with Family Code §3200.5(c)(2)(B). Why not use the same wording (e. g. “have no record of a conviction for driving under the influence (DUI) within the last five years” rather than the proposed “Have no conviction for driving under the influence (DUI) within the last 5 years”). In Standard 5.20, subsection (e)(4), the exact language from Family Code §3200.5(c)(2)(D) is used: “Have no record of conviction for child molestation, child abuse, or other crimes against a person.”</p> <p>§ Standard 5.20, subsection (e)(6): I agree with this modification as it mirrors Family Code §3200.5(c)(2)(F). I’m not sure if it comes up very much as I have observed Family Code §3200 or §3200.5 being litigated by the parties nor enforced by the Court; however, it would be interesting to learn whether professional supervisors should also be barred if there was a temporary “civil, criminal, or juvenile restraining order within the last 10 years.” The sad reality is that temporary restraining orders can frequently be granted on the “facts” of the requesting party with no notice to the responding party only later to be</p>	<p>The committee finds no difference in meaning between the two expressions and has opted to use the language of the current standard.</p> <p>The committee agrees that the preferable approach is to mirror the statutory language and has added “no record of” to the DUI conviction language.</p> <p>As discussed above with reference to temporary supervised visitation orders, the committee is bound by the statutory language but reiterates that if a court found this language to include temporary orders it could nevertheless affirmatively make an order for visitation with a provider who was otherwise appropriate and/or the parties could stipulate to such a provider.</p>

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			<p>rescinded when they are determined to be completely unjustified. The wording here does not distinguish between temporary orders (often made without notice or opportunity to be heard and based upon the allegations of only the moving party) and “permanent” orders made after the Court makes findings of truth. This would seem to mean that even temporary restraining orders would forever bar an individual from ever serving as a nonprofessional supervisor, which further limits the pool of professional supervisors available to litigants within a specific county.</p> <p>§ Standard 5.20, subsection (e)(7): I agree with this modification as it mirrors Family Code §3200.5(c)(2)(G). I’m not sure if it comes up very much as I have observed Family Code §3200 or §3200.5 being litigated by the parties nor enforced by the Court; however, it would be interesting to learn whether professional supervisors should also be barred if there was previously a temporary “past court order in which the provider is the person being supervised.” The sad reality is that temporary orders for supervised visitation can frequently be granted on the “facts” of the requesting party with no notice to the responding party only later to be rescinded when they are determined to be completely false. The wording here does not distinguish between temporary orders (often made without notice or opportunity to be heard and based upon the allegations of only the</p>	<p>See discussion above.</p>

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			<p>moving party) and “permanent” orders made after the Court makes findings of truth. This would seem to mean that even temporary supervised-visitation orders would forever bar an individual from ever serving as a professional supervisor, which further limits the pool of professional supervisors available to some litigants.</p> <p>§ Standard 5.20, subsection (e)(11): It would be helpful to clarify that the FL-324 (or its equivalent) must be signed and filed with the court.</p> <p>§ Standard 5.20, subsection (f)(1): It would be helpful to have a uniform “Information Sheet” on a Judicial Council form for this purpose. The provision that each court “is encouraged to make available to all providers informational materials about . . . the terms and conditions of supervised visitation . . .” is a bit unclear. Terms and conditions of specific supervised visitation orders can vary dramatically depending on the best-interest-of-the-child standard, and they may be contained within confidential files. If specific orders are to be provided to supervised-visitation</p>	<p>Family Code section 3200.5 does not require that a declaration be filed with the court in each case, but only that professional providers have signed such a declaration. Given the resource constraints faced by courts and litigants seeking supervised visitation, the committee has opted not to go beyond the statute in making such filing a standard requirement, but rather to leave it to each court to determine to what extent they wish to document compliance with this requirement.</p> <p>The Administrative Office of the Courts has prepared a guide for non-professional providers of supervised visitation that is available to the courts and the public on the courts.ca.gov website. It provides helpful guidance to non-professionals for understanding their role under the standards and for ensuring a safe visit. For professional providers the training requirements in the standard should ensure a more in depth understanding of the standards of practice and other issues essential to professional providers. Thus the committee does not believe that an additional information sheet is required.</p>

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			<p>providers, it would seem most appropriate for the parties to provide copies of these orders to their chosen provider. I suspect this is intended in a broader sense to mean general information about the provider’s role, etc., but it is unclear what a general, all-purpose definition of “terms and conditions of supervised visitation” if or how it would be useful to providers in general (?).</p> <p>§ Standard 5.20, subsection (f)(2)(C): Family Code §3200.5(d)(1)(C) does not hyphenate “recordkeeping” but this subsection of Standard 5.20 does . . . an argument in favor of consistency can be made that we should just mirror the statute and not hyphenate “recordkeeping” in this section.</p> <p>§ Standard 5.20, subsection (g): The first paragraph (“All providers should make every reasonable effort to assure the safety and welfare of the child and adults during the visitation . . .”) is worded as a “should” recommendation, but it is based upon Family Code §3200.5(h)(1), which is worded as a “shall” mandatory requirement. To clarify, we could change the “should” in the first sentence to a “shall.”</p> <p>§ Standard 5.20, subsection (g)(5): This provision (“suspend or terminate supervised visitation if the provider determines that the risk factors present are placing in . . .” is delineated as a “should,” indicating it is a recommendation but not a mandatory requirement under the</p>	<p>The committee has conformed the standard to the statutory language and made it one word without a hyphen.</p> <p>The committee agrees and has modified this sentence to make it mandatory consistent with the statute.</p> <p>The revised standard does require professional providers to suspend or terminate visitation under the specified circumstances of section 3200.5 in paragraph (3) of subdivision (n). To eliminate any confusion the committee has deleted this language from subdivision (g) of the standard as it</p>

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			<p>Standard. However, Family Code §3200.5(f)(3) and (h)(2) make this a mandatory provision.</p> <p>§ Standard 5.20, subsection (g)(5): It appears the reference to (l) is in error (?).</p> <p>§ Standard 5.20, subsection (j), “Maintenance and disclosure of records”: This section appears to apply only to professional providers, and it would be helpful if this was made clear in the title. For example, the title could read, “Maintenance and disclosure of records for professional providers”</p> <p>§ Standard 5.20, subsection (o): We should re-insert the word “providers” at the end of the title, e. g., “Additional legal responsibilities of professional providers”</p> <p>§ Standard 5.20, subsection (p)(1): This section appears repetitive with subsection (g). Standard 5.20, subsection (p)(1) could be omitted as it is covered earlier in the section “Safety and security procedures.” Subsection (2) could be reworded to read, “If a provider determines that the rules . . .”</p> <p>§ Standard 5.20, subsection (q): This section appears to be a continuation of subsection (p). Why not make this the last subsection under “(p) Temporary suspension or termination of supervised visitation”?</p> <p>§ FL-341(A), subsection (6): Non-professional supervisors are often the best due to the financial limitations of the non-custodial parent. Non-professional supervisors are most</p>	<p>is redundant.</p> <p>The committee has deleted this language and thus need not correct this reference.</p> <p>The committee has adopted this suggestion.</p> <p>The committee has modified the rule to correct this error.</p> <p>The committee finds that in this instance the redundancy is appropriate and each subdivision is clearer with the language included.</p> <p>The committee has retained this subdivision as a separate requirement to highlight that it applies only to professional providers, while much of subdivision (p) applies to all providers.</p> <p>The suggested change is too substantive to make without further circulation for comment and is thus outside the scope of this proposal.</p>

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			<p>often friends or family members of the custodial parent. The willingness to continue acting as a supervisor (as well as their availability) can change dramatically once an order is made, which severely limits the non-custodial parent’s ability to exercise visitation rights. Courts frequently provide flexibility in these orders such as “a nonprofessional supervisor at the mother’s discretion.” This allows the parties some flexibility in adjusting the name/address/telephone number of the approved supervisor without filing additional motions or stipulations. It would be helpful to add this option at Item (6) by inserting something like, “a non-professional supervisor at the mother’s/father’s discretion who had completed and filed an FL-324 “Declaration of Supervised Visitation Provider” or its equivalent.</p> <p>§ FL-341(a), subsection (9): In situations where the non-custodial parent’s involvement in the child’s life has been minimal or inconsistent, courts often do not make specific orders regarding deadlines for contacting the professional supervisor. An example would be when the custodial parent requests modification of the existing custody/visitation order based upon the non-custodial parent’s incarceration or long-term absence from the child’s life. Rather than ordering “no visitation,” the court may order “supervised visitation by a professional provider.” The only party present could be the</p>	<p>The committee notes that the current form does not require the court to check a box on line 9, and does provide a subsection for the court to make an alternative order that clarifies the court’s intent on line 10 which allows the court to make further specifications about the order. Given this line the committee thinks inclusion of an “other” checkbox on line 9 is unnecessary.</p>

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			<p>custodial parent, and the intent of the court’s order is that the non-custodial parent must contact a professional supervisor to orchestrate professional supervised visitation once he/she reappears in the child’s life. It would be helpful if (9) accommodated this flexibility, perhaps by including an “other” checkbox section.</p>	
6.	<p>Beth Miller Family Court Services Mediator Superior Court of Napa County</p>	AM	<p>I have concerns about the Court’s policies pertaining to the practices of supervised visitation private providers.</p> <p>1) I believe it is impossible for professional supervisors to work with families in public without the Court’s support. Private providers need liability insurance and it is not available thru private means so I suggest that the Court must indemnify the private providers.</p> <p>2) Since the Court orders parenting time for the non custodial parent ranging from 2-8 hours at a time, the report writing becomes tedious and difficult. The visits are often held outside, in public child friendly locales that offer age appropriate stimulation to the child/children. If every utterance needs to be memorialized in the body of the private provider’s report, I suggest that the visits should be audio taped or employ the use of video. Many Judicial Officers report that they read just the opening paragraph because they are only interested in the greeting between the child and the parent as well as the last paragraph describing the goodbye and</p>	<p>This suggestion goes beyond the scope of the standard and its purpose. The committee has no authority to require courts to indemnify private providers.</p> <p>While reports on a visit may be ordered by the court or requested by the parties, the committee does not view the standard as requiring that every action or statement will be documented. The report is required to be limited to a factual report that may include observations and direct statements, but there is no requirement that every such statement be documented. As to training requirements for professional providers, the suggestion appears to address a current practice rather than the standard, and would be better addressed by clarifying expectations when the reports are ordered or requested. Moreover, the suggestion that the training be designed to have an</p>

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			ignore all that is written in between. If that is true, then it appears that the job requirements do not fit the needs of the Court and some adjustment must be made. I would like to suggest that the training includes an evaluation process so that those professionals who are deemed suitable for the job of private provider of supervised visitation services can use summary instead of writing every word spoken and a written description of every movement made by the children and their supervised parent during the visit. I recognize that this idea is a huge departure from current expectations however, the current status quo is not in line with the reality of the Court's needs and the ability for professionals to provide excellence when performing their duties as it pertains to the written reports.	evaluative component conflicts with the neutral role that the supervised visitation provider is intended to fulfill.
7.	Quality-Time Visitation Group, Inc. Connie J. Thomas Professional Visitation Monitor	N	1. Does the proposal appropriately address the stated purpose? No 2. Should the committee consider any additional changes to the standards for supervised visitation providers? Yes, like any profession people who call themselves professional should be educated because education and training is too different things. The ideal that uneducated people have an impact on the lives of parents and children has never made sense. Also, anyone can become a monitor and mistakes have been made because of not having the experience, training	No comment required. Because Family Code section 3200.5 sets training standards for professional visitation providers the committee has elected to align the training requirements with those statutory requirements and not add additional educational requirements not mandated by the legislature.

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			<p>and or education to deal with people on this level. Additionally, monitoring families should be of great concern to everyone and safety of both the adult and children should be top priority. Yes, there should be more oversight of people who are engaged in providing this type of service as with any other profession.</p> <p>3. Is there value in preserving the suggested elements of the current standard in addition to those provisions made mandatory by Family Code section 3200.5? Yes</p> <p>4. Is it appropriate to delete the exception for supervised exchange because it is a form of supervised visitation, or will application of the standards to supervised exchange be problematic? The supervised exchange should be removed from the Standards because if the Court has agreed to remove this type of monitoring and parents agree to work with each other at a mutual exchange location, why should monitors be involved at this level. This only prevents the parents the opportunity to move on with their lives.</p> <p>5. Should supervised visitation providers be deleted from the list of those who may make recommendations to the court on the manner of visitation? No, because those of us that are truly</p>	<p>The legislation requiring standards of practice for supervised visitation providers did not require that there be any monitoring of the supervised visitation providers and there is no state entity authorized to carry out such monitoring or oversight</p> <p>The proposal continues to include the non-mandatory provisions.</p> <p>The current version of the standard defines supervised visitation as “contact between a noncustodial party and one or more children in the presence of a neutral third person” thus the committee opted to delete the provision providing that supervised exchange was not subject to the standard in favor of an approach that includes all monitored contact between the noncustodial party and the child/ren that meets the definition in the supervised visitation standard to ensure consistency and clarity.</p> <p>The committee appreciates the dedication of supervised visitation providers but has concluded</p>

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			<p>involved with these families for the right reason of assisting them in having a normal relationship. Also, we are able to see up front and personal whether a parent is a threat or not. Again, this comes back to education, training and experience.</p> <p>6. Should references to therapeutic visitation providers be removed from standard 5.20 and form FL-341(A) for consistency with the statutory identification of only two types of providers, or is there a need to identify therapeutic providers as a subcategory of professional providers in the standards or on the family law form? Yes, because therapeutic visitation is another field. I'm hearing a lot about family therapeutic sessions set up like visitations instead therapy sessions as a result parents are confused.</p> <p>7. Do the other changes made to enhance and clarify the standards succeed in making it more straightforward and internally consistent? No</p>	<p>that a provider cannot serve as a neutral third party if the provider may also be asked to make recommendations to the court. The provider can, however, provide information to the court describing the visits that would be of value to the court in determining how to proceed with visitation orders.</p> <p>The committee concurs with this commenter that there is some confusion around what therapeutic visitation is intended to describe. In the current standard, therapeutic visitation does not involve any provision of therapy by the supervised visitation provider, but rather is professional visitation provided by a licensed clinician or trainee. Because the legislature identified only two types of supervised visitation providers (the professional and nonprofessional), the committee has conformed the standards to the statute. See response to comment 2 for further discussion of this issue.</p> <p>No response required.</p>
8.	Bobbi Richards Administrative Consultant California Association of Supervised Visitation Service Providers	AM	Agree with the discussion regarding form FL-324 (Declaration). Would ask the Council to consider the storage/maintenance of this document to both reduce the paper burden on the Courts as well as to educate the parents at	As discussed above the committee does not wish to place additional burdens on providers beyond those imposed by Family Code section 3200.5. Providers must determine for themselves, consistent with any local court requirements, how

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			the time of intake. May this form be provided, to inform the parents, of the provider's declared qualifications at the time of intake, and house/where should copies of the document be maintained (i.e. separate file, per case, etc at the provider's office/file location).	to manage the optional FL-324 form.
9.	Sacramento Counseling and Family Service April Hayes Executive Director	AM	<p>I have six issues to address.</p> <p>1. Professional requirements: E(7) There are social workers that have had CPS cases before being a social worker. There are police officers that have been arrested for minor issues before they came an officer. There are therapist with mental health issues. There are frequent allegations against a parent that the court will decide as a precaution to require a parent to do supervised visitation or even in a CPS case where a grandparent is doing supervised visitation out of now fault of their own. Stating in general terms that a professional provider should never previously been a subject of supervision seems to be inappropriate. Sometimes parents that have made mistakes in the past have made significant progress in their life and maybe a perfect candidate to provide such services.</p> <p>2. L 12 - Understandable why there should be no contact between parents during the supervised visitation processed. But Visitation monitors have no control of contact between parents outside of the visitation process.</p>	<p>The requirements cited here for professional providers are set forth in Family Code section 3200.5 and thus the Committee is required by the statute to include them in the standards and has no authority to modify them, however, the standard allows the court to order or the parties to stipulate to a provider who does not meet the standards..</p> <p>Each of the provisions in the standard applies to the supervised visitation process only. The committee finds no ambiguity about when and where the standards apply.</p>

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			<p>3. There is also reference to follow any additional rules from court order. What does a provider do when there are additional court orders that are contrary to the standards? Such as allow custodial parent to participate in visitation, allow sex offender to physical interact with child?</p> <p>4. Sexual abuse allegations: ALLEGATIONS: there is no guidance when there are old allegations and then CPS and police investigate and unsubstantiate the allegations. - But the court requires supervised visitation for precaution or for other reasons. What happens to allegations against a different child - a step child or a child other than their own. They are ALLEGATIONS and a child that is used to be hugged or some other minor contact is now no longer able to touch the parent. Who is that punishing? What are we supposed to do when there is an ALLEGATION by a teenager with emotional disturbances against an adult whom has an infant. Is the supervised parent supposed to stare at the infant while the monitor takes care of it? We have had these situations come up - and frequently even the custodial parent thinks the requirements are not cohesive and now monitors are now not even allowed to assess risks. If we cannot assess anything, then the standards should account for every possible</p>	<p>The standard provisions referred to here are best practices that are not a binding obligation on the provider. Thus a court order that directs the provider to take a specific action in a specific case is not in conflict with the standard, but may require the visitation provider to determine whether or not he or she can provide the ordered services.</p> <p>The standard specifically provides that the specific terms and conditions that apply in sexual abuse allegation matters need not be complied with if there is a contrary order by the court. If a parent against whom there is a sexual abuse allegation wishes to have physical contact during visitation that parent can request the court to make such an order. Absent such an order the committee believes the best practice is to disallow physical contact in these cases.</p>

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			<p>situation. We keep having to send a case back to court, back to court to figure these things out, and a year later - the child still doesn't get to see their parent.</p> <p>5. Opinions: mediators, attorneys, judges: Professional monitors are not allowed to have opinions. So we write reports with no opinions. Subsequently, mediator is calling for an opinion. Monitor is given a subpoena for an opinion. Attorneys are asking for opinion. When monitors refuse to offer an opinion on the stand - the judge is asking for an opinion.</p> <p>6. Therapist - Evidently therapists are not required to be monitors. I frequently see supervised visitation monitor being referred to as a therapist in court orders. Frequently therapists are doing the supervision. As a visitation monitor a therapist is not allowed to</p>	<p>Since they were originally adopted, the standards for supervised visitation providers have been clear that supervised visitation is a neutral service, and that the role of the provider is to ensure the safety of the visit for all involved. Likewise, the standards have provided that reports on a visitation session be factual and simply describe what occurred during the visit. The clarifications of the standard proposed by the committee strengthen this neutral role by removing provisions authorizing supervised visitation providers to make recommendations about future visitation. As a result of these changes to the standard, it will be clear that the role of the provider does not include making recommendations or expressing opinions, and that those responsibilities should be left to those who are appointed to do so (e.g. minor's counsel, child custody recommending counselors and evaluators).</p> <p>The committee's decision to eliminate references to therapeutic visitation is explained in the response to comment 2 above. The committee notes that the court has a number of means to obtain recommendations about visitation and custody without requiring supervised visitation</p>

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			have an opinion. As a therapist we are always being asked for a therapeutic opinion on many types of clients. According to the standards - there are no exceptions when a therapist is supervising a visit, offers no opinion, but is court ordered to give an opinion. If there is going to be no exception for therapists, then can there be a reference if such opinions are needed - then the family should be referred for family therapy or reunification counseling.	providers to step into that role as well as authority to order family therapy when the court makes specific findings.
10.	State Bar of California, Family Law Section Saul Bercovitch Legislative Counsel	A	The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal.	No response required.
11.	State Bar of California, Standing Committee on the Delivery of Legal Services Sharon Ngim Program Developer and Staff Liaison	AM	The proposal would clarify requirements for non-professional and professional visitations. Eliminating the exception for supervised exchange is appropriate here. The committee recommends that supervised visitation providers not be deleted from the list of those who may make recommendations to the court about the manner of visitations, because they may have insights or other important information to consider regarding the next visitation or past visitations, while judicial officers would still have the discretion as to how to weigh those recommendations.	The committee has concluded that making recommendations is inconsistent with the role of supervised visitation providers who are required to serve as a neutral third person. Given the other avenues for the court to obtain recommendations, the committee finds it appropriate to eliminate this role conflict.
12.	Superior Court of Los Angeles County (no name provided)	A	<ul style="list-style-type: none"> • Does the proposal appropriately address the stated purpose? Yes. • Should the committee consider any additional changes to the standard for supervised 	<p>No response required.</p> <p>No response required.</p>

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			<p>visitation providers? No.</p> <ul style="list-style-type: none"> • Is there value in preserving the suggested elements of the current standard in addition to those provisions made mandatory by Family Code section 3200.5? No. • Is it appropriate to delete the exception for supervised exchange because it is a form of supervised visitation, or will the application of the standard to supervised exchange be problematic? Yes, it's appropriate. • Should supervised visitation providers be deleted from the list of those who may make recommendations to the court on the manner of visitation? Yes. • Should references to therapeutic visitation providers be removed from standard 5.20 and form FL-341(A) for consistency with the statutory identification of only two types of providers, or is there a need to identify therapeutic providers as a subcategory of professional providers in the standards or on the family law form? It is suggested that "Therapeutic" be moved below "Professional Monitoring" in the event "Therapeutic" monitoring is ordered by 	<p>The committee has opted to maintain the provisions of the standard that were not included in Family Code section 3200.5 as the most of the provider community has expressed an interest in maintaining those standards of practice and no argument has been made in favor of deleting them.</p> <p>The committee concurs and has opted to maintain the deletion of the exception.</p> <p>The committee agrees and has chosen to leave providers off the list of those who can make recommendations.</p> <p>As discussed in the response to comment 2, the committee finds that the statutory language directing the council to make a standard for non-professional and professional providers makes it necessary to delete references to therapeutic monitoring, but notes that courts are always free to specify that they want a monitor who is a licensed mental health professional when making the visitation order.</p>

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			<p>the Court or stipulated to by the parties.</p> <ul style="list-style-type: none"> • Do the other changes made to enhance and clarify the standard succeed in making it more straightforward and internally consistent? Yes. <p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <ul style="list-style-type: none"> • Would the proposal provide cost savings? If so, please quantify. No. • What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems or modifying case management systems? N/A • Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. • How well would this proposal work in courts of different sizes? We have no reason to believe it would not work in large and small courts. 	<p>No response required.</p> <p>No response required.</p>
13.	Superior Court of Riverside County Riverside Superior Court Staff	A	Agree with proposal.	No response required.
14.	Superior Court of San Diego County Michael M. Roddy, Court Executive Officer	A	No specific comments provided.	No response required.

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15.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group	A	The proposal is required to conform to a change of law. General comments Approve as submitted.	No response required.
16.	Wynspring Family Resource Center Darlene K. Aiello Business Manager	NI	<p>Both AB1674, 5.20's and 3200.5 are clear on what training Professional Monitor must meet. What is not clear is if this is ongoing training or just a onetime shot. Most professions will keep up with continual training as the modalities are always changing or new models of handing certain things become available. Professionals know that keeping up on the latest advancements, or keeping updated skills is both beneficial and necessary.</p> <p>The question then becomes where and who will be giving the training needed. This issues around who can and cannot give the needed training, even though none of the codes address this issue, has become frustrating.</p> <p>The codes are clear on the training and all of the training is given on a regular basis through many avenues. The question then becomes which avenues are acceptable. The ideal of limiting the training to only one center or trainer may and will cause an issue. As there are many workshops, classes and seminars, that meet the needs of the training required, as most of the professionals already meet or exceed the training requirements.</p>	<p>The committee has concluded that the absence of any language requiring ongoing training for professional monitors means that the minimum requirement is a one-time requirement. Monitors are free to obtain additional training as they see fit, but the <i>required</i> training in the standard cannot exceed the 24 hours provided in statute.</p> <p>The statute set forth no provision for certifying training providers and thus the committee has no authority to implement such a requirement.</p> <p>As described in the response above, the committee finds no authority in the statute to create standards for supervised visitation provider training providers. Each provider must determine how to meet the 24 hour requirement.</p>

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			<p>Also, by allowing only one center or person to do all the training could lead to professional being shut of their field due to not meeting the ideals of the training place or person.</p> <p>Example.. Professional Visitation agency is part of a larger agency that also does Foster Care, along with mental health services, and parenting, anger management and so forth. The Foster Care requirements for training go above and beyond the training needed for the supervised visitation monitor. Because all staff are required to take the same training through the agency, no matter the department, which overlap in most if not all of the areas. I.E. Documentation is documentation, filing and intake are almost the same, Report requirements are not that different and so forth. So, limiting where the training can occur will limit the ability of the Professional to do their job.</p> <p>The removing of Therapeutic Visitation is advisable as this monitor can do no more or less then the monitor. The training is the same, the ability to keep the child safe is the same and the Therapeutic monitor cannot do therapy or counseling in the visitation. This puts a burden on families in regards to paying higher rates to have a therapist in the room doing the same exact same visitation as the non-therapeutic monitor.</p>	<p>The committee agrees and has retained the elimination of references to therapeutic visitation providers.</p> <p>No response required.</p>

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

	Commentator	Position	Comment	Committee Response
			Change is good and consistency is better. A better understanding of what is required is always the best. Therefore change is always good and only enhances the services that are given to families.	

DRAFT



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Family and Juvenile Law: Parentage	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, 5.790; revise Judicial Council forms FL-210, FL-240	January 1, 2015
	Date of Report
	September 19, 2014
Recommended by	Contact
Family and Juvenile Law Advisory Committee	Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov
Hon. Jerilyn L. Borack, Cochair	
Hon. Kimberly J. Nystrom-Geist, Cochair	

Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending 11 rules of court and revising two mandatory Judicial Council forms to conform to recent legislation. Assembly Bill 1403 (Stats. 2013, ch. 510) updated California's version of the Uniform Parentage Act to clarify that a *natural parent* need not be biologically related to his or her child and to replace the terms *father* and *paternity* with the gender-neutral terms *parent* and *parentage* where appropriate. The amendments and revisions ensure that the rules and forms are consistent with statute and case law. They also make technical corrections and clarifications.

Recommendation

The committee recommends that the Judicial Council, effective January 1, 2015, amend 11 of the California Rules of Court and revise two mandatory Judicial Council forms, as follows:

- Amend rule 5.510(c) to replace “paternity” with “parentage” and delete references to repealed Family Code section 7631;
- Amend rule 5.635(a) to clarify that the juvenile court’s authority to enter a judgment of parentage rests on the Uniform Parentage Act and delete references to repealed Family Code section 7631;
- Amend rule 5.635(b) to clarify when the court’s duty to inquire about a youth’s parentage begins;
- Amend rule 5.635(c)–(g) to make technical corrections;
- Amend rule 5.650(i) to clarify that this section also applies to a person who holds educational decision-making rights by virtue of his or her status as a child’s legal guardian;
- Amend rule 5.668(b) to replace “paternity” with “parentage” and delete “a man.”
- Amend rule 5.695(a)(7) to make a technical correction;
- Amend rule 5.695(f)–(g) to clarify that the juvenile court is still required to determine on the record whether the agency has exercised due diligence in conducting the family-finding investigation required by section 309(e);
- Amend rule 5.695(h) to change “father” to “parent” where appropriate and to make technical corrections;
- Amend rule 5.695(i) to clarify the dates on which the respective time limits begin to run;
- Amend rule 5.708(n) to clarify that it applies to any parent who has relinquished the child for adoption, regardless of that parent’s legal status;
- Amend rules 5.710(c) and 5.720(b) to clarify that they also apply to a legal guardian;
- Amend rule 5.725(d) and (g) to make technical corrections;
- Amend rule 5.725(e) to clarify that a petition for adoption in juvenile court may not be granted until the appellate rights of all parents have been exhausted;
- Amend rule 5.725(g) to clarify that the rights of all parents must be terminated to free a child for adoption;
- Amend rule 5.740(a) to make a technical correction;
- Amend rule 5.790(f)–(g) to clarify that the juvenile court is required to determine on the record whether the agency has exercised due diligence in conducting the family-finding investigation required by section 628(d);
- Revise *Summons—Uniform Parentage—Petition for Custody and Support* (form FL-210) to replace “mother and father” with “each parent” and to replace other language, including the form’s name, and formatting to be appropriately consistent with *Summons (Family Law)* (form FL-110); and
- Revise *Stipulation for Entry of Judgment Re: Establishment of Parental Relationship* (form FL-240) so that item 2 can accommodate same-sex parentage.¹

¹ The committee also recommends minor revisions to forms FL-210 and FL-240 to accommodate the possibility that a court might now, in rare cases, find that a child has more than two parents. (See Sen. Bill 274; Stats. 2013, ch. 564.) The committee will consider revising additional forms to accommodate this possibility in future cycles as needed.

The text of the amended rules is attached at pages 12–22. The revised forms are attached at pages 23–25.

Previous Council Action

The Judicial Council adopted:

- Rule 5.510 as rule 1403, effective January 1, 1991. The rule has been amended twice since then.
- Rule 5.635 as rule 1413, effective January 1, 1995. The rule has been amended five times since then, most recently in 2007.
- Rule 5.650 as rule 1499, effective July 1, 2002. The rule has been amended four times since then, most recently in 2014 in response to statutory amendments.
- Rule 5.668 as rule 1441, effective January 1, 1998. The rule has been amended five times since then, most recently in 2008.
- Rule 5.695 as rule 1456, effective January 1, 1991. The rule has been amended 19 times since then, most recently in 2014. In particular, the Judicial Council amended rule 5.695(f)–(g) in 2011 in response to Assembly Bill 938 (Stats. 2009, ch. 261) to add a requirement that the juvenile court determine, with a finding on the record, whether the agency had fulfilled its statutory duty to exercise due diligence in conducting an investigation to identify, locate, and notify a child’s relatives that the child had been removed from his or her home. The council further amended these subdivisions in 2014, intending to streamline the rule’s language without changing its substantive requirements.
- Rule 5.708, effective January 1, 2010. The rule has been amended twice since then, most recently in 2014.
- Rule 5.710 as rule 1460, effective January 1, 1990. The rule has been amended 17 times since then, most recently in 2014.
- Rule 5.720 as rule 1462, effective January 1, 1990. The rule has been amended 18 times since then, most recently in 2014.
- Rule 5.725 as rule 1463, effective January 1, 1991. The rule has been amended 16 times since then, most recently in 2010.
- Rule 5.740 as rule 1465, effective January 1, 1991. The rule has been amended 13 times since then, most recently in 2012.

- Rule 5.790 as rule 1441, effective January 1, 1998. The rule has been amended seven times since then, most recently in 2014. In particular, the Judicial Council amended rule 5.790(f)–(g) in 2014 in response to AB 938 to add a requirement that the juvenile court determine, with a finding on the record, whether the probation department had fulfilled its statutory duty to exercise due diligence in conducting an investigation to identify, locate, and notify a child’s relatives that the child had been detained and was at risk of entering foster care.

All juvenile court rules were renumbered and placed in title 5, effective January 1, 2007.

Summons—Uniform Parentage—Petition for Custody and Support (form FL-210) was adopted as rule 1296.605 for mandatory use, effective January 1, 1999. It was last revised effective January 1, 2007.

Stipulation for Entry of Judgment Re: Establishment of Parental Relationship (form FL-240) was adopted as rule 1296.74 for mandatory use, effective January 1, 1999. It was last revised effective January 1, 2003.

Rationale for Recommendation

Assembly Bill 1403 (Stats. 2013, ch. 510) codified a decade’s worth of case law construing the Uniform Parentage Act (UPA)² to allow a man or a woman without a biological relationship to a child to be the child’s presumed natural parent,³ a man or a woman who “receives [a] child into his or her home and openly holds out the child as his or her natural child” to qualify as the child’s presumed father or mother under section 7611(d) of the Family Code,⁴ and two women or two men to be a child’s natural parents.⁵ Although the statutory language had not, until now, kept pace with the case law, many of the California Rules of Court and Judicial Council forms have already been amended or revised to replace gender-specific terms with gender-neutral language where appropriate. The committee recommends further amendments and revisions to bring remaining rules and forms up to date, as appropriate.

AB 1403 updated the language of the UPA to conform to the judicial recognition that the act applies neutrally to a man or a woman. In particular, the bill replaced “presumed father” with “presumed parent”; replaced “mother” and “father,” when appropriate, with “parent”; and replaced “paternity,” when appropriate, with “parentage.” In some instances, for example, with respect to the voluntary declaration of paternity, the bill retained the gender-specific terms.

² Fam. Code, §§ 7600–7730.

³ *In re Nicholas H.* (2002) 28 Cal.4th 56; *In re Karen C.* (2002) 101 Cal.App.4th 932, 938.

⁴ *Elisa B. v. Super. Ct.* (2005) 37 Cal.4th 108, 119–121; *In re Karen C.*, *supra*, 101 Cal.App.4th at p. 938; *In re Salvador M.* (2003) 111 Cal.App.4th 1353, 1357.

⁵ *Elisa B.*, *supra*, 37 Cal.4th at p. 119–121.

In light of the fact that AB 1403 is declarative of existing law and that many of the family and juvenile rules and forms have been updated in previous cycles to reflect law, the committee proposes only limited amendments and technical corrections. In particular, the committee proposes revising only two mandatory forms for use in parentage actions. These forms have not been revised for several years and are, therefore, out of date in this respect and several others. They also use language inconsistent with the language in other Judicial Council forms mandated for use in parentage actions. To avoid confusion, the committee recommends revising the forms to update them and to use the same terminology as is used in other family law forms.

The committee recommends amending rules 5.695(f)–(g) and 5.790(f)–(g) to clarify the committee’s consistent intent that the juvenile court determine and make a finding on the record whether the agency exercised due diligence in conducting the family-finding investigation required by sections 309(e) and 628(d), respectively. This amendment did not circulate for comment in the spring 2014 cycle, but the committee recommends it as “a minor substantive change that is unlikely to create controversy” under rule 10.22(d)(2). Staff proposes adding to this proposal amendments to rule 5.695(f)–(g) (other subdivisions of which did circulate for comment) and rule 5.790(f)–(g) to clarify that the juvenile court needs to make a finding at the conclusion of its inquiry into whether the agency or department complied with its duties under section 309(e), section 628(d), and rule 5.637.

The committee developed rule 5.695(f) in 2010 to implement AB 938, which amended sections 309(e) and 628(d) of the Welfare and Institutions Code to require social workers and probation officers to exercise due diligence in conducting an investigation to identify, locate, and notify a child’s relatives of the child’s removal or detention. The rule amendment was intended to require the juvenile court, at each dependency dispositional hearing, to consider whether the social worker had actually conducted the investigation with due diligence and to make a finding that the social worker either had or had not done so. No commentator who addressed rule 5.695(f) opposed the finding requirement, though it was noted without further comment by the Joint Rules Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees.

As adopted, effective January 1, 2011, subdivision (f) read:

- (1) The court must consider whether the social worker has used due diligence in conducting the investigation to identify, locate, and notify the child’s relatives. The court may consider as examples of due diligence the activities listed in subdivision (g) of this rule.

If the disposition hearing is continued, the court may set a hearing at any time after 30 days from the date of removal to consider whether the social worker has used due diligence in conducting the investigation to identify, locate, and contact the child’s relatives.

- (2) The court must make one of the following findings:
 - (A) The social worker has used due diligence in conducting its investigation to identify, locate, and notify the child's relatives; or
 - (B) The social worker has not used due diligence in conducting its investigation to identify, locate, and notify the child's relatives. If the court makes this finding, the court may order the social worker to use due diligence in conducting an investigation to identify, locate, and notify the child's relatives—except for any individual the social worker identifies who is inappropriate to notify under rule 5.637(b)—and may require a written or oral report to the court at a later time.

In 2013, statutory changes required the committee to amend rules 5.695 and 5.790 for reasons unrelated to family finding. At that time, the committee chose to extend the requirement for an inquiry and finding to dispositional hearings in delinquency cases under rule 5.790(f) consistent with section 628(d). The committee also elected to streamline the subdivision's language with no intention of changing the substance. No substantive comments were received on these amendments.

Amended subdivision (f) now reads as follows in both rules 5.695 and 5.790:

- (1) If the child is removed [detained and at risk of entering foster care], the court must consider whether the social worker [probation officer] has exercised due diligence in conducting the investigation to identify, locate, and notify the child's relatives. The court may consider the activities listed in (g) as examples of due diligence.

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

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

Some courts have interpreted the new language as absolving them of the duty to make a finding regarding the social worker's or probation officer's exercise of due diligence in the family-finding investigation. This was not the committee's intent. Acknowledging that the amendment to rule 5.790 would require the delinquency court to make an additional finding, the committee's report to the Judicial Council noted that "[r]ule 5.695 already require[d] the court to make these

findings at dispositional hearings in dependency proceedings.”⁶ The council report does not reveal any intent to relieve the court of that duty. Rather, it extends the duty to delinquency courts.

To clarify that the court must still make a finding as to the result of its inquiry, the committee now recommends the following additions:

- (1) If the child is removed [detained and at risk of entering foster care], the court must consider and determine whether the social worker [probation officer] has exercised due diligence in conducting the required investigation to identify, locate, and notify the child’s relatives. The court may consider the activities listed in (g) as examples of due diligence. The court must document its determination by making a finding on the record.

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

- (2) * * *

Comments, Alternatives Considered, and Policy Implications

This proposal circulated for comment as part of the spring 2014 invitation to comment cycle, from April 18 to June 18, 2014, 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, social workers, probation officers, other juvenile law professionals, and the National Center for Lesbian Rights.

The committee received nine comments on this proposal.⁷ Two commentators agreed with the proposal as circulated, and seven commentators agreed while suggesting modifications. No commentators disagreed with the proposal. Many of the commentators suggested minor or technical changes. The committee agreed with almost all of them without debate. The following suggestions generated the most committee discussion.

More than two parents under Senate Bill 274

The committee proposed inserting an additional line in item 2 on *Stipulation for Entry of Judgment Re: Establishment of Parental Relationship* (form FL-240) to account for the

⁶ Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents* (Oct. 11, 2013), www.courts.ca.gov/documents/jc-20131025-itemA21.pdf.

⁷ A chart providing the full text of the comments and the committee responses is attached at pages 26–65.

possibility that a court might find more than two persons to be parents of a child under section 7612(c) of the Family Code, as amended by SB 274, § 6). Three of the commentators who addressed this issue suggested that, because the Legislature intended for a court to find that a child had more than two parents only in rare cases, the addition of another line would be inappropriate. The other commentator who addressed this issue was concerned that the inclusion of a third line would imply that a court was limited to finding that a child had no more than three parents.

The committee also considered removing the proposed third line from item 2 on the revised form, reverting to two lines, and inserting a check box to indicate that additional parents may be listed on an attachment, if necessary, as well as recommending the adoption of the circulated revision with three lines in item 2.

Because of the intended rarity of cases requiring more than two parents, the committee recommends reverting to two lines in item 2 for identifying the parents without indicating that additional parents may be listed. If the use of the form reveals a need for a clearer way to indicate the existence of more than two parents, the committee will consider proposing revisions at that time.

Voluntary declarations of paternity

Several commentators suggested that using the gender-neutral term “parentage” in rule 5.635(c), which addresses the effect of a voluntary declaration of paternity in a juvenile court proceeding, would be premature. They pointed out that AB 1403 did not amend sections 7570–7577 of the Family Code, which govern voluntary declarations of paternity, to use gender-neutral language. These sections continue to apply only to men and outline a procedure for establishing biological paternity. The committee agrees with these commentators and therefore recommends withdrawing the proposed amendment and retaining the use of “paternity” in rule 5.635(c).

Commentators also raised issues with the last sentence of rule 5.635(c). As circulated for comment, that sentence read: “A man is presumed to be the father of the child under Family Code section 7611, subject to rebuttal under section 7612, if the voluntary declaration has been properly executed and filed.”

One commentator suggested that this sentence was an inaccurate statement of law because “a voluntary declaration of paternity does not create a presumption of paternity; rather, a valid and properly executed and filed declaration is treated as the equivalent of a court determination of parentage.” Section 7611 does, however, expressly state that “a person is presumed to be the natural parent of a child if the person meets the conditions” in sections 7570–7577 of the Family Code, which provide for the execution and filing of voluntary declarations of paternity (VDOPs).

Another commentator suggested that the sentence be stricken because it conflicts with *In re Brianna M.* (2013) 220 Cal.App.4th 1025, which arguably held that the references to the effect of a VDOP in sections 7611–7612 of the Family Code do not apply to dependency proceedings

and that a properly executed and filed VDOP does not, therefore, entitle a man to presumed father status in a dependency proceeding. The exclusive application of rule 5.635 to juvenile proceedings, and not to family proceedings, might seem to counsel deletion of this sentence. However, in February the Supreme Court unanimously granted review in *Brianna M.*, superseding the appellate opinion. (See *In re Brianna M.* (2014) 317 P.2d 1182, granting review and superseding the appellate opinion.) Unfortunately, the Court was required to dismiss the case without decision after appellant defaulted, resulting in continuing uncertainty about the effects of a VDOP.

Two commentators pointed out that a VDOP may be rescinded or set aside under sections 7575 and 7577, but argued that the presumption it creates is not rebuttable under section 7612. Although the matter might not be as clear as suggested, the commentator's point is well taken to the extent that a VDOP has the same effect as a judgment of paternity and section 7612(d) provides that a presumption under section 7611 is rebutted by such a judgment.

Because of the ongoing lack of agreement regarding the effect of a VDOP on the presumptions under the UPA and in juvenile court proceedings, the committee withdraws its proposed amendment and recommends retaining the last sentence of current rule 5.635(c) to await legislative or judicial clarification of those effects. The only amendment now recommended in subdivision (c) is to replace "Department of Social Services" with "Department of Child Support Services."

County welfare department

One commentator suggested using the term "county child welfare department" in place of "county welfare department" in the rules that were circulated for comment. The commentator did not state a reason for the suggested change. Presumably, the commentator believed the longer term would provide a clearer, more specific reference to the appropriate county agency.

The committee considered inserting "child" in the rules to increase the specificity of the references, but does not recommend that amendment. First, the amendment is beyond the scope of this proposal. Second, the current term is consistent with terminology used pervasively in the Welfare and Institutions Code. See, e.g., §§ 215, 303, 306, 358.1, 11400, 11403(e)–(f), 11404. Although the code does use a wide variety of other terms—see, e.g., § 204 ("child protective services"); § 11364 ("county child welfare agency"); § 11403(c) ("county child welfare department"); § 16002 ("responsible local agency"); § 16004.5 ("child welfare agencies"); § 16010 ("child protective agency")—the committee is unaware of any confusion caused by the use of "county welfare department" in the rules of court. Third, the term is used consistently throughout the juvenile court rules. Amending the rules included in this proposal would render them inconsistent with the remainder of the juvenile court rules that use the term. Fourth, the juvenile court rules also refer to the "probation department" without specifying that they are addressed, for the most part, to the juvenile division. The use of the generic term "county welfare department" is consistent with the use of "probation department." The consistent, comprehensive

terms also allow for differences in departmental structure and organization from county to county.

Maternal cohabitation

One commentator disagreed with the proposal to amend rule 5.668(b)(3) to inquire whether the mother was cohabiting with “an adult” rather than with “a man” at the time of conception. The commentator pointed out that, “[a]lthough illegal, it is feasible for a mother to conceive with a cohabitant under 18 years of age” and suggested that the committee replace “an adult” with “anyone” to account for that possibility.

The committee agrees with the commentator’s premise, but does not recommend the suggested change to rule 5.668(b)(3). The purpose of the inquiry in rule 5.668(b)(3) is not entirely clear. If it is intended to identify a candidate for paternity testing, then an amendment taking age into account might be appropriate. To the extent that the question in (b)(3) is calculated to elicit information relevant to the establishment of a presumption of parentage, age seems less relevant. The resolution of this issue is beyond the scope of the legislation and this proposal and would require circulation for comment. In the meantime, the committee recommends using “cohabiting” without a referent, given that cohabitation implicitly requires another person as a cohabitant.

Minor additional revisions to form FL-210

Finally, after the comment period had ended, a committee member noticed that the proposed revisions to *Summons (Parentage—Custody and Support)* (form FL-210), did not conform to recent revisions to *Summons (Family Law)* (form FL-110). The committee recommends making additional revisions to form FL-210 to render these forms consistent insofar as that is appropriate. First, the committee recommends deleting service-of-process requirements that apply to actions against corporations or associations, but do not apply in family law proceedings. The Judicial Council adopted identical revisions to form FL-110, effective January 1, 2014, based on the same reasoning.⁸ Second, the committee recommends inserting a notice to litigants about the possibility of seeking a fee waiver. Form FL-110 contains an identical notice. Although these proposed revisions did not circulate for comment, they are consistent with law and technical in nature.

Alternatives Considered

The committee considered several alternatives to the recommended amendments and revisions before circulation. First, the committee examined existing rules and forms to determine whether they could continue to serve the courts and the public without any amendment or revision. However, because one of the purposes of AB 1403 was to promote understanding of the law and legal processes by parties, the committee elected to recommend limited changes to those rules and mandatory forms that showed both lingering inconsistencies with statute and case law and

⁸ See Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Family Law: Revisions to Family Law Summons* (Oct. 1, 2013), www.courts.ca.gov/documents/jc-20131025-itemA19.pdf.

inconsistencies with other rules and forms. A consistent set of rules and forms will help court users avoid unnecessary confusion.

The committee also considered eliminating all instances of gender-specific language in title 5 of the rules and in the family and juvenile forms. As the Legislature recognized, though, many provisions exist in which gender-specific language continues to be appropriate or even necessary. Furthermore, the sheer volume of forms—particularly optional forms—that use gender-specific terminology is daunting. The committee determined that the benefit to the public from updating those forms would almost certainly be outweighed by the cost to the trial courts of reproducing and providing these revised forms to the public. Because those forms are optional, courts may, if they wish, develop local forms that use gender-neutral language if they identify a pressing local need for such forms.

Some mandatory forms—for example, *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Juvenile Court Transfer Orders* (form JV-550)—would benefit from revisions using gender-neutral language. However, the committee anticipates that these forms will require additional, substantive revisions within the next year and has elected to defer proposing any revisions at this time.

Implementation Requirements, Costs, and Operational Impacts

Under the authority of the relevant case law and earlier rule amendments and form revisions, the family and juvenile courts are already largely proceeding under the law as articulated in the recommended rule amendments. If anything, the amendments should lead to more timely and efficient judicial proceedings by promoting parties' understanding of current law. Courts will incur some costs to reproduce and distribute the two revised forms and to integrate them into existing case management systems, but these costs may be offset by improved court operations if parties need less assistance from clerks or self-help centers.

Attachments and Links

1. Cal. Rules of Court, rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790, at pages 12–22
2. Forms FL-210 and FL-240, at pages 23–25
3. Chart of comments, at pages 26–65
4. Assembly Bill 1403 (Stats. 2013, ch. 510),
leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1403

Rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790 of the California Rules of Court would be amended, effective January 1, 2015, to read:

1 **Rule 5.510. Proper court; determination of child’s residence; exclusive jurisdiction**

2
3 (a)–(b) * * *

4
5 (c) **Exclusive jurisdiction (§§ 304, 316.2, 726.4)**

6
7 (1) Once a petition has been filed under section 300, the juvenile court has
8 exclusive jurisdiction of the following:

9
10 (A) * * *

11
12 (B) All issues and actions regarding ~~paternity~~ the parentage of the child
13 under rule 5.635 and Family Code section 7630 ~~or 7631~~.

14
15 (2) Once a petition has been filed under section 601 or 602, the juvenile court has
16 exclusive jurisdiction to hear an action filed under Family Code section 7630
17 ~~or 7631~~.

18
19
20 **Rule 5.635. Parentage**

21
22 (a) **Authority to declare; duty to inquire (§ 316.2, 726.4)**

23
24 The juvenile court has a duty to inquire about and, ~~if not otherwise determined,~~ to
25 attempt to determine the parentage of each child who is the subject of a petition
26 filed under section 300, 601, or 602. The court may establish and enter a judgment
27 of parentage ~~under the Uniform Parentage Act. (Fam. Code, § 7600 et seq.)~~ Once a
28 petition has been filed to declare a child a dependent or ward, and until the petition
29 is dismissed or dependency or wardship is terminated, the juvenile court with
30 jurisdiction over the action has exclusive jurisdiction to hear an action filed under
31 Family Code section 7630 ~~or 7631~~.

32
33 (b) **Parentage inquiry (§§ 316.2, 726.4)**

34
35 At the initial hearing on a petition filed under section 300 or at the dispositional
36 hearing on a petition filed under section, 601, or 602, and at hearings thereafter
37 until or unless parentage has been established, the court must inquire of the child’s
38 parents present at the hearing and of any other appropriate person present as to the
39 identity and address of any and all presumed or alleged parents of the child.
40 Questions, at the discretion of the court, may include the following and others that
41 may provide information regarding parentage:
42

1 (1)–(8) * * *

2

3 **(c) Voluntary declaration**

4

5 If a voluntary declaration as described in Family Code section 7570 et seq. has
6 been executed and filed with the California Department of ~~Social-Child Support~~
7 Services, the declaration establishes the paternity of a child and has the same force
8 and effect as a judgment of paternity by a court. A man is presumed to be the father
9 of the child under Family Code section 7611 if the voluntary declaration has been
10 properly executed and filed.

11

12 **(d) Issue raised; inquiry**

13

14 If, at any proceeding regarding the child, the issue of parentage is addressed by the
15 court:

16

17 (1) * * *

18

19 (2) The court must direct the court clerk to prepare and transmit *Parentage*
20 *Inquiry—Juvenile* (form JV-500) to the local child support agency requesting
21 an inquiry regarding whether ~~or not~~ parentage has been established through
22 any superior court order or judgment or through the execution and filing of a
23 voluntary declaration under the Family Code;

24

25 (3) The office of child support enforcement must prepare and return the
26 completed *Parentage Inquiry—Juvenile* (form JV-500) within 25 judicial
27 days, with certified copies of any such order or judgment or proof of the
28 filing of any voluntary declaration attached; and

29

30 (4) * * *

31

32 **(e) No prior determination**

33

34 * * *

35

36 (1) ~~The~~ Any alleged father and his counsel must complete and submit *Statement*
37 *Regarding Paternity Parentage (Juvenile-Dependency)* (form JV-505). Form
38 JV-505 must be made available in the courtroom.

39

40 (2) * * *

41

42 (3) The court may make its determination of parentage or nonparentage based on
43 the testimony, declarations, or statements of the alleged parents. The court

1 must advise any alleged parent ~~indicating a wish to be declared the parent of~~
2 ~~the child~~ that if parentage is ~~declared~~ determined, the ~~declared~~ parent will
3 have responsibility for the financial support of the child, and, if the child
4 receives welfare benefits, the ~~declared~~ parent may be subject to an action to
5 obtain support payments.
6

7 **(f) Notice to office of child support enforcement**
8

9 If the court establishes parentage of the child, the court must sign ~~and then direct~~
10 ~~the clerk to transmit~~ *Parentage—Finding and Judgment (Juvenile)* (form JV-501)
11 and direct the clerk to transmit the signed form to the local child support agency.
12

13 **(g) Dependency and delinquency; notice to alleged parents**
14

15 If, after inquiry by the court or through other information obtained by the county
16 welfare department or probation department, one or more persons are identified as
17 alleged parents of a child for whom a petition under section 300, 601, or 602 has
18 been filed, the clerk must provide to each named alleged parent, at the last known
19 address, by certified mail, return receipt requested, a copy of the petition, notice of
20 the next scheduled hearing, and *Statement Regarding Parentage—(Juvenile)* (form
21 JV-505) unless:
22

23 (1)–(2) * * *

24
25 (3) The alleged parent has previously filed a form JV-505 denying parentage and
26 waiving further notice; or
27

28 (4) The alleged parent has relinquished custody of the child to the county welfare
29 department.
30

31 **(h)** * * *
32
33

34 **Rule 5.650. Appointed Educational Rights Holder**
35

36 **(a)–(h)** * * *
37

38 **(i) Education and training of educational rights holder**
39

40 If the educational rights holder, including a ~~biological or adoptive parent or~~
41 guardian, asks for assistance in obtaining education and training in the laws
42 incorporated in rule 5.651(a), the court must direct the clerk, social worker, or
43 probation officer to inform the educational rights holder of all available resources,

1 including resources available through the California Department of Education, the
2 California Department of Developmental Services, the local educational agency,
3 and the local regional center.

4
5 (j) * * *

6
7
8 **Rule 5.668. Commencement of hearing—explanation of proceedings (§§ 316, 316.2)**

9
10 (a) * * *

11
12 (b) **Paternity Parentage inquiry**

13
14 The court must also inquire of the child’s mother and of any other appropriate
15 person present as to the identity and address of any and all presumed or alleged
16 parents ~~and alleged fathers~~ of the child. Questions, at the discretion of the court,
17 may include:

18
19 (1) Has there been a judgment of paternity parentage?

20
21 (2) * * *

22
23 (3) Was the mother cohabiting ~~with a man~~ at the time of conception?

24
25 (4) * * *

26
27 (5) Has ~~a man~~ anyone formally or informally acknowledged paternity parentage,
28 including through the execution of a voluntary declaration of paternity under
29 Family Code section 7571?

30
31 (6) Have paternity tests to determine biological parentage been administered and,
32 if so, what were the results?

33
34 (c) * * *

35
36
37 **Rule 5.695. Findings and orders of the court—disposition**

38
39 (a) **Orders of the court (§§ 245.5, 358, 360, 361, 361.2, 390)**

40
41 At the disposition hearing, the court may:

42
43 (1)–(6) * * *

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(7) Declare dependency, remove physical custody from the parent or guardian, and;

(A) After stating on the record or in writing the factual basis for the order, order custody to ~~the~~ a noncustodial parent, terminate jurisdiction, and direct that *Custody Order—Juvenile—Final Judgment* (form JV-200) be prepared and filed under rule 5.700;

(B) After stating on the record or in writing the factual basis for the order, order custody to ~~the~~ a noncustodial parent with services to one or both parents; or

(C) * * *

(b)–(e) * * *

(f) Family-finding determination (§ 309)

(1) If the child is removed, the court must consider and determine whether the social worker has exercised due diligence in conducting the required investigation to identify, locate, and notify the child’s relatives. The court may consider the activities listed in (g) as examples of due diligence. The court must document its determination by making a finding on the record.

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

(2) * * *

(g) Due diligence (§ 309)

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

(1)–(7) * * *

(h) Provision of reunification services (§ 361.5)

- 1 (1) Except as provided in (6), if a child is removed from the custody of a parent
2 or legal guardian, the court must order the county welfare department to
3 provide reunification services to the child and the child's mother and
4 statutorily presumed ~~father~~ parent, or the child's legal guardian, to facilitate
5 reunification of the family. [* * *]
6
7 (2)–(5) * * *
8
9 (6) Reunification services must not be provided when the parent has voluntarily
10 relinquished the child and the relinquishment has been filed with the State
11 Department of Social Services, or if the court has appointed a guardian under
12 section 360. Reunification services need not be provided to a ~~mother,~~
13 ~~statutorily presumed father,~~ parent or guardian if the court finds, by clear and
14 convincing evidence, any of the following:
15
16 (A)–(O) * * *
17
18 (7)–(12) * * *
19
20 (13) If the ~~mother, statutorily presumed father, parent,~~ or guardian is
21 institutionalized, incarcerated, or detained by the United States Department of
22 Homeland Security, or has been deported to his or her country of origin, the
23 court must reunification services unless it finds by clear and convincing
24 evidence that the services would be detrimental to the child, with
25 consideration of the factors in section 361.5(e). [* * *]
26
27 (14) * * *
28
29 (15) A judgment, order, or decree setting a hearing under section 366.26 is not an
30 immediately appealable order. Review may be sought only by filing *Petition*
31 *for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456)* (form
32 JV-825) or other petition for extraordinary writ. If a party wishes to preserve
33 any right to review on appeal of the findings and orders made under this rule,
34 the party must seek an extraordinary writ under rules 8.450, and 8.452, ~~and~~
35 ~~5.600.~~
36
37 (16)–(17) * * *
38
39 (18) Failure to file a petition for extraordinary writ review within the period
40 specified by rules 8.450, and 8.452, ~~and 5.600~~ to substantively address the
41 issues challenged, or to support the challenge by an adequate record,
42 precludes subsequent review on appeal of the findings and orders made under
43 this rule.

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(19) * * *

(i) Information regarding termination of parent-child relationship (§§ 361, 361.5)

If a child is removed from the physical custody of the parent or guardian under either section 361 or 361.5, the court must:

(1) * * *

(2) Notify the parents that their parental rights may be terminated if custody is not returned within 6 months of the dispositional hearing or within 12 months of the ~~specific~~-date the child is ~~determined to have~~ entered foster care, whichever time limit is applicable.

(j)-(l) * * *

Rule 5.708. General review hearing requirements

(a)-(m) * * *

(n) Requirements on setting a section 366.26 hearing (§§ 366.21, 366.22, 366.25)

* * *

(1)-(4) * * *

(5) * * *

(A) * * *

(B) The court must order that notice of the hearing under section 366.26 not be provided to any of the following:

(i) ~~A parent, presumed parent, or alleged~~ Any parent—whether natural, presumed, biological, or alleged—who has relinquished the child for adoption and whose relinquishment has been accepted and filed with notice under Family Code section 8700; or

(ii) * * *

1 (6) * * *

2

3 (o) * * *

4

5

6 **Rule 5.710 Six-month review hearing**

7

8 (a)–(b) * * *

9

10 (c) **Setting a section 366.26 hearing (§§ 366.21, 366.215)**

11

12 (1) * * *

13

14 (A)–(C) * * *

15

16 (D) * * *

17

18 (i) * * *

19

20 (ii) The court, in determining whether court-ordered services may be
21 extended to the 12-month point, must take into account any
22 particular barriers to a parent’s or guardian’s ability to maintain
23 contact with his or her child due to the parent’s or guardian’s
24 incarceration, institutionalization, detention by the United States
25 Department of Homeland Security, or deportation. The court may
26 also consider, among other factors, whether the incarcerated,
27 institutionalized, detained, or deported parent or guardian has
28 made good faith efforts to maintain contact with the child and
29 whether there are any other barriers to the parent’s or guardian’s
30 access to services.

31

32 (2) * * *

33

34 (d) * * *

35

36

37 **Rule 5.720. Eighteen-month permanency review hearing**

38

39 (a) * * *

40

41 (b) **Determinations and conduct of hearing (§§ 361.5, 366.22)**

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(1)–(2) * * *

(3) * * *

(A) [* * *] To extend services to the 24-month point, the court must also find by clear and convincing evidence that additional reunification services are in the best interest of the child and that the parent or legal guardian is making significant and consistent progress in a substance abuse treatment program, or a parent or legal guardian has ~~is~~ recently been discharged from incarceration, institutionalization, or the custody of the United States Department of Homeland Security, and is making significant and consistent progress in establishing a safe home for the child’s return. [* * *]

(B)–(C) * * *

(4) * * *

Rule 5.725. Selection of permanent plan (§§ 366.26, 727.31)

(a)–(c) * * *

(d) Conduct of hearing

* * *

(1)–(3) * * *

(4) The party claiming that termination of parental rights would be detrimental to the child ~~must have~~ has the burden of proving the detriment.

(5)–(10) * * *

(e) Procedures—adoption

(1)–(2) * * *

(3) If the court declares the child free from custody and control of the parents, the court must at the same time order the child referred to a licensed county adoption agency for adoptive placement. A petition for adoption of the child

1 may be filed and heard in the juvenile court but may not be granted until the
2 appellate rights of ~~the natural~~ all parents have been exhausted.

3
4 (4) * * *

5
6 (f) * * *

7
8 (g) **Purpose of termination of parental rights**

9
10 The purpose of termination of parental rights is to free the ~~dependent~~ child for
11 adoption. Therefore, the court must not terminate the rights of only one parent
12 unless that parent is the only surviving parent, or the rights of the other parent have
13 been terminated by a California court of competent jurisdiction or by a court of
14 competent jurisdiction of another state under the statutes of that state, or the other
15 parent has relinquished custody of the child to the county welfare department. The
16 rights of all parents—whether natural, presumed, biological, alleged, or unknown—
17 ~~the mother, any presumed father, any alleged father, and any unknown father or~~
18 ~~fathers~~ must be terminated in order to free the child for adoption.

19
20 (h) * * *

21
22
23 **Rule 5.740. Hearings subsequent to a permanent plan (§§ 366.26, 366.3)**

24
25 (a) **Review hearings—adoption and guardianship**

26 * * *

27
28
29 (1) At the review hearing, the court must consider the report of the petitioner, as
30 required by section 366.3(fg), the report of any CASA volunteer, the case
31 plan submitted for this hearing, and any report submitted by the child's
32 caregiver under section 366.21(d); inquire about the progress being made to
33 provide a permanent home for the child; consider the safety of the child; and
34 enter findings as required by section 366.3(e).

35
36 (2)–(4) * * *

37
38 (b)–(c) * * *

39
40
41 **Rule 5.790. Orders of the court**

1 (a)–(e) * * *

2
3 (f) **Family-finding determination (§ 628(d))**

4
5 (1) If the child is detained or at risk of entering foster care, the court must
6 consider and determine whether the probation officer has exercised due
7 diligence in conducting the required investigation to identify, locate, and
8 notify the child’s relatives. The court may consider the activities listed in (g)
9 as examples of due diligence. The court must document its determination by
10 making a finding on the record.

11
12 If the dispositional hearing is continued, the court may set a hearing to be
13 held 30 days from the date of detention or as soon as possible thereafter to
14 consider and determine whether the probation officer has exercised due
15 diligence in conducting the required investigation to identify, locate, and
16 notify the child’s relatives.

17
18 (2) * * *

19
20 (g) **Due diligence**

21
22 When making the ~~inquiry-determination~~ required under in (f), the court may
23 consider, among other examples of due diligence, whether the probation officer has
24 done any of the following:

25
26 (1)–(7) * * *

27
28 (h)–(j) * * *

CITACIÓN (Paternidad—Custodia y Manutención)

SUMMONS

(Parentage—Custody and Support)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO RESPONDENT (Name):

AVISO AL DEMANDADO (Nombre):

You have been sued. Read the information below and on the next page.
Lo han demandado. Lea la información a continuación y en la página siguiente.

DRAFT

**NOT APPROVED BY THE
JUDICIAL COUNCIL**

Petitioner's name:

El nombre del demandante:

CASE NUMBER: (Número de caso)

<p>You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> are served on you to file a <i>Response</i> (form FL-220 or FL-270) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p>	<p><i>Tiene 30 días de calendario</i> después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-220 o FL-270) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</p>
<p>If you do not file your <i>Response</i> on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs. If you cannot pay the filing fee, ask the clerk for a fee waiver form.</p>	<p><i>Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales. Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas.</i></p>
<p>For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local bar association.</p>	<p><i>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio web de los Servicios Legales de California (www.lawhelpca.org), o poniéndose en contacto con el colegio de abogados de su condado.</i></p>
<p>NOTICE: The restraining order on page 2 remains in effect against each parent until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.</p>	<p>AVISO: La orden de protección que aparecen en la pagina 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se despidia la petición o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas orden puede hacerla acatar en cualquier lugar de California.</p>
<p>FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p>EXENCIÓN DE CUOTAS: <i>Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</i></p>

[SEAL]

1. The name and address of the court are: *(El nombre y dirección de la corte son:)*
2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: *(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)*

Date (Fecha): _____ Clerk, by (Secretario, por) _____, Deputy (Asistente)

STANDARD RESTRAINING ORDER
 (Parentage—Custody and Support)

ORDEN DE RESTRICCIÓN ESTÁNDAR
 (Paternidad—Custodia y Manutención)

Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.

This restraining order takes effect against the petitioner when he or she files the petition and against the respondent when he or she is personally served with the *Summons* and *Petition* OR when he or she waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.

Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la notificación personal de la Citación y Petición, o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.

Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despida la petición o la corte dé otras órdenes.

Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla acatar en cualquier lugar de California.

NOTICE—ACCESS TO AFFORDABLE HEALTH INSURANCE Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality, affordable health care. For more information, visit www.coveredca.com. Or call Covered California at 1-800-300-1506.

AVISO—ACCESO A SEGURA DE SALUD MÁS ECONOMICO Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir al costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">NOT APPROVED BY THE JUDICIAL COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: _____ RESPONDENT: _____ OTHER PARENT/PARTY: _____	
STIPULATION FOR ENTRY OF JUDGMENT RE: ESTABLISHMENT OF PARENTAL RELATIONSHIP	CASE NUMBER: _____

THE PARTIES STIPULATE THAT

1. The parties have read and understand the *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235), which is submitted with this *Stipulation for Entry of Judgment*. The parties give up those rights and freely agree that a judgment may be entered in accordance with this stipulation.

2. Name: _____ Mother Father
Name: _____ Mother Father

are the parents of the following children:
Name _____ Date of Birth _____

- 3. Child custody and visitation shall be ordered as set forth in the proposed *Judgment (Uniform Parentage)* (form FL-250).
- 4. Child support shall be ordered as set forth in the proposed *Judgment (Uniform Parentage)* (form FL-250).
- 5. Attorney fees shall be ordered as set forth in the proposed *Judgment (Uniform Parentage)* (form FL-250).
- 6. Names of the children shall be changed as set forth in the proposed *Judgment (Uniform Parentage)* (form FL-250).
- 7. Reasonable costs of pregnancy and birth shall be paid as ordered in the proposed *Judgment (Uniform Parentage)* (form FL-250).
- 8. Other orders shall be as set forth in the proposed *Judgment (Uniform Parentage)* (form FL-250).
- 9. The parties further agree that the court make the following orders:

See attachment 9.

Date: _____
(TYPE OR PRINT NAME)

Date: _____
(TYPE OR PRINT NAME)

Date: _____
(TYPE OR PRINT NAME)

Date: _____
(TYPE OR PRINT NAME)

Date: _____
(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(SIGNATURE OF RESPONDENT)

(SIGNATURE OF ATTORNEY FOR PETITIONER)

(SIGNATURE OF ATTORNEY FOR RESPONDENT)

(SIGNATURE OF OTHER PARTY OR ATTORNEY)

SPR14-11

Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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

	Commentator	Position	Comment	Committee Response
1.	California CASA Association by Phil Ladew, Associate and Legal Director Oakland	AM	<p>1. Cal Rule of Court 5.725(g) – last sentence. “The rights of the mother, any presumed father <i>parent</i>, any alleged father, and any unknown father or fathers must be terminated in order to free the child for adoption.”</p> <p>The proposed amendment does not take into account the gender-neutral parentage intended by law. For example, under current law, a child can have no mother and two fathers. Thus, to list mother and change father to parent does not fit.</p> <p>Family Code 7601(b) states that the “parent and child relationship” is a term that “includes the mother and child relationship and the father and child relationship. The law does not exclude others, and there are more than mothers and fathers.</p> <p>Suggestion: Change the last sentence to read: “The rights of <i>any parent, including any mother or father, whether biological, presumed, alleged, or unknown</i>, must be terminated in order to free the child for adoption.”</p> <p>2. Form FL-240 See Number 2 on the form – it forces a choice of Mother or Father. That language is gender specific, and perhaps does not take into account issues such as undefined gender, gender that is in transition, or transgender, etc. issues. Perhaps it is outdated to think that “mother and</p>	<p>The committee agrees that the circulated language was too narrow and has incorporated broader language consistent with the suggestion into its recommendation.</p> <p>The committee does not recommend making the suggested change. AB 1403 does not eliminate gender-based categories or recognize genders other than male or female. It simply recognizes, as case law had already done, that contemporary families are not necessarily composed of the</p>

SPR14-11

Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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

	Commentator	Position	Comment	Committee Response
			<p>father” are the only labels that can fit a parent.</p> <p>Suggestion: There is no reason to ask whether someone classifies themselves as mother or father. Just have them fill in <i>Name</i> and <i>Relationship to Child</i> columns that correspond with <i>Name</i> and <i>Date of Birth</i> for the children category. That way the individual can assign themselves to their relationship.</p> <p>3. Form FL-240 See Number 2 on the form – why limit the list to three parents, but leave it blank for multiple children? Doesn’t this imply that three parents are the limit? What if there are 4 parents? – then the form is unfillable, and a family might feel that the court process does not include them.</p> <p>The complexity of familial structure is that there will be occasions where there will be more than one, two, or three parents. It is fundamental to government service that those families that do not fit into the “box” feel as though they have just as much access as others. The code does not prescribe a maximum number of parents; for example, the code states, “This part does not preclude a finding that a child has a parent and child relationship with more than two parents.” Fam Code 7601(c). Also, “a court may find that more than two persons with a claim to parentage under this division are parents if the court finds that recognizing only two parents would be detrimental to the child.” Fam Code 7612(c)</p>	<p>combination of genders that the statutes presumed before amendment. If it appears that the categories “mother” and “father” are insufficient to meet the ongoing needs of courts and litigants, the committee may consider further amendments, consistent with law, in a future rulemaking cycle.</p> <p>The committee agrees that providing three lines for parents’ names could be misleading. Consistent with the Legislature’s intent that a court find that more than two persons are a child’s parents only in rare cases, the committee has chosen to retain two lines for parents’ names. If it is necessary, in those rare cases contemplated by the Legislature, to identify more than two parents, the party completing the form may list additional names on an attachment.</p>

SPR14-11

Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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

	Commentator	Position	Comment	Committee Response
			<p>Suggestion: Do not limit the list to three, but perhaps leave a blank space as it is with the children heading, (i.e. the section under ...are the parents of the following children:). Just have them fill in <i>Name</i> and <i>Relationship to Child</i> columns that correspond with <i>Name</i> and <i>Date of Birth</i> for the children category.</p>	
2.	California Court of Appeal, Second Appellate District Los Angeles	A	<p>Comment This appears to be a timely change which we support and with which we should be familiar.</p>	No response required.
3.	Stacy Larson Family Law Facilitator Superior Court of Shasta County	AM	<p>§ CRC 5.510(c)(1)(B): I agree that the proposed revision is needed.</p> <p>§ CRC 5.635(a), first sentence: The proposed rewording of the first sentence is cumbersome and unnecessary. The existing CRC reads, “The juvenile court has a duty to inquire about and, if not otherwise determined, to attempt to determine . . .” The proposed revision is as follows: “The juvenile court has a duty to inquire about and, if it has not otherwise been determined, to attempt to determine. . .” Although the proposed revision is consistent with the meaning of the statute, it adds unnecessary verbiage and does not enhance its meaning.</p> <p>§ CRC 5.635(a), second sentence “under the Uniform Parentage Act.”: I agree that the proposed revision is needed.</p> <p>§ CRC 5.635(a), last sentence: I agree that the</p>	<p>No response required.</p> <p>The committee agrees that the proposed amendment did not adequately address the lack of clarity in the rule. The committee recommends a different amendment that it hopes will promote both clarity and economy.</p> <p>No response required.</p> <p>No response required.</p>

SPR14-11

Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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

Commentator	Position	Comment	Committee Response
		<p>proposed revision is needed.</p> <p>§ CRC 5.635(c), “If a voluntary declaration as described in Family Code section 7570 et seq. has been executed and filed with the California Department of Child Support Services,”: I agree that the proposed revision is needed.</p> <p>§ CRC 5.635(c), “the declaration establishes the paternity parentage of a child and has the same force and effect as a judgment of paternity parentage by a court.” This revision appears to be premature. Currently, Family Code §7570 falls within Chapter 3, Establishment of Paternity by Voluntary Declaration.” The entire chapter concerns establishment of paternity of a child by signing of the voluntary declaration of paternity (VDOP). The legislative intent was, in large part, “knowledge of medical history” and the recognition that “knowing one’s father is important to a child’s development.” Fam. Code §7570(a). The VDOP is to be provided “at the place of birth, to the man identified by the natural mother as the natural father . . .” Fam. Code §7571(a). The VDOP form is to be signed by the mother and the father. Fam. Code §7574(b)(1-2). It can be signed by the unmarried mother and father only if they acknowledge that he “is the only possible father.” There is nothing within this statutory scheme pertaining to VDOPs that applies to parentage, in general. It is solely designed to establish paternity. The proposed revision to</p>	<p>No response required.</p> <p>The committee agrees with the suggestion and has incorporated the change into its recommendation.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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

	Commentator	Position	Comment	Committee Response
			CRC 5.635(c) is politically correct but not legally correct. The VDOP process is not currently applicable to circumstances involving two dads or two moms, etc., and the proposed revision to CRC should not occur until the VDOP can be used to establish the broad definition of parentage rather than the more specific definition of paternity.	
4.	National Center for Lesbian Rights by Catherine Sakimura, Family Law Director San Francisco	AM	<p>The National Center of Lesbian Rights (NCLR) thanks the Committee for its prompt action to make necessary alterations to Family Law Judicial Council forms to implement AB 1403, which codified case law requiring that the Uniform Parentage Act be applied gender neutrally and recognizing non-biological parents. We are grateful for the thoughtful consideration this Committee has given to the needs of mothers and non-biological parents who are accessing the Family Courts.</p> <p>NCLR is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. We are based in California and have litigated numerous cases involving the rights of same-sex couples in California. NCLR submits the following comments for consideration by the Committee on the changes related to AB 1403, as well as changes related to SB 274, which changed California's parentage code to allow courts to recognize that a child may have more</p>	<p>No response required.</p> <p>No response required.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>than two parents in limited circumstances.</p> <p>NCLR strongly supports and appreciates the changes to California court rules and forms made by the proposed amendments to eliminate unnecessary use of gendered parentage terms in mandatory forms and rules. In particular, we strongly support the change to FL-240 to allow each parent to select mother or father, rather than listing one line for mother and one line for father. This change allows same-sex parents to use these forms without confusion or stigma.</p> <p>We have two specific concerns with the amendments, explained below.</p> <p>1) Clarify that Rule 5.635(c) only applies to voluntary declarations of paternity, and delete the inaccurate description of the effect of a voluntary declaration of paternity in Rule 5.635(c)</p> <p>First, AB 1403 retained gendered terminology for voluntary declarations of paternity because California law only recognizes voluntary declarations of paternity, not voluntary declarations of maternity. (See Fam. Code, § 7570, <i>et seq.</i>) Changing the phrase “establishes the paternity of the child” in Rule 5.635, subdivision (c) to “establishes the parentage of the child” may create confusion as to the application of this law to women. Therefore, we recommend instead using the phrase “parentage</p>	<p>No response required.</p> <p>The committee agrees that using the term “parentage” in this context might promote confusion and has withdrawn this amendment from its recommendation.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>of the man who signed the voluntary declaration of paternity,” or changing the title of the section to “Voluntary Declaration of Paternity.”</p> <p>Second, the last sentence of Rule 5.635, subdivision (c) inaccurately describes the effect of a voluntary declaration of paternity, stating that a man who has properly executed and filed a voluntary declaration of paternity is presumed to be a father under Family Code section 7611. The proposed amendments also add that this presumption may be rebutted under section 7612. A voluntary declaration of paternity does not create a presumption of paternity; rather, a valid and properly executed and filed declaration is treated as the equivalent of a court determination of parentage. (Fam. Code, § 7573 [“a completed voluntary declaration of paternity . . . shall establish the paternity of a child and shall have the same force and effect as a judgment for paternity issued by a court of competent jurisdiction”].) A voluntary declaration of paternity cannot be rebutted under Family Code section 7612; it may only be rescinded or set aside under Family Code sections 7575–7577 and 7612. We recommend that the Committee delete this last sentence of Rule 5.635, subdivision (c).</p>	<p>The committee recommends retaining the last sentence of current rule 5.635(c) without amendment. The legal effect of a voluntary declaration of paternity (VDOP), both on a presumption of parentage under the Uniform Parentage Act and presumed parent status in juvenile court proceedings, appears to be in a state of flux. A narrow reading of its effect could extinguish a legitimate parental interest. A broad reading could result in the establishment of a parent-child relationship where none exists. Indeed, the Supreme Court voted unanimously in February to review <i>In re Brianna M.</i> (2013) 220 Cal.App.4th 1025, which held that the references in sections 7611–7612 of the Family Code to the effect of a VDOP do not apply to dependency proceedings and that a properly executed and filed VDOP does not, therefore, entitle a man to presumed father status in a dependency proceeding. (See <i>In re Brianna M.</i> (2014) 317 P.2d 1182, granting review and superseding the appellate opinion.) Unfortunately, the Court was required to dismiss the case without decision after appellant defaulted. Given the ongoing uncertainty and the likelihood that the Legislature or the Supreme Court will act to resolve it, the committee has elected to defer action on this element of the rule.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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	Commentator	Position	Comment	Committee Response
			<p>2) Remove the lines for a third parent in FL-240</p> <p>The proposed changes to FL-240, Stipulation for Entry of Judgment Re: Establishment of Parental Relationship, include an additional line for a third parent to be named, and the signature lines for parties and their counsel includes one additional line for “other required signature.” We recommend against including additional lines on this form because the intent of SB 274, which allows courts to find that a child may have more than two parents in limited circumstances, was that the law would only apply in “rare” cases. (See Senate Bill No. 274 (2012-2013 Reg. Sess.), § 1, subd. (d) [“It is the intent of the Legislature that this bill will <i>only apply in the rare case</i> where a child truly has more than two parents, and a finding that a child has more than two parents is necessary to protect the child from the detriment of being separated from one of his or her parents,” italics added].) We believe that including a line for a third parent will unnecessarily create confusion that the establishment of more than two parents is a typical result and an inference that parentage can be stipulated for more than two parents in a typical case. Regardless of how parentage is established, the court must find that “recognizing only two parents would be detrimental to the child,” (Fam. Code, § 7612, subd. (c)), which is a standard that should rarely be met. Additionally, under the new law, there</p>	<p>The committee agrees that providing three lines for parents’ names could be misleading. Consistent with the Legislature’s intent that a court find that more than two persons are a child’s parents only in rare cases, the committee has chosen to retain two lines for parents’ names. If it is necessary, in those rare cases contemplated by the Legislature, to identify more than two parents, the party completing the form may list additional names on an attachment.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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	Commentator	Position	Comment	Committee Response
			<p>is no specific limitation on the number of parents, so a child could conceivably have four parents – such as where a child is intentionally conceived and raised by a gay male couple and a lesbian couple – and such a family would still need to include an attachment to FL-240 to name all parents and provide signature lines for these parents and their counsel. We recommend that the stipulation only include lines for two parents, which may each be designated as “mother” or “father.” In the rare cases where parentage for more than two parents is stipulated, parties may include the names and signatures of the additional parent(s) and counsel in an attachment.</p>	
5.	Office of the County Counsel by Dawyn Harrison, Assistant County Counsel—Chief Deputy, Dependency Los Angeles	AM	<p>The Office of the Los Angeles County Counsel agrees with the proposal. Changing the Rules of Court to reflect that there may be more than two parents is appropriate given the recent changes in the law. The proposal does appropriately address its stated purpose.</p> <p>However, one of the proposed changes to Rule 5.725. Selection of Permanent Plan, stated at line 40 of page 10 of the proposal, is problematic. The recommendation is to change "natural" parents to "current" parents. The reference to "current" is unclear and vague. In order to free a child for adoption, the juvenile court must terminate the rights of all persons with a parentage claim as to the child. The adoption cannot be finalized until all parents have exhausted their respective appellate rights.</p>	<p>No response required.</p> <p>The committee agrees with the suggestion and has incorporated it, with minor alterations, into its recommendation.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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	Commentator	Position	Comment	Committee Response
			It is requested that the word "current" be changed to "all" to provide clarity.	
6.	State Bar of California, Executive Committee of the Family Law Section (FLEXCOM) San Francisco	AM	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal, with modifications.</p> <p>First, there appears to be a drafting oversight. The Invitation to Comment notes: “AB 1403 updated the language of the UPA to conform to the judicial recognition that the act applies neutrally to a man or a woman. In particular, the bill replaced ‘presumed father’ with ‘presumed parent’; replaced ‘mother’ and ‘father,’ when appropriate, with ‘parent’; and replaced ‘paternity,’ when appropriate, with ‘parentage.’ In some instances, for example, with respect to the voluntary declaration of paternity, the bill retained the gender-specific terms.” The Invitation to Comment also notes that the following amendment is proposed: “Amend rule 5.635(c) to clarify that a man who has properly executed a voluntary declaration of paternity of a child is a presumed father of the child subject to the limits in section 7612 of the Family Code.”</p> <p>Rule 5.635(c) contains a proposal to change “paternity” to “parentage.” This appears to be inadvertent. Changing “paternity” to “parentage” in this particular Rule of Court would create an impression of gender neutrality in an area of law that – as noted – is not gender neutral. This proposed change should therefore</p>	<p>No response required.</p> <p>The committee agrees with the suggested change and has incorporated it into its recommendation.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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	Commentator	Position	Comment	Committee Response
			<p>not be made in rule 5.635(c).</p> <p>Second, FLEXCOM does not agree with the proposed addition of the following language to rule 5.635(c): “subject to rebuttal under section 7612.” A properly executed voluntary declaration of paternity does not create a presumption of paternity subject to rebuttal under Family Code section 7612; rather, it establishes paternity to the same effect as a court order (i.e., it is subject to set-aside if invalid, but is not rebuttable under section 7612). Therefore, the proposed language should not be added to this rule.</p> <p>Finally, this proposal would change the “Stipulation for Entry of Judgment re:</p>	<p>The committee recommends retaining the last sentence of current rule 5.635(c) without amendment. The legal effect of a voluntary declaration of paternity (VDOP), both on a presumption of parentage under the Uniform Parentage Act and presumed parent status in juvenile court proceedings, appears to be in a state of flux. A narrow reading of its effect could extinguish a legitimate parental interest. A broad reading could result in the establishment of a parent-child relationship where none exists. Indeed, the Supreme Court voted unanimously in February to review <i>In re Brianna M.</i> (2013) 220 Cal.App.4th 1025, which held that the references in sections 7611–7612 of the Family Code to the effect of a VDOP do not apply to dependency proceedings and that a properly executed and filed VDOP does not, therefore, entitle a man to presumed father status in a dependency proceeding. (See <i>In re Brianna M.</i> (2014) 317 P.2d 1182, granting review and superseding the appellate opinion.). Unfortunately, the Court was required to dismiss the case without decision after appellant defaulted. Given the ongoing uncertainty and the likelihood that the Legislature or the Supreme Court will act to resolve it, the committee has elected to defer action on this element of the rule.</p> <p>The committee agrees that providing three lines for parents’ names could be misleading.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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	Commentator	Position	Comment	Committee Response
			<p>Establishment of Parental Relationship” form to include three lines to designate a child’s parents (rather than the current two) in every case where parentage is being established through the courts. This would be a mandatory form.</p> <p>To add a third “parent” line to the mandatory form raises the question of whether each and every child whose parentage is being established in court may have more than two parents. This was not the intent of SB 274, which included the following language:</p> <p>“The Legislature finds and declares all of the following: (a) Most children have two parents, but in rare cases, children have more than two people who are that child’s parent in every way.... (d) It is the intent of the Legislature that this bill will only apply in the rare case where a child truly has more than two parents, and a finding that a child has more than two parents is necessary to protect the child from the detriment of being separated from one of his or her parents.”</p>	<p>Consistent with the Legislature’s intent that a court find that more than two persons are a child’s parents only in rare cases, the committee has chosen to retain two lines for parents’ names. If it is necessary, in those rare cases contemplated by the Legislature, to identify more than two parents, the party completing the form may list additional names on an attachment.</p>
7.	Superior Court of Los Angeles County	AM	<p>No direct cost savings to court.</p> <p>Training for staff will be required. JA training will be required. At this time no modification of CMS in Juvenile dependency. At this time a minimal change to CMS in Juvenile delinquency.</p>	<p>No response required.</p> <p>No response required.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>Sufficient time for implementation would be more than the two months from Judicial Council approval of this proposal until its effective date.</p> <p>[P]roposed modifications:</p> <p>Rule 5.510. Proper court; determination of child’s residence; exclusive jurisdiction Agree with proposed changes.</p> <p>Rule 5.635. Parentage Agree with proposed changes.</p> <p>Rule 5.668. Commencement of hearing – explanation of proceedings Agree with proposed changes.</p> <p>Rule 5.695. Findings and orders of the court – disposition Agree with proposed changes.</p> <p>Rule 5.725. Selection of permanent plan Agree with proposed changes.</p> <p>JUDICIAL COUNCIL FORMS</p> <p>FL-210. Summons We have concerns about whether the Summons</p>	<p>The committee intends the recommended rule amendments and form revisions to conform to AB 1403, which, in turn, codified case law dating from 2005. Although the committee regrets the short time available to implement the changes, it hopes that the amount of time will not prove to be an insurmountable obstacle to implementation. The committee does not recommend extending the time to comply with the amendments and revisions.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee agrees to add the advisement</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>should include ADVISEMENT about the Affordable Care Act (ACA).</p> <p>We have concerns about whether each Respondent/Co-Respondent receives a separate Summons OR whether to provide spacing to include all Respondents on the same Summons.</p> <p>FL-240. Stipulation for Entry of Judgment re: Establishment of Parental Relationship</p> <p>The following suggestions are being made to this form:</p> <p>Captions: Please remove the word “PLAINTIFF”</p> <p>Please remove the word “DEFENDANT”</p>	<p>regarding the ACA to form FL-210 so that this form is consistent with <i>Summons (Family Law)</i> (form FL-110).</p> <p>The committee does not recommend revising the form to add an option for multiple respondents. The current form is consistent with sections 412.10–412.20 of the Code of Civil Procedure, which apply to family law proceedings under section 210 of the Family Code and rule 5.50(a). These sections are intended to permit a plaintiff to secure the issuance of either a single summons for all defendants or a separate summons for one or more defendants. (See Judicial Council Comment to Code Civ. Proc. § 412.10.) This intent is consistent with section 10 of the Family Code and section 17 of the Code of Civil Procedure, which provide that words used in the singular include the plural. This form is also consistent with the format used in <i>Summons</i> (form SUM-100), which uses the singular “defendant.”</p> <p>The committee agrees with the suggested change and has incorporated it into its recommendation.</p> <p>The committee agrees with the suggested change</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>Please change “RESPONDENT” to “RESPONDENTS”</p> <p>Stipulation: Section 9: Should there be language to disestablish paternity in the Stipulation for Entry of Judgment Re Establishment of Parental Relationship and Judgment of Paternity forms? If so, then we propose the following language to be included in Section 9 of FL 240:</p> <p>“The Court finds Petitioner Respondent Other Party (name): is/are disestablished as a parent of the minor child listed in the Petition.”</p> <p>Signature Lines: Please remove the word “PLAINTIFF”</p> <p>Please remove the word “DEFENDANT”</p> <p>Please add a line for Attorney for Other Parent as follows: “Date: _____”</p> <p>Print Name Attorney for Other”</p> <p>OTHER JUDICIAL COUNCIL FORMS TO</p>	<p>and has incorporated it into its recommendation.</p> <p>The committee does not recommend making the suggested change. See response to comment re: form FL-210, above.</p> <p>The committee does not recommend adding language to permit disestablishment of paternity using this form. The suggestion is beyond the scope of the current proposal. If the committee learns of a need to add language similar to that suggested, it may consider such a revision in a future rulemaking cycle.</p> <p>The committee agrees with the suggested change and has incorporated it into its recommendation.</p> <p>The committee agrees with the suggested change and has incorporated it into its recommendation.</p> <p>In light of the Legislature’s intent that a court find that a child has more than two parents only in rare cases, the committee does not recommend making the suggested change at this time.</p> <p>The suggested changes to other forms, while</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>CONFORM TO NEW RULES</p> <p>1) FL-105. We suggest no changes to the form at this time.</p> <p>2) FL-150. Captions: Please remove Plaintiff and Defendant from all captions. Section 4: Other Party’s Income: We suggest providing adequate space to describe the estimate gross monthly income (before taxes) of the other party to include both Respondent and Other Parent in this case. Section 16 b: Number of Children: We suggest providing adequate space to describe the percentage of time each parent (if minor children have more than two parents) spends with the minor children.</p> <p>3) FL-155. Captions: Please remove Plaintiff and Defendant from captions. Section 10: Other Party’s Income: We suggest providing adequate space to describe the estimate gross monthly income (before taxes) of the other party to include both Respondent and Other Parent in this case.</p> <p>4) FL-158. Captions: Please remove Plaintiff and Defendant from captions.</p> <p>5) FL-195. We suggest no changes to the form at this time.</p> <p>6) FL-191. Captions: We suggest removing the words “Plaintiff and “Defendant” from the</p>	<p>worthy of consideration, are beyond the scope of the current proposal. The committee does not recommend making them in this context. Some of the suggested changes have already been made. Others are the subject of other pending rules and forms proposals. To the extent that suggested changes respond to SB 274, the committee has taken the possibility of changes in response to that bill under advisement and will, if necessary, address them in a future rulemaking cycle. If appropriate, the committee may consider the remaining suggested changes when formulating proposals for revisions in future rulemaking cycles.</p>

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Commentator	Position	Comment	Committee Response
		<p>captions page. Child Support Case Registry Form: We suggest adding a box to select “Other Party in the captions area. Other Party’s Name: We suggest to adding Section 7 to include the same sub-sections information under Father’s Name and Mother’s name Section 7: We suggest changing the already printed Section 7 making it Section 8. We suggest adding Other Parent to already printed sections 7a, 7b and 7c.</p> <p>7) FL-192. We suggest no changes at this time.</p> <p>8) FL-200. Captions: Please add an additional line for “Other Party”. Number 2 on the form should include not only identification of more than one mother or father but also identification of more than two children. Section 3: We suggest duplicating the information in Section 3 a-c and creating Section 4. Section 4 would use the words “Other Party” instead of Respondent. Renumbering Subsequent Printed Sections: If the suggestion in Section 3 herein is accepted, then all subsequent printed sections need to be renumbered accordingly. Section 5c: We suggest adding another line to include “Other Party” is the child’s parent” as an option.</p>	

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Commentator	Position	Comment	Committee Response
		<p>Section 5d: We suggest adding another line to include “Other Party” is child’s parent who has failed to support the child” as an option.</p> <p>Section 8 Child Custody and Visitation: We suggest adding a column to include “Other Party” between columns for Respondent and Joint</p> <p>Section 8c (3): Please add language so litigants may select “Other Party” should have the right to visit the children as follows:</p> <p>Section 9: Reasonable Expenses of Pregnancy and Birth: Please add a column between Respondent and Joint that says “Other Party”</p> <p>Section 10: Fees and Costs of Litigation: Please add a column between Respondent and Joint that says “Other Party”</p> <p>9) FL-235. Captions: Please add an additional line for “Other Party”.</p> <p>Section re Interpreter’s Declaration: Please include a designation for more than two parents. We are suggesting the following change: “Petitioner Respondent Other Party (name):”</p> <p>10) FL-250. Caption: Please add an additional line for “Other Party”.</p> <p>Section 2e: Please add an additional line for “Other Party”.</p> <p>Renumbering Sections 2f – 2h: If suggestion in Section 2e herein is accepted, then Sections 2f – 2h need to be renumbered accordingly in sequential order.</p> <p>Section 2g: Please duplicate the language found</p>	

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			<p>in Section 2(g: 1-5) except replace Respondent with “Other Party” . The new section should be identified as Section 2h (1-5). Section 2h: If the suggestion in 2g (above herein) is accepted, then 2h needs to be renumbered to 2i. Section 3 needs to add an additional line for a 3rd name and identify 3rd name as Other Party. Additional Section to Disestablish: Should there be language to disestablish paternity in the Stipulation and Judgment of Paternity forms? If so, then we propose the following language: “The Court finds Petitioner Respondent Other Party (name): is/are disestablished as a parent of the minor child listed in the Petition.”</p> <p>11) FL-260. Captions: Please add “Other Party” to captions area. Section 1- Jurisdiction for Bringing Action: Please add an additional line after (b) to state, “The Other party is the Mother Father of the minor children. ” Section 2: The language may need to be revised to include “Other Party” for each sentence under this section. By example: the Petitioner is married to the Respondent / Other Party, and no action is pending in any court for dissolution, legal separation, or nullity. Section 6a: Fees and Costs of Litigation: Please add the following: “Other Party” after the word respondent.</p> <p>12) FL-270. Captions: Please add “Other Party”</p>	

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Commentator	Position	Comment	Committee Response
		<p>to captions area.</p> <p>Section 1- Jurisdiction for brining action: Please add an additional line after (b) Respondent to state, “The other party is the Mother Father of the minor children.</p> <p>Section 2: The language may need to be revised to include “Other Party” for each sentence under this section. By example: the Petitioner is married to the Respondent /Other Party, and no action is pending in any court for dissolution, legal separation, or nullity.</p> <p>Signature Line, Page 2: Please add language to include both Respondent and Other Party. By way of example: “ _____ ” Respondent Other Party</p> <p>Section 6a: Fees and Costs of Litigation: Please add the following: “Other Party.” after the word respondent.</p> <p>13) FL-272. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>14) FL-273. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>15) FL-274. We suggest no changes at this time.</p> <p>16) FL-276. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>17) FL-278. Captions: Please remove Plaintiff</p>	

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>and Defendant from all captions.</p> <p>18) FL-280. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>19) FL-281. We suggest no changes at this time.</p> <p>20) FL-290. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>21) FL-300. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>22) FL-300I. We suggest no changes at this time.</p> <p>23) FL-305. Captions: Please remove Plaintiff and Defendant from all captions Section 2a: We suggest adding space to include an additional box followed by the words “Other Parent”. By way of example, the section should be changed as follows: “Petitioner Respondent Other Party (name): will have temporary physical custody care and control of the minor children of the parties subject to the other party’s rights of visitation as follows: ” Section 2b: We suggest adding space to include an additional box followed by the words “Other Parent”. By way of example, the section should be changed as follows: “Petitioner Respondent Other Party (name): must not remove the minor child or children of the parties.... ”</p>	

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>24) FL-311. Captions: Please remove Plaintiff and Defendant from all captions. Section 2e: We suggest adding a box followed by the words “Other Parent to this section. By way of example, the section should state, “Visitation for “ Petitioner Respondent Other Party (name): will be as follows:”</p> <p>25) FL-312. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>26) FL-313. We suggest no changes at this time.</p> <p>27) FL-314I. We suggest no changes at this time.</p> <p>28) FL-320. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>29) FL-330. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>30) FL-334. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>31) FL-335. Captions: Please remove Plaintiff and Defendant from all captions.</p> <p>32) FL-341. Captions: We suggest removing the words “Plaintiff and “Defendant” and adding “Other Party” to the caption page.</p>	

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	Commentator	Position	Comment	Committee Response
			<p>Section 7c: We are suggesting the form to include a designation for each party. By way of example, we suggest the section to state, “Reasonable right of visitation to the party without physical custody for the Petitioner Respondent Other Party (name): (not appropriate in cases involving domestic violence)”</p> <p>Section 7d: Please change to include a designation for more than two parents. We are suggesting the following: “No visitation for the Petitioner Respondent Other Party (name): ”</p> <p>33) FL-341(A). Captions: We suggest the Council to remove the words “Plaintiff and Defendant” and add “Other Party to the caption page.</p> <p>Global Change: A global change should include the following whenever a selection is offered between Petitioner and Respondent as in Sections 1, 2, 8, and 9. We recommend the following language to be included in this section: “ Petitioner Respondent Other Party (name): ”</p> <p>34) FL-341(B). Captions: We suggest adding “Other Party” to caption area.</p> <p>35) FL-341(C). Captions: We suggest adding “Other Party” to caption area.</p> <p>Section 1: The sentence should be changed as follows:” The following table shows the holiday</p>	

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	Commentator	Position	Comment	Committee Response
			<p>parenting schedules. Write “Pet” or “Resp” or “Other Party” to specify each parent’s years-odd, even, or both.....</p> <p>Section 1 Cont.: The Columns labeled “Every Year”, “Even Years” and “Odd Years” should include in each column the following: “Petitioner/Respondent/Other Parent”. “Other Parent’s Birthday” should be included in list of Holidays in Column 1 after Father’s Birthday.</p> <p>36) FL-341(D) . Captions: We suggest adding “Other Party” to caption area. Section 9: Please include a designation for more than two parents. We are suggesting the following change: “ Petitioner Respondent Other Party (name): ”</p> <p>37) FL-341(E). Section 9: Please include a designation for more than two parents. We are suggesting the following change: “ Petitioner Respondent Other Party (name): ” Section 4: Please include a designation for more than two parents. We are suggesting the following change: “ Petitioner Respondent Other Party (name): ”</p> <p>38) FL-342. Captions: We suggest removing the words “Plaintiff and “Defendant” and add “Other Party for consistency purposes. Global Change: We suggest redacting the words “Plaintiff and Defendant” from Section 2a, Section 3b, Section 4, Section 6a, Section</p>	

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Commentator	Position	Comment	Committee Response
		<p>6b(1)(a), Section 6b (1)(b), Section 6c (2)(a); Section 6c(2)(b), Section 6d(1)(a), Section 6d(1)(b), Section 6d(2)(a), Section 6d(2)(b), Section 7(a), Section 7(b), and Section 10.</p> <p>39) FL-342(A) . Captions: We suggest removing the words “Plaintiff and “Defendant” and add “Other Party for consistency purposes Section 2a: We suggest adding a box and words. By way of example, please see the following: “ Other Party (name): ” Section 2d (3): We suggest adding a box and words. By way of example please see the following: “ Other Party (name): ”</p> <p>40) FL-350. Captions: We suggest removing the words “Plaintiff and “Defendant”. Section 1a: We suggest adding an additional line after Father’s net monthly disposable income to include “ Other Party (name): net monthly income.” Section 2: We are suggesting the following language be added: “Other Party %” Section 3: We suggest adding an additional section 3c to include the following language: “A hardship is being experienced by the Other Party \$ per month because.....” Section 8c: We are suggesting the following language be added: “Other Party %” Section 11: We are suggesting the following language be added: “Other Party %” Signature Lines: We suggest adding an additional line for Other Party to Date, Print and</p>	

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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	Commentator	Position	Comment	Committee Response
			<p>Sign (following the Line for Attorney for Respondent) to conform to FL- 355. Signature Lines: We suggest adding an additional line for the Attorney for Other Party to Date, Print and Sign to conform to FL -355.</p> <p>41) FL- 355. We suggest no changes at this time.</p>	
8.	Superior Court of Riverside County	A	No specific comment.	No response required.
9.	Superior Court of San Diego County by Michael Roddy, Executive Officer	AM	<p>Rule 5.510. Proper court; determination of child's residence; exclusive jurisdiction</p> <p>...</p> <p>(c) Exclusive jurisdiction (§§ 304, 316.2, 726.4)</p> <p>(1) Once a petition has been filed under section 300, the juvenile court has exclusive jurisdiction of the following:</p> <p>(B) All issues and actions regarding paternity the parentage of the child under rule 5.635 and Family Code section 7630 or 7631. FC § 7631 has been repealed.</p> <p>(2) *** Once a petition has been filed under section 601 or 602, the juvenile court has exclusive jurisdiction to hear an action filed under Family Code section 7630 or 7631. FC § 7631 has been repealed.</p> <p>Rule 5.635. Parentage</p> <p>(c) Voluntary declaration</p>	<p>The committee agrees with the suggested changes to rule 5.510(c) and has incorporated them into its recommendation.</p> <p>The committee recommends retaining the last</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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		<p>If a voluntary declaration as described in Family Code section 7570 et seq. has been executed and filed with the California Department of Social Child Support Services, the declaration establishes the <u>paternity parentage</u> of a child and has the same force and effect as a judgment of <u>paternity parentage</u> by a court. <u>A man is presumed to be the father of the child under Family Code section 7611, subject to rebuttal under section 7612, if the voluntary declaration has been properly executed and filed.</u></p> <p>The highlighted text is in <u>direct conflict with <i>In re Jovanni B.</i> (2013) 221 Cal.App.4th 1482, 1491-1495 [holding that completed voluntary declaration “is not dispositive of presumed father status in a dependency proceeding”], citing <i>In re Brianna</i> (2013) 220 Cal.App.4th 1025, <i>In re E.O.</i> (2010) 182 Cal.App.4th 722.</u></p> <p>(g) Dependency and delinquency; notice to alleged parents If, after inquiry by the court or through other</p>	<p>sentence of current rule 5.635(c) without amendment. The legal effect of a voluntary declaration of paternity (VDOP), both on a presumption of parentage under the Uniform Parentage Act and presumed parent status in juvenile court proceedings, appears to be in a state of flux. A narrow reading of its effect could extinguish a legitimate parental interest. A broad reading could result in the establishment of a parent-child relationship where none exists. Indeed, the Supreme Court voted unanimously in February to review <i>In re Brianna M.</i> (2013) 220 Cal.App.4th 1025, which held that the references in sections 7611–7612 of the Family Code to the effect of a VDOP do not apply to dependency proceedings and that a properly executed and filed VDOP does not, therefore, entitle a man to presumed father status in a dependency proceeding. (See <i>In re Brianna M.</i> (2014) 317 P.2d 1182, granting review and superseding the appellate opinion.). Unfortunately, the Court was required to dismiss the case without decision after appellant defaulted. Given the ongoing uncertainty and the likelihood that the Legislature or the Supreme Court will act to resolve it, the committee has elected to defer action on this element of the rule.</p> <p>The committee does not recommend making the suggested changes to rule 5.635(g) at this time. The suggested changes are outside the scope of</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>information obtained by the county child welfare department or probation department, one or more persons are identified as alleged parents ...</p> <p>...</p> <p>(4) The alleged parent has relinquished custody of the child to the county child welfare department.</p> <p>Rule 5.668. Commencement of hearing— explanation of proceedings (§§ 316, 316.2)</p> <p>(b) Paternity Parentage inquiry</p> <p>The court must also inquire of the child’s mother and of any other appropriate person present as to the identity and address of any and all presumed parents and alleged fathers parents of the child. Questions, at the discretion of the court, may include:</p> <p>...</p> <p>(3) Was the mother cohabiting with a man an adult anyone at the time of conception?</p> <p><i>Although illegal, it is feasible for a mother to conceive with a cohabitant under 18 years of age.</i></p>	<p>the proposal circulated for comment. Moreover, the current language in the rule is consistent with terminology used frequently in the Welfare and Institutions Code to refer to the welfare department. See, e.g., §§ 215, 11400, 11403(e)–(f), 11404. Although the code does use a wide variety of terms—see, e.g., § 204 (“child protective services”); § 11364 (“county child welfare agency”); § 11403(c) (“county child welfare department”); § 16002 (“responsible local agency”) § 16004.5 (“child welfare agencies”); § 16010 (“child protective agency—the committee is not aware of any confusion caused by the consistent use of “county welfare department” in the rules of court.</p> <p>The committee agrees with the suggestion and has incorporated the change into its recommendation.</p> <p>The committee agrees with that the use of “adult” is too restrictive. Rather than substitute the term “anyone,” however, the committee recommends deleting all reference to another cohabitant based on its understanding that the verb “cohabit”</p>

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	Commentator	Position	Comment	Committee Response
			<p>Rule 5.695. Findings and orders of the court—disposition (h) Provision of reunification services (§ 361.5)</p> <p>(1) Except as provided in (6), if a child is removed from the custody of a parent or legal guardian, the court must order the county child welfare department <i>[or change “county welfare department” to “social worker” for consistency with § 361.5(a)]</i> to provide reunification services to the child and the child's mother and statutorily presumed father-parents, or the child's legal guardian, to facilitate reunification of the family. For a child who was three years of age or older on the date of initial removal, services must be provided during the time period beginning with the dispositional hearing and ending 12 months after the date the child entered foster care, as defined by section 361.49. For a child who was under three years of age on the date of initial removal, services must be provided for a period of 6 months from the dispositional hearing, but no longer than 12 months from the date the child entered foster care, as defined by section 361.49. The time period for the provision of family reunification services must be calculated consistent with section</p>	<p>necessarily implies that person's existence.</p> <p>The committee does not recommend making the first suggested change to rule 5.695(h)(1) at this time. It is outside the scope of the proposal circulated for comment. See response to comment on rule 5.635(g), above. The committee also does not recommend making the second suggested change at this time. The mother-child relationship is conclusively established by proof of birth under section 7610(a). The suggested amendment risks eliminating a birth mother's entitlement to reunification services.</p>

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Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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	Commentator	Position	Comment	Committee Response
			<p>361.5(a). The court must inform the parent or legal guardian of a child who was under three when initially removed that failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification efforts after 6 months from the date of the dispositional hearing.</p> <p>(2) ...</p> <p>(3) On a finding and declaration of paternity parentage by the juvenile court or proof of a prior declaration of paternity parentage by any court of competent jurisdiction, the juvenile court may order services for the child and the biological father, if the court determines that such services will benefit the child.</p> <p>(4) ...</p> <p>(5) ...</p> <p>(6) ... Reunification services need not be provided to a mother, statutorily presumed father, parent or guardian if the court finds, by clear and convincing evidence, any of the following:</p> <p>(7) ...</p> <p>(8) ...</p> <p>(9) ... If the parent or guardian is located prior to the 6-month review and requests reunification services, the child welfare department must seek a modification of the disposition orders. The time limits for reunification services must be calculated from the date of the initial removal, and not</p>	<p>The committee does not recommend making the suggested change to rule 5.695(h)(3). The suggested change occurs in the context of a discussion of biological paternity. AB 1403 retained gender-specific terminology in that context. If the Legislature acts to express a contrary intent, the committee will consider any necessary rule amendments at that time.</p> <p>The committee agrees with the suggested change and has incorporated it into its recommendation.</p> <p>The committee does not recommend making the suggested changes to rule 5.695(h)(9) at this time. The suggested changes are outside the scope of the proposal circulated for comment. See response to comment on rule 5.635(g), above.</p>

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		<p>from the date the parent is located or services are ordered.</p> <p>(10) ...</p> <p>(11) ...</p> <p>(12) ...</p> <p>(13) If the mother, statutorily presumed father, parent or guardian is institutionalized, incarcerated, or detained by the United States Department of Homeland Security, or has been deported to his or her country of origin, the court must order reunification services unless it finds by clear and convincing evidence that the services would be detrimental to the child, with consideration of the factors in section 361.5(e). ...The court may order reunification services with an institutionalized, incarcerated, detained, or deported biological father whose paternity has been declared by the juvenile court or another court of competent jurisdiction, if the court determines that such services would benefit the child, with consideration of the factors in section 361.5(e).</p> <p>See WIC § 361.5(e)(1).</p> <p>(14) ...</p> <p>(15) A judgment, order, or decree setting a hearing under section 366.26 is not an immediately appealable order. Review may be sought only by filing <i>Petition for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456)</i> (form JV-825) or other petition for extraordinary writ. If a</p>	<p>The committee agrees with the suggested change and has incorporated it into its recommendation.</p> <p>The committee reads the highlighted text as identical to the amendment circulated for comment.</p>

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		<p>party wishes to preserve any right to review on appeal of the findings and orders made under this rule, the party must seek an extraordinary writ under rules 8.450, and 8.452, and 5.600.</p> <p>(16) ... (17) ... (18) Failure to file a petition for extraordinary writ review within the period specified by rules 8.450, and 8.452, and 5.600 to substantively address the issues challenged, or to support the challenge by an adequate record, precludes subsequent review on appeal of the findings and orders made under this rule. (19) ...</p> <p>(i) Information regarding termination of parent-child relationship (§§ 361, 361.5) If a child is removed from the physical custody of the parent or guardian under either section 361 or 361.5, the court must:</p> <p>(1) State the facts on which the decision is based; and (2) Notify the parents that their parental rights may be terminated if custody is not returned within 6 months from the disposition hearing or 12 months of after the specific date the child is determined to have entered foster care, as defined by section 361.49, whichever time limit is applicable.</p> <p>See CRC 5.695(h)(1.)</p>	<p>The committee reads the highlighted text as identical to the amendment circulated for comment.</p> <p>The committee agrees that rule 5.695(i)(2) is confusing as currently drafted, but does not recommend amending it to the extent suggested. The committee does recommend a less comprehensive amendment to clarify that the six-month time frame does not run from the date the child entered foster care.</p>

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		<p>(k) Fifteen-day reviews (§ 367) If a child is detained pending the execution of the disposition order, the court must review the case at least every 15 calendar days to determine whether the delay is reasonable. During each review the court must inquire about the action taken by the probation or child welfare department to carry out the court's order, the reasons for the delay, and the effect of the delay on the child.</p> <p>(l) Setting a hearing under section 366.26 At the disposition hearing, the court may not set a hearing under section 366.26 to consider termination of the rights of only one parent unless that parent is the only surviving parent, or the rights of the other parent have been terminated by a California court of competent jurisdiction or by a court of competent jurisdiction of another state under the statutes of that state, or the other parent has relinquished custody of the child to the county child welfare department.</p> <p>Rule 5.725. Selection of permanent plan (§§ 366.26, 727.31) (a) Application of rule This rule applies to children who have been declared dependents or wards of the juvenile court.</p>	<p>The committee does not recommend making the suggested change to rule 5.695(k), as it is beyond the scope of the current proposal. See response to comment on rule 5.635(g), above.</p> <p>The committee does not recommend making the suggested change to rule 5.695(l), as it is beyond the scope of the current proposal. See response to comment on rule 5.635(g), above.</p> <p>The committee does not recommend making the suggested changes to rule 5.725, as they are beyond the scope of the current proposal. See response to comment on rule 5.635(g), above.</p>

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			<p>(1) Only section 366.26 and division 12, part 3, chapter 5 (commencing with section 7660) of the Family Code or Family Code sections 8604, 8605, 8606, and 8700 apply for the termination of parental rights. Part 4 (commencing with section 7800) of division 12 of the Family Code does not apply.</p> <p>(2) The court may not terminate the rights of only one parent under section 366.26 unless that parent is the only surviving parent; or unless the rights of the other parent have been terminated under division 12, part 3, chapter 5 (commencing with section 7660), or division 12, part 4 (commencing with section 7800) of the Family Code, or Family Code sections 8604, 8605, or 8606; or unless the other parent has relinquished custody of the child to the child welfare department.</p> <p>(g) Purpose of termination of parental rights The purpose of termination of parental rights is to free the dependent child for adoption. Therefore, the court must not terminate the rights of only one parent unless that parent is the only surviving parent, or the rights of the other parent have been terminated by a California court of competent jurisdiction or by a court of competent jurisdiction of another state under the statutes of that state, or the other parent has</p>	

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		<p>relinquished custody of the child to the county child welfare department. The rights of the mother, any presumed father parent, any alleged father, and any unknown father or fathers must be terminated in order to free the child for adoption.</p> <p>Q: “Are there any other mandatory Judicial Council forms in the FL or JV series that use gender-specific language and urgently require revision to prevent confusion?”</p> <p>A: No, but there are several additional CRC provisions that need revision: Rules 5.610, 5.614, 5.650, 5.678, 5.695, 5.705, 5.708, 5.710, 5.720, 5.725, and 5.740. Please see below; suggested revisions are highlighted in yellow.</p> <p>Rule 5.610. Transfer-out hearing (a) Determination of residence-special rule on intercounty transfers (§§ 375, 750) (1) ... (2) ... (3) The juvenile court may make a finding of paternity parentage under rule 5.635. If there is no finding of paternity parentage, the mother is deemed to have physical custody.</p> <p>Rule 5.614. Courtesy supervision (§§ 380, 755) The court may authorize a child placed on</p>	<p>The committee does not recommend the suggested change to rule 5.610 at this time. The committee anticipates proposing comprehensive modifications to the rules and forms associated with procedures for transferring juvenile cases in a future rulemaking cycle. The committee will consider the suggested change in the context of that proposal.</p> <p>The committee does not recommend making the suggested change, as it is beyond the scope of the current proposal. See response to comment on rule</p>

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		<p>probation, a ward, or a dependent child to live in another county and to be placed under the supervision of the other county's county child welfare agency or probation department with the consent of the agency or department. The court in the county ordering placement retains jurisdiction over the child.</p> <p>Rule 5.650. Appointed educational rights holder (i) Education and training of educational rights holder If the educational rights holder, including a biological, presumed, or adoptive parent, asks for assistance in obtaining education and training in the laws incorporated in rule 5.651(a), the court must direct the clerk, social worker, or probation officer to inform the educational rights holder of all available resources, including resources available through the California Department of Education, the California Department of Developmental Services, the local educational agency, and the local regional center.</p> <p>Rule 5.678. Findings in support of detention; factors to consider; reasonable efforts; detention alternatives (d) Order of the court (§ 319, 42 U.S.C., § 600 et seq.) If the court orders the child detained, the court must order that temporary care and</p>	<p>5.635(g), above.</p> <p>The committee agrees that the terminology in rule 5.650(i) is overly restrictive and has incorporated changes consistent with this suggestion into its recommendation.</p> <p>The committee does not recommend making the suggested change, as it is beyond the scope of the current proposal. See response to comment on rule 5.635(g), above.</p>

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	Commentator	Position	Comment	Committee Response
			<p>custody of the child be vested with the county child welfare department pending disposition or further order of the court.</p> <p>Rule 5.705. Setting a hearing under section 366.26 At a disposition hearing, a review hearing, or at any other hearing regarding a dependent child, the court must not set a hearing under section 366.26 to consider termination of the rights of only one parent unless that parent is the only surviving parent, or the rights of the other parent have been terminated by a California court of competent jurisdiction or by a court of competent jurisdiction of another state under the statutes of that state, or the other parent has relinquished custody of the child to the county child welfare department.</p> <p>Rule 5.708. General review hearing requirements (b) Notice of hearing (§ 293) The petitioner or the clerk must serve written notice of review hearings on <i>Notice of Review Hearing</i> (form JV-280), in the manner provided in section 293, to all persons or entities entitled to notice under section 293 and to any CASA volunteer, educational rights holder, or surrogate parent appointed on the case.</p> <p>(I) Setting a hearing under section 366.26 for one parent</p>	<p>The committee does not recommend making the suggested change to rule 5.705, as it is beyond the scope of the current proposal. See response to comment on rule 5.635(g), above.</p> <p>The committee agrees with the suggested technical change and has incorporated it into its recommendation.</p> <p>The committee does not recommend making the suggested change, as it is beyond the scope of the</p>

SPR14-11

Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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

Commentator	Position	Comment	Committee Response
		<p>The court may not set a hearing under section 366.26 to consider termination of the rights of only one parent unless:</p> <p>...</p> <p>(3) The other parent has relinquished custody of the child to the county child welfare department.</p> <p>(n) Requirements on setting a section 366.26 hearing (§§ 366.21, 366.22, 366.25)</p> <p>...</p> <p>(5) The court must ensure that notice is provided as follows:</p> <p>(A) ...</p> <p>(B) The court must order that notice of the hearing under section 366.26 not be provided to any of the following:</p> <p>(i) A parent, presumed-parent, biological, or alleged parent who has relinquished the child for adoption and whose relinquishment has been accepted and filed with notice under Family Code section 8700; or</p> <p>Rule 5.710. Six-month review hearing</p> <p>(c) Setting a section 366.26 hearing (§§ 366.21, 366.215)</p> <p>(1) ...</p> <p>(D) ...</p> <p>(ii) The court, in determining whether</p>	<p>current proposal. See response to comment on rule 5.635(g), above.</p> <p>The committee agrees with the suggested change and has incorporated it, with minor alterations, into its recommendation.</p> <p>The committee agrees with the suggested technical changes and has incorporated them into its recommendation.</p>

SPR14-11

Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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Commentator	Position	Comment	Committee Response
		<p>court-ordered services may be extended to the 12-month point, must take into account any particular barriers to a parent's or guardian's ability to maintain contact with his or her child due to the parent's or guardian's incarceration, institutionalization, detention by the United States Department of Homeland Security, or deportation. The court may also consider, among other factors, whether the incarcerated, institutionalized, detained, or deported parent or guardian has made good faith efforts to maintain contact with the child and whether there are any other barriers to the parent's or guardian's access to services.</p> <p>See WIC § 361.5(e)(1); CRC 5.715(b)(4)(A)(ii) ["parent or legal guardian"].</p> <p>Rule 5.720. Eighteen-month permanency review hearing (b) Determinations and conduct of hearing (§§ 361.5, 366.22) (3) ... (A) ... To extend services to the 24-month point, the court must also find by clear and convincing evidence that additional reunification services are in the best interest of the child and that the parent or legal guardian is making</p>	<p>The committee agrees with the suggested technical change and has incorporated it, with minor alterations, into its recommendation.</p>

SPR14-11

Family and Juvenile Law: Parentage (amend rules 5.510, 5.635, 5.650, 5.668, 5.695, 5.708, 5.710, 5.720, 5.725, 5.740, and 5.790; revise Judicial Council forms FL-210 and FL-240)

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

	Commentator	Position	Comment	Committee Response
			<p>significant and consistent progress in a substance abuse treatment program, or a parent or guardian is recently discharged from incarceration, institutionalization, or the custody of the United States Department of Homeland Security, and making significant and consistent progress in establishing a safe home for the child's return. ...</p> <p>Rule 5.740. Hearings subsequent to a permanent plan (§§ 366.26, 366.3) (a) Review hearings-adoption and guardianship (1) At the review hearing, the court must consider the report of the petitioner, as required by section 366.3(fg), the report of any CASA volunteer, the case plan submitted for this hearing, and any report . . .</p>	<p>The committee agrees with the suggested technical change to rule 5.740(a)(1) and has incorporated it, with minor alterations, into its recommendation.</p>



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Juvenile Dependency: Attorney Training	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 5.660	January 1, 2015
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	August 19, 2014
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Kimberly J. Nystrom-Geist, Cochair	Corby Sturges, 415-865-4507 corby.sturges@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending rule 5.660 to conform to a recent statutory change to the education and training requirements for attorneys appointed to represent children in juvenile dependency proceedings. Assembly Bill 868 amended section 317(c) of the Welfare and Institutions Code, effective January 1, 2014, to require that this training include instruction on sensitivity to the needs of lesbian, gay, bisexual, and transgender youth. The proposed amendment would add this topic to those required by the rule and make other minor, nonsubstantive modifications to clarify the text.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015, amend rule 5.660(d)(3) to clarify that training for an attorney appointed to represent a child in dependency proceedings must include instruction on “cultural competency and sensitivity relating to, and best practices for, providing care to lesbian, gay, bisexual, and transgender youth in out-of-home care.”

The text of the amended rule is attached at pages 6–7.

Previous Council Action

The Judicial Council adopted rule 5.660 as rule 1438, effective January 1, 1996. The rule has since been amended six times, most significantly in July 2001 in response to Senate Bill 2160 (Stats. 2000, ch. 450). SB 2160 directed the council to “promulgate rules of court that establish caseload standards, training requirements, and guidelines for appointed counsel” in dependency proceedings. The rule was renumbered as 5.660, effective January 1, 2007, as part of a global reorganization of the rules of court.

Rationale for Recommendation

Assembly Bill 868 (Stats. 2013, ch. 300) amended section 68553 of the Government Code and sections 102(d), 304.7(a), and 317(c) of the Welfare and Institutions Code¹ to incorporate additional required elements into training and education programs for family and juvenile court judicial officers, Court Appointed Special Advocate (CASA) volunteers, and court-appointed attorneys representing children in juvenile dependency proceedings. All of the amended code sections implicate topics addressed by certain rules of court or standards of judicial administration. Sections 102(d) and 317(c) expressly require the Judicial Council to implement their respective mandates by adopting rules of court.² However, because of the manner in which the council has exercised its authority with respect to education standards and requirements for judicial officers and CASA volunteers, only rule 5.660, covering training for court-appointed attorneys, requires amendment.

Rule 5.660. Section 4 of AB 868 amends section 317(c) to require that the mandatory training for court-appointed dependency attorneys for children, established by rule of court, “include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender [LGBT] youth in out-of-home care.” (Welf. & Inst. Code, § 317(c).) Rule 5.660(d), which establishes experience and education requirements for attorneys appointed in juvenile dependency proceedings as required by sections 317, 317.5, and 317.6, lists, by topic, the information that must be included in training for these attorneys. It does not currently include the requirement added by section 4 of AB 868. Failing to include the new requirement in rule 5.660(d) would be inconsistent with the statutory change. The committee therefore recommends amending the rule to include the new requirement.

Comments, Alternatives Considered, and Policy Implications

This proposal was circulated for comment as part of the spring 2014 invitation-to-comment cycle from April 18 to June 18. The committee received 8 comments on this proposal.³ All

¹ All further statutory citations refer to the Welfare and Institutions Code unless otherwise specified.

² Government Code section 68553, which applies to Judicial Council training programs for family court bench officers and professionals, and section 304.7, which applies to Judicial Council training standards for juvenile dependency judges and subordinate judicial officers, do not expressly require implementation through rules of court.

³ A chart providing the full text of the comments and the committee responses is attached at pages 8–12.

commentators agreed with the proposal; one suggested modifications. No commentators disagreed with the proposal.

The California CASA Association (CalCASA) first suggested amending rule 5.660(d)(1) and (d)(3) to require all attorneys, regardless of their level of experience, to receive training on serving LGBT youth before they are appointed to represent children. Recognizing that rule 5.660(d)(3) permits attorneys who have sufficient recent experience to be appointed in dependency proceedings without having fulfilled the eight-hour initial training requirement, CalCASA argued that “the intent of AB 868 was to ensure that all appointed attorneys had training to competently serve LGBT youth in out-of-home care—and not [to] exempt those who ‘have sufficient recent experience.’”

The committee does not recommend the suggested amendments because they appear to impose requirements beyond those required by AB 868 and, therefore, beyond the scope of this proposal. Section 4 of AB 868 refers expressly and exclusively to the council’s “training requirements” for counsel appointed to represent a child. There is no suggestion in the text or the legislative history of AB 868 that the Legislature intended to impose training or experience requirements on dependency counsel broader than those expressed. If the Legislature had so intended, it could have also amended section 317.6, which requires the council to establish minimum standards of experience and education for competent counsel in dependency proceedings.

CalCASA also suggested amending standards 5.30, 5.40, 10.12, and 10.13 of the Standards of Judicial Administration to reflect the “new training requirements” for judicial officers in section 304.7. The committee has reviewed the rules of court addressing minimum education requirements for judges and subordinate judicial officers as well as the applicable standards of judicial administration. The committee does not recommend amending these standards at this time. The committee believes that rules 10.469(c) and 10.701(c), by directly referencing section 304.7, appropriately incorporate that section’s requirements for training each judge or subordinate judicial officer “who hears juvenile dependency matters.” Subdivision (a) of section 304.7 imposes duties on the Judicial Council rather than on judicial officers. The council’s Center for Judiciary Education and Research (CJER) has already updated its curricula for juvenile court bench officers to comply with section 304.7(a). Subdivision (b) requires subordinate judicial officers to meet the standards in (a). Rule 10.701(c) affirms the application of this requirement to subordinate judicial officers.

Alternatives considered

The committee considered whether sections 1, 2, and 3 of AB 868 required conforming amendments to the rules of court or standards of judicial administration. For the reasons discussed below, the committee concluded that they do not and therefore does not propose any further amendments to the rules or standards in response to AB 868.

CASA programs and rule 5.655. Section 2 of AB 868 amends section 102(d) to require the Judicial Council’s rules establishing an “initial and ongoing training program” for CASA

volunteers to include instruction on “[c]ultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth.” (Welf. & Inst. Code, § 102(d).) Rule 5.655, which establishes guidelines for local CASA programs, incorporates the mandatory training topics in section 102(d) by referring directly to that code section, as currently in effect, rather than listing the topics. (See Cal. Rules of Court, rule 5.655(d).) Therefore, no amendment to rule 5.655 is required to conform to AB 868.

The committee noted, however, that although rule 5.655(d), which covers initial training, incorporates section 102(d)’s requirements by reference, rule 5.655(i), which covers ongoing training, does not. The committee considered proposing an amendment to fill this apparent gap, but ultimately concluded that no change was warranted. First, the rule is not directly affected by AB 868. Section 102(d) has used the language “initial and ongoing training program” since it was enacted in 1988. (Assem. Bill 4445; Stats. 1988, ch. 723, § 5.) Rule 5.655(i) has never listed topics required for ongoing training since its adoption, as rule 1424, in 1995. Second, the Judicial Council has received no indication that this omission has led to any shortcomings in the ongoing training provided to CASA volunteers. Indeed, when rule 1424 underwent extensive amendment in 2004, the continued omission of mandatory topics from the ongoing training requirements provoked no comment.

Other training rules. Several rules of court in title 5⁴ and title 10⁵ address training and education requirements for judicial officers and court-connected professionals who perform duties in family law matters. After reviewing the statutory language, legislative history, and current rules of court, the committee does not recommend amending these rules.

Section 1 of AB 868 amends section 68553 of the Government Code to require the Judicial Council to include, in its training programs for specific court officers who perform duties in family law matters, instruction on the effects of gender identity and sexual orientation on family law proceedings. This amendment does not require any specific action by family law judicial officers or court personnel. The Judicial Council can comply with these mandates by ensuring that its family law training programs include the required elements. No amendment of the rules is needed.

In a similar way, section 3 of AB 868 amends section 304.7(a) of the Welfare and Institutions Code to require the council to include, in standards for the education of juvenile dependency judges, instruction on “cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth.” Although judges are not required to complete this training, section 304.7(b) does require subordinate judicial officers assigned to dependency hearings to do so. The council has already implemented this requirement

⁴ See rule 5.210 (custody mediators), rule 5.225 (custody evaluators), rule 5.242 (family law children’s counsel), rule 5.340 (child support commissioners), and rule 5.430 (family law facilitators).

⁵ See rule 10.462 (all trial judges and subordinate judicial officers), 10.463 (family court judges and subordinate judicial officers), 10.469 (training recommendations), and 10.701 (subordinate judicial officers).

through references to section 304.7(b) in rules 10.469(c) and 10.701(c).⁶ No further amendment is needed.

Implementation Requirements, Costs, and Operational Impacts

To the extent that they have not already done so in response to AB 868, providers of legal education and training for dependency attorneys will need to incorporate instruction on sensitivity to and care for lesbian, gay, bisexual, and transgender youth into their curricula. The committee does not anticipate that this requirement will lead to any significant cost or operational impact on the courts.

Relevant Strategic Plan Goals and Operational Plan Objectives

This proposal promotes Goal I, Access, Fairness, and Diversity, by removing a barrier to access by LGBT youth; Goal III, Modernization of Management and Administration, by bringing rule 5.660 into conformance with the amended statutes; and Goal IV, Quality of Justice and Service to the Public, by enabling the juvenile courts to receive the information they need to tailor dispositions that meet the needs of LGBT youth more effectively.

Attachments and Links

1. Cal. Rules of Court, rule 5.660, at pages 6–7
2. Chart of comments, at pages 8–12
3. Assembly Bill 868 (Stats. 2013, ch. 300), leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB868&search_key_words

⁶ Court-connected juvenile dependency mediators, for whom rule 5.518(e) establishes minimum training requirements, are not addressed by AB 868. In addition, rule 5.518(e)(3)(I) already includes a requirement that dependency mediators receive training on awareness of differing cultural values. For these reasons, no amendment to rule 5.518 is proposed.

Rule 5.660 of the California Rules of Court would be amended, effective January 1, 2015, to read:

1 **Rule 5.660. Attorneys for parties (§§ 317, 317.5, 317.6, 353, 366.26, 16010.6)**

2
3 (a)–(c) * * *

4
5 (d) **Competent counsel**

6 * * *

7
8
9 (1)–(2) * * *

10
11 (3) *Experience and education*

12
13 (A) Only those attorneys who have completed a minimum of eight hours of
14 training or education in the area of juvenile dependency, or who have
15 sufficient recent experience in dependency proceedings in which the
16 attorney has demonstrated competency, may be appointed to represent
17 parties. Attorney training must include:

18
19 (i) ~~In addition to a summary~~ An overview of dependency law and
20 related statutes and cases;

21 (ii) ~~training and education for attorneys must include~~ Information on
22 child development, child abuse and neglect, substance abuse,
23 domestic violence, family reunification and preservation, and
24 reasonable efforts; and

25 (iii) For any attorney appointed to represent a child, instruction on
26 cultural competency and sensitivity relating to, and best practices
27 for, providing adequate care to lesbian, gay, bisexual, and
28 transgender youth in out-of-home placement.

29
30 (B) Within every three years, attorneys must complete at least eight hours
31 of continuing education related to dependency proceedings.

32
33 (4)–(6) * * *

34
35 (e)–(g) * * *

36
37 **Advisory Committee Comment**

38 * * *

39
40
41 Nothing in this rule is intended to ~~expand~~ extend the permissible scope of any judicial inquiry
42 into an attorney's reasons for declining to represent one or more siblings or requesting to
43 withdraw from representation of one or more siblings, due to an actual or reasonably likely

1 conflict of interest. (See ~~Cal. Bar Rules, Prof. Conduct R 3-310, Subd (C)~~. State Bar Rules Prof.
2 Conduct, rule 3-310(C).) While the court has the duty and authority to inquire as to the general
3 nature of an asserted conflict of interest, it cannot require an attorney to disclose any privileged
4 communication, even if such information forms the basis of the alleged conflict. (*In re James S.*
5 (1991) 227 Cal.App.3d 930, 934; *Aceves v. Superior Court* (1996) 51 Cal.App.4th 584, 592–593.)

DRAFT

SPR14-14

Juvenile Dependency: Attorney Training (amend rule 5.660)

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

	Commentator	Position	Comment	Committee Response
1.	California CASA Association by Phil Ladew, Associate and Legal Director Oakland	AM	<p>1. Rule 5.660(d)(3) Pursuant to Rule 5.600(d)(3), a court may appoint an attorney who has 1) completed the 8 hours of training/education OR 2) sufficient recent experience in dependency proceedings. The proposed amendment only requires training on LGBT issues if the attorney fits into the first category – i.e. completed the 8 hours of training/education.</p> <p>However, the intent of AB 868 was to ensure that all appointed attorneys had training to competently serve LGBT youth in out-of-home care – and not exempt those who have “have sufficient recent experience.”</p> <p>Suggestion: Amend Rule 5.660(d)(1) to read: (1)Definition "Competent counsel" means an attorney who is a member in good standing of the State Bar of California, who has participated in training in the law of juvenile dependency, <i>received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care</i>, and who demonstrates adequate forensic skills, knowledge and comprehension of the statutory scheme, the purposes and goals of dependency proceedings, the specific statutes, rules of court, and cases relevant to such proceedings, and procedures for filing petitions for extraordinary writs.</p>	<p>Please refer to responses to specific comments, below.</p> <p>The committee does not recommend the suggested amendments because they appear to impose requirements beyond those required by AB 868 and, therefore, beyond the scope of this proposal. Section 4 of AB 868 refers expressly and exclusively to the council’s “training requirements” for appointed counsel for a child. There is no suggestion in the text or the legislative history of AB 868 that the Legislature intended to impose training or experience requirements on dependency counsel broader than those expressed. If the Legislature had so intended, it could have also amended section 317.6, which requires the council to establish minimum standards of experience and education for competent counsel in dependency proceedings.</p>

SPR14-14

Juvenile Dependency: Attorney Training (amend rule 5.660)

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

	Commentator	Position	Comment	Committee Response
			<p>Suggestion: Amend Rule 5.660(d)(3) to read: (3)Experience and education Only those attorneys who have <i>received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care, and either 1) completed a minimum of eight hours of training or education in the area of juvenile dependency, or 2) who have sufficient recent experience in dependency proceedings in which the attorney has demonstrated competency, may be appointed to represent parties. In addition to a summary of dependency law and related statutes and cases, training and education for attorneys must include information on child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation, and reasonable efforts. Within every three years attorneys must complete at least eight hours of continuing education related to dependency proceedings.</i></p> <p>2. Rule 5.660(d)(3) The proposed amendment language regarding the out-of-home care subject matter does not mirror the statute (i.e. 317(c)). Why is this? The language in statute is clear and easy to understand.</p> <p>Suggestion: Mirror the language of the statute. Instead of “Instruction on cultural competency and sensitivity relating to lesbian, gay, bisexual,</p>	<p>The committee does not recommend the suggested amendments because they appear to impose requirements beyond those required by AB 868 and, therefore, beyond the scope of this proposal. Section 4 of AB 868 refers expressly and exclusively to the council’s “training requirements” for appointed counsel for a child. There is no suggestion in the text or the legislative history of AB 868 that the Legislature intended to impose training or experience requirements on dependency counsel broader than those expressed. If the Legislature had so intended, it could have also amended section 317.6, which requires the council to establish minimum standards of experience and education for competent counsel in dependency proceedings.</p> <p>The committee agrees with this suggestion and has incorporated it, with minor alterations, into its recommendation.</p>

SPR14-14

Juvenile Dependency: Attorney Training (amend rule 5.660)

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

	Commentator	Position	Comment	Committee Response
			<p>and transgender youth, and on best practices for providing adequate care to these youth when they are placed out of their homes” have the rule read, “Instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.”</p> <p>3. Omission: Standards for AB 868 and Welf. & Inst. Code § 304.7 While not related to “attorney training,” AB 868 also amended Welf. & Inst. Code, § 304.7, which affects standards for training and education of judges. However, there does not seem to be any suggestion from the Judicial Council to amend the Standards of Judicial Administration.</p> <p>Here are my two thoughts. First, the Standards of Judicial Administration should be reviewed and amendments considered to reflect the new training topics in AB 868. Second, when amending the standards, care should be taken to ensure that all dependency bench officers are afforded this specific training topic. For example, Standard 10.12 discusses training for judicial officers “whose principal judicial assignment” is family or juvenile dependency. Std. 10.12, subd. (b) and (c). However, Welf. 304.7 applies to “all judges who conduct hearings pursuant to Section 300,” which is a larger group.</p>	

SPR14-14**Juvenile Dependency: Attorney Training** (amend rule 5.660)

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

	Commentator	Position	Comment	Committee Response
			Suggestion: Amend Standards of Judicial Administration 10.12, 10.13 sub. (2) and (3), and consider amending 5.30 and 5.40 to reflect the new training requirements.	The committee has reviewed the rules of court addressing minimum education requirements for judges and subordinate judicial officers as well as the applicable standards of judicial administration. The committee does not recommend amending standards 5.30, 5.40, 10.12, or 10.13 at this time. The committee believes that rules 10.469(c) and 10.701(c), by directly referencing section 304.7, appropriately incorporate that section’s requirements for training each judge or subordinate judicial officer “who hears juvenile dependency matters.” Subdivision (a) of section 304.7 imposes duties on the Judicial Council rather than on judicial officers. The council’s Center for Judiciary Education and Research (CJER) has already updated its curricula for juvenile court bench officers to comply with section 304.7(a). Subdivision (b) requires subordinate judicial officers to meet the standards in (a). Rule 10.701(c) affirms the application of this requirement to subordinate judicial officers.
2.	Child Welfare Services, San Diego County by Leesa Rosenberg, PSP Manager	A	No specific comment.	No response required.
3.	Office of the County Counsel by Dawyn Harrison, Assistant County Counsel—Chief Deputy, Dependency Los Angeles	A	No specific comment.	No response required.
4.	State Bar of California, Executive Committee of the Family Law Section (FLEXCOM) San Francisco	A	The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal.	No response required.
5.	State Bar of California, Standing Committee on the Delivery of Legal	A	Amending rule 5.660 would make the training for dependency advocates conform to recently	No response required.

SPR14-14**Juvenile Dependency: Attorney Training** (amend rule 5.660)

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

	Commentator	Position	Comment	Committee Response
	Services by Maria Livingston, Vice Chair San Francisco		amended rules.	
6.	Superior Court of Los Angeles County	A	<p>No direct cost savings to court.</p> <p>No CMS changes.</p> <p>Training required for attorneys. There is likely not sufficient time for implementation within two months from Judicial Council approval of this proposal until its effective date. Training will need to be developed and approved. Should be no problem staying in compliance with 3-year training requirement per Rule 5.660(d)(3) for counsel.</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee has recommended amending rule 5.660(d) to conform to AB 868's amendment of section 317(c) of the Welfare & Institutions Code, effective January 1, 2014, to require that training for attorneys representing children in dependency proceedings include instruction in sensitivity to and care for LGBT youth. Although the rule takes effect only two months after the council's action, attorneys will have had a full twelve months from the requirement's effective date to acquire the necessary training. Many training providers have already incorporated the required instruction into their courses. The committee does not, therefore, recommend an extension of time to comply with the rule amendments.</p>
7.	Superior Court of Riverside County	A	Agree with proposal.	No response required.
8.	Superior Court of San Diego County by Michael Roddy, Executive Officer	A	Agree with proposal.	No response required.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Juvenile Dependency: Information Form for Parents	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO	January 1, 2015
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 8, 2014
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Kimberly J. Nystrom-Geist, Cochair	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends revoking two existing dependency court information forms and approving a new information form that complies with the statutory requirements of Welfare and Institutions Code section 307.4, which requires the Judicial Council, in consultation with the County Welfare Directors Association of California (CWDA), to adopt a form to provide to parents or guardians whose children are being removed that explains their procedural rights and the preliminary stages of the dependency process.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Revoke existing information forms about the juvenile court process, *Juvenile Court Information for Parents* (form JV-050) AND *The Dependency Court: How It Works* (form JV-055).
2. Approve new *What happens if your child is taken from your home?* (form JV-050-INFO) for optional use to provide a plain-language one-page information sheet consistent with the requirements of Welfare and Institutions Code section 307.4.

Previous Council Action

The Judicial Council approved forms JV-050 and JV-055 to be effective January 1, 1999. Form JV-055 was revised effective January 1, 2001 to incorporate language regarding kinship adoption agreements.

Rationale for Recommendation

Welfare and Institutions Code section 307.4 requires the Judicial Council, in consultation with the County Welfare Directors Association of California (CWDA), to adopt a form to provide to parents or guardians whose children are being removed that explains their procedural rights and the preliminary stages of the dependency process. There are currently two Judicial Council forms that provide basic information to parents about the dependency court process, but neither of them contains all of the information required by section 307.4. These forms were originally developed in the late 1990s, before the widespread use of the Internet as an information source. In the intervening years the public has grown to look to the Internet for information in various media, and these forms are no longer the primary information source that the courts provide to parents.¹ However, while more-comprehensive and easily updated information is now available for parents, the Judicial Council must adopt a form to comply with the requirements of section 307.4. The committee has prepared a new JV-050-INFO form in consultation with CWDA² with basic information about the early stages of a dependency matter that can be provided to parents and guardians at the time a child is removed from their custody. The information is presented in a simple question-and-answer format, seeking to address the most immediate questions that parents may have after a child is removed. In addition to the content on the current forms, the proposed replacement form includes information on the child and the parent's right to have counsel, the privilege against self-incrimination, and appellate rights as required by section 307.4. This one-page form can serve as a source of the basic information needed when a child is removed, and direct parents and guardians to additional sources of information available on the

¹ Detailed information is available on the California Courts website, including a pamphlet for parents www.courts.ca.gov/documents/juvenile-dependency-court-and-you.pdf and orientation video www.youtube.com/watch?v=Y7Xz4OdNoEY (accessed Jan. 30, 2014).

² The committee sought input on its content from CWDA when the new form was being developed and then sought additional comment during the public comment period.

judicial branch website. The committee streamlined the content of the form to keep it to one-page to both ensure that parents are not overwhelmed and to provide courts and justice partners the option of printing translated text on the back.³

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal circulated for comment as part of the spring 2014 invitation to comment cycle, from April 18 to June 18, 2014, 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, social workers, probation officers, and other juvenile law professionals. Nine individuals or organizations provided comment; three agreed with the proposal, four agreed if modified, one disagreed with the proposal, and one expressed no position but included comments. A chart with the full text of the comments received and the committee's responses is attached at pages 12–20.

Most commentators seeking modifications wanted to add additional content to the form to provide more information to parents entering the dependency system, including information about the Child Abuse Central Index and more information about the role of the social worker. The committee carefully considered these proposals but opted to make only minor clarifying changes in order to ensure that the form could be printed as one page. Because the JV-050-INFO is designed to provide some very basic statutorily required information to parents at the time a child is removed, the committee concluded that it was best for the form to be basic and not overwhelm the parents during a charged time. The committee ensured that the form made parents aware both that counsel will be appointed who can address their questions, and that significant additional information about the dependency court process can be found at the judicial branch website and other websites. Given these other avenues for obtaining more-comprehensive and nuanced information, the committee opted to keep the content of the JV-050-INFO simple and basic given its limited purpose.

The commentator who disagreed with the proposal suggested instead that all of the content of the existing forms be incorporated into a multipage form with some additional content and that the council adopt a requirement that this new form be attached to all juvenile petitions. The committee concluded, as described above, that the new one-page form was preferable to this option from a cost and an accessibility perspective, noting particularly that the newly proposed form is essentially the content of the two prior forms streamlined and translated into plain language. The committee saw the recommendation to require the form to be provided with all dependency petitions as beyond the scope of this proposal given that the JV-055-INFO was circulated for comment as a new optional form, and was further concerned that such a

³ The existing forms were translated into many languages, and the committee directed staff to seek translation of the new form as well.

requirement would be overly burdensome on the courts without providing sufficient benefit to parents.

Alternatives considered

The committee considered adopting a new, additional form to satisfy section 307.4 or revising one of the existing forms, but determined that the optimal approach would be to maintain only one simple, text-based information form that would meet the statutory requirements and need minimal updating and revising. Other information sources will continue to be maintained and added on the California Courts website to provide more-comprehensive, detailed, and timely information for the public.

Implementation Requirements, Costs, and Operational Impacts

Section 307.4 puts the responsibility for printing and distributing the required form on the county. It also requires that the form be made available for distribution through “all public schools, probation offices, and appropriate welfare offices.” As a result, the primary operational impacts will fall on the counties, which will print the form and provide it to parents at the time a child is removed. Courts may incur some expense for printing the new, one-page form, but it should not increase their costs as there will no longer be a need to print the two currently available forms, which, together, total six pages in length. The new form will need to be translated into the languages most commonly found in dependency proceedings, but federal court improvement funds are available for this purpose so there will be no state general fund costs for this action.

Relevant Strategic Plan Goals and Operational Plan Objectives

The new information form for parents whose children are removed will advance Goal I: Access, Fairness and Diversity and Objective I.2 by ensuring that parents understand the basic structure of the dependency court process as well as their own legal rights in these cases.

Attachments

1. Existing forms JV-050 and JV-055 at pages 5–10
2. New form JV-050-INFO, at page 11
3. Chart of comments, at pages 12–20
4. Attachment A, at pages 21–30

Additional Information:

_____ County Juvenile Court

Address of the juvenile court

Phone number of the juvenile court

You can get more information about where your child is and about the court processes from your child's social worker or your local child welfare agency. The following is a list of local helpful telephone numbers:



Social worker: _____

Other useful numbers to be provided by the county

_____ County
JUVENILE COURT

INFORMATION FOR PARENTS



Dear Parent or Guardian:

PLEASE READ THIS INFORMATION.



1. Why is this matter being investigated?

There have been one or more reports about the safety of your child; a police officer or social worker must investigate to see if your child's safety and protection require official intervention through the juvenile court.

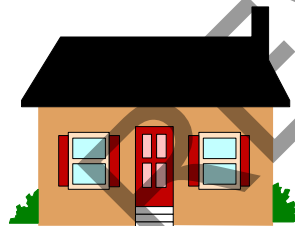
2. If my child was taken from me, why?

Your child may have been taken from you and placed in protective custody because a police officer or social worker believes it necessary for the protection of your child. Some of the reasons may be:

- a. Your child had inadequate care or supervision;
- b. Your child was neglected or abused or molested;
- c. Your child was left with someone who could not or would not provide adequate care.

3. If my child is not with me, where is my child?

Your child may be at a county shelter or in a temporary foster home. The social worker will provide additional information or give you a number to call to find out more about the arrangements that have been made for your child's care and about your future contact with your child. To learn more, call your child's social worker at the number on the back of this pamphlet during regular business hours.



4. Will my child be returned to me?

It is possible that your child will be returned to you. The social worker assigned to investigate the case will

2 _____

review information about you, your home, and your child and will act according to what appears to be the best way to make sure your child is safe. If your child is not returned to you, your child may be temporarily placed with:

- a. Your child's other legal parent (if you are not living together);
- b. A relative;
- c. A foster or shelter home.



5. What about relatives?

The law requires that you tell the social worker the names, addresses, phone numbers, and other information about your child's other legal parent or other relatives who may be able to care for your child. The social worker will contact them, see if they can provide for your child, and determine if the home will be safe for your child. In this way, your child may not have to go to someone your child and you do not know.

6. What happens now?

If the social worker believes your child is not safe, the social worker will file papers in juvenile court, asking the court to declare your child to be a dependent of the court and to make orders regarding the care, custody, and supervision of your child.

The first paper filed is called a "petition," and it must be filed within two court days (regular work days) of the time your child was taken from you or within a reasonable time if your child remains with you.

You will be notified of the date, time, and place of the first court hearing.

It is very important for you to come to court for this hearing.

3 _____

SOME IMPORTANT THINGS FOR YOU TO REMEMBER:

1. The social worker cannot give you legal advice but will explain procedures.



2. If you have additional questions about the process, please ask your lawyer or the judge.

3. You must tell the court and the social worker where your mail should be sent so you will receive all the important documents about your child. If you change your mailing address, you must tell your social worker immediately.

Additional Information:

Some important telephone numbers:

Social worker: _____

Juvenile court: _____

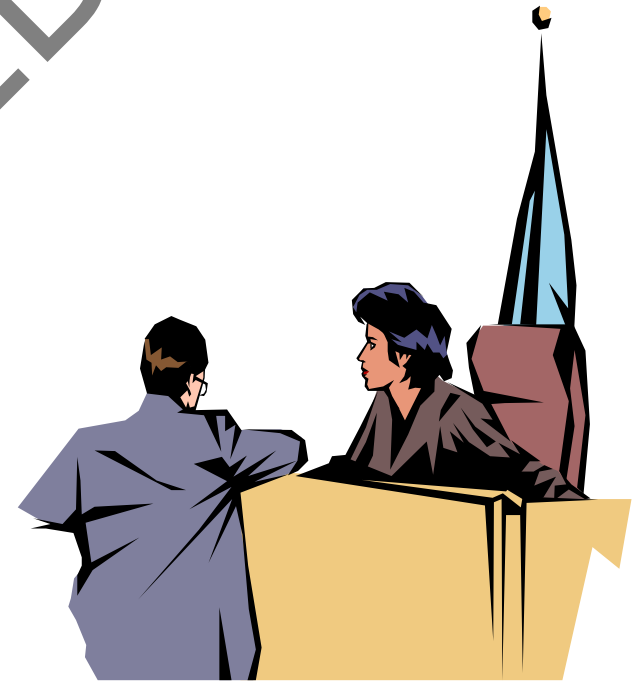
Lawyer: _____

The date of my next hearing is:



_____ County
JUVENILE COURT

**THE DEPENDENCY COURT:
HOW IT WORKS**



Form Approved for Optional Use
Judicial Council of California
JV-055 [Rev. January 1, 2001]



One of the goals of the dependency court is to have the matter regarding your child resolved as quickly as possible. We need your help and cooperation to do that. The court has become involved with you and your child because certain things have happened in your life that led to this involvement; you will be required to follow specific steps to

end court involvement. You must follow these steps within certain time limits. The steps and the time limits will be explained to you.

If your child becomes a dependent of the court, that means that the court will make orders for you, for your child, and for the social worker, so that your child will be protected. In most cases, you will have an opportunity to end court involvement.

As a court dependent:

1. The court may allow your child to reside in your home under court supervision; or
2. The court may place your child outside of your home.

If, during the time your child is a dependent of the court, reunification services are not ordered, or reunification efforts fail, your child could be adopted.

The specific reasons you are in court are stated in the petition and in other papers you may have received.

PLEASE READ THE PETITION CAREFULLY.

2 _____

6. How does the court make a permanent plan for my child?

- a. If the court decides that your child will not be returned to you and another plan for the child is required, the court **MUST** set a hearing within four months to decide what should happen to your child.



- b. At that hearing, the court has only three choices, in the following order of preference:

- (1) To terminate your parental rights and order the child placed for adoption ("Terminating your parental rights" means that legally you are no longer the child's parent);
- (2) To appoint a legal guardian for your child; or
- (3) To place your child in long-term foster care.

If a relative adopts your child, you, the adoptive parent(s), and the child may agree to postadoption contact between you and your child. Your lawyer can explain this "Kinship Adoption Agreement" to you if adoption by a relative is the permanent plan.



_____ 7

c. If your child was **under three years old** when he or she was first removed from your care, and you have not participated regularly in court ordered treatment, or if you have not contacted or visited your child for the last six months, the court can end services. If a brother or sister of the child under three was also removed, services may end for that child also.

d. If your child was **over three years old**, and the child is not returned to you after six months, the court can order services for six more months.



e. Services to reunify your child with you will end after 12 months unless the court decides there is a **substantial probability** that your child can be returned to you by the end of 18 months from the time the police officer or social worker took your child away.

f. If services are ended, the court will set a hearing to make a permanent plan for the child.

In order for the court to consider returning your child to you, you must follow the orders of the court without delay.

BECAUSE if the court orders a hearing for a permanent plan, your child will not be returned to you and there will be NO more assistance by the social worker or the court to help you reunify with your child.

1. Do I need a lawyer?

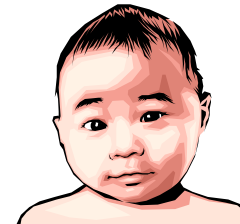
You have the right to have a lawyer represent you in court, and the first court hearing in your case may be postponed for a short time so that you may hire one. If you cannot afford a lawyer, the court may appoint one for you. You may have to repay the court for the costs of your lawyer according to your ability to pay.



2. Will anyone else have a lawyer?

The county counsel may be representing the social worker and the court may also appoint a lawyer to represent your child. The lawyer's job is to represent the interests of your child. A Court Appointed Special Advocate, called a CASA volunteer, may also be appointed by the court to assist your child.

3. What will happen at the first hearing?



a. If your child has been taken away from you, at the first court hearing the judge will decide whether your child will be returned to you until the next court hearing, or whether your child will remain away from you.

b. Be sure to tell the social worker or your lawyer about any of the child's relatives who might be able to care for your child until the next hearing (or longer) if your child is not returned to you at the first hearing.

- c. In most cases you will be able to have visits with your child if the child is not returned to you.

4. What happens then?

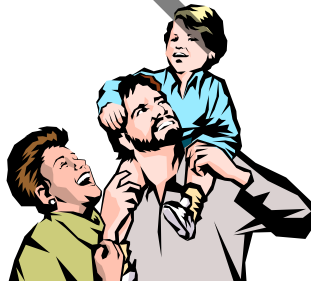
- a. You have a right to have a trial where the judge will decide whether the statements in the petition are true.
- b. If there is to be a trial, a date will be set for that trial.
- c. Whether your child is with you or not, if you admit that all or part of the statements in the petition are true, or allow the judge to make a decision based on the reports presented, there will not be a trial on those issues.

The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you and others can do to help solve the problems that brought you and your child into court.

If the judge decides that the statements in the petition are true, the judge will probably make your child a dependent child of the court, which means that your control over your child will be limited and the child may be removed from your custody.

There will be a case plan that will be worked out by you and the social worker; this plan will be presented to the court. The court will *probably* order that all or part of the case plan be carried out. The case plan may include such things as the following:

- a. Parenting classes
- b. Individual counseling
- c. Family counseling
- d. Treatment for abuse of alcohol and other drugs



- e. Special programs and classes
- f. Visitation with your child

If your child is removed from your custody and there is a case plan ordered, the social worker will be required to include in the case plan: (1) services to help you reunify with your child and (2) services to achieve legal permanence for your child should reunification fail. Legal permanence may include adoption or appointment of a legal guardian.



If, at any time after your child is removed from you, you decide that you are not interested in reunifying with your child, you can talk with your social worker. You should also talk with your lawyer, who can explain your right to (1) waive reunification services, (2) relinquish your parental rights, and (3) assist in the development of a permanent plan for your child.

5. What do I need to do then?

- a. The social worker and others will be required to assist you to obtain the services listed in your case plan.

It is important that you get started on your case plan as soon as possible. Following the case plan, within the required time lines, is the key to reunification with your child.



- b. The court will review your case at least every six months. At the first review hearing, the court will consider whether court dependency for your child is still required and, if your child has been removed from your home, whether your child may be returned home.

JV-050-INFO What happens if your child is taken from your home?**Why was my child taken from me?**

Someone made a report about your child's safety. To protect your child, a police officer or social worker has:

- Taken your child out of your home, and
- Asked the court to get involved in this case to protect your child.

Where is my child now?

Your child may be at a temporary foster home or shelter in this county. To find out more about what is happening with your child, call the social worker for this case:

Social Worker:

Phone:

E-mail:

Will my child be returned to me soon?

It depends. A social worker will review your home situation and decide how best to keep your child safe.

If your child is not returned home before you go to court, your child may be sent temporarily to stay with:

- Your child's other legal parent (if you do not live together),
- A relative or extended family member, or
- A foster parent.

Do I have the right to try to get my child back?

Yes. You have the right to:

- A lawyer. (The court will give you one if you cannot afford one.)
- Take part in all court hearings about your child.
- Have an interpreter in court if you do not speak English well.
- Refuse to answer questions that could lead to criminal charges against you.

Tell your lawyer if you have questions about your rights or about what happens in court.

Does my child have rights, too?

Yes. Your child has the same rights that you have. Your child will have a different lawyer who will:

- Tell the court what the child wants, and
- Ask the court to do what is best for the child.

Can my child be placed with relatives?

Yes. You **must** give the social worker names and contact information for your child's other legal parent and relatives who may be able to care for your child. The social worker will contact them to see if their home is available and safe for your child.

How will I know when to go to court?

You will get a *Notice* with the time, date, and location of the court hearing.

Important! The court and the social worker will mail you many important documents. If your mailing address changes, tell your social worker right away.

What to expect

1. After your child is taken from your home, a social worker has **2 full working days** to decide if your child is safe with you. If the social worker thinks your child is **not** safe with you, she or he will:
 - Take a *Petition* to a special court for children (Juvenile Court), and
 - Ask the court to be in charge of your child's care, custody, and supervision.

Important! Read the *Petition*. It lists the reasons (*allegations*) your child is not safe in your home. If you do not understand it, ask your lawyer.
2. The court has **1 full working day** to hold a **detention hearing**. This hearing will decide:
 - To return the child to you right away, or
 - Where the child will stay for now and how you can visit him or her.
3. The next hearing will be within **15 working days** unless the judge decides more time is needed. It's called a **jurisdictional hearing**. That's when the judge will look more closely at your child's situation and decide if any allegation in the *Petition* is true.
 - If the judge decides none of them is true, your child will be returned to you.
 - If the judge believes any allegation *is* true, your child may become the **court's dependent**.

If your child becomes the court's dependent

There will be another hearing (called a **dispositional hearing**), when the judge will decide:

- Where your child should live,
- When, where, and how you can visit your child, and
- What must be done to take care of the problems that caused your child to be taken out of the home. (This is called a *reunification plan*.)

This hearing may be at the same time as the jurisdictional hearing. If you or your child disagrees with the judge's decision, you may ask an appeals court to review the judge's decision.

Questions? Talk to your lawyer, and learn more about cases like yours at: courts.ca.gov/selfhelp-childabuse

SP14-13

Juvenile Dependency: Information Form for Parents (revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO)

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

	Commentator	Position	Comment	Committee Response
1.	Los Angeles County Counsel’s Office Dawyn Harrison Assistant County Counsel – Division Chief Dependency	AM	<p>The Office of the Los Angeles County Counsel agrees with the proposal. However, it is requested that the form be printed on the front and back so that additional important information may be added to the form. In the section of the new informational form entitled "Why was my child taken from me?," it is requested that the following information taken from the current JV-050 form be added:</p> <p>"Some of the reasons may be: Your child had inadequate care or supervision; Your child was neglected or abused or molested; Your child was left with someone who could not or would not provide adequate care."</p> <p>In the section that discusses the jurisdiction hearing, it is requested that the following information be added:</p> <p>"The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you and others can do to help solve the problems that brought you and your child into court."</p>	<p>The committee appreciates the interest in making the form as comprehensive as possible, but believes that keeping it to one page is more critical than adding back this information which may be unhelpful if it does not describe the specific reasons that a child has been removed. The committee also notes that a one-page form will allow a translation of the form to be printed on the back and that translations of the form are planned.</p> <p>As discussed above this information has been deemed less essential, and the committee is committed to keeping the form to one page to make it most likely that parents will be able to digest its contents. The committee notes that the form directs parent to a web link that will allow them to obtain a great deal more information including this information about the dependency process if they wish to read more, and that by the time of a jurisdictional hearing an attorney is available to explain the social worker’s report.</p>
2.	Orange County Bar Association Thomas Bienert, Jr., President	AM	The OCBA recommends adopting the proposed JV050 form with amendments. The form	In order to clarify the issues raised in this comment, the committee has opted to modify the

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			<p>currently states that the Jurisdictional hearing will be held within 15 working days, however does not acknowledge that frequently there are time waivers which will cause the jurisdictional hearing to be held more than 15 working days after the detention hearing. To leave it as is may mislead the intended audience. The OCBA would suggest to change “The next hearing will be within 15 working days,” to “The next hearing will be within 15 working days, unless time is waived.”</p> <p>The OCBA also has concerns that the form suggests that there is always a separate disposition hearing when it states, “There will be another hearing (called a dispositional hearing).” If the words “which may be combined with the jurisdictional hearing” are added this would avoid possible confusion.</p>	<p>sentence regarding the jurisdictional hearing to read “The next hearing will be within 15 working days unless the judge decides more time is needed.”</p> <p>To clarify that disposition and jurisdiction may be held at the same time the committee proposes adding a sentence at the end to read: “This hearing may be at the same time as the jurisdictional hearing.”</p>
3.	Matthew Purcell, Certified Family Law Specialist Principal Attorney Goyette and Associates	AM	<p>While I am in agreement with the need for an updated information form, one of the continued injustices committed upon parents in this system is the failure to have any discussion of, or to provide information about, the California Central Child Abuse Index. If the parents are receiving this proposed form, a juvenile case has been opened. If the parents "submit," agree, or do not successfully challenge the Jurisdiction of the court, they will lose the right to contest having their names placed on the CACI. This will remain on their record indefinitely, and will have a serious impact on potential employment, housing, and the parents' ability to fully</p>	<p>The committee acknowledges that there are numerous potential consequences to being involved in a juvenile dependency matter, but not all of them can be addressed in a simple one page information form. This form is designed to give basic information about the earliest stages of a case – discussion of other consequences, such as the CACI or child support must be left to discussions with the parent’s attorney, or more comprehensive information sources.</p>

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	Commentator	Position	Comment	Committee Response
			<p>participate in the lives of their children (those who may not have been removed, were wrongfully removed, or those who they may be reunified with). It is important for information about the CACI, and what the juvenile court proceedings could mean with regard to the ability of the parents to contest being listed on the CACI, to be presented to parties at the beginning of the process. This may not be mandated by 307.4, but if the forms are going to be revised, they should be complete.</p>	
4.	<p>The State Bar of California, Family Law Section Saul Bercovitch, Legislative Counsel</p>	N	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) does not agree with this proposal, but instead suggests a different approach.</p> <p>FLEXCOM believes that replacing existing forms JV-050 “Juvenile Court Information for Parents” and JV-055 “The Dependency Court: How it Works” with the proposed one-page JV-050-INFO form entitled “What happens if your child is taken from your home” would not be adequate to provide fundamental and necessary information to explain the dependency system to parents and guardians, and properly assist them in navigating this complex area of the law, which is likely to be quite foreign and confusing to parties who enter the system involuntarily, frequently without adequate access to accurate and complete information.</p> <p>FLEXCOM questions the assumption that</p>	<p>The committee appreciates the goal of trying to provide the most useful information to parents whose children have been removed that this comment seeks to further, but has concluded that the proposed form provides the most essential information in a format and language that is most accessible to the target audience. The content includes what is statutorily required, and has been translated into plain language that is comprehensible to most people.</p> <p>While the committee recognizes that some parents</p>

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	Commentator	Position	Comment	Committee Response
			<p>parties who are in the juvenile dependency courts obtain adequate information from the Internet or sources other than the court. Juvenile dependency courts are, in large part, the courts of the poor and disadvantaged, a population that may not be informed about where to look on the Internet for information about their rights in juvenile dependency proceedings or how the juvenile dependency system operates.</p> <p>Typically, the experience of a parent or guardian coming to dependency court for the first time is confusing and frightening. The parent or guardian does not receive a copy of the Petition in advance. Parents and guardians are, in the vast majority of cases, appointed counsel on the day of the hearing on which they have received notice to appear. Appointed counsel is typically handling a number of cases on the same day, attempting to read numerous court reports, and to read, digest and then discuss the Petition with their clients and other counsel assigned to the case in a span of minutes. If the party does attend the initial hearing with private counsel, private counsel all too frequently have little or no experience in juvenile dependency court. Parents and guardians typically do not receive any written information that they can read and digest while waiting for their hearing or take with them after the hearing, to allow them to educate</p>	<p>of children in the dependency system may not use online information sources, there is an increasing trend, via smart phones and other internet connected devices, for the public to look for online sources to address their questions. The proposed form provides the information needed to understand what will happen next, and also alerts parents to their other options for obtaining information including their social worker, attorney, and the judicial branch website. For those parents who want additional information, one or more of these options is likely to better meet their needs than a somewhat longer information form that is necessarily brief and generic. The committee acknowledges that caseloads for appointed counsel are too high in many counties, but notes that standards for representation are improving and does not agree that a form attached to the petition would be a better information source than the parent’s appointed counsel. Parents appearing with private counsel are relatively few in number, and typically those parents are more information sophisticated than average and would likely access the more comprehensive information sources available online. The committee also notes that the more comprehensive information pamphlet for parents available online is also formatted for printing as a booklet, and can be provided to parents by parent’s counsel for those parents seeking a printed information source that is more extensive than this form.</p>

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	Commentator	Position	Comment	Committee Response
			<p>themselves about the juvenile dependency process. This is particularly problematic for people coming into a system and a process that may end with the termination of their parental or guardianship rights and the complete loss of any relationship with their child or children.</p> <p>In light of the foregoing, FLEXCOM does not support revocation of the existing forms, but instead recommends that the forms in either their existing format or in the revised format discussed below, be required to be attached to every Petition filed in a juvenile dependency matter, so that a parent or guardian receives not only the Petition itself, but the information in the forms as well.</p> <p>FLEXCOM’s suggestion for a revised form would combine the content of existing form JV-050 and JV-055 into a single form JV-050, which would also contain the information required by Welfare and Institutions Code § 304.7. Attached hereto is that proposed form, which FLEXCOM suggests be titled, “Juvenile Dependency Court: Information for Parents.”</p> <p>We also suggest the following additional language, where indicated in the attachment. [See Attachment A]</p>	<p>The proposal to require that the form be attached to every petition is outside the scope of this proposal and would require further circulation for comment. The proposed form is intended to be provided even before a petition is filed and to be provided by whomever removes the child in conformance with the statute. Providing the information again at the time the petition is filed appears superfluous, especially as counsel is appointed at that time and can be a more effective information source for parents.</p> <p>The committee believes that the proposed JV-050-INFO does combine the key content from the two existing forms into one form, and that this new form is preferable to the older ones in that the content has been translated into plain language and is therefore accessible to a wider array of literacy levels than the prior forms. The committee also notes that a one-page form will allow a translation of the form to be printed on the back and that translations of the form are planned.</p>

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

	Commentator	Position	Comment	Committee Response
			<p>* At the end of the second paragraph on what would be page 4, we suggest that the following language be added to the end of the last sentence "... and have your child returned by following Court orders to participate in programs and tasks such as drug and alcohol testing, counseling and attending parenting instruction programs."</p> <p>** In the section entitled, "Do I Need a Lawyer?" on what would be page 5, we suggest that the following language be added: "Juvenile Dependency law is a highly specialized field. If you choose to hire private counsel rather than be represented by appointed counsel, you should make sure that the counsel you hire has the required expertise and training to handle Juvenile Dependency cases."</p> <p>*** In section 9c on what would be page 6, following the language that says, "In most cases you will be able to have visits with your child if your child is not returned to you," we suggest that the following language be added: "The Court may order visits to take place subject to</p>	<p>While the committee agrees that it is critical for parents to understand that compliance with court orders is critical to successful reunification, that information cannot be sufficiently described in one sentence. The Judicial Council has recently made available a booklet on the dependency process for parents that goes into considerable detail on this point and contains extensive advice from a parent who successfully reunified on the importance of following the case plan. The committee believes that this booklet, which can be made available to all parents by courts or their counsel, addresses that content more effectively than a form provided at removal would be able to do.</p> <p>Given the relatively small numbers of parents seeking private representation and the committee's conclusion that a one page form is optimal in this context, the committee does not believe that including this advisement is necessary on this form.</p> <p>The new proposed form alerts the parent to the fact that conditions may be placed on visitation by informing the parent that the time, place and manner of visitation –"when, where, and how you can visit your child" will be determined at the dispositional hearing. The committee finds that</p>

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

SP14-13

Juvenile Dependency: Information Form for Parents (revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO)

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

	Commentator	Position	Comment	Committee Response
			certain conditions or restrictions. For instance, the visits may be ordered to occur at only particular locations or that the visits be supervised or ‘monitored.’ ”	this information succinctly addresses the content that the commenter seeks to reach.
5.	Superior Court of Los Angeles (no name provided)	A	No direct cost savings to court. No CMS changes. No training required. There is sufficient time for implementation within two months from Judicial Council approval of this proposal until its effective date. New format is more helpful in Q & A. Deleted information on JV-055 regarding reunification does not need to be restored. One page is sufficient amount of information for parents to read. Important contact information added on page by social worker is valuable for the parents/guardians. Los Angeles County provides parents/guardians with a parent calendar at the detention hearing that provides very valuable information for parents that enhances what JV-055 provides.	No response required.
6.	Superior Court of Orange County Paul Alberga, Administrative Analyst	A	These changes will have little impact for trial court operations. We will need to update web site links to reference the updated JV-050-INFO form. • We suggest providing this form in multiple languages.	No response required. The committee plans to seek translation of the form into all languages in which the existing JV-050 and JV-055 are provided.
7.	Superior Court of Riverside County Daniel Wolfe, Managing Attorney	A	The only suggestion is to the JV-050-INFO form. Under ‘What to Expect’, the term ‘working days’ may be confusing to parents. Many parents work on weekends and might	While the term “working day” may not be clear to all parents the committee deemed it preferable to the more opaque “court day” and likely to signal that weekends and holidays were not included.

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

SP14-13

Juvenile Dependency: Information Form for Parents (revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO)

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

	Commentator	Position	Comment	Committee Response
			assume that weekends are counted as ‘working days’.	
8.	Superior Court of San Diego County Michael M. Roddy, Executive Officer	AM	<p>Because WIC § 307.4 requires the written statement (Form JV-050-INFO) to include “(2) The rights to counsel, privileges against self-incrimination and rights to appeal possessed by the minor, and his or her parents, guardians, or responsible relative,” the following alternative revisions are suggested to the paragraph under the heading “Does my child have rights, too?”:</p> <p>Do I have the right to try to get my child back? Yes. You have the right to:</p> <ul style="list-style-type: none"> - A lawyer. (The court will give you one if you cannot afford one.) - Take part in all court hearings about your child. - Have an interpreter in court, if you do not speak English well. - Refuse to answer questions that could lead to criminal charges against you. <p>Does my child have rights, too? Yes. Your child <u>also</u> has the <u>same</u> rights <u>to take part in the court hearings that you have</u>. Your child will have a different lawyer who will:</p> <ul style="list-style-type: none"> - Tell the court what the child wants, and - Ask the court to do what is best for the child. <p>OR</p>	The committee agrees that full compliance with Welfare Institutions Code section 307.4 requires highlighting the child’s right not to self-incriminate and has revised the form to indicate that the child and parent have the same rights as suggested in the first option provided by this commenter.

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

SP14-13

Juvenile Dependency: Information Form for Parents (revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO)

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

	Commentator	Position	Comment	Committee Response
			<p>Does my child have rights, too? Yes. Your child also has the right to take part in the court hearings, <u>have an interpreter, and refuse to answer questions that could lead to criminal charges.</u> Your child will have a different lawyer who will: - Tell the court what the child wants, and - Ask the court to do what is best for the child.</p>	
9.	<p>Wynspring Family Resource Center Darlene K. Aiello Business Director</p>	N/I	<p>Working on the Foster Care side, we often have new parents in the system ask what their rights are when the child has been removed. We are unable to answer their question and must refer them back to their County Social Work, or the court appointed attorney.</p> <p>We hear the same thing that they are not being told, or are being ignored until the Judge gets involved, which could be days or weeks later.</p> <p>The changing of how dependency is done would be beneficial to both the parents and the County. It would clear up some misunderstandings and misconceptions of parents and hopefully cause less anxiety for the parent/s and less hassle for the County and State.</p>	No response required.

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

_____ County
JUVENILE COURT
INFORMATION FOR PARENTS



Form Approved by the
Judicial Council of California
JV-050 (New January 1, 1988)

JV-050

Dear Parent or Guardian:

PLEASE READ THIS INFORMATION.



1. Why is this matter being investigated?

There have been one or more reports about the safety of your child; a police officer or social worker must investigate to see if your child's safety and protection require official intervention through the juvenile court.

2. If my child was taken from me, why?

Your child may have been taken from you and placed in protective custody because a police officer or social worker believes it necessary for the protection of your child. Some of the reasons may be:

- a. Your child had inadequate care or supervision:
- b. Your child was neglected or abused or molested:
- c. Your child was left with someone who could not or would not provide adequate care.

3. If my child is not with me, where is my child?

Your child may be at a county shelter or in a temporary foster home. The social worker will provide additional information or give you a number to call to find out more about the arrangements that have been made for your child's care and about your future contact with your child. To learn more, call your child's social worker at the number on the back of this pamphlet during regular business hours.



4. Will my child be returned to me?

It is possible that your child will be returned to you. The social worker assigned to investigate the case will

2 _____

review information about you, your home, and your child and will act according to what appears to be the best way to make sure your child is safe. If your child is not returned to you, your child may be temporarily placed with:

- a. Your child's other legal parent (if you are not living together);
- b. A relative;
- c. A foster or shelter home.



5. What about relatives?

The law requires that you tell the social worker the names, addresses, phone numbers, and other information about your child's other legal parent or other relatives who may be able to care for your child. The social worker will contact them, see if they can provide for your child, and determine if the home will be safe for your child. In this way, your child may not have to go to someone your child and you do not know.

6. What happens now?

If the social worker believes your child is not safe, the social worker will file papers in juvenile court, asking the court to declare your child to be a dependent of the court and to make orders regarding the care, custody, and supervision of your child.

The first paper filed is called a "petition," and it must be filed within two court days (regular work days) of the time your child was taken from you or within a reasonable time if your child remains with you.

You will be notified of the date, time, and place of the first court hearing.

It is very important for you to come to court for this hearing.



One of the goals of the dependency court is to have the matter regarding your child resolved as quickly as possible. We need your help and cooperation to do that. The court has become involved with you and your child because certain things have happened in your life that led to this involvement; you will be required to follow specific steps to

end court involvement. You must follow these steps within certain time limits. The steps and the time limits will be explained to you.

If your child becomes a dependent of the court, that means that the court will make orders for you, for your child, and for the social worker, so that your child will be protected. In most cases, you will have an opportunity to end court involvement.

As a court dependent:

1. The court may allow your child to reside in your home under court supervision; or
2. The court may place your child outside of your home.

If, during the time your child is a dependent of the court, reunification services are not ordered, or reunification efforts fail, your child could be adopted.

The specific reasons you are in court are stated in the petition and in other papers you may have received.

PLEASE READ THE PETITION CAREFULLY.

4 _____

1. Do I need a lawyer?

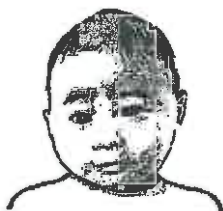
You have the right to have a lawyer represent you in court, and the first court hearing in your case may be postponed for a short time so that you may hire one. If you cannot afford a lawyer, the court may appoint one for you. You may have to repay the court for the costs of your lawyer according to your ability to pay. **



2. Will anyone else have a lawyer?

The county counsel may be representing the social worker and the court may also appoint a lawyer to represent your child. The lawyer's job is to represent the interests of your child. A Court Appointed Special Advocate, called a CASA volunteer, may also be appointed by the court to assist your child.

3. What will happen at the first hearing?



a. If your child has been taken away from you, at the first court hearing the judge will decide whether your child will be returned to you until the next court hearing, or whether your child will remain away from you.

b. Be sure to tell the social worker or your lawyer about any of the child's relatives who might be able to care for your child until the next hearing (or longer) if your child is not returned to you at the first hearing.

5

c. In most cases you will be able to have visits with your child if the child is not returned to you. ***

10. What happens then?

- a. You have a right to have a trial where the judge will decide whether the statements in the petition are true.
- b. If there is to be a trial, a date will be set for that trial.
- c. Whether your child is with you or not, if you admit that all or part of the statements in the petition are true, or allow the judge to make a decision based on the reports presented, there will not be a trial on those issues.

The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you and others can do to help solve the problems that brought you and your child into court.

If the judge decides that the statements in the petition are true, the judge will probably make your child a dependent child of the court, which means that your control over your child will be limited and the child may be removed from your custody.

There will be a case plan that will be worked out by you and the social worker; this plan will be presented to the court. The court will *probably* order that all or part of the case plan be carried out. The case plan may include such things as the following:

- a. Parenting classes
- b. Individual counseling
- c. Family counseling
- d. Treatment for abuse of alcohol and other drugs



6

e. Special programs and classes

f. Visitation with your child

If your child is removed from your custody and there is a case plan ordered, the social worker will be required to include in the case plan: (1) services to help you reunify with your child and (2) services to achieve legal permanence for your child should reunification fail. Legal permanence may include adoption or appointment of a legal guardian.



If, at any time after your child is removed from you, you decide that you are not interested in reunifying with your child, you can talk with your social worker. You should also talk with your lawyer, who can explain your right to (1) waive reunification services, (2) relinquish your parental rights, and (3) assist in the development of a permanent plan for your child.

§. What do I need to do then?

a. The social worker and others will be required to assist you to obtain the services listed in your case plan.

It is important that you get started on your case plan as soon as possible. Following the case plan, within the required time lines, is the key to reunification with your child.



b. The court will review your case at least every six months. At the first review hearing, the court will consider whether court dependency for your child is still required and, if your child has been removed from your home, whether your child may be returned home.

- c. If your child was **under three years old** when he or she was first removed from your care, and you have not participated regularly in court ordered treatment, or if you have not contacted or visited your child for the last six months, the court can end services. If a brother or sister of the child under three was also removed, services may end for that child also.
- d. If your child was **over three years old**, and the child is not returned to you after six months, the court can order services for six more months.



- e. Services to reunify your child with you will end after 12 months unless the court decides there is a **substantial probability** that your child can be returned to you by the end of 18 months from the time the police officer or social worker took your child away.

- f. If services are ended, the court will set a hearing to make a permanent plan for the child.

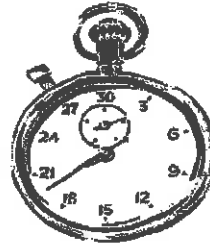
In order for the court to consider returning your child to you, you must follow the orders of the court without delay.

BECAUSE if the court orders a hearing for a permanent plan, your child will not be returned to you and there will be NO more assistance by the social worker or the court to help you reunify with your child.

§ _____

8. How does the court make a permanent plan for my child?

- a. If the court decides that your child will not be returned to you and another plan for the child is required, the court **MUST** set a hearing within four months to decide what should happen to your child.



- b. At that hearing, the court has only three choices, in the following order of preference:
- (1) To terminate your parental rights and order the child placed for adoption ("Terminating your parental rights" means that legally you are no longer the child's parent);
 - (2) To appoint a legal guardian for your child; or
 - (3) To place your child in long-term foster care.

If a relative adopts your child, you, the adoptive parent(s), and the child may agree to postadoption contact between you and your child. Your lawyer can explain this "Kinship Adoption Agreement" to you if adoption by a relative is the permanent plan.



9

SOME IMPORTANT THINGS FOR YOU TO REMEMBER:

1. The social worker cannot give you legal advice but will explain procedures.



2. If you have additional questions about the process, please ask your lawyer or the judge.

3. You must tell the court and the social worker where your mail should be sent so you will receive all the important documents about your child. If you change your mailing address, you must tell your social worker immediately.

Additional Information:

Some important telephone numbers:

Social worker: _____

Juvenile court: _____

Lawyer: _____



The date of my next hearing is:

10 _____



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: October 28, 2014

Title	Agenda Item Type
Judicial Administration: Rule for Trial Court Budget Advisory Committee	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 10.64	October 28, 2014
Recommended by	Date of Report
Executive and Planning Committee Hon. Douglas P. Miller, Chair	September 24, 2014
	Contact
	Susan R. McMullan, 415-865-7990 susan.mcmullan@jud.ca.gov

Executive Summary

The Executive and Planning Committee recommends amending California Rules of Court, rule 10.64, the rule for the Trial Court Budget Advisory Committee, to make a change to the membership category for presiding judges. It would provide that “presiding judge,” as used in the rule, means a current presiding judge or an immediate past presiding judge. The rule would also be amended to eliminate a provision concerning the appointment of cochairs and to make minor technical changes.

Recommendation

The Executive and Planning Committee (E&P) recommends that the Judicial Council amend, effective October 28, 2014, rule 10.64 of the California Rules of Court to provide that “presiding judge,” as used in the rule, means a current presiding judge or an immediate past presiding judge; to eliminate subdivision (d), concerning the appointment of cochairs; and to make technical changes.

The text of the amended rule is attached at page 5.

Previous Council Action

Effective February 20, 2014, the Judicial Council adopted rule 10.64 setting out the area of focus, additional duties, and membership provisions for the Trial Court Budget Advisory Committee. Adoption of the rule followed a council initiative to review the governance, structure, and organization of the council's advisory groups and the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*,¹ which included a recommendation to establish by rule the Trial Court Budget Advisory Committee.

Rationale for Recommendation

The primary amendment to rule 10.64

Rule 10.64(c) would be amended to allow an immediate past presiding judge to serve as a member. Membership on the advisory committee is limited to presiding judges and court executive officers. Under the current rule, a judicial officer member must be a current presiding judge, although the rule permits a presiding judge to complete his or her term on the advisory committee even if his or her term as presiding judge of a trial court ends. Thus, a presiding judge could be appointed to the advisory committee at the beginning of his or her first or second year as presiding judge and continue to serve the three-year advisory committee term after stepping down as presiding judge.² But the committee has found that a member's experience as a presiding judge is invaluable and believes that allowing an immediate past presiding judge to be appointed would benefit the work of the committee and, ultimately, the Judicial Council, as it makes decisions about the allocation of funds to trial courts. Presiding judges and court executives, who lead and manage trial courts and are most familiar with and experienced in courts' needs and budgets, are essential to the committee's work and exclusively make up its membership. A court executive officer usually remains in that position for many years beyond the three-year membership term of the advisory committee and can therefore serve multiple terms, if appropriate. A presiding judge, by contrast, usually serves for two years in that capacity and can serve out only one advisory committee term before becoming ineligible under the current rule. The proposal would rectify this problem by allowing an immediate past presiding judge to serve. A judge who just completed a term as presiding judge would have recent experience in leading and managing a court and would be well aware of a court's current needs and challenges, while also being removed from the day-to-day leadership of a trial court. A judge in this position would benefit the committee.

The motivation for this change is to increase the pool of presiding judge applications for upcoming nomination cycles. In the 2014–2015 cycle, the number of presiding judge applicants was insufficient for the number of available membership slots. The proposed change would

¹ The report can be found at www.courts.ca.gov/documents/jc-20130426-item4.pdf.

² Most advisory committee terms are three years. "The Chief Justice appoints advisory committee members to three-year terms unless another term is specified in these rules." (Cal. Rules of Court, rule 10.31(b).)

address these recruitment issues as well as provide a mechanism, as noted above, for retaining critical budget knowledge acquired by presiding judges.

Because the proposal would define *presiding judge* as a “current presiding judge or an immediate past presiding judge,” and current rule 10.64 permits a presiding judge on the committee to complete his or her term even if his or her term as presiding judge of a trial court ends, a member who is appointed when he or she is an immediate past presiding judge could serve a three-year term on the committee.

Other amendments to rule 10.64

Rule 10.64(c)(2) would also be amended to provide that no more than two members of the committee may be from the same court. Currently, the rule provides that a presiding judge and a court executive officer may not be from the same court. With the amendment that defines a presiding judge as a “current presiding judge or an immediate past presiding judge,” two presiding judges and a court executive officer from the same court could simultaneously serve on the committee unless subdivision (c)(2) is changed as proposed.

Subdivision (c)(5) would be amended to replace “Administrative Office of the Courts’ ” with “Judicial Council’s,” reflecting the recent retirement of the name Administrative Office of the Courts. Also, a change in the cochair structure would be made by deleting subdivision (d), which currently provides that “[t]he Chief Justice appoints a presiding judge and the Director of the Fiscal Services Office to serve as cochairs.” With this amendment, the director of the Fiscal Services Office would no longer serve as cochair. The rule would not need a provision concerning the chair or cochairs of the committee because rule 10.31(c) addresses this issue for all advisory committees.

Comments, Alternatives Considered, and Policy Implications

The proposal was circulated for comment from August 20 to September 19, 2014. Comments were received from the Superior Courts of Los Angeles and Ventura Counties.³ Both commentators agreed with the proposal and neither submitted a narrative comment.

Alternatives

E&P did not consider alternatives because of the need to gain the benefits of an immediate past presiding judge’s experience and knowledge.

³ A chart containing the comments and the committee responses is attached at page 6.

Implementation Requirements, Costs, and Operational Impacts

Immediately after the rule is amended, a solicitation for nominations for membership will occur for a period of approximately two weeks. This will allow the appointment of members who are immediate past presiding judges, among other members. Member appointments are expected to occur by January 1, 2015, so that the Trial Court Budget Advisory Committee can begin meeting when the Governor releases the January budget proposal. This timeline allows continuity in membership through the budget cycle so that the advisory committee can most effectively analyze the proposed trial court budget and assist in developing data necessary to support trial court budget advocacy efforts.

Attachments and Links

1. Cal. Rules of Court, rule 10.64, page 5
2. Chart of comments, at page 6

Rule 10.64 of the California Rules of Court is amended, effective October 28, 2014, to read:

1 **Rule 10.64. Trial Court Budget Advisory Committee**

2
3 ~~(a)–(b) * * *~~

4
5 **(c) Membership**

- 6
7 (1) The advisory committee consists of an equal number of trial court presiding
8 judges and court executive officers reflecting diverse aspects of state trial
9 courts, including urban, suburban, and rural locales; the size and adequacy of
10 budgets; and the number of authorized judgeships. For purposes of this rule,
11 “presiding judge” means a current presiding judge or an immediate past
12 presiding judge.
13
14 (2) ~~A presiding judge and court executive officer~~ No more than two members
15 may be from the same court.
16
17 (3) The chairs of the Trial Court Presiding Judges Advisory Committee and the
18 Court Executives Advisory Committee serve as ex officio voting members.
19
20 (4) Notwithstanding rule 10.31(e), a presiding judge is qualified to complete his
21 or her term on the advisory committee even if his or her term as presiding
22 judge of a trial court ends.
23
24 (5) ~~The Administrative Office of the Courts’~~ Judicial Council’s chief of staff,
25 chief administrative officer, chief operating officer, and director of ~~the fiscal~~
26 ~~services office~~ Finance serve as non-voting members.

27
28 **~~(d) Cochairs~~**

29
30 ~~The Chief Justice appoints a presiding judge and the Director of the Fiscal Services~~
31 ~~Office to serve as cochairs.~~

SP14-06**Judicial Administration: Rule for Trial Court Budget Advisory Committee** (amend Cal. Rules of Court, rule 10.64)

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

	Commentator	Position	Comment	Proposed Committee Response
1.	Superior Court of California, County of Los Angeles	A	No narrative comments submitted.	No response required.
2.	Superior Court of California, County of Ventura by Michael Planet, Executive Officer	A	No narrative comments submitted.	No response required.



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2014

Title

Rules and Forms: Miscellaneous Technical Changes

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 1.31, 1.35, 3.20, 5.225, 5.610, 8.108, 10.952 and 10.960; repeal rules 7.551, 7.552, 7.553, and 10.107; revise forms CR-111/JV-791, DAL-015, DE-226, DE-265/GC-065, DE-305, DE-315, FL-192, FL-410, FL-480, GC-150, GC-350, JV-401, POS-050/EFS-050, SV-130, and WV-130

Recommended by

Judicial Council staff
Susan R. McMullan, Senior Attorney
Legal Services

Agenda Item Type

Action Required

Effective Date

January 1, 2015

Date of Report

September 15, 2014

Contact

Susan R. McMullan, 415-865-7990
susan.mcmullan@jud.ca.gov

Executive Summary

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

Recommendation

The staff to the Judicial Council recommends that the council, effective January 1, 2015:

1. Amend rules 1.31(b) and 1.35(b) to change the reference to the branch website from “*www.courtinfo.ca.gov*” to “*www.courts.ca.gov*”;
2. Amend rule 3.20(b)(1) to correct a reference, changing it from “3.112(f)” to “3.1112(f)”;
3. Amend rule 5.225(c)(2)(A) to correct an internal reference, changing it from subdivision (i) to subdivision (j). Without this change, courts and persons seeking appointment as a child custody evaluator could misinterpret rule 5.225(c)(2)(A) as permitting an unlicensed court-connected child custody evaluator to be appointed to a case, even though he or she does not meet the experience requirements of the rule and is not supervised by another evaluator who meets all the requirements of the rule;
4. Amend rule 5.610(g)(1) to clarify that the council, and not the Administrative Office of the Courts, can approve modifications to the intercounty juvenile transfer form, *Juvenile Court Transfer Orders* (form JV-550);
5. Repeal rules 7.551, 7.552, and 7.553 because the underlying authority has been repealed or found to be unconstitutional. The requirement of Revenue and Taxation Code section 19513 for a tax clearance certificate from the Franchise Tax Board for the estates described in rule 7.551(a) has been eliminated by section 2 of Assembly Bill 672 (Stats. 2013, ch. 239), which repealed section 19513 effective January 1, 2014. The graduated filing fee in 7.552 and 7.553 was determined to be unconstitutional by *Estate of Claeysens* (2008) 161 Cal.App.4th 465;
6. Amend rule 8.108(d)(2) to correct an internal reference from (e)(2) to (g)(2);
7. Repeal rule 10.107, which was made redundant following the adoption of rule 10.64 for the Trial Court Budget Advisory Committee, effective February 20, 2014;
8. Revise rule 10.952 to reflect the reorganization within the executive branch following the passage of AB 109, eliminating the California Department of Alcohol and Drug Programs. As this rule’s current language is creating confusion and since the statewide department no longer exists, a technical adjustment to rule 10.952 is needed so that it states that the “...county director of alcohol and drug programs or his or her designee...” be included in meetings discussing the criminal court system. This revision is a technical adjustment that reflects the current status of county departments of Alcohol and Drug Programs and eliminates possible confusion involving a state agency that has been eliminated.
9. Revise rule 10.960 to reflect the retirement of the name Administrative Office of the Courts and to include the name of the document that was initially created in response to the rule to make it clear that the guidelines that, under the existing rule, were to be done by March 1, 2008, were indeed completed. The Advisory Committee on Providing Access and Fairness

is responsible for monitoring developments in the field and making recommendations for modifications to those guidelines, as well as developing additional resources for the courts;

10. Revise form DAL-015 to correct a reference in the caption from “Code of Civil Procedure” to “Civil Code”;
11. Revise forms CR-111/JV-791, DE-226, DE-265/GC-065, DE-305, DE-315, FL-480, GC-150, and GC-350 to increase the size of the recorder’s box to conform exactly to the requirements of Government Code section 27361.6, to change “www.courtinfo.ca.gov” to “www.courts.ca.gov,” and to make minor formatting updates;
12. Revise form FL-192 to update the names of Judicial Council forms used to request modification of a child support order and to update the hyperlink in the form to include the current Judicial Council web page that shows the court holiday schedule;
13. Revise form FL-410 to reflect the correct service requirements of Code of Civil Procedure section 1005(b). Specifically, the reference to “21 calendar days before the court hearing” will be replaced with “16 court days before the hearing.” In addition, “Other Parent” will be replaced with “Other Parent/Party” throughout the form, and the title of page 3 will be corrected to read “Information Sheet for Order to Show Cause and Affidavit for Contempt”;
14. Revise form JV-401, items 3 and 5, to correct internal cross-references;
15. Revise forms POS-050/EFS-050, item 1, to reflect Code of Civil Procedure section 1010.6(1)(A) and delete “and not a party to this action”;
16. Revise forms SV-130 and WV-130, item 13.a, to change “petitioner” to “respondent”;

The text of the amended rules is attached at pages 5–14; copies of the revised forms are attached at pages 15–49.

Previous Council Action

Although the Judicial Council has acted on these rules and forms previously, this proposal recommends only minor corrections unrelated to any prior action.

Rationale for Recommendation

The changes to these rules are technical in nature and necessary to correct inadvertent omissions and incorrect references.

Comments, Alternatives Considered, and Policy Implications

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements, Costs, and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Cal. Rules of Court, rules 1.31, 1.35, 3.20, 5.225, 5.610, 7.551, 7.552, 7.553, 8.108, 10.107, 10.952 and 10.960, at pages 5–14
2. Forms CR-111/JV-791, DAL-015, DE-226, DE-265, DE-305, DE-315, FL-192, FL-410, FL-480, GC-150, GC-350, JV-401, POS-050/EFS-050, SV-130, and WV-130, at pages 15–49

Rules 1.31, 1.35, 3.20, 5.225, 5.610, 8.108, 10.952, and 10.960 of the California Rules of Court are amended and rules 7.551, 7.552, 7.553, and 10.107 are repealed, effective January 1, 2015, to read:

1 **Rule 1.31. Mandatory forms**

2
3 (a) * * *

4
5 (b) **List of mandatory forms**

6
7 Each mandatory Judicial Council form is identified as mandatory by an asterisk (*)
8 on the list of Judicial Council forms in Appendix A to the California Rules of
9 Court. The list is available on the California Courts web-site at
10 www.courtsinfo.ca.gov/forms.

11
12 (c)–(g) * * *

13
14 **Rule 1.35. Optional forms**

15
16 (a) * * *

17
18 (b) **List of optional forms**

19
20 Each optional Judicial Council form appears without an asterisk (*) on the list of
21 Judicial Council forms in Appendix A to the California Rules of Court. The list is
22 available on the California Courts Web site at www.courtsinfo.ca.gov/forms.

23
24 (c)–(f) * * *

25
26 **Rule 3.20. Preemption of local rules**

27
28 (a) * * *

29
30 (b) **Application**

31
32 This rule applies to all matters identified in (a) except:

33
34 (1) Trial and post-trial proceedings including but not limited to motions in limine
35 (see rule 3.1112(f));

36
37 (2)–(4) * * *

38

1 **Rule 5.225. Appointment requirements for child custody evaluators**

2
3 (a)–(b) * * *

4
5 (c) **Licensing requirements**

6
7 A person appointed as a child custody evaluator meets the licensing criteria
8 established by Family Code section 3110.5(c)(1)–(5), if:

9
10 (1) * * *

11
12 (2) A person may be appointed as an evaluator even if he or she does not have a
13 license as described in (c)(1) if:

14
15 (A) The court certifies that the person is a court-connected evaluator who
16 meets all the qualifications specified in (ij); or

17
18 (B) * * *

19
20 (d)–(o) * * *

21
22 **Rule 5.610. Transfer-out hearing**

23
24 (a)–(f) * * *

25
26 (g) **Modification of form JV-550**

27
28 ~~Juvenile Court Transfer Orders~~ *Juvenile Court Transfer Orders* (form JV-550) may
29 be modified as follows:

30
31 (1) Notwithstanding the mandatory use of form JV-550, the form may be
32 modified for use by a formalized regional collaboration of courts to facilitate
33 the efficient processing of transfer cases among those courts if the
34 modification has been approved by the Judicial Council of California,
35 ~~Administrative Office of the Courts.~~

36
37 (2) * * *

38
39 (h)–(i) * * *

40
41 **Rule 7.551. Final accounts or reports in estates with nonresident beneficiaries**

1 **(a) Final account**

2
3 Under Revenue and Taxation Code section 19513 and the regulations of the
4 Franchise Tax Board, the court must not approve a final account in an estate that
5 has a total appraised value greater than \$1,000,000 and from which more than
6 \$250,000 in the aggregate has been distributed or is distributable to beneficiaries
7 who are not residents of California, until the executor or administrator has filed the
8 Franchise Tax Board's state income tax certificate showing that all state personal
9 income taxes, additions to tax, penalties, and interest imposed on the estate or the
10 decedent have been paid or that payment has been secured.

11
12 **(b) Final report**

13
14 If a final account is waived under Probate Code section 10954 in an estate
15 described in (a), the court must not approve the final report required by section
16 10954(c)(1) until the executor or administrator has filed the Franchise Tax Board's
17 state income tax certificate showing that all state personal income taxes, additions
18 to tax, penalties, and interest imposed on the estate or the decedent have been paid
19 or that payment has been secured.

20
21 **(c) Expiration date of certificate**

22
23 If the certificate described in (a) or (b) is issued on the condition that the final
24 account or report must be approved before a date specified in the certificate, the
25 court must not approve the final account or report after that date unless the executor
26 or administrator first files a new or revised certificate.

27
28 **Rule 7.552. Graduated filing fee adjustments for estates commenced on or after**
29 **August 18, 2003, and before January 1, 2008**

30
31 This rule applies to decedents' estate proceedings commenced on or after August 18,
32 2003, and before January 1, 2008. Rule 7.553 applies to decedents' estate proceedings
33 commenced on or after January 1, 2008.

34
35 **(a) Separate schedule for graduated fee information**

36
37 The final account or report filed in every decedent's estate proceeding commenced
38 on or after August 18, 2003, and before January 1, 2008, must include a separate
39 schedule showing the following information:

- 40
41 (1) The name of each petitioner on the first filed *Petition for Probate* (form DE-
42 111) in the proceeding;

- 1 (2) ~~The date the first filed *Petition for Probate* was filed in the proceeding;~~
2
- 3 (3) ~~The estimated value of the estate shown in item 3, “estimated value of the~~
4 ~~estate for filing fee purposes,” of the first filed *Petition for Probate* in the~~
5 ~~proceeding;~~
6
- 7 (4) ~~The filing fee paid by or for the petitioner on the first filed *Petition for*~~
8 ~~*Probate* in the proceeding; and~~
9
- 10 (5) ~~The following information from the inventories filed in the proceeding:~~
11
- 12 (A) ~~The date each partial, supplemental, final, or corrected *Inventory and*~~
13 ~~*Appraisal* (form DE-160/GC-040) was filed;~~
14
- 15 (B) ~~The total appraised value of the assets of the estate shown in each filed~~
16 ~~partial, supplemental, or final *Inventory and Appraisal*;~~
17
- 18 (C) ~~Changes in the appraised value of the assets of the estate shown in each~~
19 ~~filed corrected *Inventory and Appraisal*; and~~
20
- 21 (D) ~~The combined total appraised value of the estate shown in all filed~~
22 ~~partial, supplemental, final, and corrected inventories.~~
23
- 24 (6) ~~A statement of the amount of filing fee that would have been payable under~~
25 ~~Government Code section 70650, as amended effective on the date the first~~
26 ~~filed *Petition for Probate* was filed in the proceeding, if the total actual~~
27 ~~appraised value of the estate had been used as the estimated value for filing~~
28 ~~fee purposes (the “corrected filing fee”);~~
29
- 30 (7) ~~Calculation of the difference between the estimated filing fee paid under~~
31 ~~Government Code section 70650 on filing the first *Petition for Probate* in the~~
32 ~~proceeding (the “estimated filing fee”) and the “corrected filing fee,” as~~
33 ~~determined under (6) and subdivision (e) of this rule; and~~
34
- 35 (8) ~~The following information concerning filing fee reimbursement payments~~
36 ~~made by a personal representative in the proceeding under rule 7.151:~~
37
- 38 (A) ~~The amount of each payment;~~
39
- 40 (B) ~~The date each payment was made; and~~
41

1 (C) The name, address, and telephone number of the payee and of any
2 attorney of record for the payee in the proceeding.

3
4 **(b) ~~If estimated filing fee less than corrected filing fee~~**

5
6 If the estimated filing fee is less than the corrected filing fee, as determined under
7 (a) and (c), the petition filed with the final account or report must allege that the
8 difference between them has been paid to the clerk of the court. A copy of the
9 clerk's receipt for the payment, and, if applicable, a receipt or other evidence
10 satisfactory to the court of payment of the reimbursement required under rule
11 7.151, must be attached as an exhibit to the account or report.

12
13 **(c) ~~If estimated filing fee more than corrected filing fee~~**

14
15 (1) Subject to the provisions of rule 7.151, if the estimated filing fee is more than
16 the corrected filing fee, as determined under (a) and (c), the personal
17 representative of the decedent's estate is eligible under this subdivision to
18 receive a refund of the difference between them, without interest.

19
20 (2) The personal representative must apply to the court for the refund, in
21 accordance with the court's local rules and practices for such payments.

22
23 (3) Unless authorized to retain a reserve against closing expenses that expressly
24 is to include the court's refund payment after the personal representative's
25 discharge, the personal representative must not apply for a discharge while an
26 application for refund of filing fee under this subdivision is pending and
27 before the court's refund payment is received.

28
29 **(d) ~~Refund on voluntarily dismissed *Petition for Probate*~~**

30
31 (1) A petitioner that files a *Petition for Probate* on or after August 18, 2003, and
32 voluntarily dismisses the petition at any time within 90 days after it is filed
33 and before an order granting or denying the petition is filed, is eligible under
34 this subdivision to receive a refund, without interest, of all filing fees paid in
35 excess of the filing fees that would have been payable on the original filing
36 date for a *Petition for Probate* of an estate valued at less than \$250,000.

37
38 (2) The petitioner on a dismissed *Petition for Probate* under (1) must apply to the
39 court for the refund, in accordance with the court's local rules and practices
40 for such payments.

41
42 **(e) ~~Additional adjustment in corrected filing fee in insolvent estates~~**

43

1 If the property of the estate is insufficient to pay the expenses of administration in
 2 full, the court may approve a determination of the corrected filing fee that reflects
 3 the proportionate reduction of those expenses under Probate Code section 11420.
 4 The corrected filing fee may not be reduced below the minimum fee required by
 5 Government Code section 70650 on the date the estimated fee was paid.

6
 7 **(f) Sample schedule of graduated fee information**

8
 9 The schedule of graduated fee information required under (a) may be substantially
 10 as follows:

11
 12 SCHEDULE

13
 14 Graduated Filing Fee Information

- 15
 16 1. The first filed *Petition for Probate* in this proceeding was filed on [Date]
 17 by [name of each petitioner].
 18
 19 2. The estimated value of the estate for filing fee purposes shown on the
 20 first filed *Petition for Probate* in this proceeding is \$ _____.
 21
 22 3. The filing fee paid by or for the petitioners on the first filed *Petition for Probate* in
 23 this proceeding was \$ _____.
 24
 25 4. The following inventories have been filed in this proceeding:
 26

Type	Date Filed	Appraised Value
[Partial no. <u> </u>]	[09/30/09]	\$
[Partial no. <u> </u>]		\$
Final		\$
[Supplemental]		\$
[Correcting]		\$(or \$) _____
Total appraised value of estate:		\$ _____

27
 28 5. Corrected Filing Fee:

29
 Total appraised value of estate: \$

30
 Filing fee as of the date in 1 above, based on total
 appraised value of estate: \$

31
 Adjustment to reflect proportional reduction of

expenses of administration for insolvent estate under
Cal. Rules of Court, rule 7.552(e): (\$ _____)

1

Corrected Filing Fee: \$ _____

2

3

6. Difference between estimated and corrected filing fee:

4

Estimated filing fee from 3 above: \$

5

Corrected filing fee from 5 above: (\$ _____)

6

Difference: \$ (or \$) _____

7

8

7. Filing fee reimbursements under rule 7.151:

9

Payee(s)	Date Paid	Amount
[Name, address, and telephone number of each payee and attorney of record in the proceeding]	[10/25/09]	\$

10

11

**Rule 7.553. Graduated filing fee statements for decedents' estates commenced on or
after January 1, 2008**

12

13

This rule applies to decedents' estates commenced on or after January 1, 2008.

14

15

(a) Separate schedule for graduated fee information

16

17

The final account or report or petition for final distribution filed in every decedent's
estate proceeding commenced on or after January 1, 2008, must include a separate
schedule showing the following information:

18

19

20

21

(1) The date the first filed *Petition for Probate* (form DE 111) was filed in the
proceeding; and

22

23

24

(2) The following information from the inventories filed in the proceeding:

25

26

(A) The date each partial, supplemental, final, or corrected *Inventory and
Appraisal* (form DE 160/GC 040) was filed;

27

28

29

(B) The total appraised value of the assets of the estate shown in each filed
partial, supplemental, or final *Inventory and Appraisal*;

30

31

32

- 1 (C) Changes in the appraised value of the assets of the estate shown in each
 2 filed corrected *Inventory and Appraisal*; and
 3
 4 (D) The combined total appraised value of the estate shown in all filed
 5 partial, supplemental, final, and corrected inventories.
 6

7 **(b) Adjustment in corrected filing fee in insolvent estates**
 8

9 If the property of the estate is insufficient to pay expenses of administration in full,
 10 the court may approve a determination of the corrected filing fee under this rule
 11 that reflects the proportionate reduction of those expenses under Probate Code
 12 section 11420. The corrected filing fee may not be reduced below the minimum fee
 13 required by Government Code section 70650 on the date the estate was
 14 commenced.
 15

16 **(e) Sample schedule of filing fee information**
 17

18 The schedule of graduated fee information required under (a) may be substantially
 19 as follows:
 20

21 SCHEDULE

22 Graduated Filing Fee Information

- 23
 24
 25 1. The first filed *Petition for Probate* in this proceeding was filed on [Date]
 26 by [name of each petitioner].
 27
 28 2. The following inventories have been filed in this proceeding:
 29

Type	Date Filed	Appraised Value
[Partial no. <u> </u>]	[09/30/09]	\$
[Partial no. <u> </u>]		\$
Final		\$
[Supplemental]		\$
[Correcting]		\$(or \$) <u> </u>
Total appraised value of estate:		\$ <u> </u>

30
 31 3. Graduated Filing Fee:

32 Total appraised value of estate: \$

33 Filing fee as of the date in 1 above, based on total
 appraised value of estate: \$

1
2
3
4
5
6
7
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11
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17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

~~Adjustment to reflect proportional reduction of expenses of administration for insolvent estate under Cal. Rules of Court, rule 7.553(b):~~ (\$ _____)
~~Corrected Filing Fee:~~ \$ _____

Rule 8.108. Extending the time to appeal

(a)-(c) * * *

(d) Motion for judgment notwithstanding the verdict

(1) * * *

(2) Unless extended by (eg)(2), the time to appeal from an order denying a motion for judgment notwithstanding the verdict is governed by rule 8.104.

(e)-(h) * * *

Rule 10.107. Trial Court Budget Working Group

~~The Administrative Director of the Courts must appoint annually a Trial Court Budget Working Group to advise the director on trial court budget issues. The working group must include trial court judicial officers and trial court executive officers reflecting the diversity of state trial courts, including location, size, and adequacy of funding. The working group may also include others selected by the Administrative Director of the Courts.~~

Rule 10.952. Meetings concerning the criminal court system

The supervising judge or, if none, the presiding judge must designate judges of the court to attend regular meetings to be held with the district attorney; public defender; representatives of the local bar, probation department, parole office, sheriff department, police departments, and Forensic Conditional Release Program (CONREP); county mental health director or his or her designee; county ~~director of the California Department of Alcohol and Drug Programs~~ alcohol and drug programs director or his or her designee; court personnel; and other interested persons to identify and eliminate problems in the criminal court system and to discuss other problems of mutual concern.

Rule 10.960. Court self-help centers

1 (a)–(d) * * *

2
3 (e) **Guidelines and procedures**

4
5 The ~~Administrative Office of the Courts~~ Advisory Committee on Providing Access
6 and Fairness must recommend to the council updates to the *Guidelines for the*
7 *Operation of Self-Help Centers in California Trial Courts* as needed. It should, in
8 collaboration with judges, court executives, attorneys, and other parties with
9 demonstrated interest in services to self-represented litigants, ~~must~~ develop and
10 disseminate guidelines, ~~and~~ procedures and best practices for the operation of court
11 self-help centers to the trial courts by March 1, 2008. The guidelines and
12 procedures must address the following topics:

13
14 (1)–(10) * * *

15
16 The ~~Advisory Committee on Providing Access and Fairness in the Courts~~ must
17 ~~recommend to the council updated guidelines and procedures for court self help~~
18 ~~centers, as needed.~~

19
20 (f) * * *

21

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):
After recording, return to:

TEL NO.: _____ FAX NO. (optional): _____

E-MAIL ADDRESS (Optional): _____

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

CASE NAME:	CASE NUMBER:
------------	--------------

ABSTRACT OF JUDGMENT—RESTITUTION Amended

FOR COURT USE ONLY

1. The judgment creditor assignee of record other (specify):

applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

- b. Driver's license no. [last 4 digits] and state:
- c. Social security no. [last 4 digits]:
- d. Date of birth:

- Unknown
- Unknown
- Unknown

Date:

(TYPE OR PRINT NAME)

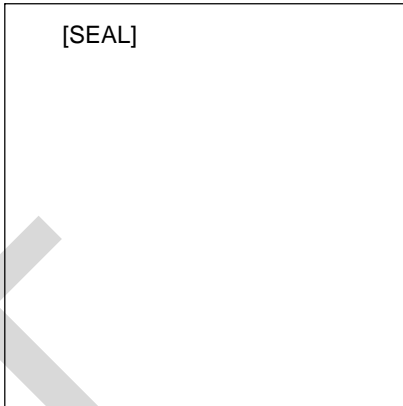
▲ _____
(SIGNATURE OF APPLICANT OR ATTORNEY)

ON INFORMATION AND BELIEF

CASE NAME:	CASE NUMBER:
------------	--------------

CERTIFICATION

- 2. I certify that the following is a true and correct judgment entered in this action.
- 3. Judgment creditor (*name*):
 whose address or whose attorney's address appears on this form above the court's name.
- 4. Judgment debtor (*full name as it appears in judgment*):
- 5. Judgment entered on (*date*):
- 6. Total amount of judgment as entered or last renewed: \$
- 7. A stay of enforcement was ordered on: _____ and is effective until:
 A stay of enforcement was not ordered.



This abstract of judgment was issued on (*date*):

Clerk, by

, Deputy

DRAFT

ATTORNEY (Name, State Bar number, and address): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff: Defendant:	
Application for Mandatory Evaluation Conference Under Civil Code section 55.545	CASE NUMBER:

(Information about this application and the filing instructions may be obtained at www.courts.ca.gov/selfhelp)

1. Plaintiff Defendant (name): _____ requests a Mandatory Evaluation Conference under Civil Code section 55.545.
2. The complaint in this case alleges a construction-related accessibility claim.
3. The applicant is ineligible for, or is choosing not to seek, a stay under Civil Code section 55.54. (To seek such a stay, defendant must use form DAL-005.)
4. The applicant is requesting the court to:
 - a. Schedule a Mandatory Evaluation Conference under Civil Code section 55.545(c);
 - b. Order plaintiff to file with the court and serve on defendants the statement required by Civil Code section 55.545(c)(2) at least 30 days before the date of the Mandatory Evaluation Conference; and
 - c. Order defendant to file with the court and serve on plaintiff the statement required by Civil Code section 55.545(c)(3) at least 30 days before the date of the Mandatory Evaluation Conference.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: _____ FAX NO. (optional): _____

E-MAIL ADDRESS (optional): _____

ATTORNEY FOR (name): _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

ESTATE OF (Name): _____	CASE NUMBER: _____
DECEDENT	

SPOUSAL DOMESTIC PARTNER PROPERTY ORDER

FOR COURT USE ONLY

1. Date of hearing: _____ Time: _____
 Dept.: _____ Room: _____

THE COURT FINDS

2. All notices required by law have been given.
3. Decedent died on (date):
 a. a resident of the California county named above.
 b. a nonresident of California and left an estate in the county named above.
 c. intestate. testate.
4. Decedent's surviving spouse surviving registered domestic partner
 is (name): _____

THE COURT FURTHER FINDS AND ORDERS

5. a. The property described in Attachment 5a is property passing to the surviving spouse or surviving registered domestic partner named in item 4, and no administration of it is necessary.
 b. See Attachment 5b for further order(s) respecting transfer of the property to the surviving spouse or surviving registered domestic partner named in item 4.
6. To protect the interests of the creditors of (business name):
 an unincorporated trade or business, a list of all its known creditors and the amount owed each is on file.
 a. Within (specify): _____ days from this date, the surviving spouse or surviving registered domestic partner named in item 4 shall file an undertaking in the amount of \$ _____
 b. See Attachment 6b for further order(s) protecting the interests of creditors of the business.
7. a. The property described in Attachment 7a is property that belonged to the surviving spouse or surviving registered domestic partner under Family Code section 297.5 and Probate Code sections 100 and 101, and the surviving spouse's or surviving domestic partner's ownership upon decedent's death is confirmed.
 b. See Attachment 7b for further order(s) respecting transfer of the property to the surviving spouse or surviving domestic partner.
8. All property described in the *Spousal or Domestic Partner Property Petition* that is not determined to be property passing to the surviving spouse or surviving registered domestic partner under Probate Code section 13500, or confirmed as belonging to the surviving spouse or surviving registered domestic partner under Probate Code sections 100 and 101, shall be subject to administration in the estate of decedent. All of such property is described in Attachment 8.
9. Other (specify): _____

Continued in Attachment 9.

10. Number of pages attached: _____

Date: _____

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
 After recording return to:

TEL NO.: FAX NO. (optional):

E-MAIL ADDRESS (optional):

ATTORNEY FOR (name):

NAME OF COURT:

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

ESTATE OF
 CONSERVATORSHIP OF (name):
 GUARDIANSHIP OF

DECEDENT CONSERVATEE MINOR

ORDER CONFIRMING SALE OF REAL PROPERTY
 and Confirming Sale of Other Property as a Unit

CASE NUMBER:

1. Hearing date: Time: Dept.: Rm.:

FOR COURT USE ONLY

THE COURT FINDS

2. All notices required by law were given and, if required, proof of notice of sale was made.
3. a. Sale was authorized or directed by the will
 b. Good reason existed for the sale
 of the property commonly described as (street address or location):
4. The sale was legally made and fairly conducted.
5. The confirmed sale price is not disproportionate to the value of the property.
6. Private sale: The amount bid is 90% or more of the appraised value of the property as appraised within one year of the date of the hearing.
7. An offer exceeding the amount bid by the statutory percentages cannot be obtained was obtained in open court.
 The offer complies with all applicable law.
8. The personal representative conservator guardian of the estate of the decedent, conservatee, or minor has made reasonable efforts to obtain the highest and best price reasonably attainable for the property.

THE COURT ORDERS

9. The sale of the real property legally described in item 15 on page 2 on Attachment 9
 and other property sold as a unit described in item 15 on page 2 on Attachment 9 is confirmed to (name):

(manner of vesting title):
 for the sale price of: \$ on the following terms (use item 15 on page 2 or Attachment 9 if necessary):

Continued in item 15 on page 2. Continued on Attachment 9.

10. The personal representative conservator guardian of the estate of the decedent, conservatee, or minor (name):
 is directed to execute and deliver a conveyance of the estate's interest in the real property described in item 9
 and other property described in item 9 sold as a unit upon receipt of the consideration for the sale.

<input type="checkbox"/> ESTATE OF <input type="checkbox"/> CONSERVATORSHIP OF <input type="checkbox"/> GUARDIANSHIP OF (name):	CASE NUMBER:
--	--------------

11. a. No additional bond is required.
 b. Additional bond is required in the amount of: \$ _____, surety, or otherwise, as provided by law.
 c. Net sale proceeds must be deposited by escrow holder in a blocked account to be withdrawn only on court order. Receipts must be filed. (Specify institution and location):

12. a. No commission is payable.
 b. A commission from the proceeds of the sale is approved in the amount of: \$ _____ to be paid as follows (specify):

13. Other (specify, use Attachment 13 if necessary):

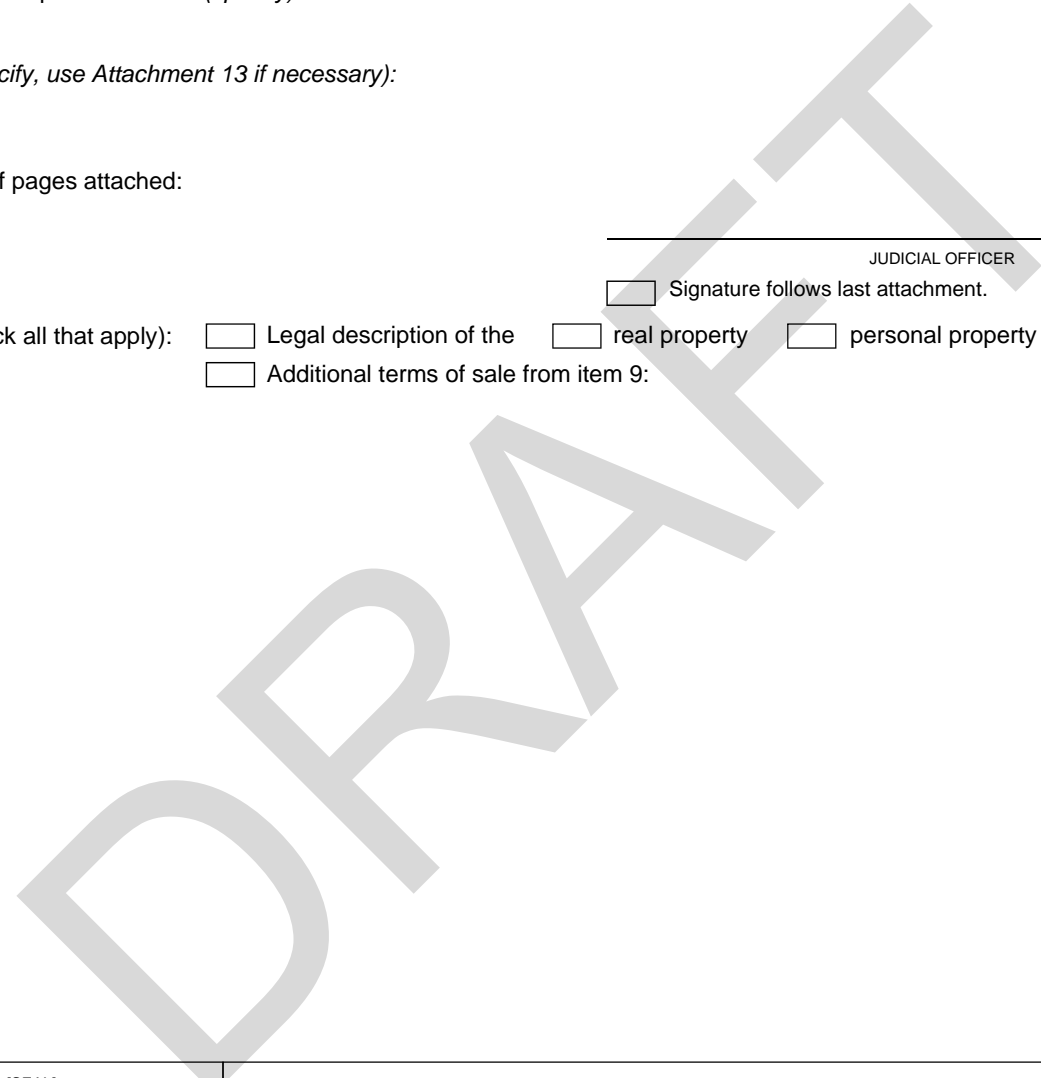
14. Number of pages attached:

Date:

 JUDICIAL OFFICER

Signature follows last attachment.

15. (Check all that apply): Legal description of the real property personal property in item 9:
 Additional terms of sale from item 9:



[SEAL]	<p style="text-align: center;">CLERK'S CERTIFICATE</p> <p>I certify that the foregoing <i>Order Confirming Sale of Real Property</i>, including any attached description of real or personal property, is a true and correct copy of the original on file in my office.</p> <p>Date: _____ CLERK, by _____, Deputy</p>
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ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

MATTER OF (name):

DECEDENT

CASE NUMBER:

**AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE
(\$50,000 or Less)**

FOR COURT USE ONLY

1. Decedent (name):
died on (date):
2. Decedent died at (city, state):
3. At least **six months** have elapsed since the date of death of decedent as shown in the certified copy of decedent's death certificate attached to this affidavit. (Attach a certified copy of decedent's death certificate.)
4. a. Decedent was domiciled in this county at the time of death.
b. Decedent was **not** domiciled in California at the time of death. Decedent died owning real property in this county.
5. a. The **legal description** and the Assessor's Parcel Number (APN) of decedent's real property claimed by the declarant(s) are provided on an attached page labeled Attachment 5a, "Legal Description." (Copy legal description **exactly** from deed or other legal instrument.)
b. Decedent's interest in this real property is as follows (specify):
6. Each declarant is a successor of decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the real property described in item 5a, or signs this declaration on behalf of an entity that is a successor of decedent and to decedent's interest in the real property, and no other person or entity has a superior right, because each declarant or entity is:
 - a. (will) a beneficiary that succeeded to the property under decedent's will. (Attach a copy of the will.)
 - b. (no will) a person who succeeded to the property under Probate Code sections 6401 and 6402.
7. Names and addresses of each guardian or conservator of decedent's estate at date of death: none are as follows:*

<u>Names</u>	<u>Addresses</u>
--------------	------------------

(*You must mail [or serve, per Prob. Code, § 1216] a copy of this affidavit and all attachments to each guardian or conservator listed above. You may use Judicial Council form POS-030 for a proof of mailing or form POS-020 for a proof of personal service.)

8. The **gross value** of decedent's interest in all real property located in California as shown by the attached *Inventory and Appraisal*—excluding the real property described in Probate Code section 13050 (property held in joint tenancy or as a life estate or other interest terminable upon decedent's death, property passing to decedent's spouse, property in a trust revocable by the decedent, etc.)—did not exceed \$50,000 as of the date of decedent's death.

MATTER OF (Name): <div style="text-align: right;">DECEDENT</div>	CASE NUMBER:
---	----------------------

9. An *Inventory and Appraisal* of all of decedent's interests in **real property** in California is attached. The appraisal was made by a probate referee appointed for the county in which the property is located. (You must prepare the *Inventory on Judicial Council forms DE-160 and DE-161*. You may select any probate referee appointed for the county for the appraisal. The California State Controller's Office has a list of all probate referees, shown by county on its website, and each court has a list of probate referees appointed for its county. Check with the probate referee you select or consult an attorney for help in preparing the *Inventory*.)
10. No proceeding is now being or has been conducted in California for administration of decedent's estate.
11. Funeral expenses, expenses of last illness, and all known unsecured debts of the decedent have been paid. (NOTE: You may be personally liable for decedent's unsecured debts up to the fair market value of the real property and any income you receive from it.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)*

(SIGNATURE OF DECLARANT)

Date: _____

(TYPE OR PRINT NAME)*

(SIGNATURE OF DECLARANT)

Date: _____

(TYPE OR PRINT NAME)*

(SIGNATURE OF DECLARANT)

SIGNATURE OF ADDITIONAL DECLARANTS ATTACHED

*** A declarant claiming on behalf of a trust or other entity should also state the name of the entity that is a beneficiary under the decedent's will, and declarant's capacity to sign on behalf of the entity (e.g., trustee, Chief Executive Officer, etc.).**

NOTARY ACKNOWLEDGMENT (NOTE: No notary acknowledgment may be affixed as a rider (small strip) to this page. If additional notary acknowledgments are required, they must be attached as 8-1/2-by-11-inch pages.)

STATE OF CALIFORNIA, COUNTY OF (specify): _____

On (date): _____, before me (name and title): _____

personally appeared (name(s)): _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the instrument in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SIGNATURE OF NOTARY PUBLIC)

(NOTARY SEAL)

(SEAL)

CLERK'S CERTIFICATE

I certify that the foregoing, including any attached notary acknowledgments and any attached legal description of the property (but excluding other attachments), is a true and correct copy of the original affidavit on file in my office. (Certified copies of this affidavit do not include the (1) death certificate, (2) will, or (3) inventory and appraisal. See Probate Code section 13202.)

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: FAX NO. (optional):

E-MAIL ADDRESS (optional):

ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

MATTER OF (name):	CASE NUMBER:
DECEDENT	
ORDER DETERMINING SUCCESSION TO REAL PROPERTY <input type="checkbox"/> And Personal Property (Estates of \$150,000 or Less)	FOR COURT USE ONLY

- Date of hearing: Time: Dept./Room: Judicial Officer (name):
- THE COURT FINDS**
- All notices required by law have been given.
- Decedent died on (date):
 - a resident of the California county named above.
 - a nonresident of California and owned property in the county named above.
 - intestate. testate.
- At least 40 days have elapsed since the date of decedent's death.
- No proceeding for the administration of decedent's estate is being conducted or has been conducted in California.
 - Decedent's personal representative has filed a consent to use the procedure provided in Probate Code section 13150 et seq.
- The gross value of decedent's real and personal property in California, excluding property described in Probate Code section 13050, did not exceed \$150,000 as of the date of decedent's death.
- Each petitioner is a successor of decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the real and personal property described in item 9a because each petitioner is:
 - (will)** a beneficiary who succeeded to the property under decedent's will.
 - (no will)** a person who succeeded to the property under Probate Code sections 6401 and 6402.

THE COURT FURTHER FINDS AND ORDERS

- No administration of decedent's estate is necessary in California.
- The real and personal property described in Attachment 9a described as follows is property of decedent passing to each petitioner (give **legal description** of real property).

b. Each petitioner's **name** and specific property interest is stated in Attachment 9b. is as follows (specify):

10. Other orders are stated in Attachment 10.

11. Number of pages attached:

Date:

JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE OF RIGHTS AND RESPONSIBILITIES
Health-Care Costs and Reimbursement Procedures

IF YOU HAVE A CHILD SUPPORT ORDER THAT INCLUDES A PROVISION FOR THE REIMBURSEMENT OF A PORTION OF THE CHILD'S OR CHILDREN'S HEALTH-CARE COSTS AND THOSE COSTS ARE NOT PAID BY INSURANCE, THE LAW SAYS:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Disputed charges. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the party incurring those costs.

INFORMATION SHEET ON CHANGING A CHILD SUPPORT ORDER

General Information

The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order open with the local child support agency, you must fill out one of these forms:

- FL-680, *Notice of Motion (Governmental)* **or** FL-683 *Order to Show Cause (Governmental)* **and**
- FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-300, *Request for Order* **or**
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* **or** FL-155, *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form FW-001, *Request to Waive Court Fees*
- Form FW-003, *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations).

Court days are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to www.courts.ca.gov/holidays.htm.

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Request for Order* **and** FL-150, *Income and Expense Declaration*, **or**
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* **and**
- FL-342, *Child Support Information and Order Attachment*

Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (optional): _____ E-MAIL ADDRESS (optional): _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARTY/PARENT:	
ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT	CASE NUMBER:
NOTICE! A contempt proceeding is criminal in nature. If the court finds you in contempt, the possible penalties include jail sentence, community service, and fine. You are entitled to the services of an attorney, who should be consulted promptly in order to assist you. If you cannot afford an attorney, the court may appoint an attorney to represent you.	¡AVISO! Un proceso judicial por desacato es de índole criminal. Si la corte le declara a usted en desacato, las sanciones posibles incluyen penas de prisión y de servicio a la comunidad, y multas. Usted tiene derecho a los servicios de un abogado, a quien debe consultar sin demora para obtener ayuda. Si no puede pagar a un abogado, la corte podrá nombrar a un abogado para que le represente.

1. TO CITEE (name of person you allege has violated the orders):
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS, TO GIVE ANY LEGAL REASON WHY THIS COURT SHOULD NOT FIND YOU GUILTY OF CONTEMPT, PUNISH YOU FOR WILLFULLY DISOBEYING ITS ORDERS AS SET FORTH IN THE AFFIDAVIT BELOW AND ANY ATTACHED *AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT*; AND REQUIRE YOU TO PAY, FOR THE BENEFIT OF THE MOVING PARTY, THE ATTORNEY FEES AND COSTS OF THIS PROCEEDING.

a. Date:	Time:	Dept.:	Rm.:
----------	-------	--------	------

b. Address of court: same as noted above other (specify):

Date:

JUDICIAL OFFICER

AFFIDAVIT SUPPORTING ORDER TO SHOW CAUSE FOR CONTEMPT

3. An *Affidavit of Facts Constituting Contempt* (form FL-411 or FL-412) is attached.
4. Citee has willfully disobeyed certain orders of this court as set forth in this affidavit and any attached affidavits.
5. a. Citee had knowledge of the order in that
 - (1) citee was present in court at the time the order was made.
 - (2) citee was served with a copy of the order.
 - (3) citee signed a stipulation upon which the order was based.
 - (4) other (specify):
- Continued on Attachment 5a(4).
- b. Citee was able to comply with each order when it was disobeyed.
6. Based on the instances of disobedience described in this affidavit
 - a. I have not previously filed a request with the court that the citee be held in contempt.
 - b. I have previously filed a request with the court that the citee be held in contempt (specify date filed and results):

Continued on Attachment 6b.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARTY/PARENT:	CASE NUMBER:
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7. Citee has previously been found in contempt of a court order (*specify case, court, date*):

Continued on Attachment 7.

8. Each order disobeyed and each instance of disobedience is described as follows:

- a. Orders for child support, spousal support, family support, attorney fees, and court or other litigation costs (see attached *Affidavit of Facts Constituting Contempt* (form FL-411))
- b. Domestic violence restraining orders and child custody and visitation orders (see attached *Affidavit of Facts Constituting Contempt* (form FL-412))
- c. Injunctive or other order (*specify which order was violated, how the order was violated, and when the order was violated*):

Continued on Attachment 8c.

d. Other material facts, including facts indicating that the violation of the orders was without justification or excuse (*specify*):

Continued on Attachment 8d.

e. I am requesting that attorney fees and costs be awarded to me for the costs of pursuing this contempt action. (A copy of my *Income and Expense Declaration* (form FL-150) is attached.)

WARNING: IF YOU PURSUE THIS CONTEMPT ACTION, IT MAY AFFECT THE ABILITY OF THE DISTRICT ATTORNEY TO PROSECUTE THE CITEE CRIMINALLY FOR THE SAME VIOLATIONS.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

INFORMATION SHEET FOR ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Order to Show Cause and Affidavit for Contempt* (form FL-410) if you do not have an attorney to represent you. Your attorney, if you have one, should complete this form, as well as the *Affidavit of Facts Constituting Contempt* (form FL-411 or form FL-412). You may wish to consult an attorney for assistance. Contempt actions are very difficult to prove. An attorney may be appointed for the citee.

INSTRUCTIONS FOR COMPLETING THE ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT (TYPE OR PRINT FORM IN INK):

If the top section of the form has already been filled out, skip down to number 1 below. If the top section of the form is blank, you must provide this information.

Front page, first box, top of form, left side: Print your name, address, telephone number, and fax number, if any, in this box. If you have a restraining order and wish to keep your address confidential, you may use any address where you can receive mail. **You can be legally served court papers at this address.**

Front page, second box, left side: Print the name of the county where the court is located and insert the address and any branch name of the court building where you are seeking to obtain a contempt order. You may get this information from the court clerk. This should be the same court in which the original order was issued.

Front page, third box, left side: Print the names of the Petitioner, Respondent, and Other Party/Parent (if any) in this box. Use the same names as appear on the most recent court order disobeyed.

Front page, first box, top of form, right side: Leave this box blank for the court's use.

Front page, second box, right side: Print the court case number in this box. This number is also shown on the most recent court order disobeyed.

Item 1: Insert the name of the party who disobeyed the order ("the citee").

Item 2: The court clerk will provide the hearing date and location.

Item 3: Either check the box in item 3 and attach an *Affidavit of Facts Constituting Contempt* (form FL-411 for financial orders or form FL-412 for domestic violence, or custody and visitation orders), or leave the box in item 3 blank but check and complete item 8.

Item 5: Check the box that describes how the citee knew about the order that has been disobeyed.

Item 6: a. Check this box if you have not previously applied for a contempt order.

b. Check this box if you have previously applied for a contempt order and briefly explain when you requested the order and results of your request. If you need more space, check the box that says "continued on Attachment 6b" and attach a separate sheet to this order to show cause.

Item 7: Check this box if the citee has previously been found in contempt by a court of law. Briefly explain when the citee was found in contempt and for what. If there is not enough space to write all the facts, check the box that says "continued on Attachment 7" and attach a separate sheet to this order to show cause.

Item 8: a. Check this box if the citee has disobeyed orders for child support, custody, visitation, spousal support, family support, attorney fees, and court or litigation costs. Refer to item 1a on *Affidavit of Facts Constituting Contempt* (form FL-411).

b. Check this box if the citee has disobeyed domestic violence orders or child custody and visitation orders. Refer to *Affidavit of Facts Constituting Contempt* (form FL-412).

Information Sheet (continued)

- Item 8: c. If you are completing this item, use facts personally known to you or known to the best of your knowledge. State the facts in detail. If there is not enough space to write all the facts, check the box that says "continued on Attachment 8c" and attach a separate sheet to this order to show cause, including facts indicating that the violation of the orders was without justification or excuse.
- d. Use this item to write other facts that are important to this order. If you are completing this item, insert facts personally known to you, or known to the best of your knowledge. State facts in detail. If there is not enough space to write all the facts, check the box that says "Continued on Attachment 8d" and attach a separate sheet to the order to show cause.
- e. If you request attorney fees and/or costs for pursuing this contempt action, check this box. Attach a copy of your *Income and Expense Declaration* (form FL-150).

Type or print and sign your name at the bottom of page 2.

If you checked the boxes in item 3 and item 8a or 8b, complete the appropriate *Affidavit of Facts Constituting Contempt* (form FL-411), following the instructions for the affidavit above.

Make at least three copies of the *Order to Show Cause and Affidavit for Contempt* (form FL-410) and any supporting *Affidavit of Facts Constituting Contempt* (form FL-411 or FL-412) and the *Income and Expense Declaration* (form FL-150) for the court clerk, the citee, and yourself. If the district attorney or local child support agency is involved in your case, you must provide a copy to the district attorney or local child support agency.

Take the completed form(s) to the court clerk's office. The clerk will provide hearing date and location in item 2, obtain the judicial officer's signature, file the originals, and return the copies to you.

Have someone who is at least 18 years of age, who is not a party, serve the order and any attached papers on the disobedient party. For example, a process server or someone you know may serve the papers. **You may not serve the papers yourself. Service must be personal; service by mail is insufficient.** The papers must be served at least 16 court days before the hearing. The person serving papers must complete a *Proof of Personal Service* (form FL-330) and give the original to you. Keep a copy for yourself and file the original *Proof of Personal Service* (form FL-330) with the court.

If you need assistance with these forms, contact an attorney or the Family Law Facilitator in your county.

ATTORNEY OR PARTY WITHOUT ATTORNEY (*name, address, and State Bar number*):
After recording, return to:

TEL NO.: _____ FAX NO. (*optional*): _____

E-MAIL ADDRESS (*optional*): _____

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

PETITIONER/PLAINTIFF: _____

RESPONDENT/DEFENDANT: _____

CASE NUMBER: _____

ABSTRACT OF SUPPORT JUDGMENT

FOR COURT USE ONLY

1. The original judgment creditor assignee of record applies for an abstract of a support judgment and represents the following:

a. Judgment debtor's name and last known address

b. Driver's license no. and state:

c. Social security number [last four digits]:

d. Birth date:

Date:

- Unknown
- Unknown
- Unknown

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT OR ATTORNEY)

2. I CERTIFY that the judgment entered in this action contains an order for payment of spousal, family, or child support.

3. Judgment creditor (*name*): _____
whose address appears on this form above the court's name.

4. The support is ordered to be paid to the following county officer (*name and address*):

5. Judgment debtor (*full name as it appears in judgment*):

6. a. A judgment was entered on (*date*):
b. Renewal was entered on (*date*):
c. Renewal was entered on (*date*):

7. An execution lien is endorsed on the judgment as follows:
a. Amount: \$ _____
b. In favor of (*name and address*):

[SEAL]

This abstract issued on
(*date*): _____

8. A stay of enforcement has
a. not been ordered by the court.
b. been ordered by the court effective until
(*date*): _____

9. This is an installment judgment.
Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

TEMPORARY GUARDIANSHIP CONSERVATORSHIP
OF (name): MINOR CONSERVATEE

CASE NUMBER:

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
 Person Estate

FOR COURT USE ONLY

LETTERS

1. (Name):

is appointed temporary guardian conservator of the person
 estate of (name):

2. Other powers that have been granted or restrictions imposed on the temporary
 guardian conservator are specified in Attachment 2.
 specified below:

3. These Letters shall expire

a. on (date): or upon earlier issuance of Letters to a general guardian or conservator.
b. on other date (specify):

4. The temporary guardian conservator is not authorized to take possession of money or any other property without a specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date:

Clerk, by _____, Deputy

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (name): <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE	CASE NUMBER:
---	--------------

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter, or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe deposit box held by the financial institution. A single form may be filed for all affected accounts or safe deposit boxes held by the financial institution.

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of temporary guardian. conservator.

Executed on (date): _____, at (place): _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF APPOINTEE)
-------------------------------	-----------------------------------

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

(SEAL)

Date: _____

Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

CONSERVATORSHIP OF (name):

CONSERVATEE

CASE NUMBER:

LETTERS OF CONSERVATORSHIP

Person Estate Limited Conservatorship

FOR COURT USE ONLY

1. (Name): _____ is the appointed
 conservator limited conservator of the person estate
of (name): _____
2. (For conservatorship that was on December 31, 1980, a guardianship of an adult or of
the person of a married minor) (Name): _____
was appointed the guardian of the person estate by order dated
(specify): _____ and is now the conservator of the person
 estate of (name): _____
3. Other powers have been granted or conditions imposed as follows:
 - a. Exclusive authority to give consent for and to require the conservatee to receive
medical treatment that the conservator in good faith based on medical advice
determines to be necessary even if the conservatee objects, subject to the limitations
stated in Probate Code section 2356.
 - (1) This treatment shall be performed by an accredited practitioner of the religion whose tenets and practices call
for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of
the conservatorship.
 - (2) (If court order limits duration) This medical authority terminates on (date): _____
 - b. Authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
 - c. Authority to authorize the administration of medications appropriate for the care and treatment of dementia described in
Probate Code section 2356.5(c).
 - d. Powers to be exercised independently under Probate Code section 2590 are specified in Attachment 3d (specify powers,
restrictions, conditions, and limitations).
 - e. Conditions relating to the care and custody of property under Probate Code section 2402 are specified in Attachment 3e.
 - f. Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section 2358
are specified in Attachment 3f.
 - g. (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section 2351.5 are
specified in Attachment 3g.
 - h. (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section 1830(b) are
specified in Attachment 3h.
 - i. Other powers granted or conditions imposed are specified in Attachment 3i.

(SEAL)

4. The conservator is **not** authorized to take possession of money or any other property without a
specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

Date:

Clerk, by _____, Deputy

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code § 1875.

CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the conservator of the estate (1) to take possession or control of an asset of the conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of conservator limited conservator.

Executed on (date): _____, at (place): _____

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date:

Clerk, by _____, Deputy

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

VISITATION ATTACHMENT: SIBLING

1. Anyone who appears to be under the influence of alcohol or any controlled substance will not be allowed to participate in a scheduled visit with the child. The visitation supervisor may terminate the visit if this order is violated.
2. Matters relating to the allegations of the petition or issues related to the child's placement are not to be discussed with the child during visits except under the guidance of a counselor in a therapeutic setting. The visitation supervisor may terminate the visit if this order is violated.
3. The prior order of the court suspending
 - a. in-person contact
 - b. written communication
 - c. telephone contact
 - (1) continues to be necessary and remains in full force and effect for the following reasons (*specify*):
 - (2) is modified as set forth in item 4. item 5.

4. **Contact between the child and the child's sibling (*name*):**

- a. **In-person visitation**
 - (1) Unsupervised
 - (2) Supervised by the
 - (a) county agency
 - (c) foster family agency
 - (b) other (*specify*):
 - (3) Frequency and duration
 - (a) times per week for a total of hours per week
 - (b) times per month for a total of hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (*specify*):
 - (4) Location
 - (a) Agency visitation facility
 - (c) Foster family agency facility
 - (b) Other (*specify*):
 - (5) Transportation of the child to and from the visits will be provided by the
 - (a) county agency.
 - (c) foster family agency.
 - (b) other (*specify*):
 - (6) Transportation of the child's sibling to and from the visits will be provided by the
 - (a) county agency.
 - (c) foster family agency.
 - (b) other (*specify*):
 - (7) Other orders concerning in-person visitation (*specify*):

b. **Other types of contact permitted (*specify*):**

c. **Contact restrictions**

- (1) For the reasons set forth below in item (2), the following contact between the child and the child's sibling named above *in item 4* is not to occur until further order of this court as the court finds, by clear and convincing evidence, that at this time such contact is contrary to the safety or well-being of the
 - child. child's sibling.
 - (a) In-person contact
 - (b) Written communication
 - (c) Telephone contact
- (2) Reasons (*specify*):

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

5. **Contact between the child and the child's sibling (name):**

a. **In-person visitation**

- (1) Unsupervised
- (2) Supervised by the
 - (a) county agency
 - (b) other (specify):
 - (c) foster family agency
- (3) Frequency and duration
 - (a) times per week for a total of _____ hours per week
 - (b) times per month for a total of _____ hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (specify):
- (4) Location
 - (a) Agency visitation facility
 - (b) other (specify):
 - (c) Foster family agency facility
- (5) Transportation of the child to and from the visits will be provided by the
 - (a) county agency.
 - (b) other (specify):
 - (c) foster family agency.
- (6) Transportation of the child's sibling to and from the visits will be provided by the
 - (a) county agency.
 - (b) other (specify):
 - (c) foster family agency.
- (7) Other orders concerning in-person visitation (specify):

b. **Other types of contact permitted (specify):**

c. **Contact restrictions**

- (1) For the reasons set forth below in item (2), the following contact between the child and the child's sibling named above *in item 5* is not to occur until further order of this court as the court finds, by clear and convincing evidence, that at this time such contact is contrary to the safety or well-being of the
 - child. child's sibling.
 - (a) In-person contact
 - (b) Written communication
 - (c) Telephone contact
- (2) Reasons (specify):

6. Other (specify):

**Private Postsecondary School
Violence Restraining Order After
Hearing**

Clerk stamps date here when form is filed.

DRAFT

Not approved by the
Judicial Council

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____
Lawyer for Petitioner (if any, for this case):
Name: _____ State Bar No.: _____
Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

2 Student (Protected Person)

Full Name: _____

Court fills in case number when form is filed.

Case Number:

3 Respondent (Restrained Person)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____
Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
Home Address (if known): _____
City: _____ State: _____ Zip: _____
Relationship to Protected Person: _____

4 Additional Protected Persons

In addition to the student, the following family or household members or other students are protected by the temporary orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to student</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Date: _____ Time: _____ a.m. p.m.

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.



6 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The petitioner/school representative *(name)*: _____
 - (2) The lawyer for the petitioner/school *(name)*: _____
 - (3) The student (4) The lawyer for the student *(name)*: _____
 - (5) The respondent (6) The lawyer for the respondent *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 6b.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

7 Personal Conduct Orders

- a. You are ordered **not** do the following things to the student
 and to the other protected persons listed in **4**:
 - (1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Commit acts of violence or make threats of violence against the person.
 - (3) Follow or stalk the person during school hours or to or from the school.
 - (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (5) Enter the person's school.
 - (6) Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
 - (7) Other *(specify)*:
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.



8 Stay-Away Order

a. You **must** stay at least _____ yards away from *(check all that apply)*:

- (1) The student
- (2) Each other protected person listed in **4**
- (3) The school
- (4) The student's home
- (5) The student's job or workplace
- (6) The student's children's school
- (7) The student's children's place of child care
- (8) The student's vehicle
- (9) Other *(specify)*: _____

b. This stay-away order does not prevent you from going to or from your home or place of employment.

9 No Guns or Other Firearms and Ammunition

a. You **cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**

b. If you have not already done so, you must:

- (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns have been turned in, sold, or stored. *(You may use Form SV-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)*

c. The court has received information that you own or possess a firearm.

10 Costs

You must pay the following amounts for costs to the petitioner:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 10.

11 Other Orders *(specify)*:

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.



To the Person in ①:

⑫ Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

- Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

⑬ Service of Order on Respondent

- a. The respondent personally attended the hearing. No other proof of service is needed.
- b. The respondent did not attend the hearing.
 - (1) Proof of service of Form SV-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in Form SV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
 - (2) The judge’s orders in this form are different from the temporary restraining orders in Form SV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.


⑭ No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

⑮ Number of pages attached to this Order, if any: _____

The Order is based on actual violence, a credible threat of violence, or stalking.
The petitioner is entitled to a fee waiver.

Date: _____

 _____
Judicial Officer

This is a Court Order.



Warning and Notice to the Respondent:**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑨. The court will require you to prove that you did so.

Instructions for Law Enforcement**Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item ⑤ on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of this order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person served (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—Clerk's Certificate—

I certify that this *Private Postsecondary School Violence Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

1 Petitioner (Employer)

a. Name: _____
Lawyer for Petitioner (if any, for this case):
Name: _____ State Bar No.: _____
Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____
Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
Home Address (if known):
City: _____ State: _____ Zip: _____
Relationship to Employee: _____

4 Additional Protected Persons

In addition to the employee, the following family or household members or other students are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Date: _____ Time: _____ a.m. p.m.

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

6 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The petitioner/employer representative *(name)*: _____
 - (2) The lawyer for the petitioner/employer *(name)*: _____
 - (3) The employee (4) The lawyer for the employee *(name)*: _____
 - (5) The respondent (6) The lawyer for the respondent *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

7 Personal Conduct Orders

- a. You are ordered **not** do the following things to the employee
 and to the other protected persons listed in **4**:
 - (1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Commit acts of violence or make threats of violence against the person.
 - (3) Follow or stalk the person during work hours or while going to or from the place of work.
 - (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (5) Enter the person's workplace.
 - (6) Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
 - (7) Other *(specify)*:
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.



8 Stay-Away Order

a. You **must** stay at least _____ yards away from (*check all that apply*):

- (1) The employee
- (2) Each other protected person listed in **4**
- (3) The employee's workplace
- (4) The employee's home
- (5) The employee's school
- (6) The employee's children's school
- (7) The employee's children's place of child care
- (8) The employee's vehicle
- (9) Other (*specify*): _____

b. This stay-away order does not prevent you from going to or from your home or place of employment.

9 No Guns or Other Firearms and Ammunition

a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**

b. If you have not already done so, you must:

- (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns have been turned in, sold, or stored. (*You may use Form WV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.*)

c. The court has received information that you own or possess a firearm.

10 Costs

You must pay the following amounts for costs to the petitioner:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 10.

11 Other Orders (*specify*):

Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.



To the Person in ① :

⑫ Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

⑬ Service of Order on Respondent

- a. The respondent personally attended the hearing. No other proof of service is needed.
- b. The respondent did not attend the hearing.
 - (1) Proof of service of Form WV-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in Form WV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
 - (2) The judge’s orders in this form are different from the temporary restraining orders in Form WV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

⑭ No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because the Order is based on unlawful violence, a credible threat of violence, or stalking.

⑮ Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Respondent:**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑨. The court will require you to prove that you did so.

Instructions for Law Enforcement**Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item ⑤ on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of this order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person served (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Workplace Violence Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DRAFT



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: October 28, 2014

Title	Agenda Item Type
Decedents' Estates: Waiver of Bond by Beneficiaries of Estates	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt form DE-142/DE-111(A-3d))	January 1, 2015
Recommended by	Date of Report
Probate and Mental Health Advisory Committee	August 7, 2014
Hon. Mitchell L. Beckloff, Chair	Contact
	Douglas C. Miller, 818-558-4178 douglas.c.miller@jud.ca.gov

Executive Summary

In response to concerns expressed by judicial officers in the probate departments of several superior courts, the Probate and Mental Health Advisory Committee recommends the adoption of a mandatory form that beneficiaries of decedents' estates would be required to sign to waive surety bonds that otherwise would be required of the proposed personal representatives of these estates.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt *Waiver of Bond by Heir or Beneficiary* (form DE-142/DE-111(A-3d)), effective January 1, 2015. This mandatory form is proposed to create for use throughout the state a standard waiver form containing important information that beneficiaries of decedent estates should have before consenting to waive surety bonds the law requires from the personal representatives of the estates.

The proposed form is attached at page 8.

Previous Council Action

California Rules of Court, rules 7.201–7.206, pertain to surety bonds in decedent estates. These rules were adopted effective on January 1, 2000, as part of the first wave of statewide probate rules. All of these rules have been modified in minor ways since then; the latest amendment was to rule 7.201, effective January 1, 2007. Rules 7.201 and 7.202 permit the court to require a bond notwithstanding its waiver by the decedent’s will in two specific situations. No rules of court address the details of a waiver of bond by estate beneficiaries under Probate Code section 8481(a)(2).¹

Rationale for Recommendation

Waivers of surety bonds in decedent estates

The personal representative² of a decedent’s estate must post a surety bond for the benefit of persons interested in the estate, conditioned on the faithful execution of the duties of the office.³ The decedent’s will may require or waive the bond.⁴ If the will neither requires nor waives the bond or there is no will, all beneficiaries of the estate may waive the bond.⁵ The beneficiaries’ waivers must be in writing and are to be attached to the petition for the personal representative’s appointment.⁶ Despite a waiver of bond by the decedent or by all beneficiaries, the court—on its own motion or on the petition of any interested person—may, for good cause, require a bond.⁷

Bond waivers to be signed by estate beneficiaries are usually prepared by the proposed personal representative or his or her counsel; circulated to all beneficiaries, sometimes by mail or e-mail; returned to the personal representative or attorney after execution; and collected for attachment to the appointment petition or for separate filing shortly after that petition is filed. The waivers are usually quite brief and do not explain the voluntary nature of the act or the consequences to estate beneficiaries if the bond is waived and problems that would have been covered by it arise in the administration of the estate. The form for a beneficiary’s bond waiver provided in typical legal forms publications usually reads something like the following:

¹ Unless otherwise stated, all code references are to the Probate Code.

² The term *personal representative* includes executors and general and special administrators. See section 58(a).

³ Section 8480(a), (b).

⁴ Section 8481(a)(1). A copy of section 8481 is provided as Attachment A to this report.

⁵ See section 8481(a)(2). The term *beneficiary* as used in section 8481 refers to both a devisee of real or personal property under a decedent’s will and an heir of an intestate decedent. See sections 24(a) and (b), 32, and 34(a).

⁶ Section 8481(a)(2).

⁷ Section 8481(b).

[Name of beneficiary], [statement of relationship] to [name of decedent], the decedent in the above captioned matter, and beneficiary under the decedent's will, hereby waives posting of bond by [name of proposed personal representative], the proposed personal representative, with respect to the Petition for Probate filed on [date of filing] in this matter.^[8]

Judicial officers in probate assignments in several courts have advised the committee that beneficiaries interested in estates that have had administration problems following bond waivers frequently complain that no one explained the consequences of the waivers they were asked to sign; some even say that they were led to believe that a waiver was necessary to permit administration to begin or continue or to enable them to receive their shares of the estate. The committee has concluded that estate beneficiaries asked to waive bond should be advised of (1) the possible consequences of a bond waiver by all beneficiaries; (2) their right to consult concerning the waiver with counsel independent of the proposed personal representative or the representative's counsel; and (3) their rights to expect commencement or timely completion of administration and to receive their shares of the estate whether or not they waive bond.

The proposed waiver form

The new form is modeled after an existing waiver form, the *Waiver of Notice of Proposed Action* (form DE-166), in that it consists of a notice section (a "warning" in form DE-166) followed by the text of the waiver. But a difference between the existing form and the form recommended here is that the latter is designed as both a standalone form (designated as form DE-142) and an attachment to a *Petition for Probate* (form DE-111) (designated as form DE-111(A-3d)).

This unusual design reflects current experience with beneficiary bond waivers. Most are filed as attachments to form DE-111 because section 8481(a)(2) calls for them to be attached to the petition for appointment of a personal representative, which is that form.⁹ However, some waivers are not filed until after the petition has been filed, primarily because they have not been returned by beneficiaries in time to be attached to the petition before it is filed. In that situation, the petitioner has filed the appointment petition before receiving all of the signed waivers in the hope that all will be returned before the initial hearing on the petition, which may be 45 or more days after filing. The standalone form's design features—including full first-page attorney or party, court, and title caption boxes—would help ensure that late-filed waivers get to the proper case file in time for the matter to go forward without delay at the initial hearing.

The notice portion of the form consists of paragraphs A–G. The first three paragraphs summarize the basic requirement of a bond and exceptions to that requirement, including the beneficiary-waiver provisions of section 8481(a)(2). The description of a bond and the source of payment of its cost in paragraph A come from the answer to question 15, "*Should I require a bond?*" in the introduction to the California Statutory Will in section 6240.

⁸ See *West's California Code Forms: Probate* (Thomson West 7th ed.) §8481 Form 1.

⁹ See items 3d(2) and 3d(3) on page 2 of form DE-111.

The most important notice to a beneficiary asked to sign the form is in bold text in paragraph D. This paragraph advises that if an estate with no bond suffers a loss that would have been covered by a bond, all or a part of the loss may not be recoverable from the personal representative and therefore may eliminate or reduce the share of the estate distributable to the beneficiary.

Paragraph E of the form advises beneficiaries that their waivers cannot be withdrawn after the personal representative is appointed without a bond, but they would remain eligible after the appointment to petition the court to require a bond for good cause, the same right held by any person interested in the estate under section 8481(b).

Paragraph F acts as a reminder to a personal representative interested in procuring bond waivers from estate beneficiaries that a guardian ad litem or other legal representative with specific authority to waive bond must sign the waiver for a minor, an incapacitated person, and certain beneficiaries that are unascertained or not yet in being.¹⁰ The phrase *other legal representative* is intended to cover waivers by guardians or conservators of the estates of beneficiaries, as well as attorneys in fact of principal beneficiaries with capacity or under durable powers of attorney.

Paragraph G, in bold text for emphasis, advises beneficiaries not to sign the form until they have consulted with counsel independent of the lawyer for the proposed personal representative if they do not understand the form.

The waiver portion of the form consists of four numbered paragraphs. Perhaps the most important is paragraph 3, which confirms the beneficiary's understanding that he or she is not required to waive bond to allow estate administration to start or proceed or to receive his or her share of the estate. The express waiver in paragraph 4 is specific to a particular personal representative, whose name is to be inserted in the form. This limited waiver means that the signing beneficiary must be consulted again about waiving bond if a successor personal representative is required during the estate administration, and reflects that a waiver decision must be based in part on consideration of a particular personal representative's competence, experience, and integrity.

Comments, Alternatives Considered, and Policy Implications

This proposal was circulated as part of the spring 2014 comment cycle. Eight comments were received. All commentators approved the proposal, including the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group.

Two commentators recommended changes, which were largely accepted by the advisory committee.¹¹ A third asked the committee to propose a second new form that would inquire into

¹⁰ See section 1003.

¹¹ More than two commentators recommended changes, but the additional recommendations addressed a second version of the form that was proposed as an alternative if then-pending legislation, Assembly Bill 2567, which

a proposed personal representative's legal and financial history as an aid to a court in evaluating whether to require a bond despite its waiver under section 8481(b), a request that is beyond the scope of this proposal but is worthy of further study as an independent project. A chart of the comments received and the committee's responses is attached at pages 9–18.

The comment of TEXCOM recommended changing the number of paragraphs and the order of the sentences in some of those paragraphs in the Notice section of the form. This comment was entirely accepted; the attached form includes a restated Notice portion that follows the recommendation made by TEXCOM, with minor alterations recommended by Judge Mary E. Wiss, Superior Court of San Francisco County.

However, two TEXCOM recommendations were not accepted. Its draft of paragraph A would have ended with the following phrase after the text shown in the attached form: “which could reduce some or all of the beneficiaries' shares of the estate.” The committee concluded that personal representatives or their counsel seeking bond waivers from beneficiaries are free to advise of the possible effect of bond premiums on the net estate available for distribution, but that effect on any beneficiary's share is usually very slight. A reference to that issue in this form would, in the committee's view, overemphasize its actual effect on a beneficiary's share of the estate.

TEXCOM's paragraph G would have read, “If you have questions about the possible consequences of signing this form, you should consult an attorney of your choice for advice.” The committee decided to retain its draft of paragraph G, reading as follows: “If you do not understand this form, do not sign it until you have asked a lawyer (who is independent of the lawyer for the proposed personal representative) to explain it to you.” The committee prefers this text because it emphasizes the need for advice from a source that is not connected to the attorney for the personal representative and is intended primarily for the beneficiary who may not understand enough about the consequences of a bond waiver to raise questions about it.

Attorney Terence S. Nunan of Los Angeles asked the committee to modify the form to include an estimate of the cost of the bond. The committee decided against that request because of its belief that a personal representative seeking a waiver could easily disclose that cost if significant in a particular estate, but this expense in fact has only a minor effect on beneficiaries' shares of estates in most situations.

Mr. Nunan also requested the development of a second form that would require disclosure to the court of a proposed personal representative's legal and financial history. The committee believes that this request may have merit but is beyond the scope of this proposal and should not interfere

would modify section 8481, were to become law. That legislation failed in the 2014 Legislature. See the following discussion under Alternatives, and the opening comment of the Executive Committee of the Trusts and Estates Section of the State Bar of California (TEXCOM) and the committee's response in the comment chart, at page 9.

with adoption of the waiver form this year. The committee elected to seek permission to study this issue further in the committee's Annual Agenda for next year.

Alternatives

Two alternative forms were circulated for public comment. The first version was based on existing law. The second version would have addressed beneficiary bond waivers under a revised section 8481, which was proposed in legislation introduced in the 2014 Legislature, Assembly Bill 2567. Current section 8481(b) permits the court—for good cause, on its own motion or on the motion of any interested person—to order a bond despite its waiver by the decedent or by all beneficiaries. The legislation would have modified section 8481 to provide that the court must require a bond despite its waiver by the decedent or by all beneficiaries unless the court makes a good faith determination that no harm would come to interested persons by the waiver. Assembly Bill 2567 failed. It never received a vote out of a committee and was not passed out of either house of the Legislature. The form recommended in this report is a slightly modified version of the draft based on existing law.

The committee took no formal position on Assembly Bill 2567 because the bill died before coming to the committee for review and a possible recommendation to the council's Policy Coordination and Liaison Committee. However, the committee believes that providing all estate beneficiaries with the clear, uniform, and important information they need to make intelligent waiver decisions may satisfy or at least alleviate the concerns behind that failed legislation.

Policy implications

This form should reduce the number of estates in which surety bonds are waived by beneficiaries of estates because the risks inherent in doing so will have been disclosed to many more of them before they agree to waive bond. The net result will be fewer uncompensated losses suffered by estate beneficiaries as a result of mismanagement or defalcation by personal representatives.

Implementation Requirements, Costs, and Operational Impacts

This form will require the modest costs of distribution of any new form to the courts. Training costs to court staff concerning the use of the form should also be minimal. The form has no optional or alternative items for users to select and court staff to review, beyond its identification as an attachment (by activation of a check box and filling in a "(2)" or "(3)" in a space provided in the title caption box of the form), if it is attached to and filed with the *Petition for Probate*, and execution by a single identified estate beneficiary. The form should actually reduce current court staff time and expense in their initial reviews of newly filed estates to ascertain whether all beneficiaries have waived bond because it is a single-page waiver of identical appearance for each beneficiary—save only for the identity of the signer—instead of a document with multiple signatures on a single sheet or separate signature blocks following variations of waivers prepared by personal representatives or their counsel.

Relevant Strategic Plan Goals and Operational Plan Objectives

This recommendation supports the Judicial Council's strategic goal to ensure that court forms promote the fair, timely, and effective processing of cases and make court procedures easier to understand (Goal III.B.2); and objective III.B.5.a of the council's operational plan, the development of effective trial case management procedures and practices to promote the fair, consistent, and efficient processing of all types of cases by the creation of new or improved court forms.

Attachments

1. Form DE-142/DE-111(A-3d), at page 8;
2. Chart of comments, at pages 9–18;
3. Attachment A: Probate Code section 8481, at page 19.

DRAFT

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<h2 style="margin: 0;">Draft Not Approved by the Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
ESTATE OF <i>(Name):</i> _____, DECEDENT	
WAIVER OF BOND BY HEIR OR BENEFICIARY <input type="checkbox"/> Attachment 3d to <i>Petition for Probate*</i>	CASE NUMBER: _____

NOTICE: READ PARAGRAPHS A–G BEFORE YOU SIGN

- A. A bond is a form of insurance to replace assets that may be mismanaged or stolen by the executor or administrator (the estate's **personal representative**). The cost of the bond is paid from the assets of the estate.
- B. A bond may not be required if the decedent's will admitted to probate waives a bond and the court approves.
- C. If the decedent's will does not waive bond, or if the decedent died without a will, the law ordinarily requires the personal representative to give a bond approved and ordered by the court. However, all persons eligible to receive a share of the estate may waive the requirement of a bond. If they all waive bond and the court approves, the personal representative will NOT have to give a bond.
- D. **If bond is not ordered by the court, and the estate suffers loss because the personal representative fails to properly perform the duties of the office, the loss or some part of it may not be recoverable from the personal representative. If so, your share of the estate may be partially or entirely lost.**
- E. You may waive the requirement of a bond by signing this form and delivering it to the petitioner for appointment of a personal representative or to the petitioner's attorney. Your waiver cannot be withdrawn after the court appoints the personal representative without requiring a bond. However, if you sign a waiver of bond, you may later petition the court to require a bond.
- F. A guardian ad litem or other legal representative with specific authority under law to waive bond must sign for a minor, an incapacitated person, an unascertained beneficiary, or a designated class of persons who are not ascertained or not yet in being. See Judicial Council forms DE-350 and DE-351 and Probate Code section 1003.
- G. **If you do not understand this form, do not sign it until you have asked a lawyer (who is independent of the lawyer for the proposed personal representative) to explain it to you.**

WAIVER

1. I have read and understand paragraphs A through G above.
2. I understand that before signing this form, I am free to consult with a lawyer of my choice concerning the possible consequences to me of waiving bond.
3. I understand that I do not have to waive bond to allow the estate administration to begin or proceed, or to receive my share of the estate.
4. I WAIVE the posting of bond in this estate by *(name of personal representative):* _____.

Date: _____

_____ (TYPE OR PRINT NAME OF BENEFICIARY (AND AUTHORIZED SIGNER, IF BENEFICIARY IS NOT AN INDIVIDUAL))	_____ (SIGNATURE)
---	----------------------

**This form may be filed as a standalone form (as form DE-142) or as Attachment 3d(2) (will) or Attachment 3d(3) (intestacy) to the Petition for Probate (form DE-111) (as form DE-111(A-3d).)*

SPR14-16

Probate Decedents' Estates: Waiver of Bond by Heirs or Beneficiaries of Estates (form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
1.	Executive Committee of the Trusts and Estates Section of the State Bar of California By Erin L. Prouty, Hoffman, Sabban & Watenmaker, APC Los Angeles	AM	<p>The Executive Committee of the Trusts and Estates Section of the State Bar of California (TEXCOM) respectfully submits the following comments on SPR14-16.</p> <p>Preliminarily, we understand that Assembly Bill 2567 (Daly) is not being pursued at this time. Accordingly, our comments address only the first alternative form, though they would also apply to the second alternative form.</p> <p>Our committee supports, in concept, the proposal to create a mandatory Judicial Council form (DE-142/DE-111) for waiver of bond by estate beneficiaries, for the reasons expressed in SPR14-16. However, we have some suggested revisions to the proposed form.</p> <p>The language in paragraphs A and B may be confusing to estate beneficiaries. Paragraph A seems to express the only situation where bond may not be required (where the Will waives bond and the court agrees), but then paragraph B goes on to discuss the possibility of waiving bond. To eliminate this potential confusion, we suggest they be replaced with the following three paragraphs A, B and C (and the remaining paragraphs be re-labeled D through</p>	<p>This is also the committee's understanding. Twice the author pulled the bill after hearings were scheduled in the Assembly Judiciary Committee. No hearing concerning the bill by that committee or any other was ever held; the bill will not become law this year. Therefore, the first version of the form attached to the Invitation to Comment is the version now exclusively under consideration for an adoption recommendation.</p> <p>The committee generally agrees with this comment (with exceptions noted below). The form proposed for adoption has been rewritten substantially as proposed by TEXCOM.</p>

SPR14-16

Probate Decedents' Estates: Waiver of Bond by Heirs or Beneficiaries of Estates (form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
			<p>G):</p> <p>A. "A bond is a form of insurance to replace assets that may be mismanaged or stolen by the personal representative. The cost of the bond is paid from the assets of the estate, which could reduce some or all of the beneficiaries' shares of the estate."</p> <p>B. A bond may not be required if the decedent's will admitted to probate waives a bond and the court agrees.</p> <p>C. If the decedent's will does not waive bond, or if the decedent died without a will, the law ordinarily requires the executor or administrator of the estate (the estate's personal representative) to give a bond approved and ordered by the court. However, all persons eligible to receive a share of the estate may waive the requirement of a bond. If they all waive bond and the court agrees, the personal representative will NOT have to give a bond.</p>	<p>A. The committee has rewritten paragraph A as recommended, with the exception of the last phrase "which could reduce some or all of the beneficiaries' shares of the estate." That phrase is deleted. Personal representatives or their counsel seeking bond waivers from beneficiaries will advise of the effect of bond premiums on the net estate available for distribution, but that effect on any beneficiary's share of the estate is usually very slight. A reference to that issue in this form would, in the committee's view, overemphasize its effect on a beneficiary's share of the estate.</p> <p>B. This text as recommended by TEXCOM is accepted, except that "the court <i>approves</i>" is stated instead of "the court agrees," per the recommendation of Judge Mary Wiss (Comment No. 6 below).</p> <p>C. This text is accepted, except that "the court <i>approves</i>" is stated instead of "the court agrees," per the recommendation of Judge Wiss.</p>

SPR14-16

Probate Decedents' Estates: Waiver of Bond by Heirs or Beneficiaries of Estates (form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
			<p>We also suggest that the language of paragraph F (which may be re-labeled as paragraph G if our comment above is implemented) be changed to read as follows:</p> <p>F/G. If you have questions about the possible consequences of signing this form, you should consult an attorney of your choice for advice.</p> <p>We appreciate the opportunity to comment on this matter.</p>	<p>G. The committee decided to keep its draft of this paragraph (Paragraph F of the version circulated for comment, Paragraph G of the revised draft): “If you do not understand this form, do not sign it until you have asked a lawyer (who is independent of the lawyer for the proposed personal representative) to explain it to you.”</p> <p>This text emphasizes the need for advice from a source that is not connected to the attorney for the personal representative, and is intended primarily for the beneficiary who not only has questions, but who may not understand enough about the consequences of a bond waiver to raise questions about it.</p> <p>The committee appreciates the support and helpful assistance TEXCOM has given to this project.</p>
2.	Terence Nunan Parker, Milliken, Clark, O'Hara & Samuelian, APC Los Angeles	AM	I am not sure the legislation is a good idea but if it is adopted I think the current proposed form needs to be modified so the beneficiary who being asked to waive bond has some idea what the cost of the bond would be. My	The legislation described in the Invitation to Comment has failed in this year's Legislature. The first version of the proposed form referenced in the Invitation to Comment is, therefore, the version that will be considered for adoption.

SPR14-16

Probate Decedents' Estates: Waiver of Bond by Heirs or Beneficiaries of Estates (form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
			<p>impression is that often beneficiaries waive bond because they think the bond premium is very large.</p> <p>More importantly, I think you need a second form for the proposed fiduciary to fill out giving the court basic information about the fiduciary's legal and financial history. A court can not determine good cause without knowing if the proposed fiduciary has recently filed for bankruptcy, is a convicted felony, has judgments against him exceeding \$100,000; is employed or not employed and is or is not a significant beneficiary of the estate. I have from time to time discussed the randomness with which courts waive or do not waive bond with both judges and bonding companies.</p>	<p>The committee does not support modification of the form to require disclosure of the cost of the bond. A proposed fiduciary or his or her counsel is free to communicate with beneficiaries about a bond waiver and to provide that information in the communication. The cost of the bond is a relatively minor expense that typically does not have much of an effect on a beneficiary's gift from the estate.</p> <p>The request for a statement of the proposed fiduciary's legal history and financial condition is beyond the scope of this proposal, but Mr. Nunan raised an excellent point. If a bond is posted, the surety usually will have conducted a financial investigation to determine whether the proposed personal representative is an appropriate candidate for the bond. If bond is to be waived, the court's decision whether to require the bond despite the waiver and the court does not exercise its power under Probate Code section 8481(b) properly may be based on consideration of the candidate's financial history and condition. The committee will study the issue further.</p>
3.	Orange County Bar Association By Thomas Bienert, Jr., President Newport Beach	A	No specific comment made.	No response required.

SPR14-16**Probate Decedents' Estates: Waiver of Bond by Heirs or Beneficiaries of Estates**
(form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
4.	Superior Court of Los Angeles County Los Angeles	A	No specific comment made.	No response required.
5.	Superior Court of San Diego County By Michael Roddy, Court Executive Officer San Diego	AM	Our court supports these forms. It will simplify the probate examining review with minimal training for the probate examiners. We believe the following change should be made: DE-142/DE-111: Paragraph B: Instead of stating at the second sentence that the court joins the waiver, would it be more appropriate to use the language of AB 2567 that the court agrees after making good cause determination that the beneficiaries and creditors of the estate will not suffer harm as a result of the waiver or reduction in bond?	The proposed change would affect the second version of the form described in the Invitation to Comment, the version based upon passage of Assembly Bill 2567. The legislation has not passed the Legislature; the first version of the form is the one that will go forward, modified as described in response to comments in this chart and in the Judicial Council report on this proposal. Failure of the legislation means that the "good cause determination" standard for the court to support a waiver of bond by the decedent or the beneficiaries of the estate will not become law. However, "good cause" remains in section 8481(b) as the standard for a court to <i>require</i> a bond notwithstanding its waiver by the decedent or by the estate's beneficiaries.
6.	Superior Court of San Francisco County By Hon. Mary Wiss, Judge of the Superior Court San Francisco	A	These forms are such a substantial improvement over the preliminary draft I recently reviewed that I am in favor of them. I had grave concerns over the earlier version because it was such an easy form to put under someone's nose (with only page 1 of text with the signature line	

SPR14-16

Probate Decedents’ Estates: Waiver of Bond by Heirs or Beneficiaries of Estates
 (form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
			<p>possibly on a second page) and ask them to sign without any explanation. However, I do have a couple of comments as follows:</p> <p>Section A Form 1: the language “Unless the decedent’s will admitted to probate waives a bond and the court agrees” is awkward. I do not think that by admitting a will to probate that the court “agrees” to waive bond as it sounds like the court is agreeing with the testator.</p> <p>Change to: “and the court permits [accepts?, allows?] the waiver, . . . or It might be helpful to reverse the order of the phrases in Paragraph A and to use the word “obtain instead of “give”:</p> <p>“When a will is admitted to probate, the law requires the executor or administrator of an estate (the estate’s personal representative) to obtain a bond unless the decedent’s will waives bond and the court allows the will to be probated without a bond. A bond is a form of insurance to replace assets that may be mismanaged or stolen by the personal representative. The cost of the bond is paid from the assets of the estate.”</p> <p>Section A Form 2: the language “Unless waived by the decedent’s will admitted to</p>	<p>The committee agrees with this recommendation and has made the change, from “agrees” to “approves” in paragraphs B and C.</p> <p>The committee has decided to adopt the order of paragraphs in the Notice section (those designated with capital letters rather than with numbers) proposed by TEXCOM (Comment No 1 above). That decision makes this recommended change unnecessary.</p> <p>The second form is no longer under consideration because the legislation referenced in the Invitation</p>

SPR14-16

Probate Decedents' Estates: Waiver of Bond by Heirs or Beneficiaries of Estates
(form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
			<p>probate and by the court, after the court makes a good faith determination that the waiver will not harm the beneficiaries and creditors of the estate; the law requires . . ." could be revised to: "Unless decedent's will waives bond, and the court makes a good faith determination that the waiver will not harm the beneficiaries and creditors of the estate, the law requires . . ."</p> <p>It might be helpful to reverse the order of the phrases in Paragraph A Form 2 and use the word "obtain" instead of "give":</p> <p>"When a will is admitted to probate, the law requires the executor or administrator of an estate (the estate's personal representative) to obtain a bond unless the decedent's will waives bond and the court makes a good faith determination that the waiver will not harm the beneficiaries and creditors of the estate. A bond is a form of insurance to replace assets that may be mismanaged or stolen by the personal representative. The cost of the bond is paid from the assets of the estate."</p> <p>Section B Form 2: the language "and the court joins in the waiver" is also not correct because the court does not "join" in a waiver with the beneficiaries/creditors. The court must make a finding on the waivers, not "join" in them. Change to: "If they all waive bond, and the</p>	<p>to Comment (AB 2567) will not be enacted in 2014.</p>

SPR14-16

Probate Decedents’ Estates: Waiver of Bond by Heirs or Beneficiaries of Estates
(form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
			<p>court makes a good faith determination that the waiver will not harm the beneficiaries and creditors of the estate, the court may allow the personal representative to act without a bond.” Perhaps you can come up with some better language, but I do not think that the court “joins” in a waiver.</p> <p>Section D on both forms: “but you would remain eligible to petition the court to require a bond after giving your waiver.” Change to: “However, if you signed a waiver of bond, you may later petition the court to require a bond.”</p>	<p>The committee supports and has made this change. This text is now found in paragraph E of the revised form.</p>
7.	Superior Court of Riverside County Riverside	A	<p>Agree with proposal.</p> <p>This proposal implements a new mandatory form for the waiver of bond. Waivers are presently filed on a consistent basis as a pleading-based document. Having bond waivers in a judicial council form should make processing of them easier. The form should also have a positive result for litigants, both procedurally and substantively. Presently, there is no form available to waive a bond. Consequently, self-represented litigants find it difficult to know how to supply a waiver. As indicated in the proposal, the documents presently being used to waive bond do not show whether the party who executed the waiver is</p>	<p>No response necessary.</p>

SPR14-16

Probate Decedents' Estates: Waiver of Bond by Heirs or Beneficiaries of Estates (form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
			aware of the potentially negative consequences of waiving bond. This form will assist the court in ensuring that a waiver is an informed decision. It should also eventually reduce continuances of hearings due to lack of a required waiver. The form should eventually decrease workload for our probate paralegals and attorneys because the document will be filed more often with the initial petition. It is necessary to make this a mandatory form to require written disclosure of the risks to be given before a waiver is obtained.	
8.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group	A	<p>General comments:</p> <p>Although the proposal is not required by a change of law, it will assist judges and probate staff when reviewing accounts. It will streamline the process. Moreover, beneficiaries frequently complain that no one explained the consequences of waivers they were asked to sign, or even say that they were led to believe that a waiver was necessary to permit administration to begin or continue or to enable them to receive their shares of the estate.</p> <p>This proposal creates a mandatory Judicial Council form for the waiver of bond by heirs or beneficiaries in a probate estate proceeding. The idea is that this form should provide additional warnings to those signing, so they have a better understanding of what rights they are giving up.</p>	No response necessary.

SPR14-16

Probate Decedents’ Estates: Waiver of Bond by Heirs or Beneficiaries of Estates
 (form DE-142/DE-111(A-3d))

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

	Commentator	Position	Comment	Committee Response
			<p>Currently, bond waivers are usually self prepared on pleading paper. The waivers do not explain what bond is, what happens if bond is waived or if a fiduciary steals funds after bond is waived. The information provided should spell out the risk a party is taking by signing.</p> <p>There are two versions of the form, based on whether AB 2567 is passed. AB 2567 would modify Probate Code §8481 to make bond mandatory, unless waived for good cause by the Court. Currently, Probate Code §8481 states that bond is not required if waivers are provided, unless the Court finds good cause to impose a bond. The final version of the form adopted would depend on the passage of AB 2567.</p> <p>The following are responses to the proposal’s Request for Specific Comments:</p> <p>Would the proposal provide cost or time savings in staff review of beneficiary bond waivers? If so please quantify.</p> <p>There would probably be a very minor time savings for review purposes. Having one version of the form is usually helpful in that it is easier to (1) identify the form in the file, and (2) the language of the waiver has already been reviewed. It should also be helpful for the clerks to have a form to hand out upon request.</p>	<p>AB 2567 failed passage in the 2014 Legislature. The form to be recommended for adoption is a revised version of the first of the two drafts of the form circulated with the Invitation to Comment.</p>

Attachment A

Probate Code section 8481

8481.

(a) A bond is not required in either of the following cases:

(1) The will waives the requirement of a bond.

(2) All beneficiaries waive in writing the requirement of a bond and the written waivers are attached to the petition for appointment of a personal representative. This paragraph does not apply if the will requires a bond.

(b) Notwithstanding the waiver of a bond by a will or by all the beneficiaries, on petition of any interested person or on its own motion, the court may for good cause require that a bond be given, either before or after issuance of letters.

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Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Probate Conservatorship and Guardianship: Accounting Schedules for Gains and Losses on Sales of Estate Assets	Action Required
	Effective Date
	January 1, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
Revise forms GC-400(B)/GC-405(B) and GC-400(D)/GC-405(D)	August 8, 2014
Recommended by	Contact
Probate and Mental Health Advisory Committee	Douglas C. Miller, 818-558-4178 douglas.c.miller@jud.ca.gov
Hon. Mitchell L. Beckloff, Chair	

Executive Summary

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise the accounting schedules that may be, or in some cases must be, used by conservators and guardians of estates to show the gains and losses on the sale of estate assets. The revision would request the total of the carry values of the property sold and the total of the sale prices, in addition to the total of the gains or losses on the sales. This change is recommended to facilitate reconciliation of the accountings by judicial officers and court staff in their review and analysis of the accounts filed by these fiduciaries.

Recommendation

The Probate and Mental Health Advisory Committee recommends that, effective January 1, 2015, the Judicial Council revise *Schedule B, Gains on Sales—Standard and Simplified Accounts* (form GC-400(B)/GC-405(B)) and *Schedule D, Losses on Sales—Standard and Simplified Accounts* (form GC-400(D)/GC-405(D)) to require the totals of the carry values and sale prices of the property sold, in addition to the total of the gains or losses on sales, to facilitate the court's

reconciliation, review, and analysis of the accountings filed by conservators and guardians on these forms.

The revised forms follow this report at pages 5 and 6.

Previous Council Action

Judicial Council forms of standard and simplified accounting schedules to be used by conservators and guardians of estates in presenting their accountings for court approval, and a rule of court to govern their use, were mandated by Probate Code section 2620(a), as amended by the Omnibus Conservatorship and Guardianship Reform Act of 2006.¹ The Judicial Council responded to the Legislature by adopting rule 7.575 of the California Rules of Court and approving 35 forms, designated as GC-400 for forms for use by standard account filers and GC-405 for use by simplified account filers under the rule. Each form designator also includes a suffix in one or more letters to denote its specific function. All of the forms and the rule of court became effective on January 1, 2008.

Forms that have the designator GC-400/GC-405 are to be used by both standard and simplified account filers. Under rule 7.575(e)(1), the dual-use forms approved as optional forms, including the two addressed in this report, are optional for standard account filers only. They are mandatory for simplified account filers.²

Rationale for Recommendation

This proposal came to the advisory committee from the managing attorney of a superior court's probate department. It is intended to facilitate the court's review and approval of the accounts of conservators and guardians and, to a lesser extent, the accounts of many self-represented personal representatives of decedent estates, who increasingly use these forms. That review, initially by court probate staff—probate attorneys or examiners, involves a cash reconciliation as a means of verifying the cash entries in the accounting. Provision of the totals of carry values and sales prices as well as the total of gains or losses on asset sales will help in that reconciliation. Moreover, the required placement of those totals in the forms immediately below the figures leading to them should serve to help fiduciaries catch addition, transposition, or other misstatement errors before carrying them over to the summary schedules of the accounting.

¹ Assem. Bill 1363 (Stats. 2006, ch. 493), § 24 (operative July 1, 2007). The rule of court is rule 7.575. A link to the rule is provided at the end of this report.

² Standard accounts are those in which estate receipts and disbursements are listed in the appropriate schedules in subject-matter categories. Simplified accounts show these entries in chronological order. Compare forms GC-400(A)(1)–(7) and GC-405(A) (receipts), and forms GC-400(C)(1)–(11) and GC-405(C) (disbursements). Any fiduciary may choose to file a standard account and fiduciaries of larger or more complex estates must do so. In some cases, a fiduciary may file a simplified account except for receipts and disbursements, which must be on schedules for standard accounts. See rule 7.575(a)–(c).

Comments, Alternatives Considered, and Policy Implications

External comments

This proposal was circulated as part of the spring 2014 comment cycle. Seven comments were received, all of which approved the proposal. No commenters recommended changes. A chart of the comments received and the committee's responses is attached at pages 7–10. Five of the comments were from court probate staff members or from court executives. Another favorable comment was from the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group, which concluded as follows:

Approve as submitted. This proposal should be implemented because it adds information to forms GC-400(B)/GC-405(B) and GC-400(D)/GC-405(D), to determine if reconciliation amounts are correct and thereby, assists judges and probate staff when they review these accounts/schedules.

Specific comments were requested concerning (1) whether the proposal would result in net implementation and training costs or court staff expense savings over time; (2) what implementation requirements for courts would be; and (3) whether the proposal would work well in courts of varying sizes. Ms. Christine Donovan, a Senior Staff Probate and Family Law Attorney from the Superior Court of Solano County, responded to this request. Her responses were: (1) There would be a savings in court staff time in reviewing accountings that would exceed any implementation and staff training costs imposed by the change; (2) those costs would be minimal; and (3) the revised forms would work identically in courts of all sizes. Court staff could be initially trained to look for the additional totals requested in the forms and provided by the fiduciary and to verify their accuracy instead of having to calculate those totals on their own and then confirm the calculations.

Alternatives considered

The proposal as circulated for public comment called for only the total of the sales prices of the assets sold at a gain or loss, in addition to the total of the gains or losses when those prices are compared to the carry values in the estate of those assets. When the committee considered the proposal and the comments received, a committee member recommended that the forms be further modified to also request the total of the carry values of the assets sold. The committee approved this additional change and it has been made in the proposed revised forms. Committee staff provided copies of the modified forms to the originator of the proposal, who supports the change.

This proposal is so modest that the committee initially considered its rejection. Had it come from a member of the committee, rejection might have been its fate as too small to support its imposition on the courts. However, the committee decided to proceed because the idea came from a court staff attorney intimately familiar with the reconciliation process his staff and judicial officers must complete in their review of fiduciary accountings. The uniformly positive comments from other court staff attorneys, in addition to direct input from probate staff

committee members who perform similar functions for their courts, and the support of the Joint Rules Working Group and other court executives, suggest that the committee’s decision to proceed was sound.

Implementation Requirements, Costs, and Operational Impacts

In addition to the usual costs to provide any new or revised form to the courts and for them to make copies available to the public, there will be modest familiarization and staff training costs. As noted above, costs saved by reducing court staff time reviewing and reconciling accounts filed on the revised forms should ultimately exceed these expenses.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendations in this report support Strategic Plan Goal III.B.2 (“Ensure that . . . court forms promote the fair, timely, effective, and efficient processing of cases and make court procedures easier to understand), and Operational Objective III.B.5.a (“Statewide . . . new or improved forms . . . to implement and improve practices and procedures in all court venues”).

Attachments and Links

1. Forms GC-400(B)/GC-405(B) and GC-400(D)/GC-405(D), at pages 5–6;
2. Chart of comments, at pages 7–10;
3. Cal. Rules of Court, rule 7.575:
www.courts.ca.gov/cms/rules/index.cfm?title=seven&linkid=rule7_575

<input type="checkbox"/> CONSERVATORSHIP (Name):	<input type="checkbox"/> GUARDIANSHIP OF <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor	CASE NUMBER:
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Schedule B, Gains on Sales—Standard and Simplified Accounts

Gains on sales during period of account

Date <i>(mm/dd/yyyy)</i>	Property Sold	Carry Value *	Sale Price	Gain
		\$	\$	\$
		\$	\$	\$
<input type="checkbox"/> Totals, Carry Values, Sale Prices, and Gains:		\$	\$	\$

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* See form GC-400(PH)(2)/GC-405(PH)(2) for information about Carry Value.

(List all property sold during the account period that resulted in gains (gross sale price higher than carry value). Include each property's Inventory and Appraisal item number and the date the Inventory and Appraisal containing the property was filed. Add pages as required. Check the box at the bottom of the last page of this schedule and total the carry values, sale prices, and the gains. Carry the total of gains over to line 4 of the Summary of Account (form GC-400(SUM)/GC-405(SUM)). The page total to the right is the number of pages in Schedule B.)

<input type="checkbox"/> CONSERVATORSHIP (Name):	<input type="checkbox"/> GUARDIANSHIP OF <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor	CASE NUMBER:
---	---	--------------

Schedule D, Losses on Sales—Standard and Simplified Accounts

Losses on sales during period of account

Date (mm/dd/yyyy)	Property Sold	Carry Value *	Sale Price	Loss
		\$	\$	\$
<input type="checkbox"/> Totals, Carry Values, Sale Prices, and Losses:		\$ _____	\$ _____	\$ _____

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* See form GC-400(PH)(2)/GC-405(PH)(2) for information about Carry Value.

(List all property sold during the account period that resulted in losses (carry value higher than gross sale price). Include each property's inventory item number and the date the inventory containing the property was filed. Add pages as required. Check the box at the bottom of the last page of this schedule and total the carry values, sale prices, and the losses. Carry the total of losses over to line 9 of the Summary of Account (form GC-400(SUM)/GC-405(SUM)). The page total to the right is the number of pages in Schedule D.)

SPR14-15

Probate Conservatorship and Guardianship: Accounting Schedules for Gains and Losses on Sales of Assets
 (forms GC-400(B)/405(B), GC-400(D)/405(D))

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

	Commentator	Position	Comment	Committee Response
1.	Christine Donovan, CFLS Senior Staff Attorney Superior Court of Solano County Fairfield	A	<p>Comments</p> <p><input type="checkbox"/></p> <p>Does the proposal appropriately address the stated purpose?</p> <p>Yes, it does.</p> <ul style="list-style-type: none"> Would the proposal result in a net cost of implementation and training expenses over savings in court staff expense in their review and reconciliation of accountings filed by fiduciaries, or would such savings exceed the costs over time? If so please quantify. <p>Although I am not responding on behalf of a court, I am a court employee with experience in this area. The proposal is a simple and smart way for court staff to expedite reviews and reconciliations of accountings. The change is minor and would therefore result in negligible implementation and training expenses. Any such expenses would be quickly outweighed by staff time savings.</p> <ul style="list-style-type: none"> What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems. 	No response required.

SPR14-15

Probate Conservatorship and Guardianship: Accounting Schedules for Gains and Losses on Sales of Assets
 (forms GC-400(B)/405(B), GC-400(D)/405(D))

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

	Commentator	Position	Comment	Committee Response
			<p>Although I am not responding on behalf of a court, I am a court employee with experience in this area.</p> <p>The implementation requirements would be minimal. Probate staff would be trained to check this additional column of information on accountings, and procedures would be revised accordingly. No other training would be required. There will be no need to modify any case management systems or docket codes.</p> <ul style="list-style-type: none"> • Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <p>Although I am not responding on behalf of a court, I am a court employee with experience in this area. Two months would provide ample time.</p> <ul style="list-style-type: none"> • How well would this proposal work in courts of different sizes? <p>Although I am not responding on behalf of a court, I am a court employee with experience in this area. The proposal should be equally effective in courts of all sizes.</p>	

SPR14-15**Probate Conservatorship and Guardianship: Accounting Schedules for Gains and Losses on Sales of Assets**
(forms GC-400(B)/405(B), GC-400(D)/405(D))

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

	Commentator	Position	Comment	Committee Response
2.	Orange County Bar Association By Thomas Bienert, Jr., President Newport Beach	A	No specific comment made.	No response required.
3.	Superior Court of Los Angeles County Los Angeles	A	No specific comment made.	No response required.
4.	Superior Court of San Joaquin County By Julie M. Watts Probate Examiner Stockton	A	No specific comment.	No response required.
5.	Superior Court of Riverside County Riverside	A	Agree with proposal. This proposal adds a total for the sale price column to the judicial council forms for gains and losses on sale. This total is necessary for our probate attorneys and paralegals to complete a cash reconciliation to verify that the figures in the accounting balance. Presently, we have to calculate this total. It will be a substantial time savings for this total to be supplied, especially for larger estates. This should have no negative effect on court operations, as these are already existing forms.	No response required.

SPR14-15

Probate Conservatorship and Guardianship: Accounting Schedules for Gains and Losses on Sales of Assets (forms GC-400(B)/405(B), GC-400(D)/405(D))

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

	Commentator	Position	Comment	Committee Response
6.	Superior Court of San Diego County By Michael M. Roddy, Court Executive Officer San Diego	A	Our court is very much in favor of this proposed change. The probate code requires calculation of the gross sale price so the updated forms will benefit the probate examiners when reviewing calculations for conservatorship and guardianship accountings.	No response required.
7.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group	A	The proposal will provide some efficiencies. General comments: Approve as submitted. The proposal should be implemented because it adds information to forms GC-400(B)/GC-405(B) and GC-400(D)/GC-405(D), to determine if reconciliation amounts are correct and thereby, assists judges and probate staff when they review these accounts/schedules.	No response required.



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Judicial Council Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice	Action Required
	Effective Date
	November 1, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
N/A	October 6, 2014
Recommended by	Contact
Workload Assessment Advisory Committee Hon. Lorna A. Alksne, Chair Leah Rose-Goodwin, Manager, Judicial Council Office of Court Research	Leah Rose-Goodwin, 415-865-7708 Leah.Rose-Goodwin@jud.ca.gov

Executive Summary

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the transmittal of the attached report to the Legislature, *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*. Government Code section 77001.5 requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice.

Recommendation

The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council approve the attached report for transmittal to the Legislature under Government Code section 77001.5.

Previous Council Action

The council approved the 2013 report at its December 2013 meeting. Previous reports were submitted, but not approved by the Judicial Council because protocol at that time did not require council action on reports that did not include recommendations.

Rationale for Recommendation

Approval of the transmittal of this report to the Legislature will comply with the legislative mandate contained in Government Code 77001.5, which requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants.
- (2) Case processing, including the efficient use of judicial resources.
- (3) General court administration.”

Comments, Alternatives Considered, and Policy Implications

This report is a legislative mandate; no public comments were sought nor alternatives considered. WAAC reviewed the report at its September 5, 2014 meeting.

Implementation Requirements, Costs, and Operational Impacts

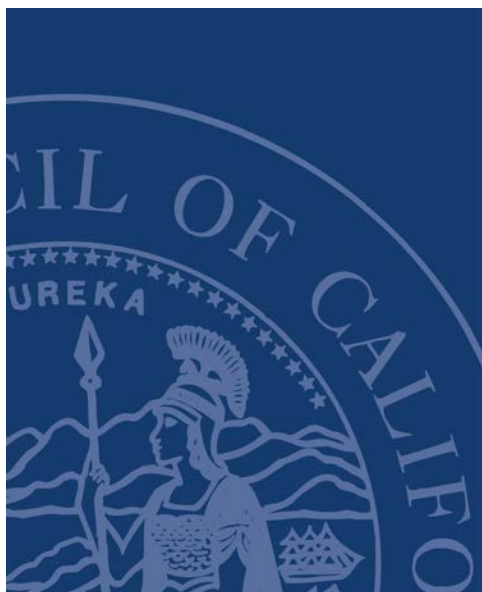
Staff shortages at the Judicial Council have made the production of the report more difficult. The current refocusing of the report to quantitative measures already approved by the Judicial Council and already reported by the trial courts attempts to overcome these limitations.

Relevant Strategic Plan Goals and Operational Plan Objectives

The Judicial Council Operational Plan, adopted in 2008, includes Objective 4 related to the strategic Goal II: Independence and Accountability. Objective 4a reads: “Mechanisms for reporting judicial branch business and performance to the public and other stakeholders.”

Attachments

1. *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice: Report to the Legislature Under Government Code 77001.5*



Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION 77001.5

NOVEMBER 2014



JUDICIAL COUNCIL
OF CALIFORNIA

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As of October 1, 2014

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Mr. Martin Hoshino

Administrative Director of the Courts
and Secretary of the Judicial Council

Introduction

Government Code section 77001.5 requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants.
- (2) Case processing, including the efficient use of judicial resources.
- (3) General court administration.”

This annual report to the Legislature focuses the analysis on four key quantitative measures of trial court performance:

- Caseload Clearance Rates;
- Time to Disposition;
- Stage of Case at Disposition; and
- Trials by Type of Proceeding.

In addition to these measures, this report also provides information on the availability of branch resources including:

- Assessed need for new judgeships (Gov. Code, § 69614); and
- Status of the conversion of subordinate judicial officer positions to judgeships (Gov. Code, § 69615).¹

Finally, this report provides a brief narrative describing work conducted since the last reporting period to improve the standards and measures of judicial administration.

¹ For more information on the rationale for selecting these quantitative measures and how they align with the legislative mandate contained in Government Code Section 77001.5, see <http://www.courts.ca.gov/documents/lr-Jud-Admin-Stand-and-measures-122712.pdf>.

Quantitative Measures of Court Performance

The CourTools

The National Center for State Courts (NCSC) developed the CourTools in an effort to provide trial courts with “a set of balanced and realistic performance measures that are practical to implement and use.”² The CourTools draw on previous work conducted on trial court performance—primarily the Trial Court Performance Standards developed by the NCSC and published in the late 1990s—but also on relevant measures from other successful public and private organizations.

Previous reports to the Legislature contained a more in-depth description of the CourTools program, so that discussion has been omitted here. Table 1 below lists the 10 CourTools and shows the availability and quality of the data that we have on these measures for the California trial courts. Brief descriptions of the measures that the branch can currently report that are included in this report follow the table.

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² See “CourTools: Giving Courts the Tools to Measure Success” (NCSC 2005), <http://www.courtools.org/>.

		NCSC's CourTools	Table 1: Status of <i>CourTools</i> Data in California Trial Courts			
			Availability	Scope	Data Quality	Location in This Report
CalCourTools	AVAILABLE	Clearance Rates	Monthly Reports	All courts	Good	Appendix B
		Time to Disposition	Monthly Reports	Missing data from some courts on some case types	Fair	Appendix C
		Collection of Monetary Penalties	Annual report under PC 1463.010, Statewide Collection of Court-Ordered Debt	Statewide	Good	N/A
	DATA NOT VALIDATED	Cost per Case	Annual updates in <i>Resource Assessment Study</i>	All courts	Pending validation	
		Age of Active Pending Caseload	Monthly Reports	Missing data from many courts	Pending validation	
		Effective Use of Jurors	Annual Report	Missing data from fewer than 5 courts	Pending validation	
	DATA NOT AVAILABLE	Access & Fairness Survey	No ongoing reporting	N/A	N/A	
		Court Employee Satisfaction	No ongoing reporting	N/A	N/A	
		Reliability and Integrity of Case Files	No ongoing reporting	N/A	N/A	
		Trial Date Certainty	No ongoing reporting	N/A	N/A	

The bottom four rows of the table show the CourTools measures for which there is no current data source. Collecting and reporting on these measures would require the devotion of new resources to data collection and analysis and/or reprogramming of court case management systems and the training of clerks to enter new data codes. The middle rows show measures for which some data are available. Most of these have not yet been validated and one is reported separately in a different legislatively mandated report. The top two rows show the CourTools data that are available now and respond to the mandate in Government Code section 77001.5:

Clearance Rates

Clearance rates show the number of outgoing cases as a percentage of the number of incoming cases. They provide an indirect measure of whether the court is disposing of cases in a timely fashion or whether a backlog of cases is growing. Monitoring clearance rates by case type helps a court identify those areas needing the most attention. Viewed over a time period, the clearance rate is expected to hover closely around 1.0 or 100 percent.

Time to Disposition

The time to disposition is the amount of time it takes a court to dispose of cases within established time frames. Trial court case disposition time goals serve as a starting point for monitoring court performance.

These measures of court operations were adopted by the Judicial Council as Standard of Judicial Administration 2.2. This standard establishes caseload clearance in civil case processing as a judicial administration goal and sets time-to-disposition goals for six civil and criminal case types: felony, misdemeanor, unlimited civil, limited civil, small claims, and unlawful detainer (see Appendix A).

Despite the data limitations on these measures highlighted in Table 1, a sizeable number of courts already report this data to the Judicial Council. Furthermore, Judicial Council staff have undertaken improved quality control measures to provide feedback to the courts on the data that they report and have increased technical assistance to help courts identify and fix data reporting problems. Appendices B and C show these data in a format that allows for easy tracking of trial data relative to these standards.

Other Caseflow Management Data

In addition to the CourTools data, additional information reported by the trial courts can also be used as diagnostic measures of a court's calendar management practices. How cases move through and out of the system—in other words, the stage of cases at disposition—can be useful indicators of effective case-processing practices and court operational efficiency. Efficient and effective case management can improve not only the timeliness of case disposition but also the quality of justice in resolution of these cases.

Stage of Case at Disposition

The stage and manner in which a case is disposed (i.e., how and when a case is disposed) can be a useful diagnostic measure of a court's case management practices and the timeliness and quality of case resolution.³

Trials by Type of Proceeding

The number and type of trials is an important data element to break out separately from the data on the stage of case at disposition. Given the significance of trials on a court's

³ The stage of case at disposition is not entirely under the control of the court. For example, if the district attorney and public defender are unable or unwilling to reach a mutually agreeable plea, or if parties do not settle civil cases, despite the courts' best efforts, the stage and manner of disposition may be beyond the power of the court to affect substantially.

operations and resources, it is important to consider this measure in conjunction with other court performance data.

Table 2 below describes the quality of the data on these additional measures of court operations.

Caseflow Management Data	Table 2: Status of Data in California Trial Courts			
	Availability	Scope	Quality	Location in This Report
Stage of Case at Disposition	Monthly Reports	All courts	Good	Appendix D
Trials by Type of Proceeding	Monthly Reports	All courts	Good	Appendix E

Findings⁴

Caseload Clearance Rates (See Appendix B):

- In fiscal year 2012–2013, the most recent year for which data are available, clearance rates improved for some case types and declined for others:
 - Civil clearance rates varied with some rates declining and others improving or remaining the same. Clearance rates fell from 94 percent to 91 percent for motor vehicle unlimited cases and from 94 percent to 85 percent for “other” civil unlimited. Limited civil rates declined but remained above 100 percent. The clearance rate for small claims increased from 100 percent to 106 percent, and for small claims appeals from 74 percent to 75 percent. The rate for other civil complaints remained constant at 99 percent.
 - Clearance rates fell for every type of criminal filing *except* for traffic misdemeanors, which increased one percent to 78 percent. The clearance rate for felony cases declined one percent to 93 percent. The rate for nontraffic misdemeanor cases fell from 88 percent to 83 percent, and for nontraffic infractions from 88 percent to 81 percent.
 - Fluctuations in clearance rates appear larger in family and juvenile cases. For example, within family law, the clearance rate for marital petitions increased from 92 percent to 100 percent, while the clearance rate for other family law petitions decreased from 89 percent to 87 percent. While the clearance rate for delinquency cases improved from 88 percent to 92 percent, the rate for dependency cases declined from 73 percent to 70 percent.

⁴ All of the findings reported here refer to trial court data submitted through June 30, 2013. These data are reported in more detail in the *2014 Court Statistics Report*, <http://courts.ca.gov/13421.htm>.

Time to Disposition (See Appendix C):

- Time-to-disposition data show a similar variation across case types:
 - For unlimited civil and limited civil cases, the percentage of cases disposed declined by one to three percent at each of the three milestones for which this measure is tracked, specifically at 12, 18, and 24 months. Times to disposition improved by one percent for unlawful detainer cases at the 30-day milestone, and two percent at 45 days. The percentage of small claims cases disposed of in less than 70 and 90 days each declined by five percent, to 59 percent and 70 percent, respectively.
 - Criminal case processing times improved by one percent for felonies resulting in bindovers or certified pleas at the 30- and 45-day milestones, to 49 percent and 59 percent, respectively. The 90-day milestone remained at 75 percent. Misdemeanor processing times each decreased by one percent to 63 percent disposed in less than 30 days, 79 percent in 90 days, and 84 percent in 120 days.

- Time standards for family law cases are set forth in rule 5.83 of the California Rules of Court, and time standards for juvenile cases can be found in rule 5.05. However, at this time, courts are not able to consistently and accurately report on these measures. Future reports will include this data as collection of these measures improves.

Stage of Case at Disposition (See Appendix D):

Civil

- Slightly less than four of every five unlimited civil cases—79 percent—are disposed before trial.
- Of the remaining unlimited civil cases disposed by a trial, the vast majority—85 percent—are bench trials. Only 3 percent of unlimited civil trials are jury trials. The remaining dispositions of unlimited civil cases are *trials de novo*, which are made up of small claims appeals.
- In limited civil cases, only 8 percent of filings are disposed by trial and over 99 percent of these cases are bench trials.
- In small claims, the majority (57 percent) of dispositions are after trial.

Criminal

- The vast majority of felony cases (98 percent) are disposed before trial.
- Of the felonies disposed after trial, 89 percent are jury trials.
- In felonies disposed before trial, 72 percent result in felony convictions. In felonies disposed after jury trial, 81 percent result in a felony conviction.
- The vast majority of nontraffic misdemeanors (99 percent) and traffic misdemeanors (99 percent) are disposed before trial.
- Of the misdemeanors disposed after trial, 44 percent of nontraffic cases and 74 percent of traffic cases are by bench trial, with the remainder disposed by jury trial.

Trials by Type of Proceeding (See Appendix E):

- The total number of jury trials declined for the fourth straight year, falling to 9,480 trials. The decline in the total number of jury trials is driven primarily by a decrease in the number of felony jury trials. During the same period, jury trials in civil unlimited, other civil limited, and probate/mental health all increased.
- The total number of court trials fell after reaching a 10-year high last year, from 533,871 to 469,646 across all case types. Personal injury/property damage civil unlimited cases experienced the largest drop in trials, percentage-wise (31 percent).

Judicial Workload and Resources

- The 2014 Judicial Needs Assessment shows a statewide need of 2,171.3 full-time equivalent judicial officers. Statewide estimates do not accurately capture the branch's need for new judgeships because judgeships are not allocated at the state level, but to individual counties. Also, the branch's smallest courts are authorized to have a minimum of two judgeships even though the workload need in those courts may translate to a much smaller number of FTE judicial officers. Therefore, the need for new judicial officers is calculated by adding up the FTE need in the courts that are in need of new judicial positions. The 2014 Judicial Needs Assessment shows that a total of 269.8 FTE judicial officers are needed to meet the workload need, representing a shortfall of just under 14 percent over the total number of authorized and funded positions in the state (see Appendix F).
- As of the end of the most recent year for which data are compiled and reported in the *Court Statistics Report*, a total of 97 conversions were completed as of June 30, 2013 (see Appendix G). Eleven additional conversions were completed in FY 2013–14 but will not appear in the *Court Statistics Report* until 2015. With those 11 additional conversions, the statewide total positions converted to judgeships is 108 as of the close of FY 2013–14.
- Although the conversion of SJOs does not provide much-needed *new* resources to the courts, it does provide the courts with greater flexibility in the assignment of judicial officers. Moreover, it begins to restore the proper balance between judges and SJOs in the court, enabling constitutionally empowered judges who are held accountable by standing for election before their communities to hear cases that are appropriate to their rank.

Update to the Staff Workload Study

Weighted caseload has been the national standard for evaluating the workload of judges and court staff for almost two decades.⁵ The number and types of cases that come before the court—the court's caseload—is the starting point for any evaluation of workload. However, without using weighted case data, it is impossible to make meaningful calculations about the differences in the amount of work required. For example, while a felony and infraction case each represent one filing for the court, they have very different impacts on the court's workload. Weighted caseload is therefore required to account for the types of cases coming before the court and to translate that information into effective and usable workload data.

⁵ See *Assessing the Need for Judges and Court Support Staff*, National Center for State Courts, State Justice Institute, 1996.

The Judicial Council has approved workload models that utilize weighted caseload to assess where new judgeships and additional nonjudicial resources are most urgently needed and will have the biggest impact. The relative weight applied to different types of cases, however, requires periodic review due to changes in the law, technology, and practice, which all affect the average amount of time required for case processing. Periodic review and, where necessary, revision of caseweights, ensures that the allocation formulas reported to the Legislature and the Governor accurately reflect the current amount of time required to resolve cases.

The previous report to the Legislature described recent updates to the judicial and staff workload study. The judicial officer workload study update was approved by the Judicial Council at its December 2011 business meeting.⁶ And, at its February 2013 meeting, the Judicial Council approved updated caseweights and other model parameters to measure court staff workload.⁷ The Resource Assessment Study (RAS) model was then adopted by the Judicial Council as the foundation of a workload-based trial court funding methodology.⁸ Funding based on this model is being phased in over a number of years. When funding is fully allocated consistent with this model, we will be better able to measure the fair and efficient administration of justice across courts.

Conclusion

This report has summarized *quantitative* measures of trial court performance and provides information on updates to the Resource Assessment Study model. Future reports will continue to provide updated and comparative information on these measures to permit an analysis of the courts' ability to provide fair and efficient administration of justice.

⁶ <http://www.courts.ca.gov/documents/jc-121211-item3.pdf>

⁷ <http://www.courts.ca.gov/documents/jc-20130226-itemM.pdf>

⁸ See April 26, 2013 report to the Judicial Council, *Trial Court Budget Working Group: Recommendation of New Budget Development and Allocation Methodology*.

Appendix A: Standards of Judicial Administration, Standard 2.2. Trial Court Case Disposition Time Goals

(a) Trial Court Delay Reduction Act

The recommended goals for case disposition time in the trial courts in this standard are adopted under Government Code sections 68603 and 68620.

(Subd (a) amended effective January 1, 2007; adopted effective July 1, 1987; relettered effective January 1, 1989; previously amended effective January 1, 2004.)

(b) Statement of purpose

The recommended time goals are intended to guide the trial courts in applying the policies and principles of standard 2.1. They are administrative, justice-oriented guidelines to be used in the management of the courts. They are intended to improve the administration of justice by encouraging prompt disposition of all matters coming before the courts. The goals apply to all cases filed and are not meant to create deadlines for individual cases. Through its case management practices, a court may achieve or exceed the goals stated in this standard for the overall disposition of cases. The goals should be applied in a fair, practical, and flexible manner. They are not to be used as the basis for sanctions against any court or judge.

(Subd (b) amended effective January 1, 2007; adopted effective July 1, 1987, as (1); relettered effective January 1, 1989; previously amended effective January 1, 2004.)

(c) Definition

The definition of “general civil case” in rule 1.6 applies to this section. It includes both unlimited and limited civil cases.

(Subd (c) amended effective January 1, 2007; adopted effective January 1, 2004.)

(d) Civil cases—processing time goals

The goal of each trial court should be to process general civil cases so that all cases are disposed of within two years of filing.

(Subd (d) amended and relettered effective January 1, 2004; adopted effective July 1, 1987, as (2); previously amended effective July 1, 1988; amended and relettered as subd (c) effective January 1, 1989.)

(e) Civil cases—rate of disposition

Each trial court should dispose of at least as many civil cases as are filed each year and, if necessary to meet the case-processing goal in (d), dispose of more cases than are filed. As the court disposes of inactive cases, it should identify active cases that may require judicial attention.

(Subd (e) amended effective January 1, 2007; adopted effective July 1, 1987, as (3); previously amended effective July 1, 1988; previously amended and relettered as subd (d) effective January 1, 1989, and as subd (e) effective January 1, 2004.)

(f) General civil cases—case disposition time goals

The goal of each trial court should be to manage general civil cases, except those exempt under (g), so that they meet the following case disposition time goals:

(1) *Unlimited civil cases:*

The goal of each trial court should be to manage unlimited civil cases from filing so that:

- (A) 75 percent are disposed of within 12 months;
- (B) 85 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(2) *Limited civil cases:*

The goal of each trial court should be to manage limited civil cases from filing so that:

- (A) 90 percent are disposed of within 12 months;
- (B) 98 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(3) *Individualized case management*

The goals in (1) and (2) are guidelines for the court's disposition of all unlimited and limited civil cases filed in that court. In managing individual civil cases, the court must consider each case on its merits. To enable the fair and efficient resolution of civil cases, each case should be set for trial as soon as appropriate for that individual case consistent with rule 3.729.

(Subd (f) amended effective January 1, 2007; adopted as subd (g) effective July 1, 1987; relettered as subd (h) effective January 1, 1989; amended effective July 1, 1991; previously amended and relettered as subd (f) effective January 1, 2004.)

(g) Exceptional civil cases

A general civil case that meets the criteria in rules 3.715 and 3.400 and that involves exceptional circumstances or will require continuing review is exempt from the time goals in (d) and (f). Every exceptional case should be monitored to ensure its timely disposition consistent with the exceptional circumstances, with the goal of disposing of the case within three years.

(Subd (g) amended effective January 1, 2007; adopted effective January 1, 2004.)

(h) Small claims cases

The goals for small claims cases are:

- (1) 90 percent disposed of within 75 days after filing; and
- (2) 100 percent disposed of within 95 days after filing.

(Subd (h) adopted effective January 1, 2004.)

(i) Unlawful detainer cases

The goals for unlawful detainer cases are:

- (1) 90 percent disposed of within 30 days after filing; and
- (2) 100 percent disposed of within 45 days after filing.

(Subd (i) adopted effective January 1, 2004.)

(j) Felony cases—processing time goals

Except for capital cases, all felony cases disposed of should have a total elapsed processing time of no more than one year from the defendant's first arraignment to disposition.

(Subd (j) amended effective January 1, 2007; adopted effective January 1, 2004.)

(k) Misdemeanor cases

The goals for misdemeanor cases are:

- (1) 90 percent disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent disposed of within 90 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent disposed of within 120 days after the defendant's first arraignment on the complaint.

(Subd (k) adopted effective January 1, 2004.)

(l) Felony preliminary examinations

The goal for felony cases at the time of the preliminary examination (excluding murder cases in which the prosecution seeks the death penalty) should be disposition by dismissal, by interim disposition by certified plea of guilty, or by finding of probable cause, so that:

- (1) 90 percent of cases are disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent of cases are disposed of within 45 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent of cases are disposed of within 90 days after the defendant's first arraignment on the complaint.

(Subd (l) adopted effective January 1, 2004.)

(m) Exceptional criminal cases

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

(Subd (m) amended effective January 1, 2007; adopted effective January 1, 2004.)

(n) Cases removed from court's control excluded from computation of time

If a case is removed from the court's control, the period of time until the case is restored to court control should be excluded from the case disposition time goals. The matters that remove a case from the court's control for the purposes of this section include:

- (1) Civil cases:
 - (A) The filing of a notice of conditional settlement under rule 3.1385;
 - (B) An automatic stay resulting from the filing of an action in a federal bankruptcy court;
 - (C) The removal of the case to federal court;
 - (D) An order of a federal court or higher state court staying the case;
 - (E) An order staying the case based on proceedings in a court of equal standing in another jurisdiction;
 - (F) The pendency of contractual arbitration under Code of Civil Procedure section 1281.4;
 - (G) The pendency of attorney fee arbitration under Business and Professions Code section 6201;

- (H) A stay by the reporting court for active military duty or incarceration; and
 - (I) For 180 days, the exemption for uninsured motorist cases under rule 3.712(b).
- (2) Felony or misdemeanor cases:
- (A) Issuance of warrant;
 - (B) Imposition of a civil assessment under Penal Code section 1214.1;
 - (C) Pendency of completion of diversion under Penal Code section 1000 et seq.;
 - (D) Evaluation of mental competence under Penal Code section 1368;
 - (E) Evaluation as a narcotics addict under Welfare and Institutions Code sections 3050 and 3051;
 - (F) 90-day diagnostic and treatment program under Penal Code section 1203.3;
 - (G) 90-day evaluation period for a juvenile under Welfare and Institutions Code section 707.2;
 - (H) Stay by a higher court or by a federal court for proceedings in another jurisdiction;
 - (I) Stay by the reporting court for active military duty or incarceration; and
 - (J) Time granted by the court to secure counsel if the defendant is not represented at the first appearance.

(Subd (n) amended effective January 1, 2007; adopted effective January 1, 2004.)

(o) Problems

A court that finds its ability to comply with these goals impeded by a rule of court or statute should notify the Judicial Council.

(Subd (o) amended effective January 1, 2007; adopted effective January 1, 2004.)

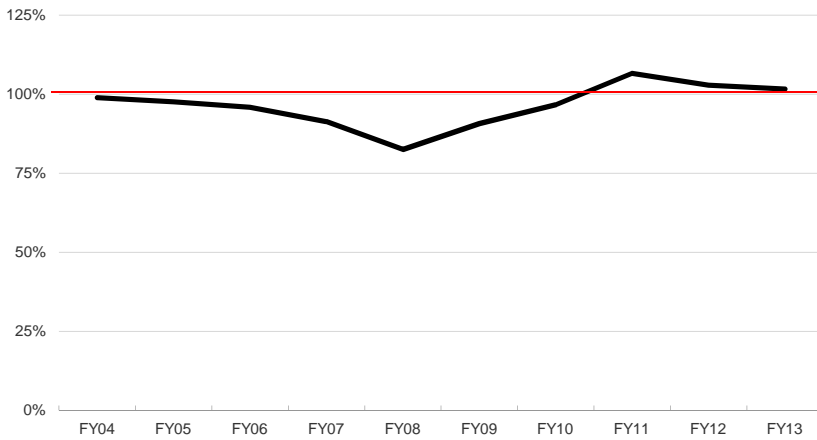
Standard 2.2 amended and renumbered effective January 1, 2007; adopted as sec. 2.1 effective July 1, 1987; previously amended effective January 1, 1988, July 1, 1988, January 1, 1989, January 1, 1990, July 1, 1991, and January 1, 2004.

**Appendix B: CalCourTools, Caseload Clearance Rates
Civil Unlimited, Civil Limited, Small Claims**

**Superior Courts
Figures 1-7**

Fiscal Years 2003-04 through 2012-13

Figure 1: Total Civil



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 2: Civil Unlimited

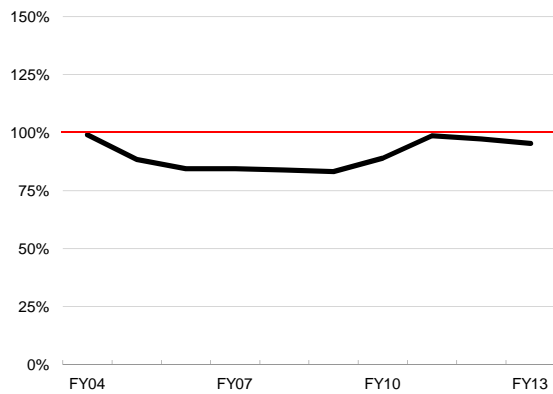


Figure 3: Motor Vehicle PI/PD/WD

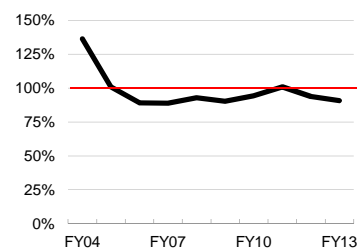


Figure 4: Other PI/PD/WD

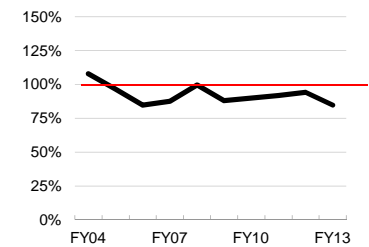


Figure 5: Civil Complaints

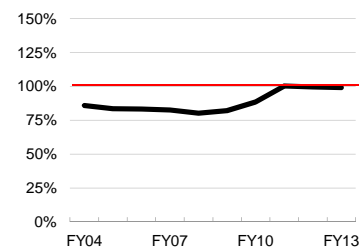


Figure 6: Civil Limited

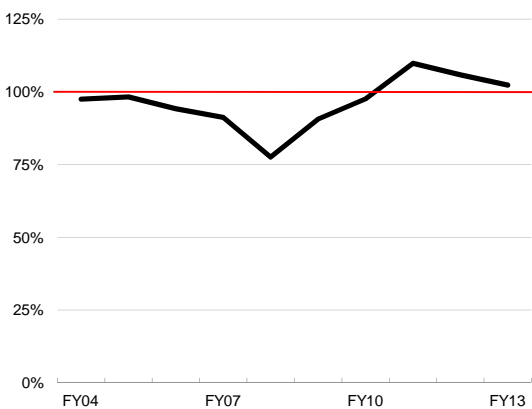
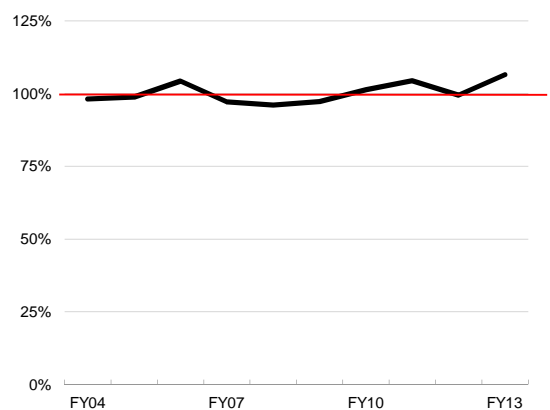
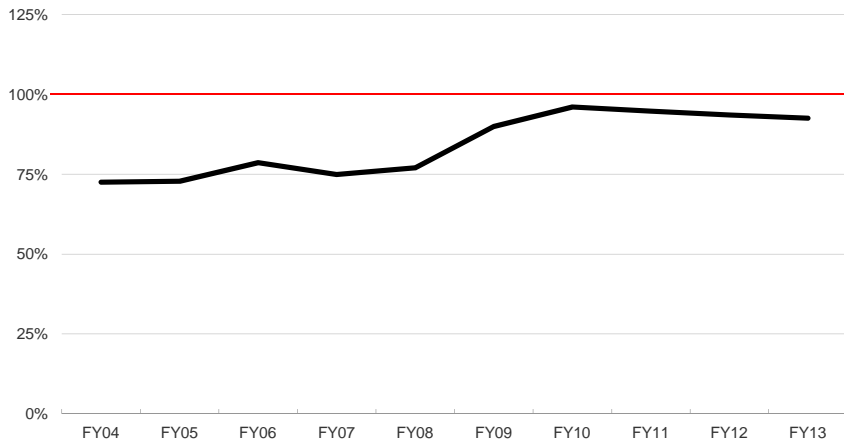


Figure 7: Small Claims



**Appendix B (continued): CalCourTools, Caseload Clearance Rates
Criminal Felonies, Misdemeanors, Infractions**
Fiscal Years 2003–04 through 2012–13

Figure 8: Felony



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 9: Nontraffic Misdemeanor

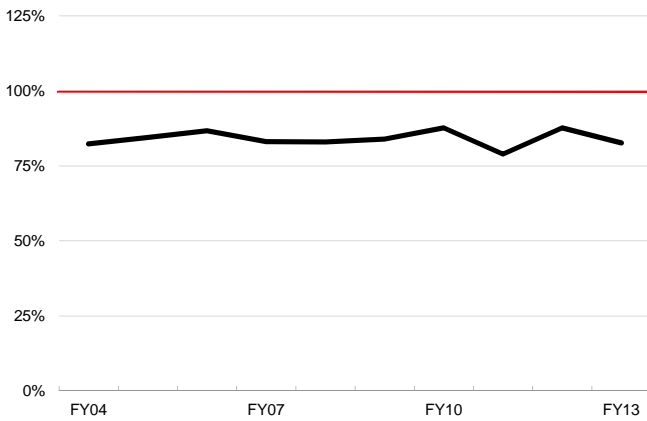


Figure 10: Traffic Misdemeanor

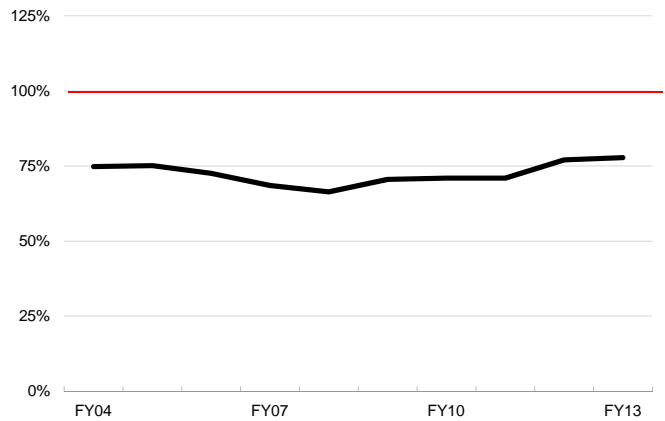


Figure 11: Nontraffic Infraction

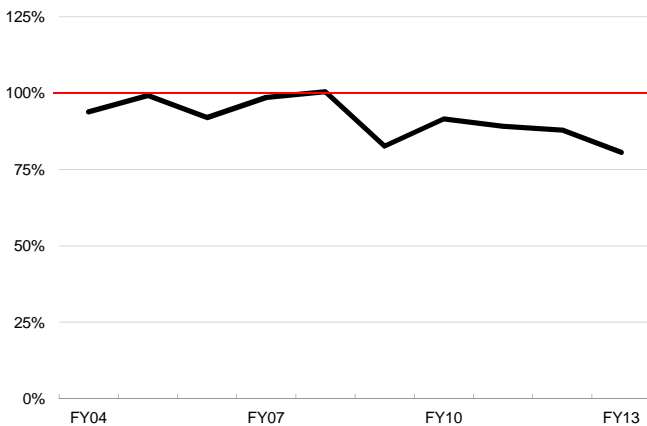
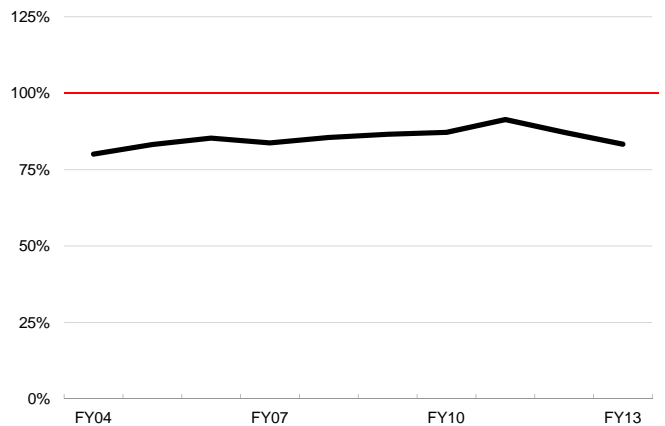


Figure 12: Traffic Infraction



Appendix B (continued): CalCourTools, Caseload Clearance Rates
Family Law, Juvenile Delinquency, Juvenile Dependency
Fiscal Years 2003–04 through 2012–13

Superior Courts
Figures 13–16

Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 13: Family Law — Marital

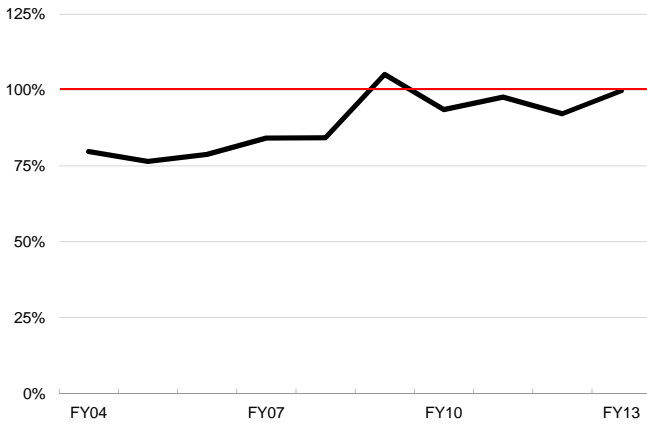


Figure 14: Family Law Petitions

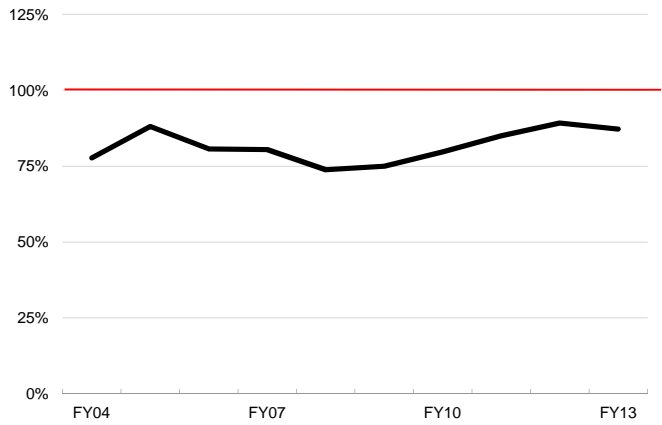


Figure 15: Juvenile Delinquency

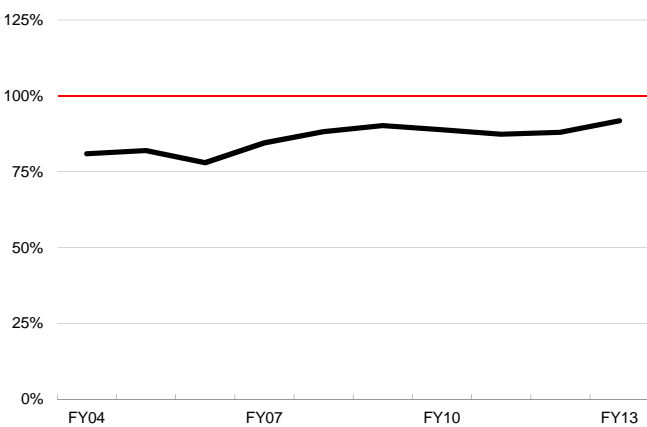
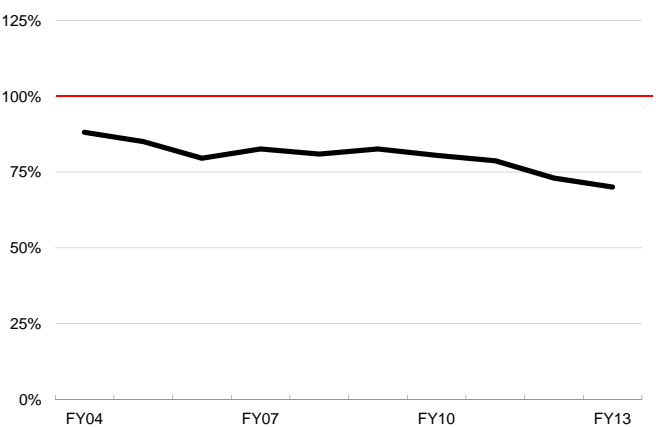


Figure 16: Juvenile Dependency



**Appendix B (continued): CalCourTools, Caseload Clearance Rates
 Probate, Mental Health, Appeals, Habeas Corpus
 Fiscal Years 2003–04 through 2012–13**

**Superior Courts
 Figures 17–20**

Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 17: Probate

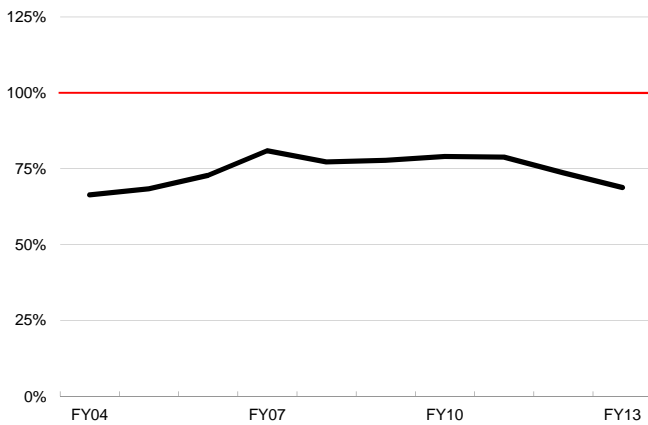


Figure 18: Mental Health

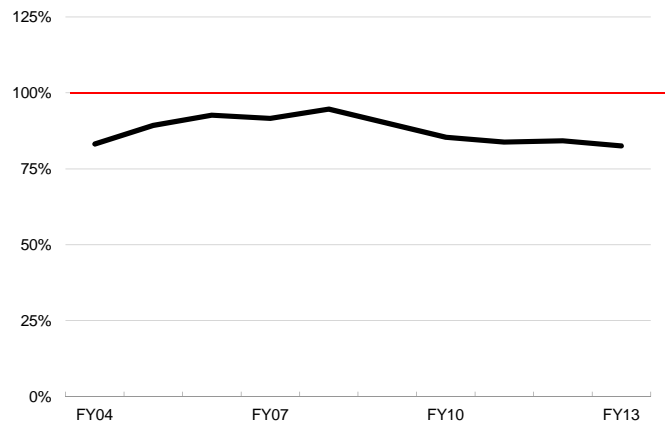


Figure 19: Appeals

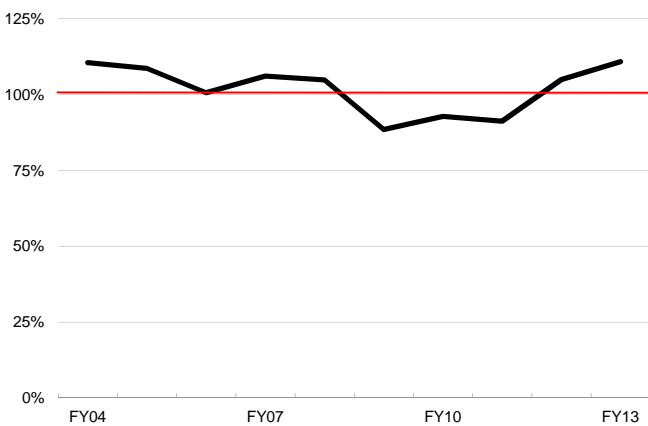
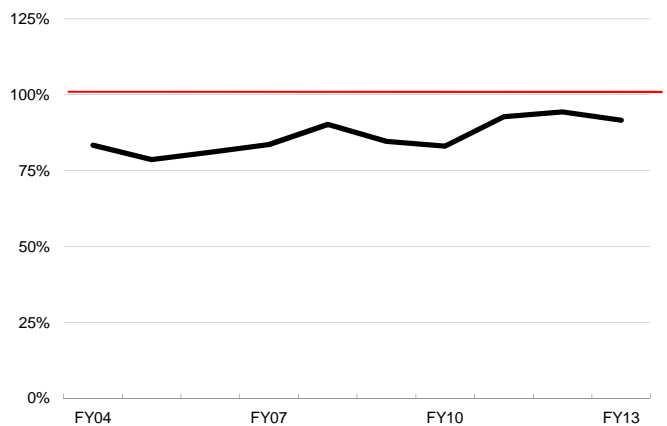


Figure 20: Criminal Habeas Corpus



**Appendix C: CalCourTools, Time to Disposition
Civil Unlimited, Civil Limited, Small Claims
Fiscal Years 2003–04 through 2012–13**

**Superior Courts
Figures 21–24**

Civil Case Processing Time (percent of cases disposed within specified periods)

The Standards of Judicial Administration establishes case processing time to disposition goals for different types of civil cases, which are presented below with the specific time standards and target performance level.

Standard Target
Time standard Goal

Figure 21: Civil Unlimited

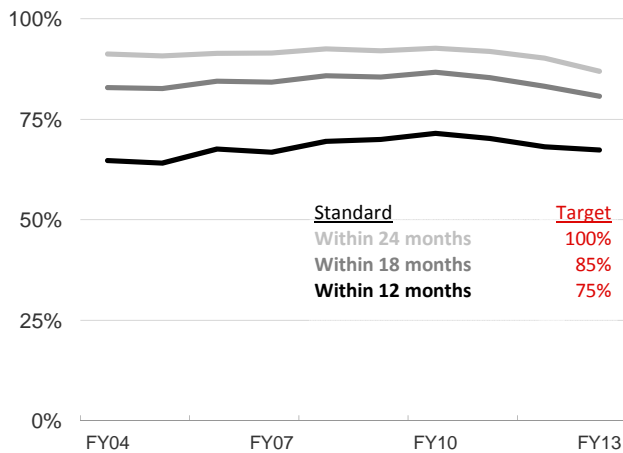


Figure 22: Limited Civil

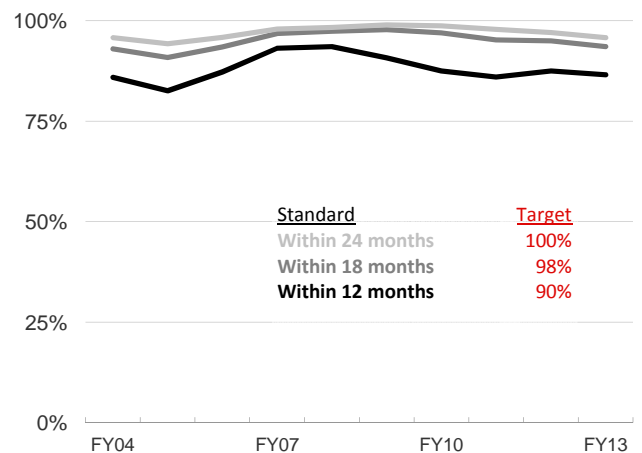


Figure 23: Unlawful Detainer

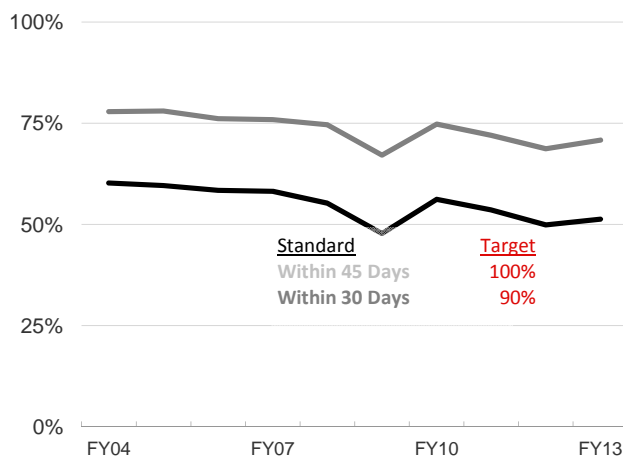


Figure 24: Small Claims

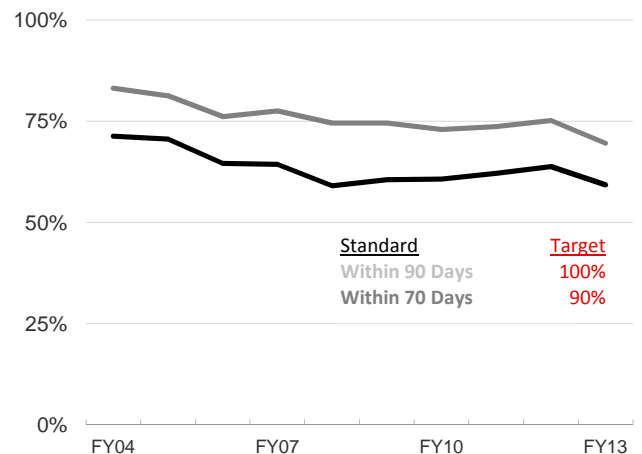
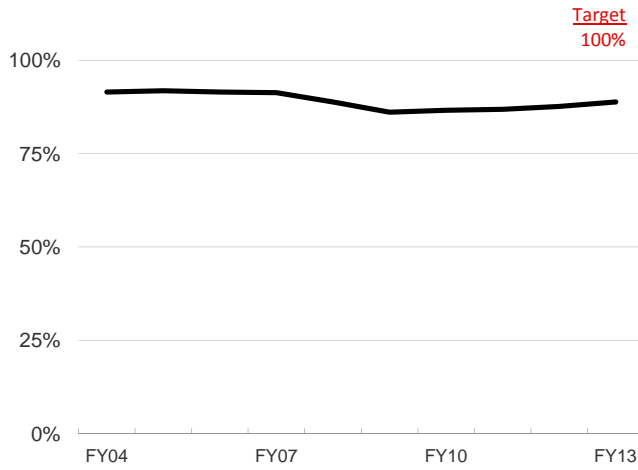


Figure 25: Felonies disposed within 12 months



Criminal Case Processing Time
 (percent of cases disposed within specified periods)

The Standards of Judicial Administration establishes case processing time to disposition goals for different types of criminal cases, which are presented below with the specific time standards and target performance level.

Figure 26: Felonies resulting in bindover or certified pleas

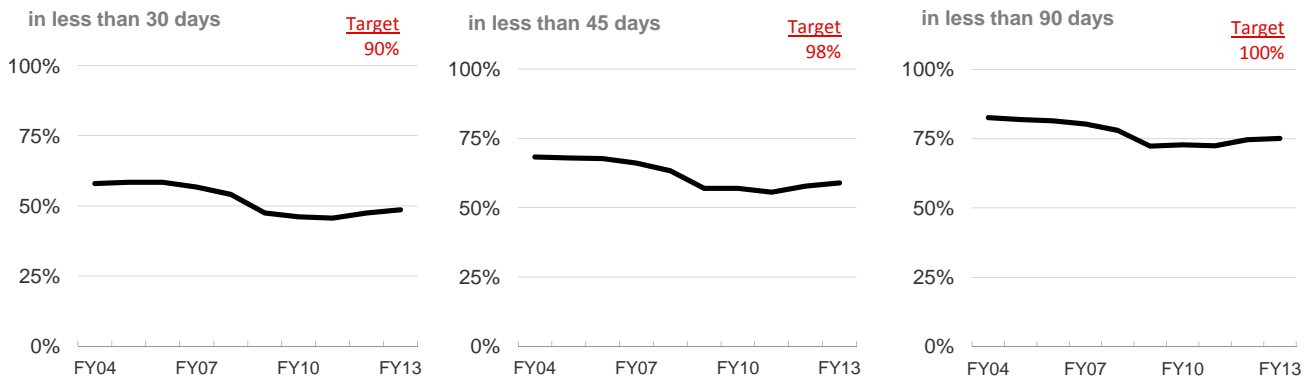


Figure 27: Misdemeanors disposed

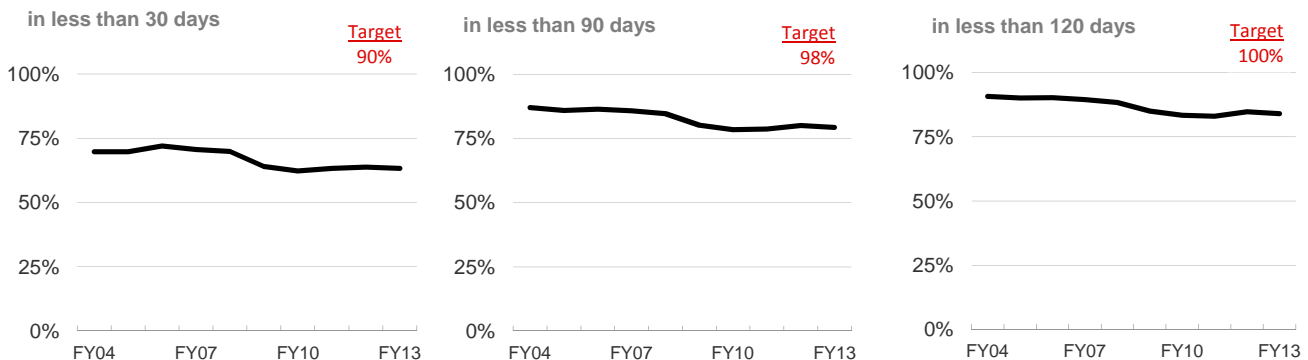


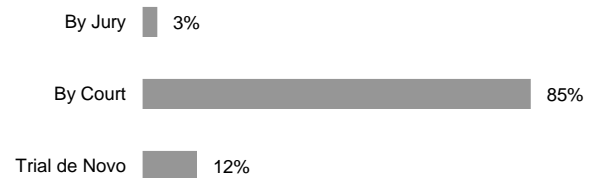
Figure 28: How and at what stage are civil cases resolved?

Unlimited Civil

Number disposed before trial



Number disposed after trial

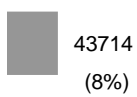


Limited Civil

Number disposed before trial



Number disposed after trial



Small Claims

Number disposed before trial



Number disposed after trial

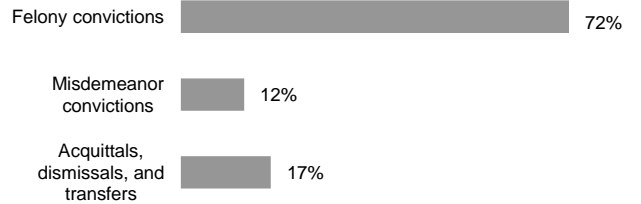


Figure 29: How and at what stage are felony cases resolved?

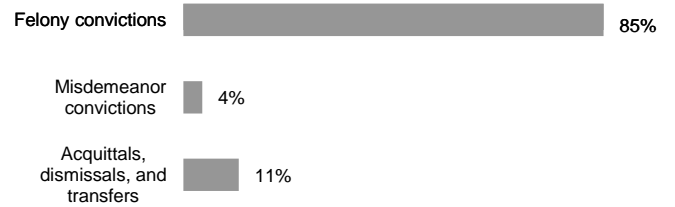
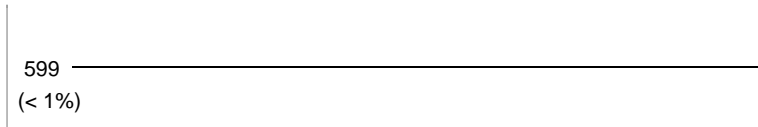
Total felony dispositions (not including felony petitions)



Number disposed before trial



Court trials



Jury trials

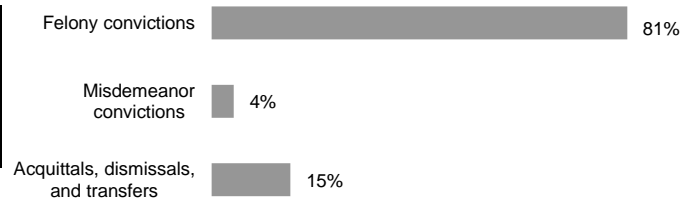
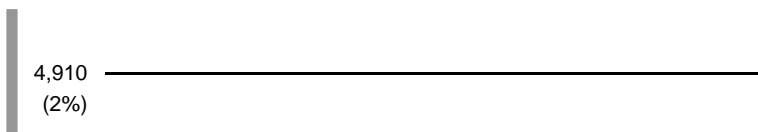
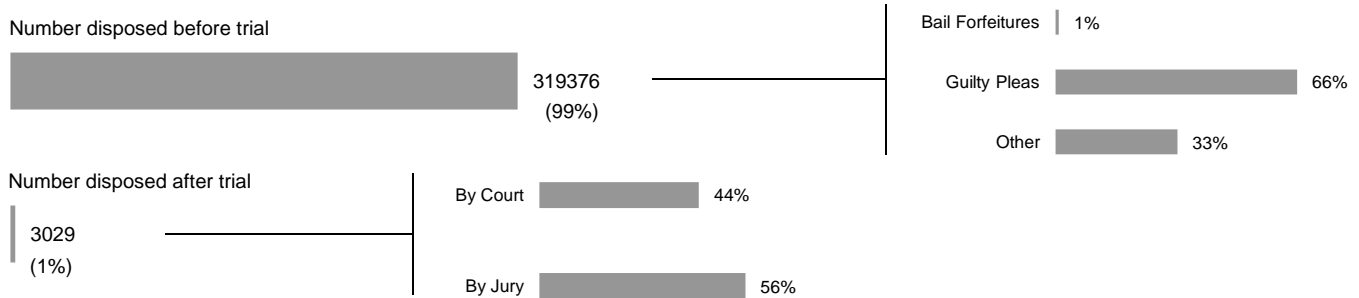
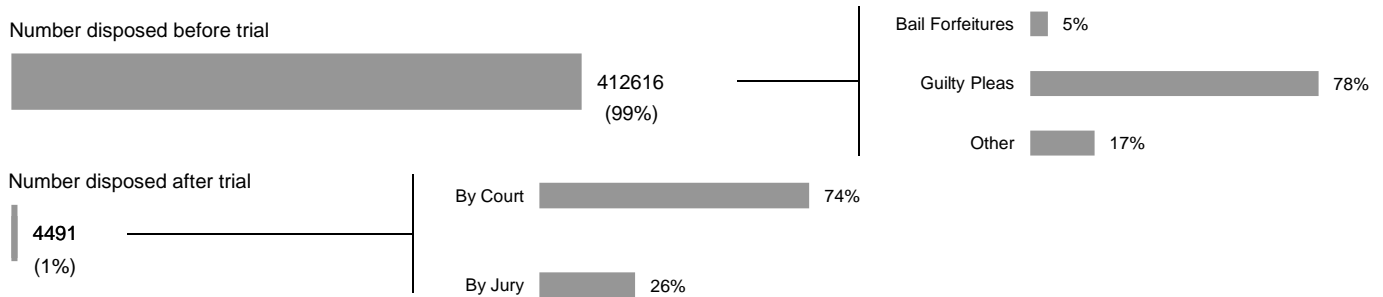


Figure 30: How and at what stage are misdemeanor and infraction cases resolved?

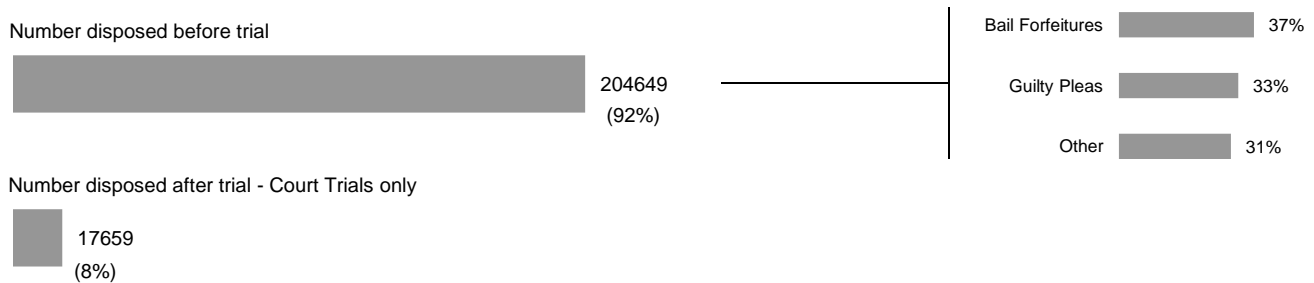
Nontraffic Misdemeanors



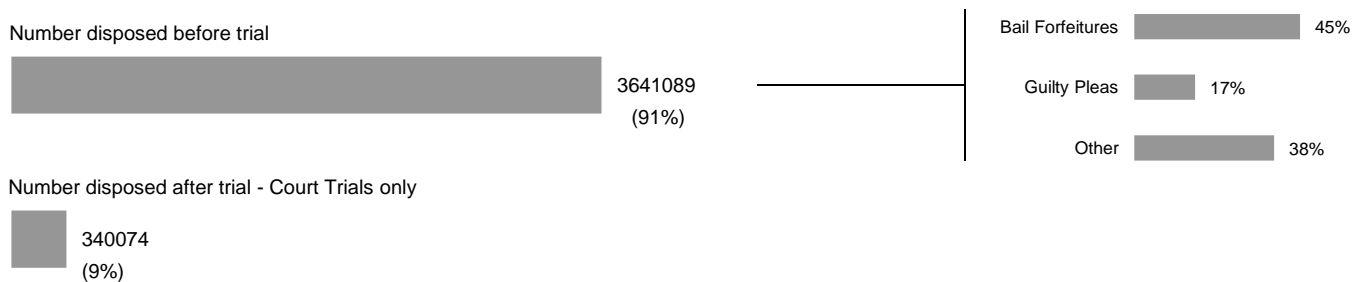
Traffic Misdemeanors



Nontraffic Infractions



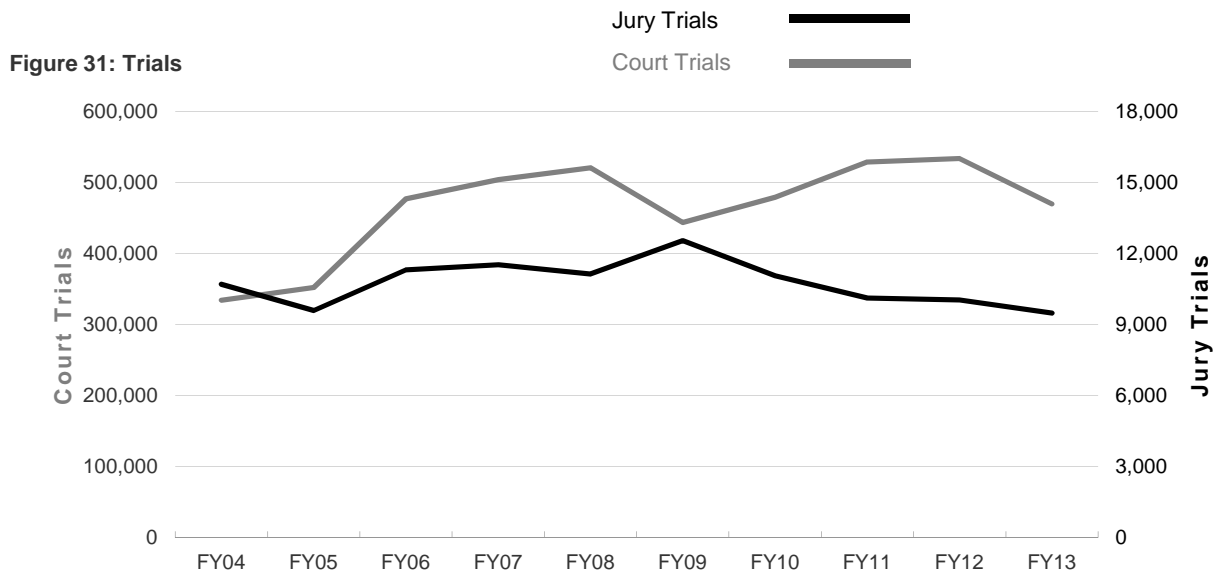
Traffic Infractions



**Appendix E: Caseflow Management Data
Trials By Type of Proceeding**

**Superior Courts
Figures 31–43**

Fiscal Years 2003–04 through 2012–13



Jury Trials

Figure 32: Felony

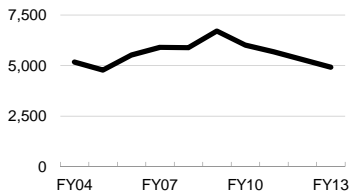


Figure 33: Misdemeanor

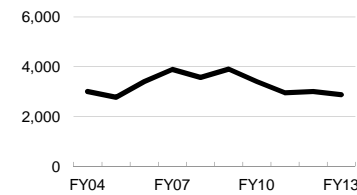


Figure 34: PI/PD/WD Civil Unlimited

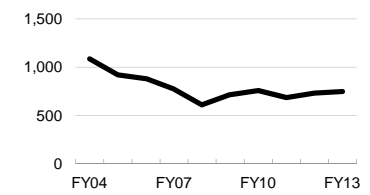


Figure 35: Other Civil Unlimited

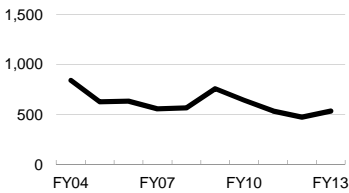


Figure 36: Civil Limited

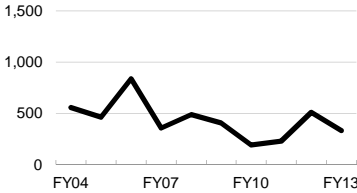
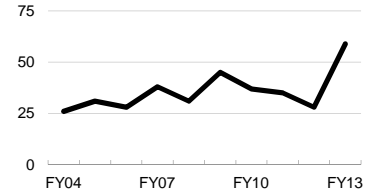


Figure 37: Probate and Mental Health



Court Trials

Figure 38: Felony

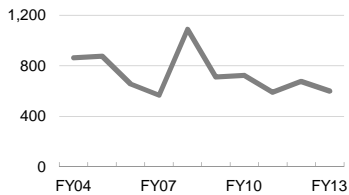


Figure 39: Misdemeanor and Infractions

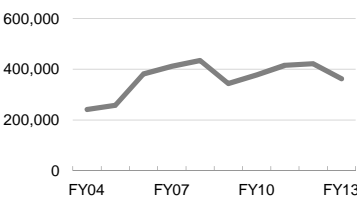


Figure 40: PI/PD/WD Civil Unlimited

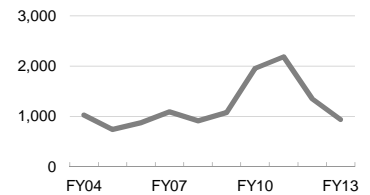


Figure 41: Other Civil Unlimited

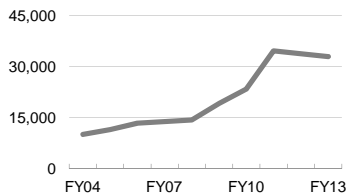


Figure 42: Civil Limited

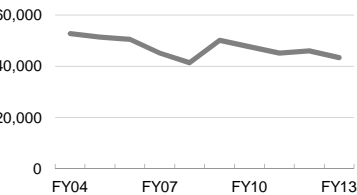
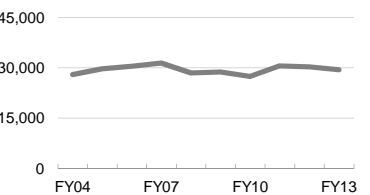


Figure 43: Probate and Mental Health



Appendix F: Assessed Judicial Need, 2014 Update

Table 1: Judicial Need

County	Authorized and funded Judicial Positions (AJP) ¹	2014 Assessed Judicial Need (AJN)	Funded AJN-AJP
Amador	2.3	2.7	0.4
Butte	13.0	14.2	1.2
Calaveras	2.3	2.8	0.5
Del Norte	2.8	3.7	0.9
El Dorado	9.0	9.9	0.9
Fresno	49.0	60.7	11.7
Humboldt	8.0	10.6	2.6
Imperial	11.3	13.8	2.5
Kern	43.0	58.0	15.0
Kings	8.6	11.4	2.8
Lake	4.8	5.2	0.4
Lassen	2.3	3.2	0.9
Los Angeles	585.3	629.5	44.2
Madera	9.3	10.9	1.6
Merced	12.0	16.7	4.7
Monterey	21.2	21.8	0.6
Napa	8.0	8.2	0.2
Orange	144.0	155.6	11.6
Placer	14.5	19.4	4.9
Riverside	76.0	127.4	51.4
Sacramento	72.5	81.8	9.3
San Benito	2.3	2.8	0.5
San Bernardino ²	86.0	143.0	57.0
San Joaquin	33.5	42.3	8.8
San Luis Obispo	15.0	17.9	2.9
Santa Cruz	13.5	14.2	0.7
Shasta	12.0	16.4	4.4
Solano	23.0	25.0	2.0
Sonoma	23.0	26.1	3.1
Stanislaus	24.0	32.6	8.6
Sutter	5.3	6.7	1.4
Tehama	4.3	5.8	1.5
Tulare	23.0	25.9	2.9
Ventura	33.0	40.4	7.4
Yuba	5.3	5.6	0.3
Total need:			269.8
¹ Authorized judicial positions, not including judgeships that were authorized under AB 159. As of October 2014, courts were verifying the number of authorized subordinate judicial officers, and there might be some changes in the number of authorized positions in each court once the review is complete.			
² AJP increased since the last assessment because the Superior Court of California, County of San Bernardino, was authorized to add two SJO positions in FY 2011–12 based on workload need.			

Appendix G: Subordinate Judicial Officer Conversions

Fiscal Years 2007–08 through 2012–13

Background

Rule 10.700 of the California Rules of Court provides for the use of subordinate judicial officers (SJOs) to perform subordinate judicial duties. A presiding judge may also assign a SJO to act as a temporary judge where lawful if the presiding judge determines that it is necessary for the effective administration of justice because of a shortage of judges.

During the 1980s and 1990s, the shortage of judicial positions across the state led many trial courts to create SJO positions to manage their caseloads. The stagnation in the number of new judgeships combined with the growth in the number of SJO positions created an imbalance in many courts, with SJOs spending much of their time working as temporary judges.

To restore the appropriate balance between judges and SJOs in the trial courts, in 2007 the Legislature passed AB 159, which authorized the conversion of 162 SJO positions to judgeships in 25 courts where the Judicial Workload Assessment determined that the number of SJOs exceeded the workload appropriate to SJOs.

Table 1: Subordinate Judicial Officer Conversions

	Total Eligible for Conversion	2007–08	2008–09	2009–10	2010–11	2011–12	2012–13	Positions Remaining for Conversion
Alameda	6	0	0	1	2	3	0	0
Contra Costa	6	3	0	1	0	0	0	2
El Dorado	2	0	1	0	1	0	0	0
Fresno	3	0	1	0	1	0	0	1
Imperial	1	0	0	0	1	0	0	0
Kern	2	0	1	0	0	0	0	1
Los Angeles	78	4	5	7	7	8	6	41
Marin	2	0	0	0	0	1	1	0
Merced	2	0	1	0	0	1	0	0
Napa	1	0	0	0	0	0	0	1
Orange	14	1	2	2	2	3	2	2
Placer	1	0	0	0	0	0	0	1
Riverside	6	1	1	0	0	1	3	0
Sacramento	5	1	2	0	0	2	0	0
San Diego	7	2	0	0	0	0	1	4
San Francisco	9	1	0	1	0	0	0	7
San Luis Obispo	2	1	0	0	0	0	0	1
San Mateo	2	0	0	0	0	0	0	2
Santa Barbara	2	0	0	2	0	0	0	0
Santa Cruz	1	0	0	0	0	1	0	0
Solano	3	1	2	0	0	0	0	0
Sonoma	2	0	0	1	1	0	0	0
Stanislaus	1	0	0	0	1	0	0	0
Tulare	2	0	0	1	0	0	0	1
Yolo	2	1	0	0	0	0	0	1
Total	162	16	16	16	16	20	13	65



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2014

Title

Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants

Agenda Item Type

Action Required

Effective Date

October 27, 2014

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

September 22, 2014

Recommended by

State Bar Legal Services Trust Fund
Commission
Adrian Dollard, Cochair
Christina Stokholm, Cochair

Contact

Bonnie Rose Hough, 415-865-7668
bonnie.hough@jud.ca.gov

Executive Summary

As stated in its report on the *Equal Access Fund: Distribution of Funding for IOLTA-Formula Grants and Partnership Grants Under the Budget Act of 2014*, the State Bar Legal Services Trust Fund Commission notes that the Budget Act of 2014 includes \$14,456,350 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access funds are distributed primarily in two parts: IOLTA-Formula Grants and Partnership Grants (with a small amount also distributed for administration). The State Bar Legal Services Trust Fund Commission requests approval of the distribution of \$13,010,715 in IOLTA-Formula Grants for fiscal year 2014–2015, according to the statutory formula in the state Budget Act. It further requests that the Judicial Council approve distribution of \$1,445,635 in partnership grants for 2015 and approve the commission's findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

Recommendation

The Legal Services Trust Fund Commission recommends that the Judicial Council approve the distribution of \$13,010,715 in IOLTA-Formula Grants for 2014–2015 according to the terms of the state Budget Act and approve the commission’s determination that the proposed budget of each individual grant complies with statutory and other guidelines.

The Legal Services Trust Fund Commission recommends that the Judicial Council approve the distribution of \$1,445,635 in Equal Access Fund Partnership Grants for distribution to the following legal services agencies for programs conducted jointly with courts to provide legal assistance to self-represented litigants:

1. **Bay Area Legal Aid:**
 - Housing Law Clinic (Contra Costa) \$55,000
 - San Mateo County Consumer Debt Clinic \$60,000

2. **Bet Tzedek Legal Services:**
 - Streamlining & Expanding Court-Based Conservatorship Clinics
(Los Angeles County) \$75,000

3. **Central California Legal Services, Inc.:**
 - Elder Abuse Access to Justice Partnership—Fresno County\$58,000
 - Tenant/Landlord Housing Law Clinic (Fresno) \$50,000

4. **Community Legal Services in East Palo Alto:**
 - San Mateo County Unlawful Detainer Mandatory Settlement Conference \$50,000

5. **East Bay Community Law Center:**
 - Civil Justice Self-Help Project (Alameda) \$65,000

6. **Elder Law and Advocacy:**
 - Imperial County Bilingual Conservatorship/Guardianship Clinic \$20,000

7. **Family Violence Law Center:**
 - Alameda County Domestic Violence Self-Representation Assistance \$20,000

8. **Inland Empire Latino Lawyers Association:**
 - Small Claims Advocacy & Awareness Project (Riverside/San Bernardino) \$25,000

9. **Justice and Diversity Center:**
 - Family Law Assisted Self-Help (FLASH) Project (San Francisco) \$45,000

10. Legal Aid Foundation of Los Angeles:	
Long Beach Self-Help Legal Access Center	\$80,000
11. Legal Aid of Marin:	
Unlawful Detainer/MSC Calendar Assistance	\$45,000
12. Legal Aid Society of Napa Valley:	
Small Claims Assistance Project	\$25,000
13. Legal Aid Society of Orange County:	
Consumer Debt Workshop (Norwalk, Los Angeles).....	\$65,000
Limited Conservatorship Clinic	\$25,000
Unlawful Detainer Clinic	\$50,000
14. Legal Aid Society of San Diego, Inc.:	
Civil Harassment & Elder Abuse Restraining Order Program at the HOJ	\$60,000
San Diego County Conservatorship Assistance Project	\$55,000
15. Legal Services of Northern California:	
Civil Harassment and Small Claims Mediation Project (Butte)	\$30,000
Mother Lode Pro Per Project (Amador, Calaveras, El Dorado, Placer)	\$55,000
Guardianship and Clean Slate Project (Mendocino)	\$32,635
Consumer Assistance Clinic (Yolo)	\$55,000
16. Neighborhood Legal Services of Los Angeles County:	
Chatsworth Consumer Debt Relief	\$40,000
Pasadena Unlawful Detainer Assistance Project	\$70,000
17. Pro Bono Project Silicon Valley:	
Family Court Settlement Project (Santa Clara)	\$30,000
18. Public Counsel:	
Pro Per Guardianship Clinic (Los Angeles)	\$60,000
19. Public Law Center:	
Orange County Expanded Domestic Violence Assistance Project	\$45,000
Orange County “Finish My Case” Workshops	\$40,000
20. San Diego Volunteer Lawyer Project:	
North County Civil Harassment/Unlawful Detainer Self-Help Clinic	\$60,000

Total \$1,445,635

The text of the commission’s report and its attachments are found at pages 7–70.

Previous Council Action

The Judicial Council has approved the proposed distribution for each of the past 15 years based on the recommendations of the Legal Services Trust Fund Commission.

Rationale for Recommendation

Since 1999, the state Budget Act has contained a provision for the allotment of \$10 million to an Equal Access Fund “to improve equal access and the fair administration of justice.” (Sen. Bill 852, Stats. 2014, ch. 25, pp. 12–16; Stats. 2013, ch. 20, pp.11–15; Stats. 2012, ch. 21, pp. 14–18; Stats. 2011, ch. 33, pp. 17–21; Stats. 2010, ch. 712, pp. 21–25; Stats. 2009, ch. 1, pp. 18–22; Stats. 2008, ch. 268, pp. 32–36; Stats. 2007, ch. 171, pp. 40–42; Stats. 2006, ch. 47, pp. 26–30; Stats. 2005, ch. 38, pp. 9–11; Stats. 2004, ch. 208, pp. 16–17; Stats. 2003, ch. 157, pp. 11–12; Stats. 2002, ch. 379, pp. 30–31; Stats. 2001, ch. 106, pp. 73–74; Stats. 2000, ch. 52, pp. 78–79; Stats. 1999, ch. 50, pp. 55–56.)

In 2005, the Uniform Civil Fees and Standard Fee Schedule Act was approved by the Legislature and the Governor. That act established a new distribution of \$4.80 per filing fee to the Equal Access Fund. The estimated revenue from filing fees for the fund is \$5.7 million per year. Those revenues have been collected by the trial courts since January 2007.

The Budget Act requires the Judicial Council to distribute the Equal Access Fund monies to legal services providers through the State Bar Legal Services Trust Fund Commission. The State Bar created the commission to administer the law regulating attorneys’ interest-bearing trust accounts (IOLTAs). (Bus. & Prof. Code, § 6210 et seq.; State Bar Rules Regulating Interest-Bearing Trust Fund Accounts for the Provision of Legal Services to Indigent Persons, rule 4.)

The Budget Act states that “[t]he Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. . . . The Judicial Council may establish additional reporting or quality control requirements. . . .”¹ All recipients of partnership grants conduct an annual evaluation of the effectiveness of the programs, and are required to submit their evaluation results to the commission by March 1, 2016.

Under the Budget Act, the Chief Justice, as Chair of the Judicial Council, appoints one-third of the voting members to the commission—five attorney members and two public members, one of whom is a court administrator. The Chief Justice also appoints three nonvoting judges to the

¹ The Budget Act language is attached in the commission’s report, at pages 20-21.

commission—two trial court judges and one appellate justice. (The membership roster is attached in the commission’s report at pages 22–25.)

There are two grant programs, IOLTA-formula grants and partnership grants. The Budget Act provides that 90 percent of the funds be distributed to legal services agencies according to a statutory formula (the IOLTA-formula grants). The remaining 10 percent of the funds are to be distributed as partnership grants to legal services programs for projects conducted jointly with the courts to provide legal assistance to self-represented litigants. The process for choosing the legal services programs to receive these partnership grants is stated in the commission’s report at pages 12–15.

For the grant period funded by the 2014 Budget Act, the Legal Services Trust Fund Commission has approved a schedule for allocation of the part of the Equal Access Fund grants referred to as IOLTA-Formula Grants to legal services providers according to the formula established under the Business and Professions Code.

The commission’s report on the allocation of the Equal Access Fund shows that the commission has followed the statutory requirements and the additional criteria adopted by the council at its August 1999 meeting.

It is appropriate for the Judicial Council to approve the distribution of \$13,010,715 in IOLTA-Formula Grants awarded by the Legal Services Trust Fund Commission to allow distribution to the eligible organizations in October. It is also appropriate that the council approve \$1,445,635 in Partnership Grants.

Distributing the funds to the commission will allow it to carry out the terms of the Budget Act and will put the funds of the Equal Access Fund into the hands of legal services providers to supply legal assistance to self-represented litigants. IOLTA-Formula Grants are to be distributed on a calendar-year basis beginning January 1, 2015; the three-month period from October through December 2014 will also be funded under the 2014 Budget Act so grants do not lapse during this transition to a calendar-year schedule. The fiscal year for the Partnership Grants commences January 1, 2015.

The commission’s report on the allocation of the Equal Access Fund shows that the commission has followed the statutory requirements and the additional criteria proposed in a report to the Judicial Council at its August 1999 meeting.

Comments, Alternatives Considered, and Policy Implications

The recommendations have been approved by the Legal Services Trust Fund Commission and its Partnership Grants Committee as required by law. The statutory scheme does not contemplate public comment.

There are no viable alternatives to distributing the funds according to the recommendations of the Legal Services Trust Fund Commission. The Budget Act requires the council to approve the distribution if it finds that the statutory and other relevant guidelines are met.

Implementation Requirements, Costs, and Operational Impacts

The IOLTA-Formula Grants require no court implementation. Partnership grants will require the courts that have elected to participate in joint projects with local legal services providers to cooperate in the manner proposed in their grant applications.

Council staff will work with the staff of the Legal Services Trust Fund Commission to oversee administration of the Equal Access Fund, including fulfillment of requirements for reports on the commission's administration of the fund. Staff will also provide support to the commission (including the one-third of its members appointed by the Chief Justice) to facilitate administration of the Equal Access Fund.

The recommendation contained in this report will have no direct fiscal effect on the courts; nevertheless, the courts will indirectly benefit from assistance provided to self-represented litigants. Council staff support will be covered by the provision for administrative costs in the Budget Act appropriation.

Relevant Strategic Plan Goals and Operational Plan Objectives

This recommendation helps implement Goal I of the Judicial Council's strategic plan—Access, Fairness, and Diversity—by increasing representation for low-income persons.

Attachments

1. Attachment A: Report of the State Bar Legal Services Trust Fund Commission
2. Attachment B: Legal Services Trust Fund Commission and Relevant Committee Membership
3. Attachment C: Comparison of IOLTA and IOLTA-Formula EAF Grants for Calendar Year 2015
4. Attachment D: Partnership Grant Request for Proposal for 2015 Funding
5. Attachment E: Highlights of Recommended Partnership Grant Projects for 2015
6. Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars



THE STATE BAR OF CALIFORNIA

LEGAL SERVICES TRUST FUND PROGRAM

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LEGAL SERVICES TRUST FUND COMMISSION – 2014-2015

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Associate Justice of the Court of
Appeal, Third Appellate District

DATE: September 22, 2014

TO: The Judicial Council of California

FROM: Adrian Dollard, Co-Chair
Christina Stokholm, Co-Chair
Legal Services Trust Fund Commission

Stephanie Choy, Managing Director
Legal Services Trust Fund Program

SUBJECT: Equal Access Fund: Distribution of Funding for IOLTA-Formula Grants
and Partnership Grants under the Budget Act of 2014

EXECUTIVE SUMMARY

Since 1999, the Judicial Council (the "Council") budget has included the Equal Access Fund ("EAF") to provide grants for free legal assistance to indigent Californians. These grants are made through the Legal Services Trust Fund Commission of the State Bar of California (the "Commission").

In 1999, the Judicial Council took action to implement this Fund, adopting procedures for the Chief Justice to appoint a third of the members of the Commission and approving the award of grants. The Council has approved the award of grants each subsequent year since 1999.

Each year the Equal Access Fund is distributed in two parts: 1) 90% of the funds are distributed according to the statutory Interest on Lawyers' Trust Accounts ("IOLTA") formula; and, 2) 10% of the funds are distributed as discretionary grants for joint projects between court and legal service programs to make legal assistance available to pro per litigants.

IOLTA Formula Grants: The \$14,462,203 in IOLTA-formula Grants allocated for the 2013-14 grant year has funded a wide range of legal services for low-income Californians. These grant funds were allocated according to a formula set forth in the IOLTA statute (Business & Professions Code sections 6210 et seq.) and pursuant to established procedures for determining eligibility and administering grants. Two categories of legal services providers are eligible for grants: "Qualified Legal Services Projects" and "Qualified Support Centers.

A system of grant application, budget review, performance reports, and on-site visits is used to monitor compliance with grant requirements.

Partnership Grants: The \$1,518,000 in Partnership Grants for 2013-14 (calendar year 2014) funded 30 projects that enhance the ability of unrepresented litigants to pursue justice in civil courts across California.

Annually since the inception of the Equal Access Fund, the Commission has presented the Council with recommendations for approval of IOLTA-formula grants prior to the start of the grant year, and then separately presented recommendations for Partnership Grants a few months later. This year the Commission determined, with the input and approval of staff of the Council, to implement a new schedule for administration of all its grants, including the two types of EAF grants under the Budget Act of 2014. This new schedule will synchronize the three different grant periods the Trust Fund Program has historically administered, enabling the commission to report on recommendations for IOLTA-Formula grants and Partnership Grants in this single submission.

We request the Council approve the distribution of \$14,456,350 of Equal Access Funds for IOLTA-Formula and Partnership Grants under the 2014 Budget Act, as follows:

IOLTA-Formula Grants. It is now timely and appropriate for the Council to approve the distribution of the IOLTA-Formula Grants under the Budget Act of 2014, in the total amount of \$13,010,715, which amount includes the Basic Budget act allocation and projected filing fees.

The Commission identified eligible or provisionally eligible legal services providers and calculated the appropriate allocation of funds available for IOLTA- Formula Equal Access Fund grants under the Budget Act of 2014 in accordance with the IOLTA statute. The Commission has reviewed budgets to ascertain compliance with statute, rules and guidelines, and with the Council's approval, will begin distribution of EAF grant funds on October 1, 2014.

Partnership Grants. It is also timely and appropriate for the Council to approve the Commission's recommendations for Partnership Grants under the Budget Act of 2014, to support activities during calendar year 2015, in the total amount of \$1,445,635. These discretionary grants are only available to programs already eligible for IOLTA funding, and are awarded after a careful review and analysis of grant proposals based on established criteria. Partnership grants will, upon approval, be distributed to projects that have completed documentation as early in 2015 as practicable.

INTRODUCTION – THE BUDGET ACT

The Equal Access Fund, initially created by the Budget Act of 1999, has been continued in each subsequent Budget Act, including the Budget Act of 2014.

Originally, a single general fund allocation for the Equal Access Fund was directed to the Council under each Budget Act, to be distributed in grants to legal services providers through the Legal Services Trust Fund Commission. In 2014 that general fund allocation is \$10,392,000.

Since 2005, this general fund allocation has been supplemented with revenues received through the Uniform Civil Fees and Standard Fee Schedule Act. That Act established a new distribution to the Equal Access Fund of \$4.80 per initial civil filing fee. Through these fees, the Equal Access Fund has been supplemented by amounts ranging from about \$2.5 to \$6.4 million annually. In the past, the Council's practice has been to estimate anticipated filing fee revenue conservatively to maximize grantee ability to rely on budgeted grant amounts. However, in 2013-14, even that conservative estimate exceeded actual receipts, and a shortfall of \$453,000 has been deducted from anticipated 2014-15 filing fee revenue to account for that overestimate. This year's projected filing fee revenue is \$4,517,250, exclusive of administrative fees, payable from the Trial Court Trust Fund. Based on the foregoing, total grant year income available for distribution as Equal Access Fund grants under the 2014 Budget Act, has been projected as follows:

The sum of (a) the basic budgetary allocation of \$10,392,000 pursuant to the Budget Act of 2014; (b) additional funding from the Trial Court Trust Fund in the total amount of \$4,755,000 (or \$4,517,250 after deducting 5% for administration of funds) pursuant to the Budget Act of 2014; (c) less a projected shortfall of \$452,900 in estimated filing fee income from 2013-14, results in a conservative aggregate estimated \$14,456,350 available for Equal Access Fund grants under the Budget Act of 2014.

The budget control language establishes two kinds of Equal Access Fund grants: "IOLTA-Formula" Grants and "Partnership" Grants. The budget also provides for funds for the cost of administration. Distribution will be pursuant to the language of the Budget Act:

- Ninety percent of the grant funds are to be distributed to IOLTA-eligible legal services providers according to a formula set forth in California's Interest on Lawyers' Trust Accounts ("IOLTA") statute. Funds available for this category of grants, called "IOLTA-Formula Grants," equal \$13,010,715.
- Ten percent of the grant funds are set aside for Partnership Grants to IOLTA-eligible legal services providers for "joint projects of court and legal services programs to make legal assistance available to pro per litigants." Funds available for Partnership Grants equal \$1,445,635.
- An amount equal to five percent of the Budget Act grant allocations has been set aside for administrative costs, in a total amount up to \$737,750, to be shared between the Council and the Commission (34% and 66% respectively).

(The relevant portions of the Budget Act of 2014 are attached as Attachment A.)

The Chief Justice continues to appoint one-third of the members of the Commission, plus three judicial advisors. All of them participate actively in the Commission's work, with each serving or having served on one of its three standing committees. (Attachment B is a roster of current Commission members, and the Eligibility and Partnership Grant committee members responsible for oversight of the 2015 grant processes.)

In 2014, as part of comprehensive efforts to improve efficiencies, the Trust Fund Program took steps to synchronize its various grant calendars to a single grant year beginning January 1, 2015. In order to shift EAF grants from its traditional October 1 start date, the transitional EAF grant is for a “five quarter” period beginning October 1, and ending December 2015, with the last quarter based on projected funding. While this report only includes grant allocations based on the Budget Act of 2014, grantees were asked to provide budgets for projected EAF through the end of 2015. Grant agreement wording provides that grant funding is contingent on the appropriation and availability of funds.

THE LEGAL SERVICES GRANTS PROGRAM

For each year of the Equal Access Fund, the budget control language has provided for the funds to be distributed “to qualified legal services projects and support centers as defined in sections 6213 through 6215 of the Business and Professions Code.” Those provisions of the IOLTA statute establish the basic eligibility requirements for these two categories of organizations that are entitled to receive funding:

- “Legal Services Projects,” which have as their primary purpose the provision of legal services in civil matters directly to indigent clients without charge. [Business and Professions Code, §6213(a)]
- “Support Centers,” which provide training, technical assistance and advocacy support to the legal services projects on a statewide basis. [Business and Professions Code, §6213(b)]

The fund helps the most vulnerable Californians when they face critical, life-changing legal issues affecting their basic needs, their safety, and their security – issues such as elder abuse, domestic violence, family support, housing or access to needed health care. Among those served are the working poor, children, people who live in isolated rural areas, veterans, those with limited English proficiency, people suffering abuse, people with disabilities and the frail elderly.

In March 2005, the Council submitted an extensive report to the Legislature evaluating the efficiency and effectiveness of the first five years of use of these funds. The report concluded that “nonprofit legal aid providers have efficiently and effectively used their grants to provide legal assistance to some of the most vulnerable Californians, but that there remains a tremendous unmet need.” The report included the following key findings:

- The Equal Access fund improves the lives of vulnerable Californians.
- Thoughtful and innovative delivery systems have been implemented to stretch Equal Access Fund dollars and maximize services to clients.
- The Equal Access Fund strengthens, expands, and is efficiently incorporated into the legal aid delivery system.
- The Equal Access Fund creates strong partnerships between the courts and nonprofit legal aid providers that benefit low-income litigants, the judicial system, and the public at large.

- Despite the gains, significantly more funding is necessary to serve California’s unrepresented litigants.

Legal service organizations continue to report tremendous need within their service populations, while still struggling with decreases in revenue – from IOLTA, local government, foundations, law firms and individual giving. Thus, the recommendations from the Council’s 2005 report continue to resonate: The Equal Access Fund should be increased to build on the statewide legal aid network serving low-income people; additional funding is needed to expand court-based self-help centers; and ongoing evaluation is needed to continue to improve the delivery of legal assistance to indigent and marginalized Californians.

ELIGIBILITY AND DISTRIBUTION

All Trust Fund grantees must be nonprofit corporations, must maintain quality control procedures approved by the commission, and must meet minimum funding and service criteria that are set out in the statute. [Business and Professions Code, §§6214-6215]

The requirements regarding eligibility and use of funds are reflected in regulating rules and grant conditions approved by the State Bar Board of Trustees and incorporated into a written agreement with each grant recipient. To monitor compliance with these requirements, the commission administers a system of grant reporting and oversight that includes written reports, regular personal contact and on-site visits.

Oversight begins with the annual application for funding. The application includes extensive information about the legal services provider’s activities and services, accompanied by an annual financial statement that must be audited (or reviewed if gross expenditures are less than \$500,000) by an independent certified public accountant. Following the commission’s determination of eligibility and allocation of IOLTA-Formula Grant amounts, each applicant submits a proposed budget for use of the funds, with a narrative description of the services to be provided and how the efficacy and impact of those services will be measured and maximized. The commission reviews this budget to ensure that it complies with the requirements described above before any funds are actually distributed. Subsequently grant recipients provide written reports of their expenditure of grant funds, services provided, and clients or customers served.

On-site visits supplement review of the application documentation and budgets to monitor compliance with the statutory requirements and grant conditions as well as to evaluate provider effectiveness and monitor the provider’s fiscal practices for the handling of grant funds. Teams of staff, sometimes joined by commission members, conduct these visits on a three-year cycle.

IOLTA-Formula Grants. Legal services providers have used the IOLTA-Formula Equal Access Fund Grants for a wide range of services and activities that reflect both the legal needs of poor people and the special strengths of the participating programs. A substantial share of the efforts funded by these grants

has been aimed at legal needs of children (adoptions, guardianships and children's access to health care, for example) or the elderly (abuse cases, nursing home evictions, home equity fraud). IOLTA-Formula Grants have also supported efforts to address the needs of families, including a range of services to help overcome barriers to self-sufficiency and make welfare-to-work a reality. Others have focused on populations that are particularly at risk, such as people with disabilities, the homeless, or victims of human trafficking.

The Budget Act requires 90 percent of the Equal Access Fund to be distributed to qualified organizations under the same statutory allocation formula as IOLTA funds, consistent with sections 6216 through 6223 of the Business and Professions Code ("IOLTA-Formula Grants"). Business and Professions Code section 6216 establishes this formula:

- Fifteen percent of the grant money is reserved for Support Centers and is divided among those centers equally.
- The remaining eighty-five percent of the funds is allocated among all California counties based on poverty population, and then within each county among Legal Services Projects based on the amount each such organization spent in the prior calendar year providing free legal services to the indigent in that county. Programs that utilize volunteers as their principal means of delivering legal services share an additional allocation in each county where they so qualify.

The IOLTA statute also addresses the use of funds by recipient organizations. Qualified Legal Services Projects must use grants to provide free civil legal services to indigent persons in the counties for which the funds are allocated. In addition, Legal Services Projects must make extra efforts to increase services to especially disadvantaged and underserved client groups within their service areas. Qualified Support Centers must publicize the availability of their services and demonstrate that they actually provide legal support without charge to qualified Legal Services Projects on a statewide basis. [Business and Professions Code, §§6218, 6220, 6221, 6223] A list of the recipients to receive these grants under the allocations of the Budget Act of 2014 (for the period from October 1, 2014 through September 30, 2015), together with their 12-month IOLTA grants for comparison, appears at [Attachment C](#).

Partnership Grants. Since its inception in 1999, 10% of the Equal Access Fund has been set aside annually in the Budget Act for a competitive grants program for projects that work with local courts to help provide legal services for self-represented litigants. In 2014, thirty projects throughout California are receiving \$1,518,000 in total Partnership Grants, in grant sums from \$23,000 to \$100,000.

Only recipients of IOLTA and IOLTA-Formula Grants are eligible to apply for these discretionary grants. Recipients are selected so as to maximize the impact of this funding across areas of legal need, population types, and geographical regions. In the grant cycle funded by the Budget Act of 2014, \$1,445,635 will be available for Partnership Grants for operations in calendar year 2015.

The Partnership Grants process begins with evaluation of proposals by Legal Services Trust Fund Program staff and a committee of the Commission. This evaluation encompasses several criteria,

including but not limited to assuring the impartiality of the services, providing meaningful referrals, assurances of program effectiveness and fiscal stability. Funding is provided on a calendar year basis.

Request for Proposals

The Request for Proposals for Partnership Grant projects for calendar year 2015 were released in June and were due in July. Notice of the RFP also was distributed to local court personnel. (A copy of this RFP is attached as Attachment D.) The Commission has carefully reviewed Partnership Grant applications and made recommendations to the Commission, for final selection and allocations at its September 19 meeting. These recommendations are provided to the Council now. The Council has final responsibility for approving the Commission's recommendations for grant awards at its October 2014 meeting.

Selection Criteria

The Budget Act contains four essential elements for Partnership Grants:

- Recipients must be organizations that are eligible for a Legal Services Trust Fund Program grant.
- The funds must be used for joint projects of legal services programs and courts.
- The services must be for "indigent persons" as defined in the Trust Fund Program statute.
- The services must be for self-represented litigants.

In 1999, the Commission convened court staff, legal services program directors, and staff of the Administrative Office of the Courts to work with Trust Fund Program staff to develop grant-making processes and set criteria for partnership grants. This group concluded, and the Commission concurred, that it was important to give courts and legal services programs considerable latitude to develop effective models to address the needs within their particular communities. Each round of grants was envisioned as funding a range of projects, including projects in both urban and rural areas and in larger and smaller counties, and those that address different areas of law. Grantees should include both new and continuing projects. Funding was considered "seed money" to help new projects succeed, and therefore grantees were advised that grants would be reduced after three years and terminated after five years of funding.

In 2008, the Partnership Committee of the Trust Fund Commission reviewed and substantially reaffirmed most of the practices and priorities it had developed over the years for generating proposed allocations. However, the commission did determine to soften the practice of terminating funding after five years, and to consider continuation funding for a short additional time where exceptional and compelling circumstances so dictate, particularly in rural areas or where disasters have struck. Since that time, deteriorating and stagnant economic conditions have proven the wisdom of this determination. This policy has therefore been continued to the present grant cycle.

Consequently, while this year's grantees include some new projects, there are also three projects that are being funded to continue services beyond their fifth year of service. These projects serve seriously under-resourced regions of California (namely, the counties of Fresno, Imperial, and Yolo), and address legal issues that are intensive both substantively and procedurally – conservatorship, and consumer protection.

As in past years, we received proposals that span a wide range of substantive, procedural, technical and programmatic solutions. All proposals must include:

- A letter of support from the applicable court's presiding judge.
- A written Memorandum of Understanding between the legal services programs and the cooperating court indicating how the joint project, the court, and any existing self-help center, including the family law facilitator (as appropriate), will work together.
- A plan for an appropriate level of direct supervision of paralegals and other support staff by a qualified attorney.
- A plan to anticipate and meet the needs of litigants who are not within the legal services provider's service area or are ineligible for their services.
- A plan to address the needs of unrepresented litigants who do not meet the financial eligibility requirements (e.g., by providing general information in the form of local information sheets, videos, workshops, etc.).
- A clearly stated policy regarding administration of financial eligibility standards, and established protocols to observe that policy.
- Protocols to minimize conflicts of interest, or to address them as needed.
- A plan for project continuity, including efforts to identify and secure additional funding within three years and to be free of Partnership support after five years.
- A multi-phase evaluation plan including such components as surveys, interviews, focus groups, courtroom observations, and file reviews, with a commitment to report on both qualitative and quantitative project results within three months of the end of the grant year.

Additionally, applicants for refunding of existing Partnership projects were required to provide year-to-date status reports on the implementation and performance of their projects. This requirement began this year in place of requiring grantees to provide a separate mid-year status report, consistent with our ongoing streamlining efforts.

Because all recipients of the Partnership Grants are organizations that already receive IOLTA and IOLTA-Formula Grants through the Legal Services Trust Fund Program, they are already subject to requirements for oversight and reporting that are in place. The commission has also developed additional reporting requirements and evaluation procedures to apply specifically to the work to be done under EAF Formula grants.

Review and Selection Process

The Chief Justice continues to appoint one-third of the members of the Legal Services Trust Fund Commission, plus three non-voting judges who serve as advisors. All of them participate actively in the commission's work, with each serving or having served on one of its three standing committees, which include the Eligibility and Budgets and Partnership Grants committees.

The Partnership Grants Committee is responsible for evaluating all Partnership Grant proposals and making funding recommendations to the full commission. (The judges participate fully – and vote – during committee considerations; they participate fully but do not vote in full commission deliberations.) A list of the members of the Legal Services Trust Fund Commission and the members of its Partnership Grants Committee is provided in Attachment B.

Committee members were each assigned primary responsibility to review several applications, and were then divided into “evaluation teams” with a Trust Fund Program staff member providing support and background and conducting any necessary follow-up.

After completing these individual reviews, evaluation teams met by conference call to review all assigned proposals and to discuss specific concerns and issues with respect to individual projects. The full committee then met on August 22, 2014 to identify promising proposals and develop preliminary grant awards based on individual and team evaluations. This meeting also identified numerous issues for further investigation by Trust Fund staff.

The committee met again on the morning of September 19 to finalize its slate of grant recommendations, which was presented to the full commission for its approval later that day. The commission is satisfied that all grant proposals represent well-conceived projects that warrant support with partnership grant funding.

Overview of Applications and Proposed Grants

For the \$1,445,635 available for Partnership grants, the Commission received 35 applications totaling \$2,118,081. The grant applications represent broad geographic diversity as well as diversity in substantive areas of law and the nature of services to be provided. The Trust Fund Program received proposals for refunding from 28 of the 30 currently-funded projects, and from seven projects seeking first-time funding. Two applicants withdrew applications for new projects that did not conform to Budget Act requirements for Partnership projects; of the two projects funded in 2014 that did not seek

refunding, one had already received six years of Partnership Grant support. One withdrew after being notified of a proposed award less than requested.

All of the recommended grants involve collaboration between at least one legal services program and one court. Some are creative partnerships among multiple legal services programs, courts, and local community groups. Several propose to utilize technology to make services more accessible, and all but one would be located at, or in close proximity to, the courthouse or local law library.

The recommended grants reflect a mix of geographic areas and program types. All include a high quality of work to be performed, high demand for services, and innovative approaches to maximizing the impact of the grant. The Commission is requesting your approval for the following grant awards ²

PROGRAM	PROJECT	RECOMMENDED GRANT
Bay Area Legal Aid	Contra Costa County Housing Law Clinic	\$55,000
Bay Area Legal Aid	San Mateo County Consumer Debt Clinic	\$60,000
Bet Tzedek Legal Services	Streamlining & Expanding Court-Based Conservatorship Clinics	\$75,000
Central California Legal Services	Elder Abuse Prevention and Conservatorship Project	\$58,000
Central California Legal Services	Tenant/Landlord Housing Law Clinic	\$50,000
Community Legal Services in East Palo Alto	San Mateo County Unlawful Detainer Mandatory Settlement Conference	\$50,000
East Bay Community Law Center	Civil Justice Self-Help Project	\$65,000
Elder Law & Advocacy	Imperial Court Bilingual Conservatorship/Guardianship Clinic	\$20,000
Family Violence Law Center	Domestic Violence Self-Representation Assistance Project	\$20,000
IELLA Legal Aid Project	Small Claims Advocacy & Awareness Project	\$25,000
Justice & Diversity Center	Family Law Assisted Self Help Project	\$45,000
Legal Aid Foundation of Los Angeles	Long Beach Self-Help Legal Access Center	\$80,000

² Bolded items are new projects.

Legal Aid of Marin	Mandatory Settlement Conference Calendar (MSC)	\$45,000
Legal Aid of Napa Valley	Small Claims Assistance Project	\$25,000
Legal Aid Society of Orange County	Consumer Debt Workshop	\$65,000
Legal Aid Society of Orange County	Limited Conservatorship Project	\$25,000
Legal Aid Society of Orange County	Unlawful Detainer Clinic	\$50,000
Legal Aid Society of San Diego	Civil Harassment & Elder Abuse Restraining Order Program at the HOJ	\$60,000
Legal Aid Society of San Diego	San Diego Conservatorship Assistance Project	\$55,000
Legal Services of Northern California - Butte	Civil Harassment and Small Claims Mediation Project	\$30,000
Legal Services of Northern California - Mother Lode	Mother Lode Pro Per Project	\$55,000
Legal Services of Northern California - Ukiah	Guardianship and Clean Slate Project	\$32,635
Legal Services of Northern California - Yolo County	Consumer Assistance Project	\$55,000
Neighborhood Legal Services of Los Angeles County	Chatsworth Consumer Debt Relief	\$40,000
Neighborhood Legal Services of Los Angeles County	Pasadena Unlawful Detainer Assistance Project	\$70,000
Pro Bono Project Silicon Valley	Family Court Settlement Project	\$30,000
Public Counsel	Pro Per Guardianship Clinic	\$60,000
Public Law Center	Orange County Expanded Domestic Violence Assistance Project	\$45,000
Public Law Center	Orange County "Finish My Case" Workshops	\$40,000
San Diego Volunteer Lawyer Program	North County Civil Harassment/ Unlawful Detainer Self-Help Clinic	\$60,000
TOTAL GRANT AWARDS		\$1,445,635

Highlights of each of project are listed in [Attachment E](#).

NEXT STEPS: TRUST FUND COMMISSION AND JUDICIAL COUNCIL

Legal Services Trust Fund Commission

Based on the Budget Act, the commission has provided grantees with tentative IOLTA-Formula Equal Access Fund grant allocation amounts, as well as IOLTA grant allocations. Based on these tentative amounts, each grant recipient has been asked to prepare a detailed line item budget for each tentative allocation. Budgets have been reviewed by Legal Services Trust Fund Program staff, and the Committee will review and make recommendations to the Commission for approval at its November 14 meeting. Thereafter, the State Bar will sign a grant agreement with each recipient program. (Attachment F is a form version of the grant agreement used last year. No major changes have been proposed for this year's agreement.)

The period for distribution of IOLTA-Formula EAF grants under the Budget Act of 2014 will be October 1, 2014, through September 30, 2015, with the final quarter of the 2015 grant year to be funded by next year's Budget Act allocation. Assuming timely administration of the contract and approval of funds from the State Controller's office, we will issue the first of four quarterly grant checks for distribution to recipients in late November.

The Commission, working through staff, will be responsible for the administration of these Equal Access Funds in tandem with IOLTA revenues and contributions to the Justice Gap Fund. The Commission will continue its oversight of the EAF grant program, including review of expenditure reports and program-owned evaluation. Along with the regular reporting already required for IOLTA Fund Grants, grant recipients account separately for the Equal Access Fund IOLTA-Formula Grants, submitting quarterly expenditure reports as well as year-end program assessments.

At its meeting on September 19, 2014, the Commission reviewed Partnership Grant proposals and selected projects to recommend to the Council for funding in the 2015 grant year.

We will continue to work closely with the Council staff, requiring appropriate evaluation of grant funding, and providing regular reports reflecting how the grants meet the statutory requirements and other guidelines, as well as information needed to assist the Council in budget preparation. The Legal Services Trust Fund staff, working together with the Judicial Council staff continues to encourage legal services providers to use evaluative tools to make critical assessments of their work and its impact on the communities they serve.

Judicial Council

The Budget Act provides that “the Judicial Council shall approve awards made by the commission if the Council determines that the awards comply with statutory and other relevant guidelines.” It is now timely and appropriate for the Council to approve:

- the distribution of \$13,010,175 in IOLTA-Formula Grants under the Budget Act of 2014, for grants to legal services providers determined by the Commission to be in compliance with statutory and other applicable guidelines, in the amounts identified in Attachment C. The funds will be released by the Council to the State Bar in four equal disbursements, and will be paid out to the eligible legal services programs quarterly (or as close to quarterly as possible depending on contract timing), over the course of the grant period.
- the distribution of \$1,445,635 in 2015 Partnership Grants to the projects, and in the amounts, identified in Attachment E.

SUMMARY OF COUNCIL ACTION REQUESTED

In conclusion, it is timely and appropriate for the Council to approve, at its October 2014 meeting, the distribution of \$13,010,175 in IOLTA-Formula Grants and of \$1,445,635 in Partnership Grants, pursuant to the Budget Act of 2014. Council approval is necessary to enable appropriate grant administration to fund projects for the period beginning January 1, 2015.

Senate Bill No. 852
CHAPTER 25

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, relating to the state budget, to take effect immediately, budget bill.

[Approved by Governor June 20, 2014. Filed with Secretary of State June 20, 2014.]

SB 852, Leno. Budget Act of 2014.

[.....]

The people of the State of California do enact as follows:

SECTION 1.00.

This act shall be known and may be cited as the “Budget Act of 2014.”

[.....]

0250-101-0001--For local assistance, Judicial Branch:17,753,000

Schedule:

- (1) 45.10-Support for Operation of the Trial Courts..... 6,201,000
- (2) 45.55.010-Child Support Commissioner Program..... 54,332,000
- (3) 45.55.020-California Collaborative and Drug Court Projects..... 5,748,000
- (4) 45.55.030-Federal Child Access and Visitation Grant Program.....800,000
- (5) 45.55.050-Federal Court Improvement Grant Program 700,000
- (6) 45.55.070-Grants-Other 1,586,000
- (7) 45.55.080-Federal Grants-Other775,000
- (8) 45.55.090-Equal Access Fund Program.....10,392,000**
- (9) Reimbursements -60,506,000
- (10) Amount payable from the Federal Trust Fund (Item 0250-101-0890) -2,275,000

Provisions:

1. In order to improve equal access and the fair administration of justice, the funds appropriated in Schedule (8) are to be distributed by the Judicial Council through the Legal Services Trust Fund Commission to qualified legal services projects and support centers as defined in Sections 6213 to 6215, inclusive, of the Business and Professions Code, to be used for legal services in civil matters for indigent persons. The Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. Ten percent of the funds in Schedule (8) shall be for joint projects of courts and legal services programs to make legal assistance available to pro per litigants and 90 percent of the funds in Schedule (8) shall be distributed consistent with Sections 6216 to 6223, inclusive, of the Business and Professions Code. The Judicial Council may establish additional reporting or quality control requirements consistent with Sections 6213 to 6223, inclusive, of the Business and Professions Code.

[.....]

Attachment A: Relevant Portions of the Budget Act of 2014

0250-101-0932--For local assistance, Judicial Branch, payable from the Trial Court Trust Fund:2,335,226,000

Schedule:

- (1) 45.10-Support for Operation of the Trial Courts.....1,894,142,000
- (2) 45.25-Compensation of Superior Court Judges312,415,000
- (3) 45.35-Assigned Judges.....26,047,000
- (4) 45.45-Court Interpreters92,794,000
- (5) 45.55.060-Court Appointed Special Advocate Program.....2,213,000
- (6) 45.55.065-Model Self-Help Program.....957,000
- (7) 45.55.090-Equal Access Fund Program.....5,482,000**
- (8) 45.55.095-Family Law Information Centers.....345,000
- (9) 45.55.100-Civil Case Coordination.....832,000
- (11) Reimbursements -1,000

Provisions:

[....]

7. In order to improve equal access and the fair administration of justice, the funds appropriated in Schedule (7) are available for distribution by the Judicial Council through the Legal Services Trust Fund Commission in support of the Equal Access Fund Program to qualified legal services projects and support centers as defined in Sections 6213 to 6215, inclusive, of the Business and Professions Code, to be used for legal services in civil matters for indigent persons. The Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. Upon approval by the Administrative Director of the Courts, the Controller shall transfer up to 5 percent of the funding appropriated in Schedule (7) to Item 0250-001-0932 for administrative expenses. Ten percent of the funds remaining after administrative costs shall be for joint projects of courts and legal services programs to make legal assistance available to pro per litigants and 90 percent of the funds remaining after administrative costs shall be distributed consistent with Sections 6216 to 6223, inclusive, of the Business and Professions Code. The Judicial Council may establish additional reporting or quality control requirements consistent with Sections 6213 to 6223, inclusive, of the Business and Professions Code.

8. Funds available for expenditure in Schedule (7) may be augmented by order of the Director of Finance by the amount of any additional resources deposited for distribution to the Equal Access Fund Program in accordance with Sections 68085.3 and 68085.4 of the Government Code. Any augmentation under this provision shall be authorized not sooner than 30 days after notification in writing to the chairpersons of the committees in each house of the Legislature that consider appropriations, the chairpersons of the committees and appropriate subcommittees that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may determine.

[....]

**LEGAL SERVICES TRUST FUND COMMISSION
OF THE STATE BAR OF CALIFORNIA
2014-15**

<p>Adrian Dollard, Co-Chair Qatalyst Partners Three Embarcadero Center, 6th Floor San Francisco, CA 94111 ph: (415) 844-7777 fx: (415) 391-3914 email: aedollard@gmail.com Attorney Member: 2008-2015 Judicial Council</p>	<p><i>Mark R. Conrad</i> U.S. Attorney's Office, Northern District of California 450 Golden Gate Avenue, Box 36055 San Francisco, CA 94102 ph: (415) 436-7025 fx: (415) 436-6748 email: mark.conrad@usdoj.gov <i>Attorney Member: 2012-2013, 2013-2016</i> <i>Board of Trustees</i></p>
<p>Christina S. Stokholm, Co- Chair Christina S. Stokholm, Inc., APLC 1500 Palm Drive Ventura, CA 93003 ph: (805) 233-7848 fx: (805) 456-0885 email: christina@stokholmllaw.com Attorney Member: 2011-2015 Board of Trustees</p>	<p>Corey N. Friedman Counsel, Division of Occupational Safety & Health State of California Department of Industrial Relations 1515 Clay Street, Suite 1901 Oakland, CA 94612 ph: (510) 286-0516 fx: (510) 286-7039 email: cfriedman@dir.ca.gov Attorney Member: 2013-2015 Board of Trustees</p>
<p>Richard G. Reinis, Co-vice Chair Steptoe & Johnson LLP 2121 Avenue of the Stars, Suite 2800 Los Angeles, CA 90067 ph: (310) 734-3200 fx: (310) 734-3300 email: rreinis@steptoe.com <i>Attorney Member: 2011-2015</i> Judicial Council</p>	<p>Mollie Gomez 11839 Allard Street Norwalk, CA 90650 ph: (562) 868-2422 fx: (714) 571-5270 email: molecule8@aol.com Public Member: 2010-2013, 2013-2016 Board of Trustees</p>
<p>Hon. John A. Sutro, Jr., Co-Vice Chair P. O. Box 641 Kentfield, CA 94914 ph: (415) 453-5878 fx: (415) 453-4465 email: jasutro@msn.com <i>Attorney Member: 2010-2015</i> Board of Trustees</p>	<p>Emily Harpster United Way of the Bay Area 221 Main Street, Suite 300 San Francisco, CA 94105 ph: (415) 808-4333 fx: (415) 817-4655 email: eharpster@uwba.org (private) Public Member: 2012-2015 Board of Trustees</p>

Attachment B: Legal Services Trust Fund Commission and Relevant Committee Membership

<p>Banafsheh Akhlaghi NLSCA 35 Miller Avenue #113 Mill Valley, CA 94941 ph: (925) 209-7136 email: bakhlaghi1600@gmail.com Attorney Member: 2010-2013; 2013-2016 Judicial Council</p>	<p>Parissh Knox Best Best & Krieger LLP 300 S. Grand Avenue, 25th Floor Los Angeles, CA 90071 ph: (213) 787-2574 fx: (213) 617-7480 email: parissh.knox@bbklaw.com Attorney Member: 2013-2016 Board of Trustees</p>
<p>Deborah F. Ching Principal Nonprofit Consulting Group 5416 Shenandoah Avenue Los Angeles, CA 90056 ph: (310) 748-7940 fx: (310) 568-8631 email: dfching@earthlink.net Public Member: 2008-2011, 2011-2014 Judicial Council</p>	<p>Luke A. Liss Wilson Sonsini Goodrich Rosati 650 Page Mill Road Palo Alto, CA 94304 ph: (650) 565-3751 fx: (650) 493-6811 email: lliss@wsgr.com Attorney Member: 2014-2017 Board of Trustees</p>
<p>LaQuita (Mary) Robbins Soothing Visitation 5850 Reo Terrace, Unit C San Diego, CA 92139 ph: (619) 981-8649 hm/fx: (619) 470-9095 email: squirt9515@gmail.com Public Member: 2010-2013, 2013-2016 Board of Trustees</p>	<p>Chen Song Nathan Associates, Inc. 3 Park Plaza, Suite 1980 Irvine, California 92614 ph.: (949) 474-4938 fx: (949) 474-4944 email: csong@nathaninc.com Public Member: 2013-2016 Board of Trustees</p>
<p>Susan D. Ryan Superior Court of California, County of Riverside P. O. Box 1547 Riverside, CA 92502 ph: (951) 777-3840 fx: (951) 777-3841 email: susan.ryan@riverside.courts.ca.gov Attorney Member: 2012-2015 Judicial Council</p>	<p>David Tsai Perkins Coie, LLP Four Embarcadero Center, Suite 2400 San Francisco, CA 94111 ph: (415) 344-7068 fx: (415) 344-7268 email: dtsai@perkinscoie.com Attorney Member: 2014-2017 Board of Trustees</p>

Attachment B: Legal Services Trust Fund Commission and Relevant Committee Membership

<p>Kim Savage Law Office of Kim Savage Post Office Box 41580 Long Beach, CA 90853 ph: (562) 930-1113 fx: (562) 930-0003 email: kim@kimsavagelaw.com</p> <p>Attorney Member: 2012-2015 Board of Trustees</p>	<p style="text-align: center;"><u>ADVISORS</u></p> <p>Hon. Michael J. Convey Superior Court of California, County of Los Angeles STANLEY MOSK COURTHOUSE Department 27 - Room 634 111 North Hill Street Los Angeles, CA 90012 ph: (213) 974-5891 (courtroom) email: mjconvey@lacourt.org Judge: 2012-2015 Judicial Council</p>
<p>Christian Schreiber Chavez & Gertler LLP 42 Miller Avenue Mill Valley, CA 94941 ph: (415) 381-5599 fx: (415) 384-5572 email: christian@chavezgertler.com</p> <p>Attorney Member: 2013-2016</p> <p><i>Board of Trustees</i></p>	<p>Hon. Faye D’Opal Superior Court Judge, Marin County P. O. Box 4988 San Rafael, CA 94913-4988 cell: (415) 497-4209; (415) 444-7258 (Chambers)</p> <p>email: faye_dopal@marincourt.org</p> <p>Judge: 2011-2014 Judicial Council</p>
<p>Melanie Snider Superior Court of California, County of Butte One Court Street Oroville, CA 95965 ph.: (530) 532-7186 email: msnider@buttecourt.ca.gov</p> <p>Judge: 2013-2016</p> <p><i>Judicial Council</i></p>	<p>Hon. William J. Murray, Jr. Associate Justice of the Court of Appeal Third Appellate District 914 Capitol Mall, 4th Floor Sacramento, CA 95814 ph.: 916-654-0115 email: william.murray@jud.ca.gov</p> <p>Judge: 2013-2016 Judicial Council</p>

Note: 2014-2015 Judicial Council appointments have not yet been announced

**LEGAL SERVICES TRUST FUND COMMISSION
COMMITTEE ASSIGNMENTS
2013 - 2014**

Eligibility and Budget Committee

Adrian Dollard, Chair (2014)

Banafsheh Akhlaghi (2016)

Mark Conrad (2016)

Judge Faye D'Opal (2014)

Parrish Knox (2016)

Richard Reinis (2014)

LaQuita Robbins (2016)

Kim Savage (2015)

Melanie Snider (2016)

Chen Song (2016)

Judge Jack Sutro, Jr. (2014)

Partnership Grants Committee

Christina Stokholm (2014) Co-Chair

Tamara Beard (2014)

Judge Michael Convey (2015)

Corey Friedman (2016)

Mollie Gomez (2016)

Melissa White (2014) Co-Chair

Donna Hershkowitz (2014)

Justice William Murray (2016)

Susan Ryan (2015)

Christian Schreiber (2016)

2015 Calendar Year Grants by Program

<u>Program Name</u>	<u>IOLTA Grant</u>	<u>IOLTA Formula - EAF Grant</u>
ADVANCING JUSTICE - ASIAN LAW CAUCUS	35,766	46,080
ADVANCING JUSTICE - LOS ANGELES	272,033	350,495
AFFORDABLE HOUSING ADVOCATES	7,587	9,776
AIDS LEGAL REFERRAL PANEL	10,042	12,938
ALAMEDA CO BAR VOLUNTEER LEGAL SERVICES	16,405	21,136
ALAMEDA COUNTY HOMELESS ACTION CENTER	39,339	50,686
ALLIANCE FOR CHILDREN'S RIGHTS	198,642	255,937
ASIAN PACIFIC ISLANDER LEGAL OUTREACH	22,111	28,489
BAY AREA LEGAL AID	192,457	247,969
BENCHMARK INSTITUTE	65,857	84,852
BET TZEDEK LEGAL SERVICES	322,036	414,922
CALIF. ADVOCATES FOR NURSING HOME REFORM	65,857	84,852
CALIF. RURAL LEGAL ASSISTANCE FOUNDATION	65,857	84,852
CALIFORNIA INDIAN LEGAL SERVICES, INC.	69,521	89,570
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.	861,131	1,109,508
CALIFORNIA WOMEN'S LAW CENTER	65,857	84,852
CASA CORNELIA LAW CENTER	74,735	96,291
CENTER FOR HEALTH CARE RIGHTS	52,719	67,925
CENTER FOR HUMAN RIGHTS AND CONST. LAW	65,857	84,852
CENTRAL CALIFORNIA LEGAL SERVICES	402,271	518,298
CENTRO LEGAL DE LA RAZA	16,504	21,264
CHAPMAN	17,171	22,123
CHILD CARE LAW CENTER	65,857	84,852
CHILDREN'S RIGHTS CLINIC	5,200	6,699
COALITION OF CALIF. WELFARE RIGHTS ORGS.	65,857	84,852
COMMUNITY LEGAL SVCS. IN EAST PALO ALTO	26,123	33,657
CONTRA COSTA SENIOR LEGAL SERVICES	10,479	13,502
DISABILITY RIGHTS CALIFORNIA	959,441	1,236,181
DISABILITY RIGHTS EDUC. AND DEFENSE FUND	65,857	84,852
DISABILITY RIGHTS LEGAL CENTER	67,655	87,169
EAST BAY COMMUNITY LAW CENTER	53,734	69,232
ELDER LAW & ADVOCACY	59,680	76,894
FAMILY VIOLENCE APPELLATE PROJECT	65,857	84,852
FAMILY VIOLENCE LAW CENTER	16,024	20,646

Attachment C: Comparison of IOLTA and IOLTA-Formula EAF Grants for Calendar Year 2015

<u>Program Name</u>	<u>IOLTA Grant</u>	<u>IOLTA Formula - EAF Grant</u>
GREATER BAKERSFIELD LEGAL ASSISTANCE	194,369	250,431
HARRIETT BUHAI CENTER FOR FAMILY LAW	57,460	74,032
IELLA LEGAL AID PROJECT	47,867	61,674
IMMIGRANT LEGAL RESOURCE CENTER	65,857	84,852
INLAND COUNTIES LEGAL SERVICES	521,396	671,783
INNER CITY LAW CENTER	82,019	105,675
INSIGHT CENTER	65,857	84,852
JUSTICE AND DIVERSITY CENTER OF SAN FRANCISCO	43,472	56,010
LA RAZA CENTRO LEGAL	16,387	21,112
LAW FOUNDATION OF SILICON VALLEY	115,201	148,429
LAWYERS' COMMITTEE FOR CIVIL RIGHTS	44,569	57,426
LEARNING RIGHTS LAW CENTER	32,335	41,662
LEGAL AID FOUNDATION OF LOS ANGELES	402,285	518,317
LEGAL AID FOUNDATION OF SANTA BARBARA	39,520	50,920
LEGAL AID OF MARIN	19,631	25,294
LEGAL AID OF NAPA VALLEY	10,755	13,858
LEGAL AID OF SONOMA COUNTY	29,680	38,241
LEGAL AID SOCIETY OF ORANGE COUNTY	296,314	381,779
LEGAL AID SOCIETY OF SAN BERNARDINO	90,319	116,371
LEGAL AID SOCIETY OF SAN DIEGO	243,410	313,618
LEGAL AID SOCIETY OF SAN MATEO COUNTY	36,209	46,653
LEGAL AID SOCIETY-EMPLOYMENT LAW CENTER	145,033	186,864
LEGAL ASSISTANCE FOR SENIORS	16,489	21,245
LEGAL ASSISTANCE TO THE ELDERLY	5,001	6,444
LEGAL SERVICES FOR CHILDREN	27,484	35,410
LEGAL SERVICES FOR SENIORS	24,524	31,598
LEGAL SERVICES OF NORTHERN CALIFORNIA	476,399	613,807
LEGAL SVCS. FOR PRISONERS WITH CHILDREN	65,857	84,852
LOS ANGELES CENTER FOR LAW AND JUSTICE	27,468	35,390
LOS ANGELES COUNTY BAR ASSOCIATION PROJECT	25,575	32,950
MCGEORGE COMMUNITY LEGAL SERVICES	35,972	46,347
MENTAL HEALTH ADVOCACY SERVICES	24,819	31,978
NATIONAL CENTER FOR YOUTH LAW	65,857	84,852
NAT'L HEALTH LAW PROGRAM	65,857	84,852
NAT'L HOUSING LAW PROJECT	65,857	84,852

Attachment C: Comparison of IOLTA and IOLTA-Formula EAF Grants for Calendar Year 2015

<u>Program Name</u>	<u>IOLTA Grant</u>	<u>IOLTA Formula - EAF Grant</u>
NAT'L IMMIGRATION LAW CENTER	65,857	84,852
NAT'L SENIOR CITIZENS LAW CENTER	65,857	84,852
NEIGHBORHOOD LEGAL SERVICES	278,784	359,194
ONE JUSTICE	65,857	84,852
POSITIVE RESOURCE CENTER	15,040	19,378
PRISON LAW OFFICE	154,562	199,144
PRO BONO PROJECT SILICON VALLEY	35,298	45,479
PUBLIC ADVOCATES, INC.	108,534	139,842
PUBLIC COUNSEL	435,729	561,408
PUBLIC INTEREST LAW PROJECT	65,857	84,852
PUBLIC LAW CENTER	182,054	234,564
RIVERSIDE LEGAL AID	62,995	81,165
SAN DIEGO VOLUNTEER LAWYER PROGRAM	82,625	106,457
SAN JOAQUIN COLLEGE OF LAW	16,273	20,966
SANTA CLARA COUNTY ASIAN LAW ALLIANCE	22,394	28,853
SANTA CLARA UNIV. ALEXANDER LAW CENTER	23,701	30,538
SENIOR ADULTS LEGAL ASSISTANCE	10,282	13,248
SENIOR CITIZENS' LEGAL SERVICES	12,598	16,232
UC DAVIS SCHOOL OF LAW LEGAL CLINICS	43,353	55,858
USD SCHOOL OF LAW LEGAL CLINICS	67,035	86,370
VOLUNTARY LGL. SVCS. OF NORTHERN CALIFORNIA	52,344	67,442
WAGE JUSTICE CENTER	8,661	11,158
WATSONVILLE LAW CENTER	22,334	28,776
WESTERN CENTER ON LAW AND POVERTY	65,857	84,852
WORKSAFE INC.	65,857	84,852
YOUTH LAW CENTER	65,857	84,852
YUBA-SUTTER LEGAL CENTER FOR SENIORS	7,142	9,202
rounding	891	1,141
	<u>10,098,108</u>	<u>13,010,715</u>

**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND – PARTNERSHIP GRANTS
2015 REQUEST FOR PROPOSAL**

FORM A – PROJECT ABSTRACT

1. **Project Name:** _____

2. **Program Name:** _____

3. **Program Contact:** _____

Phone #: _____ **Email:** _____

4. **Amount Requested: \$** _____

5. **Cooperating Court:** _____

Address, City, Zip: _____

Presiding Judge: _____

Phone #: _____ **Email:** _____

**Other Court Contact
and Title:** _____

Phone #: _____ **Email:** _____

❖ If more than one court is cooperating on this project, provide the requested information for each additional court on the following page.

6. **Current Recipient of a Partnership Grant?** Yes No

Previous grant amounts (for this project only): 2009: _____

2010: _____

2011: _____

2012: _____

2013: _____

Attachment D: Partnership Grant Request for Proposal for 2015 Funding

2014: _____

Partnership Grant funds remaining as of July 1, 2014: _____

5. Cooperating Court(s): Continued

Cooperating Court: _____

Address, City, Zip: _____

Presiding Judge: _____

Phone #: _____ **Email:** _____

Other Court Contact and Title: _____

Phone #: _____ **Email:** _____

Cooperating Court: _____

Address, City, Zip: _____

Presiding Judge: _____

Phone #: _____ **Email:** _____

Other Court Contact and Title: _____

Phone #: _____ **Email:** _____

Cooperating Court: _____

Address, City, Zip: _____

Presiding Judge: _____

Phone #: _____ **Email:** _____

Other Court Contact and Title: _____

Phone #: _____ **Email:** _____

(Abstract: Partnership Grant RFP Form A.)

7. Summary. Provide a description of the core aspects of your proposed project.

**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND – PARTNERSHIP GRANTS
2015 REQUEST FOR PROPOSAL**

FORM B – PROJECT NARRATIVE

Program Name: _____

Project Title: _____

1. Program's Qualifications

2. Needs Assessment

3. Goals and Objectives

4. Types of Services

5. Evolution of the Project

6. Collaboration and Partnership with the Court

7. Site and Accessibility

8. Staffing, Training and Supervision

Attachment D: Partnership Grant Request for Proposal for 2015 Funding

9. Technology and Equipment

10. Litigant Eligibility and Subject Matter Screening

11. Collaborative Partners

12. Timetable

13. Independence of Existing Court Services

14. Serving Both Sides/Attorney Client Relationship/Conflicts

Do you plan to establish an attorney-client relationship? Yes No

a. Protocol for conducting conflict checks (if applicable).

b. Explanation for serving only one side of matter.

c. If serving both sides, state information provided to litigants regarding scope of services and lack of attorney-client relationship.

15. Referral Protocols

a. Procedures and protocols for information and referrals.

b. Services for ineligible patrons. Assurance of meaningful referrals.

Attachment D: Partnership Grant Request for Proposal for 2015 Funding

16. Evaluation

17. Project Continuity

**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND – PARTNERSHIP GRANTS
2015 REQUEST FOR PROPOSAL**

FORM C – PROJECT ASSURANCES

Program Name: _____

Project Title: _____

Applicant assures compliance with the following:

1. Applicant agrees it will use any grant funds it receives from the Partnership Grants portion of the Equal Access Fund only for purposes allowed under the State Budget Act of 2014, upon approval thereof, and any grant agreement it enters into with the Legal Services Trust Fund Program.
2. Applicant agrees to expend any grant funds solely on civil legal assistance to indigent self-represented litigants in California courts.
3. Applicant will not discriminate on the basis of race, color, national origin, religion, gender, handicap, age or sexual orientation.
4. Applicant will comply with quality control procedures adopted by the State Bar.
5. Applicant will permit reasonable site visits and will present additional information deemed reasonably necessary to determine compliance with the terms of a grant under the Partnership Grants portion of the Equal Access Fund.
6. Applicant will comply with fiscal management and control procedures adopted by the State Bar.
7. Applicant agrees to consult with the Legal Services Trust Fund Program concerning media coverage of any project funded by a Partnership Grant.
8. Applicant understands that any proposal submitted for a Partnership Grant, and all documents submitted pursuant to issuance of a Partnership Grant, are public documents and may be disclosed to any person.
9. Applicant assures that, to the extent this grant is being sought for an existing project, the funds will be in addition to and will not supplant current funding committed to that project. However, to the

Attachment D: Partnership Grant Request for Proposal for 2015 Funding

extent applicant seeks to move some of the funding already committed to the project for use on other activities, then applicant will submit to the Commission an explanation of the need for the other activities, justifying the alternate use of the funds.

10. Applicant agrees it will cooperate with data collection processes or with research efforts of the Legal Services Trust Fund Program or the Administrative Office of the Courts to evaluate the Partnership Grants project.

Signed:

Executive Director
Applicant Program

Chair (or other officer), Board of Directors
Applicant Program

Print Name

Print Name and Title

Date

Date

**LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND - PARTNERSHIP GRANTS
2015 REQUEST FOR PROPOSAL**

FORM D - PROJECT BUDGET

1. Program Name:	<input style="width:100%;" type="text"/>		
Project Title:	<input style="width:100%;" type="text"/>		
2. Prepared by:	<input style="width:50%;" type="text"/>	Phone/Ext:	<input style="width:20%;" type="text"/>
Email:	<input style="width:100%;" type="text"/>		

ACCOUNT TITLE	PROPOSED PARTNERSHIP GRANT	OTHER TRUST FUND MONIES	NON-TRUST FUND MONIES	TOTAL	IN-KIND CONTRIBUTIONS (IF ANY)
Personnel					
3. Lawyers					
4. Paralegals					
5. Other Staff					
6. SUBTOTAL					
7. Employee Benefits					
8. TOTAL PERSONNEL					
Non-Personnel					
9. Space					
10. Equipment Rental & Maintenance					
11. Office Supplies					
12. Printing & Postage					
13. Telecommunications					
14. Technology					
15. Program Travel					
16. Training					
17. Library					
18. Insurance					
19. Audit					
20. Capital Additions					
21. Evaluation					
22. Contract Service to Clients					
23. Contract Service to Organization					
24. Other					
25. TOTAL NON-PERSONNEL					
26. TOTAL					
27. Projected Carry-Over Funds					
28. Total Amount of Funds Available					

PROJECT STAFF	PARTNERSHIP GRANT (in FTEs)	OTHER TRUST FUND MONIES (in FTEs)	NON-TRUST FUND MONIES (in FTEs)	TOTAL TIME (in FTEs)	IN-KIND CONTRIBUTIONS (in hours)
1. Lawyers					
a.					
b.					
c.					
Total Lawyers					
2. Paralegals					
a.					
b.					
Total Paralegals					
3. Other Staff					
a.					
b.					
Total Other Staff					
4. TOTAL PERSONNEL					

End of worksheet

**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND – PARTNERSHIP GRANTS
2015 REQUEST FOR PROPOSAL**

FORM E - BUDGET NARRATIVE

Program Name: _____

Project Title: _____

[See pages 10 through 12 of the Instructions for explanations of the expense categories listed on Form D.]

**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND – PARTNERSHIP GRANTS
2015 REQUEST FOR PROPOSAL**

FORM F – SUPPORT FROM COOPERATING COURT

Program Name: _____

Project Title: _____

A. Letter of Support

Attach a Letter of Support signed by the **Presiding Judge** of each court cooperating on the proposed project. If the project will serve one side only, the court’s letter must confirm its support for such a program and clearly indicate that it understands the nature of the planned services.

Status of Letter:

- Signed by Presiding Judge and attached
 Will be sent to Trust Fund Program no later than September 12, 2014

B. Memorandum of Understanding

All applicants must provide a copy of a formal agreement with the cooperating court setting forth the duties and responsibilities of each party as regards this project. This agreement should reflect all financial or in-kind support to be provided by each party, and all logistical and administrative matters reflected in the proposal.

New Projects: A Memorandum of Understanding with the cooperating court need not be included with the submission of a completed proposal for a **new project**. However, successful applicants must submit a fully-executed MOU to the Trust Fund Program no later than December 19, 2014. Grant funds will not be disbursed without receipt of a fully-executed agreement.

Continuing Projects must attach a copy of the Memorandum of Understanding now in effect. Identify any changes proposed for the upcoming term of the agreement and the reasons for such changes. Revised MOUs may be submitted subsequent to the Commission’s approval of a Partnership Grant, but no later than December 19, 2014.

Status of MOU:

Attachment D: Partnership Grant Request for Proposal for 2015 Funding

- Continuing MOU is enclosed and will be effective from January 1, 2015 through December 31, 2015.
- A new, fully-executed MOU is enclosed.
- A fully-executed MOU will be provided to the Trust Fund Program no later than December 19, 2014.

**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND – PARTNERSHIP GRANTS
2015 REQUEST FOR PROPOSAL**

<p>FORM G STATUS REPORT FOR 2014 PROJECTS</p>
--

Program Name: _____

Project Title: _____

1. Are you applying for continued funding for the project listed above?

Yes No

If yes, you must complete this form.

2. Describe the primary service goals and objectives for your project in 2014.

3. Are you on track to achieve the goals described above?

Yes No

If not, please explain the factors that have affected your project's operations.

4. Please complete the table below, as applicable to your project.

Services and Resources	Projections	Actual as of July 1, 2014
Clinics/Workshops Conducted (Classroom Setting)		
→ Number of Individuals Served		
Training Sessions Conducted		
→ Number of Trainees		
Assistance to Individual Litigants		
Information to Individual Litigants		
Resource Materials Developed		
Other:		

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

PARTNERSHIP GRANT HIGHLIGHTS

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
1.	BAY AREA LEGAL AID	Contra Costa Housing Law Clinic	Contra Costa	Fourth year	The Clinic provides information, assistance, and referrals to low-income self-represented litigants (landlords and tenants) with legal issues related to landlord-tenant and unlawful detainer law. Assistance provided includes information on landlord and tenant rights and obligations, information on the UD process, document preparation for UD Judicial Council pleadings and other common pleadings, such as applications for a temporary stay of eviction, assistance with the submission and filing of the forms, and referrals to other social and legal service providers.	\$55,000
2.	BAY AREA LEGAL AID	San Mateo County Consumer Debt Clinic	San Mateo	New Applicant	Once-a-week Consumer Debt Clinics beginning with a 30-minute Know Your Rights presentation followed by one on one meetings with litigants to assist litigants preparing and filing answers, understanding and conducting settlement negotiations and ramifications, preparing discovery responses and responses to motions, preparing responses to dispositive motions.	\$60,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
3.	BET TZEDEK LEGAL SERVICES	Building Community & Expanding Access to Legal Services in L.A. County	Los Angeles	Third year	<p>Legal access to conservatorships will be expanded via two delivery models.</p> <ul style="list-style-type: none"> ■ The capacity of existing self-help clinics will be increased through integration of pro bono attorneys who will review documents prepared by Bet Tzedek staff and conduct “group signings” of completed petitions at various locations throughout the county. ■ Technology will be utilized to expand access to litigants in remote locations. Bet Tzedek and the Judicial Council have worked to complete the development of a computer program that will allow litigants to prepare the necessary forms on their own, with remote assistance provided by BT. Once finalized, the software program will be loaded on computers in the Antelope Valley Courthouse’s Self-Help Center. 	\$75,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
4.	CENTRAL CALIFORNIA LEGAL SERVICES, INC.	Elder Abuse Prevention and Conservatorship Project	Fresno	Sixth year	The project provides services to self-represented petitioners and respondents and includes information and guidance on the necessary steps to obtain an elder abuse restraining order or conservatorship. Using the "Bet Tzedek model," besides preparing the documents and assisting with filing and preparing litigants for their court appearances, it serves the notices of hearing and proof of service, reviews the court's minute orders and submits the Order Appointing Probate Conservator, helps obtain enforceable orders after hearing, and obtains certified copies for litigants.	\$58,000
5.	CENTRAL CALIFORNIA LEGAL SERVICES	Tenant/Landlord Housing Law Project	Fresno	New Project	The Tenant/Landlord Housing Law Project would provide legal information to landlords and tenants. Each month, two one-hour workshops would be offered to landlords; the first would provide general information only. Landlords needing further assistance with unlawful detainers and form completion would be required to return to a second workshop. Similarly, tenants would be provided monthly workshop on rights and responsibilities and other housing topics not related to UDs. Two half-day clinics sited at CCLS' office (at least initially) will help tenants with UD matters.	\$50,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
6.	COMMUNITY LEGAL SERVICES IN EAST PALO ALTO	San Mateo County Unlawful Detainer Mandatory Settlement Conference	San Mateo	Second Year	The Mandatory Settlement Conference Project in San Mateo County provides both parties in an unlawful detainer action the opportunity to resolve their disputes without the pressure and risk of misunderstandings that make the trial stage so acrimonious and potentially harmful. CLSEPA staff members and volunteers offer individualized, on-site legal guidance to tenants who are representing themselves in mandatory settlement conferences. The project also employs a contract attorney to offer assistance to self-represented, indigent landlords	\$50,000
7.	EAST BAY COMMUNITY LAW CENTER	Civil Justice Self Help Project	Alameda	Second Year	This project will conduct clinics on eviction and housing assistance and consumer debt and defense. The project will provide legal intervention where low-income litigants are facing potentially life-changing consequences such as the loss of their homes, wage garnishments, or termination of employment. Each clinic will be staffed by a team of cross-training advocates to do legal problem solving for immediate issues and also interrelated legal issues. At these workshops, legal advocates will provide one-on-one counseling with participants, under the supervision of attorneys. Litigants will be seen on an appointment basis. A trained paralegal will do screening once space allows.	\$65,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
8.	ELDER LAW & ADVOCACY	Imperial Court Bilingual Conservatorship/ Guardianship Clinic	Imperial	Seventh year	In 2008, Elder Law & Advocacy and the Probate Department of the Superior Court of California created a conservatorship/guardianship clinic to assist self-represented litigants through the pro per conservatorship and guardianship processes. Unrepresented litigants received help through every step, from their initial meeting with the Clinic's attorney through the paperwork to be filed after the final hearing on their matter. The ICCP staff attorney will help to ensure that indigent self-represented litigants have the information they need post-hearing to understand the duties and responsibilities mandated by the orders of the court. This will help them to avoid preventable conflicts over the wording of vague orders, and the need to request future hearings because of these conflicts.	\$20,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
9.	FAMILY VIOLENCE LAW CENTER	Domestic Violence Self-Representation Assistance	Alameda	Fifth year	The DVSRA Project is a collaborative project of the Family Violence Law Center (FVLC), Alameda County Bar Association Volunteer Legal Services (VLSC), and the Self-Help Center of the Alameda County Superior Court (SHC). The DVSRA Project provides paperwork assistance for pro per petitioners and respondents seeking to file or respond to petitions for temporary restraining orders. FVLC and VLSC hold a joint weekly Domestic Violence Petitioner Clinic for DVPA petitioners at the Alameda County Law Library-Hayward Branch. VLSC also conducts clinics for respondents, and the SHC assists both petitioners and respondents who may not be served by the clinic model.	\$20,000
10.	IELLA LEGAL AID PROJECT	Small Claims Advocacy and Awareness Project (SCAAP)	Riverside, San Bernardino	Third year	SCAAP will conduct an all-day clinic at four locations each month. Clinics held at the San Bernardino Self Help Center will be conducted in Spanish. The clinics will focus on how to present a case in Small Claims Court and what happens after a hearing. The service model of the project will be three-session, all-day clinics: How to Present Your Claim (informational session); What Happens After Court (informational session); What Happens After Court Document Preparation Clinic	\$25,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
11.	JUSTICE & DIVERSITY CENTER	Family Law Assisted Self-Help Project (FLASH)	San Francisco	Fifth year	Information and assistance on family law issues (dissolution, separations, annulments, paternity, custody, visitation, support). Service delivery includes three substantive modes - mediation between self-represented litigants to assist in the resolution of custody and support issues, in-depth assessment through 1:1 appointments, and more extensive assistance for those with particularly complex matters. For Spanish monolingual customers, simple and complex matters are addressed.	\$45,000
12.	LEGAL AID FOUNDATION OF LOS ANGELES	Long Beach Self-Help Legal Access Center	Los Angeles	Second year	The Long Beach court has been designated one of the five Unlawful Detainer hubs. Additionally, the Self-Help Center provides individual assistance for family law, divorce, domestic violence issues (52%), housing (36.5%), civil complaints and harassment (6.5%) and civil complaints and debt collection matters (5%). Workshops will be conducted in the following areas: unlawful detainer, dissolution, and parentage, with some workshops provided in Spanish and Cambodian.	\$80,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
13.	LEGAL AID OF MARIN	Mandatory Settlement Conference Calendar -Unlawful Detainer	Marin	Fourth year	The Marin UD-MSC Calendar is held every other Thursday. Court staff email the calendar to Legal Aid of Marin (“LAM”) on Tuesday to give the program time to check for potential conflicts, to contact parties who may have been clients of LAM, and to schedule pro bono attorneys for the UD-MSC Calendar. Staff and volunteer attorneys provide face-to-face negotiations with all parties authorized to settle the matter prior to trial. Settlements are confirmed on the record and memorialized in writing. Stipulations after the MSC, should it be unsuccessful, can also be drafted on behalf of the settling parties if they are both self-represented.	\$45,000
14.	LEGAL AID OF NAPA VALLEY	Small Claims Assistance Project	Napa	Fourth year	The Small Claims Assistance Project provides in-person assistance regarding Small Claims Court matters in both English and Spanish. At each clinic, a LANV attorney is available to answer specific questions and offer personal assistance to individuals involved in small claims matters. This assistance includes helping individuals determine if they a claim that meets the small claims criteria, the documentation necessary to support or defend a claim, appropriate service of parties and preparedness for the court hearing.	\$25,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
15.	LEGAL AID SOCIETY OF ORANGE COUNTY	Consumer Debt Workshop	Los Angeles	New Project	This workshop will be provided on a weekly basis and will be conducted by a CLS contract attorney. The workshop will be additionally staffed by one bilingual paralegal and one or more credit counsellors. The workshop will offer a 30-minute informational PowerPoint, detailing the collections process both before and during litigation, in addition to posting judgment issues. The presentation will be followed by a question and answer period. All participants will be offered the opportunity to meet one-on-one with one of the workshop facilitators for in-depth counseling regarding the specific concerns relating to debt collection.	\$65,000
16.	LEGAL AID SOCIETY OF ORANGE COUNTY	Limited Conservatorship Clinic	Orange	Fourth year	Services will be provided to individuals seeking assistance with a limited conservatorship. One educational workshop and one follow-up clinic will be held each month at the courthouse. In the introductory workshop a volunteer attorney will provide a general overview of limited conservatorships. The attorney will also distribute and explain the pleadings necessary to file for a limited conservatorship. In the second clinic, LASOC staff and volunteers will provide assistance with completing the necessary court forms. Case	\$25,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
					files will be opened and advice, counsel, and limited assistance will be given.	
17.	LEGAL AID SOCIETY OF ORANGE COUNTY	Unlawful Detainer Clinic	Orange	Second year	This clinic will serve pro per litigants facing eviction with an overview of the eviction process and help complete responsive pleadings. E-filing will be encouraged. A general informational workshop will be provided three days a week, and two days a week selected and qualified litigants will receive direct assistance and advice during one-on-one clinics, including forms assistance and review of prior-completed forms.	\$50,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
18.	LEGAL AID SOCIETY OF SAN DIEGO, INC.	Civil Harassment & Elder Abuse Restraining Order Program at the HOJ	San Diego	Second year	The proposed program will offer assistance with completion of Civil Harassment and Elder Abuse court forms, formulation of an accurate declaration of facts, and provide users with information and options relating to their cases. Services will be offered on a one-on-one basis for those petitioning for or responding to Civil and Elder Abuse TROs. The project will go beyond the confines of the clinic and offer outreach presentations at local schools, libraries and community centers on neighborhood, elder and school violence, TROs and alternatives to TROs such as creative problem solving and mediation and will provide pro bono mediation services. The outreach and mediation components in 2015 will focus on the elderly community and on low-income youth and schools around the county.	\$60,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
19.	LEGAL AID SOCIETY OF SAN DIEGO, INC.	Conservatorship Assistance Project	San Diego	Third year	The project will run on a facilitator-type model and assist self-represented litigants with petitions for Conservatorship of the Person. Bilingual and bicultural staff and volunteers will provide one-on-one services on a “first-come first-serve” basis four half days per week. Assistance will, include help in correcting defects in the petition before filing and assistance after the hearing with additional forms and paperwork. The project will implement new Hot Docs software to allow volunteer attorneys to complete forms for clinic participants in their own offices.	\$55,000
20.	LEGAL SERVICES OF NORTHERN CALIFORNIA	Civil Harassment and Small Claims Mediation Project	Butte	Fourth year	The court refers eligible litigants to day-of-trial mediation for matters on the Civil Harassment and the Small Claims calendars. If an agreement is reached, a settlement agreement form is completed, signed by the litigants and filed with the court. If the case is not resolved, the case proceeds to trial with instructions from the attorney-mediators on next procedural steps. A wide range of underlying issues can also be addressed, often eliminating or reducing need for additional litigation. Opposing parties have concrete understandings of their respective obligations following the mediation.	\$30,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
21.	LEGAL SERVICES OF NORTHERN CALIFORNIA	Mother Lode Pro Per Project	Amador, Calaveras, El Dorado, Placer	Fourth year	The "road lawyer and paralegal" circuit ride to the clinic sites to provide one-on-one assistance in foreclosure, unlawful detainer, debt collection, general civil, small claims, family law as well as probate, guardianship and grandparent issues. Litigants are assisted in form completion, filing and preparation of orders after hearing.	\$55,000
22.	LEGAL SERVICES OF NORTHERN CALIFORNIA	Guardianship and Clean Slate Project	Mendocino	New Project	The project will provide one-on-one form completion and hearing preparation assistance by appointment to persons seeking guardianships and records clearing. Appointments would be primarily held at the Ukiah Self-Help Center, with monthly workshops followed by one-one-one assistance in the Ft Bragg courthouse. Patrons would be provided with information and checklists and would be encouraged to return for any further assistance. Educational legal workshops would be conducted at the SHLA. Outreach and community legal education are contemplated for senior centers, vocational rehabilitation centers, etc. Outreach to Latino and Native American communities, the disabled and elderly would be prioritized.	\$32,635

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
23.	LEGAL SERVICES OF NORTHERN CALIFORNIA	Consumer Assistance Project	Yolo	Sixth year	This clinic provides assistance with forms and pleadings assistance, discovery and settlement letters. Counseling and coaching, pre-trial and trial preparation is offered to litigants with consumer-related problems to prepare them to self-represent in court or resolve problems before trial, and to steer them toward long-term solutions. Specific areas of focus include disputed debts, credit agency errors, and identity theft. Litigants return for ongoing assistance due to complicated process required to resolve these matters. Services are available in Spanish.	\$55,000
24.	NEIGHBORHOOD LEGAL SERVICES OF LOS ANGELES COUNTY	Chatsworth Consumer Debt Relief	Los Angeles	Third year	NLSLA's self-help answer workshops help debtors facing consumer debt collection lawsuits make informed decisions about filing an answer. If they decide to file, assistance is provided in the preparation of the answer as well as all other required forms. NLSLA will conduct Consumer Debt Answer Workshops three times a month and a once-monthly Claim of Exemption Hearing Preparation Workshop.	\$40,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
25.	NEIGHBORHOOD LEGAL SERVICES OF LOS ANGELES COUNTY	Pasadena Unlawful Detainer Assistance Project	Los Angeles	Second Year	NLSLA seeks funding to resume its co-operation of the Self-Help Center in the Pasadena Courthouse and provide services to self-represented litigants with unlawful detainer matters. NLSLA plans to offer comprehensive self-help assistance in housing matters, family law matters and other civil areas. Project staff will help litigants prepare court forms and understanding court procedures and rules in English and other languages.	\$70,000
26.	PRO BONO PROJECT SILICON VALLEY	Family Court Settlement Project	Santa Clara	Fifth year	The Family Court Settlement Project will provide mediation and negotiated settlement services to parties who have filed or have responded to a Request for Order concerning custody and visitation in Santa Clara County Family Court. The Project will provide volunteer attorneys with backup staff attorneys to be available at self-represented Law and Motion Calendars. Attorneys will provide legal services to both the moving and responding party. The attorneys will meet individually with the parties and then meet jointly in a four party meeting to arrive at a settlement. If no settlement is possible, they will narrow the issues for the Court. A stipulated order will be prepared to implement the agreement and the attorneys will appear in court to present the stipulation for approval and signature(s).	\$30,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
27.	PUBLIC COUNSEL	Pro Per Guardianship Clinic	Los Angeles	Second year	The Clinic offers counsel and advice to pro per litigants about guardianships, visitation petitions, objections to guardianships, and numerous other guardianship issues including blocked accounts, dependency court orders, orders to show cause, ex parte applications, and probate court orders of factual findings for Special Immigrant Juvenile Status (SIJS) visa applicants. Clinic attorneys assist with document preparation, review pleadings prepared by pro per litigants, provide instructions on notice requirements, and advice on appearing in court.	\$60,000
28.	PUBLIC LAW CENTER	Orange County Expanded Domestic Violence Assistance Project	Orange	Second year	The Expanded Domestic Violence Assistance Project uses pro bono attorneys and trained law students to assist domestic violence victims write the declarations that accompany restraining orders. There is a delay in the implementation of a clinic at the court services facility in south Orange County to help self-represented domestic violence victims complete and electronically fax file restraining order requests following that courthouse's closure. PLC is exploring the possibility of assisting elder abuse victims in south county.	\$45,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
29.	PUBLIC LAW CENTER	“Finish My Case” Workshops	Orange	Third year	In 2015, PLC proposes to transition management of the series of three Dissolution-related workshops that have been funded by Partnership Grants to the Self-Help Center staff. For 2015, based on assessment of greater need, PLC would instead create a “Finish My Case” workshop that will provide individualized help, primarily for Spanish speaking litigants who cannot complete their dissolution through regular workshops and require additional, individualized assistance. These workshops will be held twice a week, serving 10 litigants per clinic referred by the court. Pro bono attorneys will be recruited to augment assistance offered by bilingual staff.	\$40,000
30.	SAN DIEGO VOLUNTEER LAWYER PROGRAM	North County Civil Harassment/Unlawful Detainer Self-Help Clinic	San Diego	Second year	The CHRO/UD provides advice and assistance in UD and civil harassment restraining order processes. Assistance includes completion of all necessary documents, information and advice regarding filing and service, legal rights and responsibilities of unlawful detainers, consequences of the CHTRO, trial preparation and potential resources for legal advocacy or assistance at the hearings. Civil Harassment assistance is provided on a one-on-one basis. Staff has Spanish language capacity and materials are available in Spanish. Legal services are	\$60,000

Attachment E: Highlights of Recommended Partnership Grant Projects for 2015

2015 PARTNERSHIP GRANT RECOMMENDATIONS						
NO.	PROGRAM LEGAL NAME	PROJECT NAME	COUNTY	NEW OR RETURNING APPLICANT	DESCRIPTION	PROPOSED ALLOCATION
					delivered by volunteer attorneys and law students overseen by a staff attorney and a managing attorney to supervise to the legal work.	
	TOTAL OF ALL GRANTS					\$1,445,635.00

F: sample grant agreements, IOLTA-Formula and Partnership

GRANT AGREEMENT

THE STATE BAR OF CALIFORNIA

LEGAL SERVICES TRUST FUND PROGRAM - EQUAL ACCESS FUND

This Grant Agreement is made as of October 1, 2013, (the “Effective Date”) between The State Bar of California (“State Bar”), a California public corporation, and <PROGRAM NAME>, a California nonprofit corporation (“Recipient”).

RECITALS

Pursuant to California Business and Professions Code Section 6210-6228 (the “Act”) and Title 3 of the State Bar Rules (the “Rules”), a Legal Services Trust Fund Program (“Program”) has been established in the State of California. The Program administers an Equal Access Fund (“Fund”) that is funded pursuant to the annual California Budget Act (the “Budget Act”) and the Uniform Civil Fees and Standard Fee Schedule Act of 2005 (“Fee Schedule Act”).

Recipient has completed, executed and submitted to State Bar an Application for Funding under the Program and Fund. As part of the Application for Funding, Recipient has completed, executed and submitted to State Bar, Certifications, Assurances, Attachments, and a Proposed Budget (collectively, including the Application for Funding, the “Application Materials”).

In reliance upon the representations and agreements made in the Application Materials, State Bar has determined that Recipient is eligible for a grant under the Program and the Fund for the period commencing on October 1, 2013 and ending on September 30, 2014 (“Grant Period”).

The Board of Directors, the officers and similarly empowered staff of Recipient have read and understand the Act, Budget Act, the Rules, and the Application Materials.. Recipient has familiarized its staff with the requirements of the Act, the Rules, the Legal Services Trust Fund Program General Grant Provisions (the “Grant Provisions”) and the Application Materials.

AGREEMENTS

1. Pursuant to the Program and Fund and in reliance upon the promises and representations made by Recipient, State Bar grants to Recipient \$<GRANT AMOUNT> (“Grant Amount”).
2. The Act, Budget Act, Fee Schedule Act, Rules, Grant Provisions and Application Materials, including any additions or amendments made to the Application Materials by agreement between the State Bar and Recipient, are incorporated into this Agreement as if set forth in their entirety in this Agreement. Recipient

Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars

agrees to comply with the Act, Budget Act, Fee Schedule Act, Rules, Grant Provisions and Assurances and other agreements made in the Application Materials. Recipient agrees to comply with all lawful statutes, rules, regulations, guidelines, policies, instructions and similar directives pertaining to the Program and the Fund (collectively "Directives") issued by the State of California, the Supreme Court of the State of California or State Bar, including without limitation, any Directive adopted after the Effective Date.

3. State Bar will use its best efforts to pay the Grant Amount in accordance with the Grant Provisions. State Bar, however, will in no circumstances bear any liability to Recipient or to other persons or entities for delays in payments.

4. Notwithstanding the Grant Provisions or any other provision of the entire agreement regarding the payment of grants, Recipient acknowledges that the Grant Amount and all payments thereof shall be made from funds received by the State Bar pursuant to the Budget Act and Fee Schedule Act ("State Funding"); and are contingent upon the availability and sufficiency of such funds to the State Bar, as determined by the State Bar. Consequently, Recipient shall not be guaranteed any specific dollar amount in grant funds, or any grant funds at all, if funds received pursuant to State Funding are insufficient or unavailable to the State Bar. This Agreement shall terminate automatically if State Funding becomes unavailable. The State Bar shall not assume any liability whatsoever to Recipient for any failure to pay the Grant Amount or any part thereof that results because funds are insufficient or unavailable.

5. Recipient must spend funds received in connection with the Program and Fund in each county served in the amounts set forth in the Schedule of Grant Allocations, attached hereto and made a part hereof.

6. Recipient represents and warrants that Recipient's Application Materials for a grant under the Program and Fund do not contain any misstatement of a material fact or omit any material fact necessary to make the statements contained in the Application Materials not misleading. Recipient will notify State Bar promptly of any change in any material fact affecting Recipient's eligibility to receive funds under the Program and Fund, including without limitation, any change that affects the accuracy of any statement made in conjunction with Recipient's application for a grant under the Program and Fund.

7. In support of the State Bar's obligation to the Judicial Council to ensure full participation by Trust Fund grant recipients in maintaining and utilization of statewide on-line resources for legal advocates and consumers of legal services, Recipient will:

a) Ensure that, during the grant year, Recipient is accurately identified on the statewide legal services websites, including, as appropriate, in the:

- i. Client referral directory on LawHelpCalifornia.org;
- ii. Legal Services Directories (support center and field program directories); and
- iii. *Pro Bono* Opportunities Guide on CALegalAdvocates.org.

b) Include information about LawHelpCalifornia.org and CALegalAdvocates.org in trainings for new advocates; circulate information about the sites when received from state coordinators;

Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars

encourage advocates to join the CALegalAdvocate.org Web site; and encourage participation in available brief trainings about the sites.

8. Recipient will permit State Bar's agents to inspect at any time any office or other premises maintained by Recipient or used by Recipient in connection with the expenditure of funds received under the Program. Recipient will cooperate with State Bar's agents during such inspections and will furnish the agents with any information that the agents reasonably request as relevant to determining Recipient's compliance with this Agreement. State Bar's right of access to Recipient's records for purposes of compliance will survive the expiration of the Grant Period. In complying with disclosure requirements of this Agreement and of the Program and Fund, Recipient may withhold any client-identifying information when Recipient reasonably determines that disclosure would violate the Act, the Rules or a rule or canon of professional responsibility.

9. The Act, Budget Act, Fee Schedule Act, Rules, Grant Provisions and Directives set forth requirements concerning use of Program funds and payment for subcontracts to provide legal services ("Subcontracted Services"). Recipient acknowledges its obligation to inform all providers of Subcontracted Services with the requirements of the Program and to obtain from all Subcontracted Services providers a written agreement to comply with all requirements of this Agreement as if that provider is the Recipient. Recipient assigns to State Bar all rights that Recipient has or will acquire to inspect the premises and records of providers of Subcontracted Services to ensure compliance with Program, provided that disclosure of client-identifying information by a provider of Subcontracted Services shall be governed by the provisions of paragraph 8 hereof.

10. (a) Recipient shall not represent or in any way suggest that it may obligate or pledge the credit of the State of California or of State Bar.

(b) Recipient agrees to indemnify, defend, and hold harmless State Bar (including its Board of Trustees, officers, agents, and employees, as the same may be constituted now and from time to time hereafter) from and against any and all liabilities, losses, damages, expenses or costs, whatsoever (including reasonable attorneys' fees, costs and expenses), which may arise against or be incurred by State Bar as a result of or in connection with (i) claims by any and all contractors, subcontractors, providers of consulting services, materialmen, laborers, or any other person, firm, or corporation retained by Recipient to furnish or supply work, service, materials, or supplies in connection with the performance of this Agreement; and (ii) claims by any person, firm, or corporation for injury or damage by Recipient or Recipient's agents in connection with the provision of legal services pursuant to this Agreement. Recipient shall further protect, indemnify and hold harmless the State Bar from and against all liabilities, losses, damages, expenses, or costs, whatsoever (including reasonable attorneys' fees, costs and expenses), arising from or in connection with the State Bar's enforcement of its rights under this paragraph. This indemnity provision shall survive the termination or expiration of this Grant Agreement.

(c) Recipient will use reasonable efforts to have State Bar named as an insured party to any liability insurance policies purchased by or for Recipient.

11. This Agreement does not impose on State Bar any obligation to provide Recipient funds in excess of the Grant Amount or beyond the end of the Grant Period.

Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars

12. (a) All notices given in connection with this Agreement will be in writing and be made personally or by first-class, certified, registered or express mail addressed to the parties at the addresses stated below:

State Bar: The State Bar of California
 180 Howard Street
 San Francisco, California 94105-1617
Attention: Stephanie L. Choy, Managing Director
 Legal Services Trust Fund Program

Recipient: <GRANTEE NAME>
 <GRANTEE ADDRESS>
 <GRANTEE CITY STATE ZIP>

Attention: <PROGRAM DIRECTOR>
 <TITLE>

Notices given by mail will be deemed to have been given five (5) business days after being deposited in a United States Postal Services mailbox or with an express courier mail service. Changes in address for purposes of giving notice will be effective two weeks after giving notice of the change in address.

(b) This Agreement, together with the Application Materials, Rules, Grant Provisions and Directives, contains and constitutes the entire agreement between State Bar and Recipient regarding the State Bar's grant of Equal Access Fund monies to Recipient and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement shall be binding upon agents and successors of both parties. No alteration of the terms of this Agreement will be valid or effective unless in writing and executed by each party.

(c) This Agreement was made and entered into by the parties in the State of California and shall be construed according to the laws of that state. Any action or suit brought to interpret, construe or enforce the provisions of this Agreement shall be commenced in the Superior Court of the State of California, in and for the county of San Francisco.

(d) Each party has full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. Each party further acknowledges that its Directors, Governors or similarly empowered persons have read this Agreement, understand it and agree to be bound by it.

(e) No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented. No consent or waiver by one party to a breach of this Agreement by the other party, whether expressed or implied, shall constitute a consent to, waiver of, or excuse for any other, different, or subsequent breach. No amendment, consent, or waiver on behalf of State Bar shall be binding upon State Bar unless it is executed by the Executive Director of The State Bar of California or his/her designee.

Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars

By executing this Agreement below, the parties agree to its terms.

THE STATE BAR OF CALIFORNIA

RECIPIENT

By _____
Mary Lavery Flynn
Senior Director, Legal Services Outreach

By _____
<PROGRAM DIRECTOR>
<TITLE>

DATE: _____, 2013

DATE: _____, 2013

By _____
Peggy Van Horn
Chief Financial Officer

By _____
Print Name _____
Print Title _____

DATE: _____, 2013

DATE: _____, 2013

GRANT AGREEMENT

THE STATE BAR OF CALIFORNIA

LEGAL SERVICES TRUST FUND PROGRAM - EQUAL ACCESS FUND

PARTNERSHIP GRANT

This Grant Agreement is made as of January 1, 2014 (the "Effective Date"), between The State Bar of California ("State Bar"), a California public corporation, and <GRANTEE NAME>, a California nonprofit corporation ("Recipient").

RECITALS

Pursuant to California Business and Professions Code Section 6210-6228 (the "Act"), the Rules of the State Bar of California, Title 3, Division 5, Chapter 2 regarding the Legal Services Trust Fund Program (the "Rules") and The State Bar of California Legal Services Trust Fund Program General Grant Provisions (the "Grant Provisions"), a Legal Services Trust Fund Program ("Program") has been established in the State of California. The Program administers an Equal Access Fund ("Fund") that is funded pursuant to the annual California Budget Act (the "Budget Act") and the Uniform Civil Fees and Standard Fee Schedule Act of 2005 ("Fee Schedule Act").

Recipient has completed, executed and submitted to State Bar a Proposal for Partnership Grant from the Fund, pursuant to the Request for Proposals for Partnership Grants Component of Equal Access Fund issued by the Legal Services Trust Fund Commission. As part of the Proposal for Partnership Grant, Recipient has completed, executed and submitted to State Bar, Assurances, Attachments, and a Proposed Budget (collectively, including the Proposal for Partnership Grant, the "Proposal Materials").

In reliance upon the representations and agreements made in the Proposal Materials, State Bar has determined to award Recipient a Partnership Grant under the Program and the Fund for the period commencing on January 1, 2014 and ending on December 31, 2014 ("Grant Period").

The Board of Directors, the officers and similarly empowered staff of Recipient have read and understand the Act, Budget Act, Rules, the Grant Provisions and the Proposal Materials. Recipient has familiarized its staff with the requirements of the Act, Budget Act, Rules, the Grant Provisions and the Proposal Materials.

AGREEMENTS

1. Pursuant to the Program and Fund and in reliance upon the promises and representations made by Recipient, State Bar grants to Recipient \$<GRANT AMOUNT> ("Grant Amount") for your Northern San Mateo County Restraining Order Clinic.

2. The Act, Budget Act, Rules, Grant Provisions and Proposal Materials, including any additions or amendments made to the Proposal Materials by agreement between the State Bar and Recipient, are incorporated into this Agreement as if set forth in their entirety in this Agreement. Recipient agrees to comply with

Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars

the Act, Budget Act, Rules, Grant Provisions and Assurances and other agreements made in the Proposal Materials. Recipient agrees to comply with all lawful statutes, rules, regulations, guidelines, policies, instructions and similar directives pertaining to the Program and the Fund (collectively "Directives") issued by the State of California, the Supreme Court of the State of California or State Bar, including without limitation, any Directive adopted after the Effective Date.

3. State Bar will use its best efforts to pay the Grant Amount within 30 days after execution of this Agreement. State Bar, however, will in no circumstances bear any liability to Recipient or to other persons or entities for delays in payments.

4. Notwithstanding the Grant Provisions or any other provision of the entire agreement regarding the payment of grants, Recipient acknowledges that the Grant Amount and all payments thereof shall be made from funds received by the State Bar pursuant to the Budget Act; and are contingent upon the availability and sufficiency of such funds to the State Bar, as determined by the State Bar. Consequently, Recipient shall not be guaranteed any specific dollar amount in grant funds or any grant funds at all, if funds received pursuant to the Budget Act are insufficient or unavailable to the State Bar. This Agreement shall terminate automatically if state funding becomes unavailable. The State Bar shall not assume any liability whatsoever to Recipient for any failure to pay the Grant Amount or any part thereof that results because funds are insufficient or unavailable.

5. Recipient agrees to submit financial and program activity reports to the State Bar as requested, to provide the State Bar with copies of any materials produced with grant funds, and to cooperate with the State Bar in evaluating the results of this grant. Recipient agrees to submit to the State Bar a written agreement with the Cooperating Court regarding the areas of cooperation set forth in the Proposal Materials.

6. Recipient represents and warrants that Recipient's Proposal Materials for a grant under the Program and Fund do not contain any misstatement of a material fact or omit any material fact necessary to make the statements contained in the Proposal Materials not misleading. Recipient will notify State Bar promptly of any change in any material fact affecting Recipient's eligibility to receive funds under the Program and Fund, including without limitation, any change that affects the accuracy of any statement made in conjunction with Recipient's application for a grant under the Program and Fund. Recipient will notify State Bar promptly of any material change in the planned activities or proposed budget contained in the Proposal Materials or any revision thereto.

7. For all publications produced with funding under the Program and Fund, Recipient hereby assigns to the State Bar a royalty-free, nonexclusive, irrevocable, world-wide right and license to reproduce, publish, display, distribute and use these materials. Recipient also hereby assigns to the State Bar a royalty-free, nonexclusive, and irrevocable right to authorize qualified legal services projects, support centers, and courts to use these materials.

8. Recipient will permit State Bar's agents to inspect at any time any office or other premises maintained by Recipient or used by Recipient in connection with the expenditure of funds received under the Program. Recipient will cooperate with State Bar's agents during such inspections and will furnish the agents with any information that the agents reasonably request as relevant to determining Recipient's compliance with this Agreement. State Bar's right of access to Recipient's records for purposes of compliance will survive the

Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars

expiration of the Grant Period. In complying with disclosure requirements of this Agreement and of the Program and Fund, Recipient may withhold any client-identifying information when Recipient reasonably determines that disclosure would violate the Act, the Rules or a rule or canon of professional responsibility.

9. The Act, Budget Act, Rules, Grant Provisions and Directives set forth requirements concerning use of Program funds and payment for subcontracts to provide legal services ("Subcontracted Services"). Recipient acknowledges its obligation to inform all providers of Subcontracted Services with the requirements of the Program and to obtain from all Subcontracted Services providers a written agreement to comply with all requirements of this Agreement as if that provider is the Recipient. Recipient assigns to State Bar all rights that Recipient has or will acquire to inspect the premises and records of providers of Subcontracted Services to ensure compliance with Program, provided that disclosure of client-identifying information by a provider of Subcontracted Services shall be governed by the provisions of paragraph 8 hereof.

10. Recipient agrees to any additional requirements which may be set forth in any Exhibit or Addendum to this Grant Agreement, which are incorporated herein.

11. (a) Recipient shall not represent or in any way suggest that it may obligate or pledge the credit of the State of California or of State Bar.

(b) Recipient agrees to indemnify, defend, and hold harmless State Bar (including its Board of Trustees, officers, agents, and employees, as the same may be constituted now and from time to time hereafter) from and against any and all liabilities, losses, damages, expenses or costs, whatsoever (including reasonable attorneys' fees, costs and expenses), which may arise against or be incurred by the State Bar as a result of or in connection with (i) claims by any and all contractors, subcontractors, providers of consulting services, materialmen, laborers, or any other person, firm, or corporation retained by Recipient to furnish or supply work, service, materials, or supplies in connection with the performance of this Agreement; and (ii) claims by any person, firm, or corporation for injury or damage by Recipient or Recipient's agents in connection with the provision of services pursuant to this Agreement. Recipient shall further protect, indemnify and hold harmless the State Bar from and against all liabilities, losses, damages, expenses, or costs, whatsoever (including reasonable attorneys' fees, costs and expenses), arising from or in connection with the State Bar's enforcement of its rights under this paragraph. This indemnity provision shall survive the termination or expiration of this Grant Agreement.

(c) Recipient will use reasonable efforts to have State Bar named as an insured party to any liability insurance policies purchased by or for Recipient, and shall provide the State Bar with these certificates of insurance.

12. This Agreement does not impose on State Bar any obligation to provide Recipient funds in excess of the Grant Amount or beyond the end of the Grant Period.

13. (a) All notices given in connection with this Agreement will be in writing and be made personally or by first-class, certified, registered or express mail addressed to the parties at the addresses stated below:

Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars

State Bar: The State Bar of California
 180 Howard Street
 San Francisco, California 94105-1617

Attention: Stephanie L. Choy, Managing Director
 Legal Services Trust Fund Program

Recipient: <GRANTEE NAME>
 <GRANTEE ADDRESS>
 <GRANTEE CITY STATE ZIP>

Attention: <PROGRAM DIRECTOR>
 <TITLE>

Notices given by mail will be deemed to have been given five (5) business days after being deposited in a United States Postal Services mailbox or with an express courier mail service. Changes in address for purposes of giving notice will be effective two weeks after giving notice of the change in address.

(b) This Agreement, together with the Proposal Materials, Rules, Grant Provisions and Directives, contains and constitutes the entire agreement between State Bar and Recipient regarding the State Bar's grant of a Partnership Grant to Recipient and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement shall be binding upon agents and successors of both parties. No alteration of the terms of this Agreement will be valid or effective unless in writing and executed by each party.

(c) This Agreement was made and entered into by the parties in the State of California and shall be construed according to the laws of that state. Any action or suit brought to interpret, construe or enforce the provisions of this Agreement shall be commenced in the Superior Court of the State of California, County of San Francisco.

(d) Each party has full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. Each party further acknowledges that its Directors, Trustees, or similarly empowered persons have read this Agreement, understand it and agree to be bound by it.

(e) No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented. No consent or waiver by one party to a breach of this Agreement by the other party, whether expressed or implied, shall constitute a consent to, waiver of, or excuse for any other, different or subsequent breach. No amendment, consent or waiver on behalf of State Bar shall be binding upon State Bar unless it is executed by the Executive Director of The State Bar of California or his/her designee.

By executing this Agreement below, the parties agree to its terms.

Attachment F: IOLTA-Formula and Partnership Grant Agreement Exemplars

THE STATE BAR OF CALIFORNIA

RECIPIENT

By _____
Kelli Evans
Director, Legal Services

By _____
<PROGRAM DIRECTOR>
<TITLE>

DATE: _____, 2014

DATE: _____, 2014

By _____
Peggy Van Horn
Chief Financial Officer

By _____
Name _____
Chairperson or identify title:

DATE: _____, 2014

DATE: _____, 2014



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2014

Title	Agenda Item Type
Judicial Administration: Change of the Duties of the Advisory Committee on Financial Accountability and Efficiency of the Judicial Branch	Action Required
	Effective Date
	October 28, 2014
Rules, Forms, Standards, or Statutes Affected	Contact
None	John A. Judnick Senior Manager, Audit Services 415-865-7450, john.judnick@jud.ca.gov
Recommended by	
Executive and Planning Committee Judicial Council Hon. Douglas P. Miller, Chair	

Executive Summary

The Executive and Planning Committee (E&P) recommends that the frequency of the reports on Judicial Council contracts prepared by the Advisory Committee on Financial Accountability and Efficiency of the Judicial Branch (A&E) be changed from semiannually to biennial. On August 23, 2013, the council adopted guidelines that require the reports on contracts to be made semiannually. Such frequent reporting is not considered necessary due to the biennial review of contracts by the California State Auditor (CSA) and therefore E&P recommends that the guidelines be modified to require the A&E Advisory Committee to review and report on contracts to the council biennially instead of semiannually (alternating years from the CSA).

Recommendation

E&P recommends that the Judicial Council approve changes in the guidelines for reports by the A&E Advisory Committee on the oversight of contracts, effective immediately, to:

- Eliminate the semi-annual review requirement and establish a biennial requirement for reporting by the A&E Committee in the years during which the California State Auditor (CSA) does not conduct its audit. This biennial requirement would continue as long as CSA continues to conduct its biennial Judicial Council procurement and contract audit. (NOTE: This results in an annual review either by the CSA or the A& E Committee)
- Retain the other detailed Judicial Council procurement and contract oversight duties concerning specifically requested contract reviews, trends in contracts, review of the *Judicial Branch Contracting Manual* changes, and so forth, with modifications only to the semi-annual review and reporting.

A copy of the guidelines with the recommended changes shown is attached at pages 4–5.

Rationale for Recommendation

California Rule of Court 10.63 specifies the duties of the A&E Advisory Committee.¹ The committee’s duties include the reporting on Judicial Council (formerly AOC)² contracts. Specifically, the rule provides that the A& E Committee must:

Report to the council on AOC contracts that meet established criteria to ensure that the contracts are in support of judicial branch policy.

(Rule 10.63(b)(3).)

On August 23, 2013, the Judicial Council adopted guidelines for the submission of reports by the A& E Committee. These guidelines include a provision: “The Judicial Council should receive a semiannual report on all AOC contracts that meet the review criteria established below to ensure that all contracts are in support of judicial branch policy as set by the Judicial Council”³ Based on subsequent experience, the guidelines should be changed to provide for biennial review by the A& E Committee for the alternating years that the CSA does not conduct their review.⁴

In conclusion, the role of the Judicial Council concerning oversight of over the Judicial Council procurement and contracts is being significantly covered by CSA and the A&E Advisory Committee. The conduct of annual audits—one year by CSA and the next by the A&E Committee— should provide the Judicial Council with sufficient information to fully discharge its responsibilities for oversight of Judicial Council contracts. The frequency of the A&E Advisory Committee audits of contracts should therefore be reduced to being biennial.

¹ This rule was adopted effective February 20, 2014.

² Rule 10.63 still refers to the contracts “AOC” contracts. As part of a comprehensive revision of the rules of court to reflect the retirement of the name “Administrative Office of the Courts” and “AOC,” this rule will be amended.

³ Judicial Council of California, Minutes of Business Meeting—August 22-23, 2013, pages 20-21.

⁴ No change in rule 10.63 is needed because it does not specify the frequency of reporting.

Comments, Alternatives Considered, and Policy Implications

The proposal was not circulated for comment. The proposed change in the guidelines affects the internal operations of a council committee and will result in direct savings of staff time and resources without an impact on the oversight of Judicial Council contracts.

Implementation Requirements, Costs, and Operational Impacts

The prompt approval of the proposed change in the guidelines will permit the postponement of the next semiannual contract review process, thereby saving resources and reducing costs.

Attachment

Guidelines for A&E Oversight of Judicial Council Contracts

DRAFT

REVISED

GUIDELINES FOR A&E OVERSIGHT OF AOC JUDICIAL COUNCIL CONTRACTS

Review and Reporting

1. The Judicial Council should biennially receive a ~~semiannual~~ report on the review of all AOC Judicial Council contracts that meet the review criteria established below to ensure that such contracts are in support of judicial branch policy as set by the Judicial Council. The report shall:
 - a. Report on the results of the reviews.
 - b. List all of the reviewed contracts by subject and amount encumbered.
2. The review of specified contracts should be performed by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) or by a committee designated by the Chief Justice after consultation with the Executive & Planning Committee.
3. As appropriate and necessary on a case by case basis, with the approval of the E&P Committee, the designated committee may obtain independent technical advisory assistance in its review of contracts as the budget allows.
4. The reviewing committee shall be available for special urgent reviews whenever requested by the Judicial Council or the E&P Committee.
5. The reviewing committee shall include in ~~the semiannual~~ its reports its current oversight practices and any significant changes, trends, or issues identified in the contracting practices of the AOC Judicial Council, as reported to the committee by AOC the management of the Judicial Council staff.
6. Because the review of contracts and contracting practices involves a review of programs and their funding, certain policy issues may result from a review of the contracts. The reviews of contracts and the contract process should include an evaluation of the best or most effective and efficient manner of funding, operational efficiencies, or cost effectiveness that could be achieved by the programs.
7. The Judicial Branch Contract Law requires the Judicial Council to adopt and publish a *Judicial Branch Contracting Manual* (JBCM) which will be updated and revised periodically for Judicial Council approval. Review of the updates and revisions review should be performed by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) or by a committee designated by the Chief Justice after consultation with the Executive and Planning Committee.
8. Annually, the reviewing committee shall receive and review a report of all AOC Judicial Council contracts.
 - a. The report shall summarize pertinent information on each contract and be summarized by type of contract.
 - b. The information contained in the report should include, at a minimum: initial contract date, contract expiration date, vendor name, contract number, amount encumbered, amounts paid, amount of time remaining on the contract, and number of amendments.
 - c. The committee should identify any contracts that should be reviewed.

Review Criteria

General

1. All new contracts with a total contractual value in excess of \$1,000,000 not specifically excluded as noted below.
 - a. New contracts will be considered to be those that are not regular and reoccurring historically.
 - b. A list of regular and reoccurring contracts shall be compiled and presented for the committee's review and concurrence. The listing shall be updated for each committee meeting.
2. A sampling from the listing of all ~~AOC~~ Judicial Council contracts, which will be judgmentally selected by the committee.
3. All existing contracts which have a significant change or amendment in amount, term, purpose, or nature, as determined by staff. Specific 'triggers' will be established as guidelines and may be adjusted periodically or as appropriate. This process should be similar to, or tailored after, procedures used by the Appellate Indigent Defense Oversight Advisory Committee.

Specific

4. Grants that are not for the benefit of the trial courts.
5. Lease agreements for real property, equipment, and vehicles, as appropriate, upon committee request.

Exclusions from the Committee's Review

1. All contracts addressed by the duties of the Court Facilities Advisory Committee and the Trial Court Facility Modification Advisory Committee.
2. Contracts for litigation support provided by outside counsel.
3. Grants that are for the benefit of the trial courts.
4. Intra-branch agreements (IBAs) between the ~~AOC~~ Judicial Council and the trial courts.
5. A review for compliance with the *Judicial Branch Contracting Manual* as that function is performed by the Legal Services Office and the ~~Fiscal Services~~ Finance Office.

Audits

1. The council recognizes the California State Auditor's responsibility for conducting audits of ~~AOC~~ Judicial Council contracts under Public Contract Code section 19210. These reports should be provided for informational purposes to the committee reviewing contracts for review and evaluation.
2. Audit issues related to the contract process and contracts included in audits conducted by the ~~AOC-Internal~~ Audit Services Office should also be reviewed and evaluated by the committee. The review of contracts by the committee shall not duplicate the function or reviews conducted by the ~~AOC's-Internal~~ Audit Services Office.



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 26, 2014

Title	Agenda Item Type
Judicial Council Report to the Legislature: Allocations and Reimbursements to the Trial Courts for Fiscal Year 2013–2014	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	October 26, 2014
Recommended by	Date of Report
Judicial Council Staff Zlatko Theodorovic, Director Finance	September 30, 2014
	Contact
	Steven Chang, 415-865-7195, steven.chang@jud.ca.gov

Executive Summary

Judicial Council Staff recommends approving the *Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2013–2014*. Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature on all approved allocations and reimbursements to the trial courts in each fiscal year to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary.

Recommendation

Judicial Council Staff recommends that the Judicial Council:

1. Approve the report, and
2. Direct Judicial Council Staff to submit the report to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary.

Previous Council Action

The council has approved previous fiscal years' reports. These reports are posted on the California Courts website on the Legislative Reports webpage:
<http://www.courts.ca.gov/7466.htm>.

Rationale for Recommendation

This report to the Legislature is required under Government Code section 77202.5(a), which requires that the report include:

- A statement of the intended purpose for which each allocation or reimbursement was made, and
- The policy governing trial court reserves.

Both items are provided by way of attachments to the report.

Comments, Alternatives Considered, and Policy Implications

This report was not circulated for comment.

Attachments and Links

1. *Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2013–2014*



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in FY 2013–2014	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	October 28, 2014
Recommended by	Date of Report
Zlatko Theodorovic, Director Judicial Council Finance	September 30, 2014
	Contact
	Patrick Ballard, 818-558-3115 patrick.ballard@jud.ca.gov

Executive Summary

Judicial Council staff recommend approval of the attached *Report on Allocation of Funding in Fiscal Year (FY) 2013–2014 for Support of New Judgeships Authorized in FY 2007–2008*. The Budget Act of 2007 requires that this report be submitted each year until all judgeships are appointed and new staff hired.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective October 28, 2014:

1. Approve the *Report on Allocation of Funding in Fiscal Year (FY) 2013–2014 for Support of New Judgeships Authorized in FY 2007–2008*; and
2. Direct staff to submit the report to the Legislature.

Previous Council Action

These reports have been approved by the council and submitted to the Legislature annually. Previous reports can be found at www.courts.ca.gov/7466.htm.

Rationale for Recommendation

This report is required to be submitted to the Legislature each year. The attached report contains basically the same information as in the report submitted to the Legislature for FY 2012–2013, except for changes in the distribution of the ongoing facilities funding from the Court Facilities Trust Fund.

Comments, Alternatives Considered, and Policy Implications

This report was not circulated for comment, and no alternatives were considered because submitting this report to the Legislature is a requirement under the Budget Act of 2007.

Implementation Requirements, Costs, and Operational Impacts

Implementing the recommendations in this report results in no costs or operational impacts.

Attachments and Links

1. *Report on Allocation of Funding in Fiscal Year (FY) 2013–2014 for Support of New Judgeships Authorized in FY 2007–2008*



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HON. TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

HON. DOUGLAS P. MILLER
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN
Chair, Litigation Management Committee

HON. KENNETH K. SO
*Chair, Policy Coordination and
Liaison Committee*

HON. HARRY E. HULL, JR.
Chair, Rules and Projects Committee

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HON. MARTIN HOSHINO
*Administrative Director,
Judicial Council*

October 29, 2014

Ms. Diane F. Boyer-Vine
Legislative Counsel
State of California
State Capitol, Room 3021
Sacramento, California 95814

Mr. Danny Alvarez
Secretary of the Senate
California State Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: *Report on Allocation of Funding in Fiscal Year (FY) 2013–2014
for Support of New Judgeships Authorized in FY 2007–2008*

Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

The Judicial Council respectfully submits this report, as required by the Budget Act of 2007 (Stats. 2007, ch. 171). The Budget Act included \$27.767 million in FY 2007–2008 to support 50 new judgeships and the staff associated with those judgeships, to be allocated as follows: one month of funding, ongoing, for 50 judgeships, support staff, and appropriate facilities costs (\$3.366 million); and one-time funding associated with the positions such as furniture and equipment, as well as tenant improvements (\$24.401 million).

Provision 11 of the Budget Act of 2007 provided that “[t]he Judicial Council shall report to the Legislature on January 1, 2008, and each January 1 thereafter, until all judgeships are appointed and new staff hired, on the amount of funds allocated to each trial court to fund the new portions.” Per the Budget Act of 2007, expenditure of the funding was contingent on the enactment of legislation authorizing the establishment of the judicial positions. In 2007, the authorizing legislation was

Assembly Bill 159 (Stats. 2007, ch. 722). The funding assumed the appointment of judgeships could begin at the end of FY 2007–2008. However, ongoing funding necessary for the remaining 11 months of these judgeships has not been included in subsequent budget acts.

In FY 2011–2012, \$518,077 of the ongoing operations portion of the funding was permanently transferred away from the courts to the counties as part of the realignment of court security funding.

The table below displays the FY 2013–2014 allocation of the ongoing funding for one month of operations from the Trial Court Trust Fund and the ongoing facilities funding from the Court Facilities Trust Fund, by court. The chart does not add up to the ongoing \$3.366 million because (1) the security funding is not included (as explained above), and (2) approximately \$743,000 in judicial salaries is not included because these funds do not go to the courts directly.

Court	Operations	Facilities	Total
Butte	\$28,234		\$28,234
Contra Costa	38,395		38,395
Del Norte	30,041		30,041
Fresno	118,390		118,390
Kern	99,042		99,042
Kings	27,244		27,244
Los Angeles	39,581		39,581
Madera	28,370		28,370
Merced	61,809		61,809
Monterey	32,093		32,093
Orange	36,812		36,812
Placer	72,835		72,835
Riverside	225,528		225,528
Sacramento	222,156		222,156
San Bernardino	224,715		224,715
San Joaquin	106,611	\$200,211	306,822
Shasta	29,747		29,747
Solano	35,189	125,894	161,083
Sonoma	40,672	125,895	166,567
Stanislaus	67,770		67,770
Tulare	56,781		56,781
Yolo	30,874		30,874
Total:	\$1,652,889	\$452,000	\$2,104,889

Ms. Diane F. Boyer-Vine
Mr. Danny Alvarez
Mr. E. Dotson Wilson
October 29, 2014
Page 3

The funding appropriated in relation to the 50 new judgeships is used to provide ongoing staff resources to support the judicial workload identified for the new judgeships—work that is, for the most part, being performed by assigned judges and temporary judges until the new judges are appointed.

If you have any questions related to this report, please contact Zlatko Theodorovic, Director, Judicial Council Finance, at 916-263-1397.

Sincerely,

Martin Hoshino
Administrative Director
Judicial Council

MH/VM

cc: Members of the Judicial Council

Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León
Fredericka McGee, Deputy Chief of Staff, Office of Assembly Speaker Toni G. Atkins
Anita Lee, Fiscal and Policy Analyst, Legislative Analyst's Office
Tina McGee, Executive Secretary, Legislative Analyst's Office
Madelynn McClain, Program Budget Analyst, Department of Finance
Peggy Collins, Principal Consultant, Joint Legislative Budget Committee
Julie Salley-Gray, Consultant, Senate Budget and Fiscal Review Committee
Matt Osterli, Consultant, Senate Republican Fiscal Office
Marvin Deon, Consultant, Assembly Budget Committee
Allan Cooper, Consultant, Assembly Republican Fiscal Office
Jolie Onodera, Consultant, Senate Appropriations Committee
Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Benjamin Palmer, Chief Counsel, Senate Judiciary Committee
Mike Petersen, Consultant, Senate Republican Policy Office
Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Policy Office
Jody Patel, Chief of Staff, Judicial Council
Curt Soderlund, Chief Administrative Officer, Judicial Council

Ms. Diane F. Boyer-Vine

Mr. Danny Alvarez

Mr. E. Dotson Wilson

October 29, 2014

Page 4

Curtis L. Child, Chief Operating Officer, Judicial Council

Zlatko Theodorovic, Director, Judicial Council, Finance

Cory Jaspersen, Director, Judicial Council, Governmental Affairs

Peter Allen, Senior Manager, Judicial Council, Communications

Yvette Casillas-Sarcos, Administrative Coordinator, Judicial Council, Governmental Affairs



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Judicial Council Report to the Legislature: Electronic Recording Equipment	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	October 28, 2014
Recommended by	Date of Report
Zlatko Theodorovic, Director, Judicial Council Finance	September 30, 2014
	Contact
	Patrick Ballard, 818-558-3115 patrick.ballard@jud.ca.gov

Executive Summary

Judicial Council staff recommend approval of the attached *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2014)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective October 28, 2014:

1. Approve the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2014)*; and
2. Direct the staff to submit the report to the Legislature.

Previous Council Action

These reports have routinely been approved by the council and submitted to the Legislature on a semiannual basis. Previous reports can be found at www.courts.ca.gov/7466.htm.

Rationale for Recommendation

The semiannual submission of this report to the Legislature is required under Government Code section 69958. The statute requires that each superior court report to the Judicial Council about all purchases and leases of electronic recording equipment that will be used to record superior court proceedings, specifying all of the following:

- (a) The Superior Court in which the equipment will be used.
- (b) The types of trial court proceedings in which the equipment will be used.
- (c) The cost of purchasing, leasing, or upgrading the equipment.
- (d) The type of equipment purchased or leased.

Comments, Alternatives Considered, and Policy Implications

This report was not circulated for comment. The information in the report to the Legislature was reported to the Judicial Council staff by the superior courts.

Implementation Requirements, Costs, and Operational Impacts

Implementing the recommendations in this report results in no costs or operational impacts.

Attachments and Links

1. *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–June 30, 2014)*



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MARTIN HOSHINO
Administrative Director,
Judicial Council

October 29, 2014

Ms. Diane F. Boyer-Vine
Legislative Counsel
State of California
State Capitol, Room 3021
Sacramento, California 95814

Mr. Danny Alvarez
Secretary of the Senate
California State Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: *Report on Purchase or Lease of Electronic Recording Equipment
by Superior Courts (January 1–June 30, 2014) as Required by
Government Code Section 69958*

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

The Judicial Council respectfully submits this report, as required by Government Code section 69958, to provide information to the Legislature regarding superior court purchases and leases of electronic recording equipment during the period of January 1, 2014, through June 30, 2014. As required by statute, for each purchase or lease of equipment, the report specifies the name of the court, the types of proceedings for which the equipment will be used, the cost of the equipment, and the types of equipment purchased or leased.

Government Code section 69957 requires the courts to obtain advance approval from the Judicial Council before purchasing or leasing any electronic recording technology or equipment. Approval for purchase or lease of the equipment is subject to the equipment's being used only in the manner and for the purposes authorized under that section. All 58 superior courts were surveyed regarding their purchase or lease of the equipment to ensure that all purchases were made with the required authorization. During the January 1 through June 30, 2014, period, seven courts made purchases of electronic equipment or related items for use in

Ms. Diane F. Boyer-Vine

Mr. Danny Alvarez

Mr. E. Dotson Wilson

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court proceedings. Of these seven courts, six submitted Request to Purchase forms between January 1 and June 30, 2014, received authorization for their purchases, and subsequently made purchases. One court received approval subsequent to their purchase. Information about these transactions follows.

The Superior Court of Contra Costa County spent \$37,310 to purchase seven For the Record (FTR) Reporter (version 5.6) electronic recording systems, which included LogNotes 5.6; headsets and FTR player; and seven FTR DMX 4-channel, USB mixers. The purchase was not an upgrade or replacement of existing equipment. The equipment will be used to make an official record in small claims and traffic cases and to monitor subordinate judicial officers, hearing officers, or temporary judges in the same types of cases.

The Superior Court of Kern County spent \$103 to purchase two copies of WavePad Sound Editor software. The equipment will be used to edit the audio from old case files for transcript requests. The recordings are of limited civil, misdemeanor, and infraction cases, and were recorded to produce an official record. This purchase was a replacement or upgrade of existing equipment.

The Superior Court of Lake County spent \$8,315 to purchase five software upgrades to FTR Reporter version 5.6 (audio only) from version 2.2 and five DMX 4-channel USB mixers. The purchase was an upgrade or replacement of existing equipment. The devices will be used to make an official record in small claims, infraction, misdemeanor, and limited civil cases.

The Superior Court of Mendocino County spent \$5,104 to purchase one FTR Touch stand-alone electronic recording device. The purchase was an upgrade or replacement of existing equipment. The devices will be used to make an official record in small claims, infractions, misdemeanor, and limited civil cases.

The Superior Court of Orange County spent \$10,096 to purchase four units of Court Audio 8-channel recording software and four Presonus ASIO mixers. The purchase was an upgrade to existing equipment. The devices will be used to make an official record in infraction and misdemeanor cases.

The Superior Court of San Bernardino County spent \$61,729 to purchase 12 FTR Touch electronic recording systems with DMX 4-channel digital recording and a USB external clock display. The purchase was an upgrade or replacement of existing equipment. The devices will be used to make an official record in limited civil cases.

The Superior Court of Ventura County spent \$52,828 to purchase 46 Maya USB audio interfaces and 51 FTR Reporter software licenses. The purchase was an upgrade of existing equipment. The devices will be used to make an official record in infraction, misdemeanor, and limited civil cases.

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The total amount spent by these seven superior courts on the purchase of electronic recording equipment during the reporting period was \$175,485.

If you have any questions related to this report, please contact Zlatko Theodorovic, Director, Judicial Council Finance, at 916-263-1397.

Sincerely,

Martin Hoshino
Administrative Director
Judicial Council

MH/VM

cc: Members of the Judicial Council

Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León
Fredericka McGee, Deputy Chief of Staff, Office of Assembly Speaker Toni G. Atkins
Anita Lee, Fiscal and Policy Analyst, Legislative Analyst's Office
Tina McGee, Executive Secretary, Legislative Analyst's Office
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Peggy Collins, Principal Consultant, Joint Legislative Budget Committee
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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2014

Title	Agenda Item Type
Juvenile Dependency: Proposed Allocation for Fiscal Year 2014–2015 for Court Appointed Special Advocate Local Assistance	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	October 27, 2014
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 30, 2014
Hon. Kimberly J. Nystrom-Geist, Chair Hon. Jerilyn L. Borack, Chair	Contact
	Amy Nuñez, 415-865-7564 amy.nunez@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year 2014–2015. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at the August 2013 business meeting. Allocations will fund 45 programs serving 50 counties. The committee also recommends a modification to the allocation methodology to temporarily reserve funding for counties which were served by a CASA program at the time of the last grant allocation, but are currently developing new programs and do not have a designated CASA program.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective October 27, 2014:

1. Recommend a change to the CASA grants allocation methodology to reserve base funding for counties without a designated CASA program at the time of the grant allocation, who are seeking a designated program, with the following restrictions:
 - a. A CASA program received funding to serve the county in the prior allocation cycle;
 - b. The amount of funding is set at the base allocation received in the prior cycle (no incentive funds would be reserved);
 - c. The program is designated by the superior court as the CASA program in the first six months after approval of the statewide allocations; and
 - d. If a program has not been designated by the superior court as a CASA program within six months of the statewide allocation approval, the funding reserved for the county will be distributed to all CASA programs pro rata (each program receives a percentage of reserved funding equal to the percentage they receive of total base funding).
2. Allocate \$2.21 million for CASA local assistance grants to 45 CASA programs serving 50 counties, including funds reserved for a CASA program in Riverside County, using the council's funding methodology and incorporating the changes in recommendation 1.

Previous Council Action

Legislation (Stats. 1988, ch. 723) amended Welfare and Institutions Code section 100 et seq. to require the Judicial Council to establish guidelines encouraging the development of local CASA programs that assist abused and neglected children who are the subject of judicial proceedings. The legislation also called for the establishment of a CASA grant program to be administered by the Judicial Council and required CASA programs to provide local matching—or in-kind funds—equal to program funding received from the Judicial Council. At the February 9, 1999 meeting, the Judicial Council delegated approval of the allocation of the Judicial Council CASA grant funds to the Executive and Planning Committee (E&P).

In August 2003, at the recommendation of the Family and Juvenile Law Advisory Committee, E&P approved a formula-based method for distributing Judicial Council CASA program funding to California CASA programs. The new funding approach replaced the previous competitive request for proposals process with predetermined program awards. When the allocation process transitioned to a formula-based method, the baseline awards were determined by averaging the amounts of the previous two years of funding. In 2011, E&P decided that the approval of budget allocations for CASA programs be made by the Judicial Council.

At the August 23, 2013 meeting, the Judicial Council approved a funding methodology that is formula based and utilizes program data submitted by local programs which evaluates efficiency

and program growth.¹ Programs are required, through both a contract and an evaluation process, to demonstrate that they meet a number of program objectives, including compliance with rule 5.655 of the California Rules of Court, local rules of court, volunteer recruitment, volunteer training, board development, sound fiscal management, and other requirements as outlined in the National CASA Standards. This new methodology (1) establishes equitable allocations for CASA programs and eliminates wide funding variations resulting from historical funding formulas and grant applications; (2) supplements funding to local programs that work toward efficiency, effectiveness, and program growth; and (3) increases the number of dependency youth served by CASA programs and potentially, the number of courts.

Rationale for Recommendation

The state judicial branch budget for Judicial Council CASA grants for fiscal year (FY) 2014–2015 is \$2.213 million. The committee was informed that the Superior Court of Riverside County currently does not have an organization designated as a CASA program eligible to receive Judicial Council funding. Riverside had an eligible CASA program in the prior allocation cycle, and is actively developing a new program. The committee determined that it should recommend a change to the Judicial Council’s allocation methodology in order to assist superior courts seeking to develop new CASA programs when the prior program ceases to serve children in the county. The committee recommends that in order for funding to be allocated to a county without an eligible CASA program, the following criteria must be met:

- An eligible CASA program operating in the county must have received Judicial Council CASA program grant funding in the prior allocation cycle; and
- A new CASA program must be designated by the superior court and is eligible to receive funding within six months of the Judicial Council allocation of funding.

The committee also recommends that only the baseline funding for a CASA program, and not any incentive funding, be reserved in this manner. Finally, the committee recommends that if a program is not eligible to receive funding with six months of the Judicial Council allocation of funding, the funding reserved will be allocated to all CASA programs pro rata.

The committee’s rationale for these recommendations includes its recognition of the importance of the CASA program to children and youth in the dependency system, and the very unfortunate situation which develops when a CASA program ceases operating and children are left without a CASA volunteer. In these cases, the committee wishes to enable superior courts and communities to develop new CASA programs as rapidly as possible. In addition, the committee recognizes that start-up costs for a new CASA program are considerable and may include a number of months in which the program staff must set up processes for compliance with rule 5.655 of the California Rules of Court and national CASA standards before beginning to train

¹ Judicial Council of California, August 23, 2013: Juvenile Dependency: Court Appointed Special Advocate Program Funding Methodology. Go to: <http://www.courts.ca.gov/documents/jc-20130823-itemM.pdf>.

and supervise volunteers. Not having access to CASA grants funding in the first year of operation will make it difficult to establish a new program.

Comments, Alternatives Considered, and Policy Implications

For recommendation 1, the committee considered three options in addition to the option recommended:

1. Recommend no change to the CASA grants allocation methodology. No funding would be allocated or reserved for a county without a CASA program designated by the superior court. All funding will be distributed to existing CASA programs.
2. Recommend a change to CASA grants allocation methodology to reserve limited start-up funding (\$10,000) when a CASA program received funding in the prior allocation cycle.
3. Recommend a change to the CASA grants allocation methodology to reserve an amount of base funding that is proportional to the number of months a new CASA program is in operation.

The committee did not recommend these options for the reasons discussed in the Rationale for Recommendation section above. Option 1 does not address the committee's concern that children previously served by a CASA program have that service restored in a timely manner. Options 2 and 3 do not sufficiently address the considerable start-up costs a CASA program will incur before it begins serving children in numbers comparable to the previous program.

Implementation Requirements, Costs, and Operational Impacts

There are no implementation requirements and costs other than the estimated \$2.213 million state judicial branch funding to be distributed to CASA programs.

Relevant Strategic Plan Goals and Operational Plan Objectives

The proposed CASA funding methodology aligns with multiple strategic and operational goals established by the Judicial Council, specifically Goals II and III.

Goal II specifies that “[t]he judiciary must maintain its status as an independent, separate, and co-equal branch of government. . . . The judiciary will unify in its advocacy for resources and policies that support and protect independent and impartial judicial decisionmaking in accordance with the constitution and the law. The branch will maintain the highest standards of accountability for its use of public resources, and adherence to its statutory and constitutional mandates.” The proposed methodology includes revisions that incentivize efficient and effective use of Judicial Council funding distributed to CASA programs each fiscal year.

Goal III notes that “effective administration of justice requires deliberate attention to recruiting, developing, and retaining high-quality staff at all levels, as well as to developing and

implementing appropriate accountability and compliance measures.” Recruitment of court-appointed special advocates requires extensive screening and training of individuals. This is one of the proposed incentives in the CASA funding methodology rewards programs that retain these qualified, experienced volunteers.

Attachment

1. Attachment A: Proposed Allocation Alternatives for FY 2014–2015 Judicial Council Local Assistance

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**Attachment A: Proposed Allocation Alternatives for FY 2014-2015
Judicial Council Local Assistance, Including Riverside County**

Local CASA Programs by County(ies)	Base Allocations	Incentive 2A*	Incentive 2B*	Total Incentives	Total JC Local Assistance Grant
Alameda	\$50,000	0	0	\$0	\$50,000
Amador	\$26,000	1	1	\$20,500	\$46,500
Butte/Glenn	\$51,000	1	0	\$10,250	\$61,250
Contra Costa	\$50,000	1	0	\$10,250	\$60,250
Del Norte	\$26,000	1	1	\$20,500	\$46,500
El Dorado	\$34,000	1	1	\$20,500	\$54,500
Fresno/Madera	\$75,000	1	0	\$10,250	\$85,250
Humboldt	\$26,000	1	0	\$10,250	\$36,250
Imperial	\$34,000	1	1	\$20,500	\$54,500
Inyo/Mono	\$39,000	1	1	\$20,500	\$59,500
Kern	\$50,000	1	0	\$10,250	\$60,250
Kings	\$34,000	0	0	\$0	\$34,000
Lassen	\$26,000	1	1	\$20,500	\$46,500
Los Angeles	\$50,000	1	0	\$10,250	\$60,250
Marin	\$34,000	1	1	\$20,500	\$54,500
Mariposa	\$26,000	1	1	\$20,500	\$46,500
Mendocino/Lake	\$51,000	1	0	\$10,250	\$61,250
Merced	\$34,000	0	0	\$0	\$34,000
Modoc	\$26,000	0	1	\$10,250	\$36,250
Monterey	\$42,000	1	0	\$10,250	\$52,250
Napa	\$34,000	0	1	\$10,250	\$44,250
Nevada	\$26,000	0	1	\$10,250	\$36,250
Orange	\$50,000	0	0	\$0	\$50,000
Placer	\$42,000	0	1	\$10,250	\$52,250
Plumas	\$26,000	1	1	\$20,500	\$46,500
Riverside	\$50,000	0	0	\$0	\$50,000
Sacramento	\$50,000	0	0	\$0	\$50,000
San Benito	\$26,000	0	1	\$10,250	\$36,250
San Bernardino	\$50,000	0	0	\$0	\$50,000
San Diego	\$50,000	0	1	\$10,250	\$60,250
San Francisco	\$42,000	0	0	\$0	\$42,000
San Joaquin	\$42,000	0	0	\$0	\$42,000
San Luis Obispo	\$42,000	0	1	\$10,250	\$52,250
San Mateo	\$42,000	0	1	\$10,250	\$52,250
Santa Barbara	\$42,000	0	1	\$10,250	\$52,250
Santa Clara	\$50,000	1	1	\$20,500	\$70,500
Santa Cruz	\$34,000	0	1	\$10,250	\$44,250
Shasta/Tehama	\$51,000	0	0	\$0	\$51,000
Siskiyou	\$26,000	1	0	\$10,250	\$36,250
Solano	\$42,000	0	0	\$0	\$42,000
Sonoma	\$42,000	0	0	\$0	\$42,000

**Attachment A: Proposed Allocation Alternatives for FY 2014-2015
Judicial Council Local Assistance, Including Riverside County**

Stanislaus	\$42,000	0	0	\$0	\$42,000
Tulare	\$42,000	1	0	\$10,250	\$52,250
Ventura	\$42,000	0	0	\$0	\$42,000
Yolo	\$34,000	0	0	\$0	\$34,000
	\$1,803,000	20	20	\$410,000	\$2,213,000

*Incentive 2A funding is earned by the top 20 programs with the highest volunteer retention rate. Incentive 2B funding is earned by the top 20 programs with the highest dependency proportion served.

Total Local Assistance Grant	\$2,213,000
Total Base Amounts	\$1,803,000
Incentive Award for Top 20 Programs @ \$10,250 (x 40)	\$410,000
Total expenditures= Base + 40 incentives	\$2,213,000

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 26, 2014

Title	Agenda Item Type
Judicial Council Report to the Legislature: Cash-Flow Loans Made to Trial Courts in Fiscal Year 2013–2014	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	October 26, 2014
Recommended by	Date of Report
Judicial Council Staff Zlatko Theodorovic, Director Finance	September 30, 2014
	Contact
	Steven Chang, 415-865-7195, steven.chang@jud.ca.gov

Executive Summary

Judicial Council Staff recommends approving the *Report of Cash-Flow Loans Made to Trial Courts Pursuant to Government Code Section 68502.6 in Fiscal Year 2013–2014*. Government Code section 68502.6 requires that Judicial Council Staff report to the Legislature and the Department of Finance on loans made to trial courts pursuant to Government Code section 68502.6.

Recommendation

Judicial Council Staff recommends that the Judicial Council:

1. Approve the report, and
2. Direct Judicial Council Staff to submit the report to the Legislature and the Department of Finance.

Previous Council Action

There have been no previous council actions regarding the reporting of loans pursuant to Government Code section 68502.6, which was effective June 27, 2013. The only cash-flow loans to trial courts made pursuant to this statute as of September 23, 2014 were executed on June 13, 2014.

Rationale for Recommendation

This report to the Legislature and the Department of Finance is required under Government Code section 68502.6 and requires the following information to be reported for each loan executed:

- (1) The date of the loan,
- (2) The amount loaned to each court,
- (3) The funding source of the loan, and
- (4) The repayment date or proposed repayment date of the loan.

Comments, Alternatives Considered, and Policy Implications

This report was not circulated for comment.

Attachments and Links

1. *Report of Cash-Flow Loans Made to Trial Courts Pursuant to Government Code Section 68502.6 in Fiscal Year 2013–2014.*



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund for Fiscal Year 2014–2015	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	October 28, 2014
Recommended by	Date of Report
Hon. Laurie Earl, Co-Chair, Trial Court Budget Advisory Committee;	October 6, 2014
Zlatko Theodorovic, Co-Chair, Trial Court Budget Advisory Committee	Contact
	Steven Chang, Manager
	Finance, Judicial Council
	415-865-7195
	steven.chang@jud.ca.gov

Executive Summary

After the council approved the FY 2014–2015 allocations funded from the State Trial Court Improvement and Modernization Fund (IMF) in April 2014, the California Judicial Education and Research Governing Committee presented the FY 2014–2015 and FY 2015–2016 Judicial Branch Education Plan to the council. Subsequently, the proposed plan was approved by the council. In order to implement this newly approved plan, the allocation for several education programs needs to be adjusted to reflect the required funding amounts for the programs with no change to the total previously approved allocation amount of \$1.414 million.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective October 28, 2014, implement a one-time allocation adjustment to the IMF FY 2014–2015 allocations related to the 11 education programs managed by the staff of the Judicial Council

(council), Office of California Judicial Education and Research (CJER). Specifically, eight of 11 programs need to be increased by total of \$68,000 and three of 11 programs need to be decreased by total of \$68,000 in order to reflect the specific required allocation amounts for these programs. The net change to the council approved allocations totaling \$1.414 million is zero (see Attachment A, row 16, column C).

Previous Council Action

At its April 25, 2014 meeting, the council approved FY 2014–2015 IMF allocations totaling \$78.4 million (see Attachment J3, row 81, column B), which includes CJER’s allocations by program totaling \$1.414 million (see Attachment B, row 31, column B).

Rationale for recommendation

The CJER Governing Committee finalized its education program planning and funding needs analysis after the initial allocations to the programs approved by the council in April 2014. Although the proposed adjustments do not alter the total approved allocation amount of \$1.414 million, the allocation adjustments to some of the programs reflect the priorities established by the CJER Governing Committee that are necessary to carry out the Judicial Branch Education Plan for FY 2014–2015 and FY 2015–2016.

The April 2014 council approved CJER allocations for each program were based on the cost estimates that were provided to the Trial Court Budget Advisory Committee (TCBAC) in early November 2013. The adjusted allocations to the funded programs provide greater accuracy than what were available prior to the CJER Governing Committee, Curriculum Committees, and the staff of the Judicial Council had completed their funding needs and programs prioritization analysis (see Attachment A, column B).

The proposed allocation changes to 11 programs, 8 of them are increasing the amount, while 3 of them are decreasing funding; with net change of zero to the council approved allocations totaling \$1.414 million. The details are as follows (see Attachment A, column C):

1. The primary drivers for the following changes are the addition of a biannual course for judges experienced in a probate assignment and some additional programming in the area of evidence:
 - a) Advanced education for experienced judges – \$22,000
 - b) Primary assignment orientation and overviews – \$11,000
 - c) Judicial Institutes – \$9,000
 - d) Regional and local judicial education courses – (\$3,000)
 - e) B.E. Witkin judicial college of California – (\$10,000)
2. The primary driver for the following change is the cost of delivering the Core 40 classes as statewide programs. Prior year experience demonstrated a need to more fully capture

the number of lodging rooms required to enable access to these programs by participants from all trial courts:

- a) Managers and Supervisors Training – \$12,000
3. The primary drivers for the following changes are the absence of the biannual Trial Court Judicial Attorneys Institute in FY 2014–2015 and an updated estimate of the cost to offer the Core Leadership and Training Skills class as a statewide program:
 - a) Regional and local court staff education courses – \$4,000
 - b) Course personnel institutes – (\$55,000)
 4. The primary drivers for these changes are the need for faculty training and expanded curriculum development in the area of Domestic Violence next fiscal year, and the need, based on prior experience, to more accurately estimate the cost of the Basic Faculty Development Course:
 - a) Trial court faculty statewide education program – \$7,000
 - b) Faculty development – 2,000
 - c) Curriculum committee for state education plan development – \$1,000

Comments, Alternatives Considered, and Policy Implications

This item was not circulated for public comment. No comments concerning the TCBAC’s recommendation were received. The TCBAC did not consider any alternatives to this recommendation.

Implementation Requirements, Costs, and Operational Impacts

There are no implementation requirements or operational impacts.

Attachments

1. Attachment A: Proposed Adjustments to FY 2014–2015 STCIMF Allocations for Education Programs
2. Attachment B: Judicial Council Approved FY 2014–2015 STCIMF Allocations for all Programs and Projects

Proposed Adjustments to the FY 2014-2015 STCIMF Allocations for Education Programs

	Project and Program Title	Judicial Council Approved Allocation (4/25/2014)	CJER Proposed Allocation (5/15/2014)	Proposed Transfer Amount (\$)
		A	B	C
1	Advanced Education for Experienced Judges	34,000	56,000	22,000
2	Manager and Supervisor Training	34,000	46,000	12,000
3	Primary Assignment Orientation and Overviews	263,000	274,000	11,000
4	Judicial Institutes	150,000	159,000	9,000
5	Trial Court Faculty - Statewide Education Program	249,000	256,000	7,000
6	Regional and Local Court Staff Education Courses	11,000	15,000	4,000
7	Faculty Development	28,000	30,000	2,000
8	Curriculum Committee - Statewide Education Plan Development	1,000	2,000	1,000
9	Regional and Local Judicial Education Courses	9,000	6,000	(3,000)
10	B.E. Witkin Judicial College of CA	180,000	170,000	(10,000)
11	Court Personnel Institutes	132,000	77,000	(55,000)
12	Orientation for New Trial Court Judges	121,000	121,000	-
13	Leadership Training - Judicial	55,000	55,000	-
14	Distance Education - Satellite Broadcast	137,000	137,000	-
15	Distance Education - Online Video, Resources, Webinar	10,000	10,000	-
16	Total	1,414,000	1,414,000	-

Judicial Council Approved FY 2014-2015 STCIMF Allocations For All Programs and Projects

	Project and Program Title	FY 2013-14 Judicial Council Approved Allocation ¹	FY 2014-15 Judicial Council Approved Allocation		
			Total	AOC Support	Local Assistance
		A	B = C + D	C	D
1	Judicial and Court Operations Services Division	8,616,000	8,432,600	-	8,432,600
2	Trial Court Security Grants	1,200,000	1,200,000	-	1,200,000
3	Total, Office of Security	1,200,000	1,200,000	-	1,200,000
4	Self-represented Litigants Statewide Support	100,000	100,000	-	100,000
5	Domestic Violence - Family Law Interpreter Program	20,000	20,000	-	20,000
6	Self-Help Center	5,000,000	5,000,000	-	5,000,000
7	Interactive Software - Self-Rep Electronic Forms	60,000	60,000	-	60,000
8	CFCC Educational Programs	90,000	90,000	-	90,000
9	CFCC Publications	20,000	20,000	-	20,000
10	Total, Center for Families, Children and Courts	5,290,000	5,290,000	-	5,290,000
11	Orientation for New Trial Court Judges	95,000	121,000	-	121,000
12	B.E. Witkin Judicial College of CA	160,000	180,000	-	180,000
13	Primary Assignment Orientation and Overviews	239,000	263,000	-	263,000
14	Leadership Training - Judicial	50,000	55,000	-	55,000
15	Judicial Institutes	110,000	150,000	-	150,000
16	Advanced Education for Experienced Judges	31,000	34,000	-	34,000
17	Regional and Local Judicial Education Courses	8,000	9,000	-	9,000
18	<i>Subtotal, Mandated, Essential & Other Education for Judicial Officers</i>	<i>693,000</i>	<i>812,000</i>	-	<i>812,000</i>
19	Manager and Supervisor Training	31,000	34,000	-	34,000
20	<i>Subtotal, Essential/Other Education for CEOs, Managers and Supervisors</i>	<i>31,000</i>	<i>34,000</i>	-	<i>34,000</i>
21	Court Personnel Institutes	120,000	132,000	-	132,000
22	Regional and Local Court Staff Education Courses	10,000	11,000	-	11,000
23	<i>Subtotal, Essential and Other Education for Court Personnel</i>	<i>130,000</i>	<i>143,000</i>	-	<i>143,000</i>
24	Trial Court Faculty - Statewide Education Program	236,000	249,000	-	249,000
25	Faculty Development	25,000	28,000	-	28,000
26	Curriculum Committee - Statewide Education Plan Development	1,000	1,000	-	1,000
27	<i>Subtotal, Faculty and Curriculum Development</i>	<i>262,000</i>	<i>278,000</i>	-	<i>278,000</i>
28	Distance Education - Satellite Broadcast	137,000	137,000	-	137,000
29	Distance Education - Online Video, Resources, Webinar	10,000	10,000	-	10,000
30	<i>Subtotal, Distance Learning</i>	<i>147,000</i>	<i>147,000</i>	-	<i>147,000</i>
31	Total, Office of Education / CJER	1,263,000	1,414,000	-	1,414,000
32	Trial Court Performance Measures Study	13,000	13,000	-	13,000
33	Court Access and Education	331,000	347,600	-	347,600
34	Court Interpreter Program	140,000	168,000	-	168,000
35	2015 Language Needs Study (every 5-year)	314,000	-	-	-
36	California Language Access Plan (one-time funding in FY 2013-14)	65,000	-	-	-
37	Total, Court Operations Special Services Office	863,000	528,600	-	528,600
38	Judicial Council and Court Leadership Services Division	12,251,200	12,299,700	2,120,000	10,179,700
39	Litigation Management Program	4,500,000	4,500,000	-	4,500,000
40	Judicial Performance Defense Insurance	920,600	966,600	-	966,600
41	Subscription Costs - Judicial Conduct Reporter	15,600	17,100	-	17,100
42	Trial Courts Transactional Assistance Program	451,000	451,000	-	451,000
43	Jury System Improvement Projects	18,000	19,000	-	19,000
44	Alternative Dispute Resolution Centers	75,000	75,000	-	75,000
45	Complex Civil Litigation Program	4,001,000	4,001,000	-	4,001,000
46	Regional Office Assistance Group (Support)	1,460,000	1,460,000	1,460,000	-
47	Total, Legal Services Office	11,441,200	11,489,700	1,460,000	10,029,700
48	Audit Contract	150,000	150,000	-	150,000
49	Internal Audit Services (Support)	660,000	660,000	660,000	-
50	Total, Internal Audit Services	810,000	810,000	660,000	150,000

Judicial Council Approved FY 2014-2015 STCIMF Allocations For All Programs and Projects

	Project and Program Title	FY 2013-14 Judicial Council Approved Allocation ¹	FY 2014-15 Judicial Council Approved Allocation		
			Total	AOC Support	Local Assistance
		A	B = C + D	C	D
51	Judicial and Court Administrative Services Division	61,250,180	57,639,900	12,407,800	45,232,100
52	Contract for OPEB Valuation Report (every 2 years)	600,000	-	-	-
53	Budget Focused Training and Meetings	50,000	50,000	-	50,000
54	Treasury Services - Cash Management (Support)	238,000	238,000	238,000	-
55	Trial Court Procurement (Support)	244,000	244,000	244,000	-
56	Enhanced Collections (Support)	625,000	-	-	-
57	Total, Fiscal Services Office	1,757,000	532,000	482,000	50,000
58	Employee Assistance Program for Bench Officers	34,000	-	-	-
59	Workers Compensation Program Reserve ¹	719,800	1,231,000	-	1,231,000
60	Human Resources - Court Investigation	100,000	94,500	-	94,500
61	Trial Court Labor Relations Academies and Forums	30,000	34,700	-	34,700
62	Total, Human Resources Services Office	883,800	1,360,200	-	1,360,200
63	Telecommunications Support ¹	15,608,480	11,705,000	-	11,705,000
64	Judicial Branch Enterprise License and Policy	5,122,800	5,268,500	-	5,268,500
65	Interim Case Management Systems	1,650,600	1,246,800	-	1,246,800
66	Data Integration	3,906,900	3,903,600	577,100	3,326,500
67	California Courts Technology Center (CCTC)	9,465,100	10,487,200	1,892,200	8,595,000
68	Jury Management System	600,000	600,000	-	600,000
69	CLETS Services/Integration	515,200	433,400	114,000	319,400
70	CCPOR (ROM)	675,800	585,600	116,300	469,300
71	Testing Tools - Enterprise Test Management Suite	582,500	624,300	-	624,300
72	Uniform Civil Fees	385,000	343,000	343,000	-
73	Justice Partner Outreach / E-Services	572,000	200,700	200,700	-
74	Adobe LiveCycle Reader Service Extension (Starting from FY 2013-14)	129,800	133,700	-	133,700
75	V2 CMS (new - non-reimbursed costs from TCTF starting from FY 2014-15)	2,646,700	647,500	96,500	551,000
76	V3 CMS (new - non-reimbursed costs from TCTF starting from FY 2014-15)	4,789,200	5,658,100	1,276,000	4,382,100
77	Total, Information Technology Services Office	46,650,080	41,837,400	4,615,800	37,221,600
78	Phoenix Financial and Human Resources Services (Including Support)	11,934,300	13,885,300	7,310,000	6,575,300
79	Judicial Council's Court-Ordered Debt Task Force - New	25,000	25,000	-	25,000
80	Total, Trial Court Administrative Services Office	11,959,300	13,910,300	7,310,000	6,600,300
81	Total Expenditure or Allocation	82,117,380	78,372,200	14,527,800	63,844,400

Note:

1. A) The allocation amount includes two items that were approved by the JC after its initial approved allocations on 8/23/2013: a) new allocation of \$719,749 for Workers' Compensation Program Reserve; b) increase allocation of \$6,868,480 for Telecommunication Support. B) The total allocation (line #81) includes \$7,435,900 V2 and V3 CMS costs that are currently paid from TCTF. Without this amount, the IMF allocation is \$74,681,400.
2. The amount displayed in this column is based on the report from Oracle Financial that includes the expenditures, encumbrances, and purchase orders as of 3/31/2014.



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Juvenile Dependency Counsel Collections	Action Required
Program: Proposed Allocation for Fiscal Year 2014-2015	Effective Date
	October 28, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
N/A	October 7, 2014
Recommended by	Contact
Trial Court Budget Advisory Committee	Don Will, 415-865-7557
Hon. Laurie M. Earl, Judge of the Superior Court of Sacramento County; Cochair of the Trial Court Budget Advisory Committee	don.will@jud.ca.gov
	Steven Chang, 415-865-7195
	steven.chang@jud.ca.gov

Zlatko Theodorovic, Director and Chief Financial Officer, Judicial Council Finance Office, and Cochair of the Trial Court Budget Advisory Committee

Executive Summary

The Juvenile Dependency Counsel Collections Program (JDCCP) is a program under which courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The Trial Court Budget Advisory Committee (TCBAC) recommends that the council allocate \$525,139 remitted through the JDCCP in fiscal year (FY) 2013-2014 to the trial courts, according to the methodology adopted by the council at its August 23, 2013 meeting.¹

¹ Report to the Judicial Council. August 23, 2013, <http://www.courts.ca.gov/documents/jc-20130823-itemF.pdf>.

Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective October 27, 2014:

1. Allocate \$525,139 remitted through the Juvenile Dependency Counsel Collections Program (JDCCP) in FY 2013-2014 to the trial courts as outlined in Attachment A.
2. If the recommended JDCCP funding allocation in Attachment A receives the council's approval, the TCBAC recommends that the council direct staff to notify courts regarding the remaining balance of JDCCP funding allocated in FY 2013-2014, and the amount of any new allocations in FY 2014-2015. As is the case for funding allocated in 2013-2014, any portion of a court's allocated funds not distributed in FY 2014-2015 should be carried forward for distribution to the court in FY 2015-2016 and subsequent years.

The recommended allocation outlined in Attachment A has been determined using the methodology approved by the council at its August 23, 2013 meeting.

Previous Council Action

At its October 26, 2012 meeting, the Judicial Council adopted the JDCCP Guidelines², which fulfilled the council's legislative mandate to "establish a program to collect reimbursements from the person liable for the costs of counsel appointed to represent parents or minors pursuant to Welfare & Institutions Code section 903.1 in dependency proceedings." (Welf. & Inst. Code, § 903.47(a).)³ As required by statute, the Guidelines include a statewide standard for determining an obligated person's ability to pay reimbursement as well as policies and procedures to allow courts to recover costs associated with implementing the program.

At its August 23, 2013 meeting, the council adopted amendments to the Guidelines by adding current section 14, which addressed the outstanding issue of how the Judicial Council could equitably allocate the funds remitted through the JDCCP among the trial courts in compliance with the statutory mandate that the funds be used to reduce court-appointed attorney caseloads. Section 14 of the JDCCP Guidelines describes the allocation methodology, which considers each court's participation in the program and each court's percentage of the statewide court-appointed counsel funding need.

The council then allocated funds remitted through the JDCCP for the first time since the JDCCP's inception at the February 20, 2014 Judicial Council meeting.⁴ At this meeting, the council approved an allocation of \$2.3 million to eligible trial courts using the methodology in section 14 of the JDCCP guidelines. This allocation represented funds collected from January

² The Guidelines took effect January 1, 2013, and are published as Appendix F of the California Rules of Court. http://www.courts.ca.gov/documents/appendix_f.pdf.

³ Report to the Judicial Council. October 26, 2012, <http://www.courts.ca.gov/documents/jc-20121026-itemA20.pdf>.

⁴ Report to the Judicial Council, February 20, 2014, <http://www.courts.ca.gov/documents/jc-20140220-itemJ.pdf>.

2010 through June 30, 2013. Any portion of a court's allocated funds not spent and distributed in FY 2013–2014 has been carried forward for distribution to the court in FY 2014–2015 and subsequent years, even if a court is not eligible for an allocation in the current fiscal year.

Rationale for Recommendation

The estimates of courts' funding needs are computed using the Caseload Funding Model (CFM) approved by the council in 2007 and 2008.⁵ The Caseload Funding Model estimates that the total funding required to enable each full-time, equivalent appointed dependency attorney to represent no more than 188 clients at a given time—the maximum caseload permissible to ensure the adequate and competent representation required by statute—is higher than the current state allocation. The current base allocation for court-appointed dependency counsel is \$103.7 million, less than the estimated need. Multiple Budget Change Proposals to request funding for this shortfall have been submitted to the Department of Finance for consideration to be funded in fiscal year (FY) 2014–2015, but none have proven successful.

In FY 2013–2014, the trial courts have remitted a cumulative \$525,139, excluding administrative costs and monies recovered to offset their cost of collections, through the JDCCP to the TCTF. These funds are part of the overall TCTF fund balance available for use in 2014–2015 and beyond. Statute requires the Judicial Council to allocate the monies remitted through the JDCCP to the trial courts for use to reduce court-appointed attorney caseloads to the council's approved standard.

For a court to be eligible to receive an allocation of these funds, it must meet the participation and funding need requirements described in section 14 of the JDCCP Guidelines.⁶ Every court that has satisfied those requirements receives an allocation. Each eligible court's allocated share of the JDCCP funds is equivalent to its share of the aggregate funding need of all the eligible courts. Attachment A displays the recommended allocation amount for each court.

Comments, Alternatives Considered, and Policy Implications

None.

Implementation Requirements, Costs, and Operational Impacts

None.

⁵ The CFM uses data collected in the 2002 Caseload Study to calculate the amount of time a court-appointed attorney would spend working on each stage of a juvenile dependency case. Because the basic elements of a dependency case remain the same as they were in 2002, the constants in the CFM remain valid indicators of attorney workload per case. The variable inputs in the CFM—total clients and attorney salaries—are updated periodically to reflect changing conditions.

⁶ As described in section 14 of the JDCCP Guidelines, a court has demonstrated its participation in the program by submitting an annual report required by section 13 of the program guidelines and adopting a rule or policy to inquire regarding a responsible person's ability to reimburse the cost of appointed counsel at each dispositional hearing.

Relevant Strategic Plan Goals and Operational Plan Objectives

The JDCCP aligns with Goal II established by the Judicial Council. Goal II specifies that “[t]he judiciary must maintain its status as an independent, separate, and equal branch of government... The judiciary will unify in its advocacy for resources and policies that support and protect independent and impartial judicial decisionmaking in accordance with the State Constitution and the law. The branch will maintain the highest standards of accountability for its use of public resources and adherence to its statutory and constitutional mandates.” The courts collective efforts to implement the JDCCP, and the funds allocated from their collections efforts demonstrates the branches adherence to statutory and constitutional mandates, as well as highlights the judiciary’s unity in advocating for much needed resources.

Attachments and Links

1. Attachment A: Recommended Allocation per Court of \$525,139 in Collections Generated by the Juvenile Dependency Council Collections Program

DRAFT

Funding Analysis											
Court	Estimated Funding Need per Caseload Funding Model (CFM) Col. A	Estimated Funding Need as Percentage of Statewide Need (Col. A Total) Col. B	Allocation of CAC Base Funding in FY 13-14 Col. C	Allocation as a Percentage of Total CAC Base Funding in FY 13-14 (Col. C Total) Col. D	Eligible for JDCCP Funding ¹ Col. E	Funding Need of Eligible Courts Col. F	Need as a % of Total Need of Eligible Courts (Col. F Total) Col. G	Recommended Allocation of FY 14-15 JDCCP Collections 525,139.00 Col. K	Allocated to Courts in FY 13-14 2,314,999.97 Col. L	FY 13-14 Allocation Spent to Date Col. M	FY 13-14 Allocation Remaining Col. N
Alameda	\$3,450,970.68	2.52%	4,171,032.46	4.02%	N	-	0.00%	-	-	-	-
Alpine*	\$0.00	0.00%	-	0.00%	N	-	0.00%	-	-	-	-
Amador	\$85,336.77	0.06%	120,146.93	0.12%	N	-	0.00%	-	-	-	-
Butte	\$833,636.96	0.61%	664,759.00	0.64%	N	-	0.00%	-	26,476.96	-	26,476.96
Calaveras	\$226,026.98	0.16%	76,519.00	0.07%	Y	226,026.98	0.25%	1,310.23	4,426.79	-	4,426.79
Colusa†	\$50,569.89	0.04%	-	0.00%	Y	50,569.89	0.06%	293.14	-	-	-
Contra Costa	\$2,716,647.74	1.98%	3,120,151.00	3.01%	N	-	0.00%	-	-	-	-
Del Norte	\$168,566.70	0.12%	223,089.81	0.22%	N	-	0.00%	-	-	-	-
El Dorado	\$614,078.75	0.45%	819,764.99	0.79%	N	-	0.00%	-	-	-	-
Fresno	\$2,937,650.85	2.14%	2,958,296.00	2.85%	N	-	0.00%	-	-	-	-
Glenn	\$166,060.64	0.12%	55,250.00	0.05%	Y	166,060.64	0.18%	962.62	4,298.85	-	4,298.85
Humboldt	\$458,193.85	0.33%	562,460.00	0.54%	N	-	0.00%	-	-	-	-
Imperial	\$545,032.34	0.40%	607,371.00	0.59%	N	-	0.00%	-	-	-	-
Inyo	\$34,019.37	0.02%	76,990.00	0.07%	N	-	0.00%	-	-	-	-
Kern	\$3,108,447.52	2.27%	2,023,943.00	1.95%	Y	3,108,447.52	3.43%	18,019.00	93,064.91	93,065.00	(0.09)
Kings	\$686,524.56	0.50%	199,672.35	0.19%	Y	686,524.56	0.76%	3,979.64	16,004.05	16,004.00	0.05
Lake	\$239,288.90	0.17%	307,076.27	0.30%	N	-	0.00%	-	-	-	-
Lassen	\$115,953.18	0.08%	108,374.00	0.10%	N	-	0.00%	-	-	-	-
Los Angeles	\$57,151,311.87	41.69%	32,782,704.00	31.61%	Y	57,151,311.87	63.09%	331,293.87	1,448,983.18	1,448,983.18	-
Madera	\$586,978.22	0.43%	53,030.50	0.05%	Y	586,978.22	0.65%	3,402.59	12,666.24	-	12,666.24
Marin	\$247,454.02	0.18%	408,418.72	0.39%	N	-	0.00%	-	-	-	-
Mariposa	\$51,591.50	0.04%	32,243.00	0.03%	Y	51,591.50	0.06%	299.06	1,518.80	-	1,518.80
Mendocino	\$518,939.79	0.38%	742,022.00	0.72%	N	-	0.00%	-	-	-	-
Merced	\$1,064,521.71	0.78%	593,861.37	0.57%	Y	1,064,521.71	1.18%	6,170.80	26,612.97	-	26,612.97
Modoc	\$20,432.28	0.01%	16,064.00	0.02%	N	-	0.00%	-	-	-	-
Mono	\$17,874.58	0.01%	12,329.00	0.01%	Y	17,874.58	0.02%	103.62	-	-	-
Monterey	\$667,373.42	0.49%	329,570.00	0.32%	Y	667,373.42	0.74%	3,868.62	15,927.10	15,927.00	0.10
Napa	\$294,546.52	0.21%	176,430.00	0.17%	Y	294,546.52	0.33%	1,707.42	7,683.87	-	7,683.87
Nevada	\$202,963.00	0.15%	232,799.00	0.22%	N	-	0.00%	-	-	-	-
Orange	\$6,056,115.22	4.42%	6,583,082.00	6.35%	N	-	0.00%	-	-	-	-
Placer	\$743,663.62	0.54%	418,422.00	0.40%	Y	743,663.62	0.82%	4,310.86	17,634.62	-	17,634.62
Plumas	\$82,240.12	0.06%	163,290.96	0.16%	N	-	0.00%	-	-	-	-
Riverside	\$10,235,491.48	7.47%	4,171,897.50	4.02%	Y	10,235,491.48	11.30%	59,332.94	268,169.93	-	268,169.93
Sacramento	\$4,443,854.42	3.24%	5,378,189.72	5.19%	N	-	0.00%	-	-	-	-
San Benito	\$209,882.19	0.15%	31,884.50	0.03%	Y	209,882.19	0.23%	1,216.64	5,117.67	-	5,117.67
San Bernardino	\$7,983,595.68	5.82%	3,587,297.00	3.46%	Y	7,983,595.68	8.81%	46,279.19	195,776.64	-	195,776.64
San Diego	\$7,678,774.64	5.60%	9,749,950.36	9.40%	N	-	0.00%	-	-	-	-
San Francisco	\$2,951,118.03	2.15%	3,907,633.00	3.77%	N	-	0.00%	-	-	-	-
San Joaquin	\$2,542,228.38	1.85%	3,081,900.92	2.97%	N	-	0.00%	-	-	-	-
San Luis Obispo	\$781,869.29	0.57%	707,000.04	0.68%	N	-	0.00%	-	-	-	-
San Mateo	\$1,050,915.74	0.77%	323,021.73	0.31%	Y	1,050,915.74	1.16%	6,091.93	23,183.23	23,183.00	0.23
Santa Barbara	\$1,318,162.00	0.96%	1,610,017.00	1.55%	N	-	0.00%	-	-	-	-
Santa Clara	\$3,340,629.23	2.44%	4,700,130.81	4.53%	N	-	0.00%	-	-	-	-
Santa Cruz	\$703,196.64	0.51%	894,764.81	0.86%	N	-	0.00%	-	-	-	-



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Adoption and Permanency Month: Judicial Council Resolution	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	October 28, 2014
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 30, 2014
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Kimberly J. Nystrom-Geist, Cochair	Audrey Fancy, 415-865-7706 audrey.fancy@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has for the past 14 years in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The proclamation will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective October 28, 2014, proclaiming November 2014 to be Court Adoption and Permanency Month.

Previous Council Action

The Judicial Council first declared November to be Court Adoption and Permanency Month in California in 1999. Since that successful observance, the council has continued to reaffirm this declaration, demonstrating its commitment to judicial procedures and collaborative practices that promote timely case resolution and permanency for children and youth in foster care. The council's Family and Juvenile Law Advisory Committee, other advisory groups, and council staff have worked to implement council and legislative directives relating to adoption and permanency, as well as to support the juvenile courts and their local justice partners each November to highlight both ongoing and special adoption and permanency efforts.

Rationale for Recommendation

Each year in California, nearly half a million¹ reports are made of child abuse and neglect, and approximately 23,400² children enter foster care for the first time. Currently, about 62,500³ children in the state are living apart from their families in child welfare-supervised, out-of-home care. Thirty-eight percent of these children have been in foster care for more than two years; 9,800 children remain in "temporary" care for more than five years.⁴ Of the nearly 26,000 children who were able to leave foster care in the fiscal year ending June 30, 2014, 58 percent were reunited with their families; 22 percent were adopted and 7.5 percent were emancipated.⁵ Permanent placement of a child in a committed relationship intended to last a lifetime—with the child's family if that is possible or another loving family if it's not—is the goal of the juvenile court process. Children and families deserve access to a timely, understandable, and fair process that actively engages them, as well as the placement agency, in the work needed to achieve this goal. It is critical that California's courts continue to learn and implement new strategies to ensure that each child leaves foster care as quickly as possible with one or more lifelong connections to a caring adult and that the courts continue to promote the placement of every child in a safe, loving, permanent home.

The state has been working on innovative programs to improve the lives of foster children. One initiative—a collaboration of the California Department of Social Services (CDSS), Judicial Council staff, and other state organizations—provides training to help family members or significant others maintain a permanent and responsible role in a youth's life. Experience shows

¹ Barbara Needell et al., *Child Welfare Services Reports for California* (2014), retrieved September 29, 2014, from the University of California, Berkeley, Center for Social Services Research, website at http://cssr.berkeley.edu/ucb_childwelfare. Specific reports on referrals are at http://cssr.berkeley.edu/ucb_childwelfare/allegations.aspx.

² *Ibid.* Specific reports on first entries to care are at http://cssr.berkeley.edu/ucb_childwelfare/entries.aspx.

³ *Ibid.* Specific point-in-time reports on children in child welfare-supervised foster care are at http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx.

⁴ *Ibid.* Specific reports on the amount of time in care are at http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx.

⁵ *Ibid.* Specific reports on exits from foster care are at http://cssr.berkeley.edu/ucb_childwelfare/exits.aspx. The remaining 12.5 percent were placed in guardianships or other types of placement.

that without permanent connections, youth leaving foster care face even more overwhelming odds against a successful adulthood.⁶

Court Adoption and Permanency Month is one way California courts can raise awareness, demonstrate commitment, and bring about changes in the court system to stabilize children's lives. The month of November was selected to coincide with National Adoption Month, when government agencies and nonprofit organizations highlight innovative efforts to promote permanency, including adoption, and to raise awareness of the need for safe, permanent homes for children in foster care.

Since Court Adoption and Permanency Month was initiated in 1999, many individual California courts have dedicated specific adoption days in November—including Adoption Saturdays and Adoption Fridays—as well as other events, to clear their backlogs of adoption cases. The Judicial Council encourages courts to do so as circumstances permit.

The Judicial Council also encourages courts with no backlog of adoption cases to hold adoption celebrations or commemorate other permanent connections for foster children and to institute local system programs as part of the statewide November effort to raise awareness of adoption and permanency.

Many local courts—in conjunction with county social services, local nonprofit agencies, and others—celebrate and highlight Court Adoption and Permanency Month in November and throughout the year. Events honoring permanent connections for foster children year include the following:

- ***Oakland—Alameda County***
Alameda County Adoption Day
Friday, November 21, 1:00 pm at the Superior Court
The Alameda County Superior Court will join with the Alameda County Social Services Agency to finalize a full calendar of adoptions in celebration of the county's 15th annual Adoption Day
- ***El Centro—Imperial County***
The Imperial County Juvenile Court will hold a special Adoption Day reception to celebrate the many adoptions finalized that day. Judges and court staff arrange a dedicated adoption hearing calendar, and staff provides gift bags tailored to the age of each child.
- ***Glendora—Los Angeles County***
National Adoption Day Celebration

⁶ Cal. Dept. of Soc. Services, *Improving the Lives of California's Children and Families: Accountability in Action* (rev. Aug. 2004).

Saturday November 22, 10:00 am at New Unto Others

Ettie Lee Youth and Family Services, in partnership with local businesses and Azusa Pacific University (APU), will promote foster care adoption with media outreach and information dissemination throughout November at APU, leading up to a celebration and press conference on November 22, 2014, at New Unto Others thrift store.

- **Monterey Park—Los Angeles County**

Los Angeles National Adoption Day

Saturday, November 22, 12:00 pm at Monterey Park, CA

Los Angeles will celebrate its 15th annual National Adoption Day on Saturday, November 22, 2014, at the Edmund D. Edelman Children's Court in Monterey Park. On this special day, more than 120 children's adoptions from foster care will be finalized and celebrated. There will be a press conference (time TBD) led by Presiding Judge Michael Nash. The adoption hearings will begin at 9:00 am and continue until 12:00 noon. There will be balloons, arts & crafts, books, and refreshments for the children and families.

- **Auburn—Placer County**

Placer County 13th Annual Adoption Day

Saturday November, 22, 9:00 am at Placer County Historic Courthouse, 101 Maple St. Auburn CA

Placer County and PlacerKids will be holding their 13th annual National Adoption Day celebration. There will be music, food, balloons, face painting, crafts and much more as we celebrate many of our children finding forever homes.

- **Ontario—San Bernardino County**

Celebrating Children and Families Under the Big Top

Thursday, November 20, 11:00 am at Ontario Convention Center

San Bernardino County Children and Family Services and the San Bernardino County Juvenile Dependency Court will collaborate on their 18th annual Adoption Finalization Celebration. This year, four juvenile court judges will conduct individual adoption ceremonies for an anticipated group of more than 65 children at a circus-themed gala which will include music, children's activities, games, and photo opportunities.

Many California courts also support the Heart Gallery program, which raises community awareness through professional photography exhibits of children and youth in foster care who need adoptive families and permanent lifelong relationships. The number of Heart Galleries continues to grow throughout the nation, with California locations in Alameda, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Shasta, and Solano Counties.

A wide variety of resources on adoption and permanency are available on the [California Dependency Online Guide](#) website, maintained by council staff in the Center for Families, Children & the Courts (CFCC). These materials provide ideas, resources, and best practices for

collaboration among courts and their communities to raise awareness of the necessity for safe and permanent homes for all foster children. Available materials on permanency and adoption include articles; research reports; more than 50 California cases; manuals, including the *Court Adoption and Permanency Resource Guide (2006)* and the *California Judges Benchguides: Benchguide 130, Adoptions*; toolkits on concurrent planning, family engagement, and other permanency topics; and links to online courses, fact sheets, and resource libraries. The materials are searchable by type of document or by topic, such as adoptability, adoption assessments, concurrent planning, and permanency. The California Dependency Online Guide is available free of charge to all California judicial officers, attorneys, and child welfare professionals, and it is currently used by more than 4,000 subscribers.

Comments, Alternatives Considered, and Policy Implications

The annual resolution declaring November as Court Adoption and Permanency Month continues to be well received and celebrated by courts, court-connected professionals, and the adoption and permanency community. It does not require circulation for comment as part of an official Invitation to Comment cycle.

The Judicial Council could choose not to proclaim November 2014 to be Court Adoption and Permanency Month and instead rely on the resolutions of 1999 through 2013 to promote adoption and permanency activities in November. However, the Family and Juvenile Law Advisory Committee believes that a new proclamation each year highlights the ongoing critical need to seek permanence for foster children.

Implementation Requirements, Costs, and Operational Impacts

Court Adoption and Permanency Month is a voluntary program. Every court can participate at a level it considers appropriate to its jurisdiction. Suggested commemorative events range from no-cost activities for promoting adoption and permanency to higher-cost, systemwide programs.

Participation by families in any special event or project in any court is also voluntary. The emphasis on the month of November is not intended as a rationale for scheduling adoption hearings just so they coincide with a special event. Each case should be heard as soon as it can be calendared, and the families involved should be offered the opportunity to participate in a court's later-occurring event.

Attachments and Links

1. Judicial Council resolution proclaiming November 2014 to be Adoption and Permanency Month, at page 6

JUDICIAL COUNCIL OF CALIFORNIA

Resolution

Whereas, consistent with its commitment to support practices and procedures that promote access to justice and improved case outcomes for California's children and families, the Judicial Council has recognized November as Court Adoption and Permanency Month every year since 1999;

Whereas nearly half a million incidents of child abuse and neglect are reported each year in California, and about 23,400 children enter foster care for the first time;

Whereas about 62,500 children in California live apart from their families in child welfare-supervised out-of-home care;

Whereas 38 percent of the children in foster care in California have lived apart from their families for two or more years;

Whereas, of the 26,000 California children who left foster care in the 12 months preceding July 2014, 58 percent were reunited with their families, 22 percent were adopted, and 7.5 percent were emancipated;

Whereas local courts and communities throughout California have created programs promoting permanency that have resulted in a reduction in the number of children waiting to live in safe, stable, and permanent homes; and

Whereas the Judicial Council remains committed to working with the Governor, the Legislature, and local courts and communities to ensure that every abused or neglected child finds a safe, stable, and permanent home with a loving family as quickly as possible;

Now, therefore, be it resolved that I, Tani G. Cantil-Sakauye, Chief Justice of California, on behalf of the Judicial Council of California, do hereby proclaim November 2014 to be Court Adoption and Permanency Month, during which the courts and their communities are encouraged to join in activities to promote permanency.

In witness whereof

I have hereunto set my hand this 28th day of October, 2014

Attest:

TANI G. CANTIL-SAKAUYE
Chief Justice of California and
Chair of the Judicial Council of California

MARTIN HOSHINO
Administrative Director
Secretary of the Judicial Council of California



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2014

Title	Agenda Item Type
Trial Court Budget: 2 Percent State-Level Reserve Process and Minimum Operating and Emergency Fund Balance Policy	Action Required
	Effective Date
	October 28, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	October 6, 2014
Recommended by	Contact
Trial Court Budget Advisory Committee	Patrick Ballard, 818-558-3115
Hon. Laurie M. Earl, Cochair	patrick.ballard@jud.ca.gov
Mr. Zlatko Theodorovic, Cochair	

Executive Summary

The Trial Court Budget Advisory Committee (TCBAC) recommends changes to the current Judicial Council–approved process for the allocation of the 2 percent state-level reserve in the Trial Court Trust Fund (TCTF), in 2014–2015, to expedite the distribution of the unexpended reserve funds to trial courts earlier in the fiscal year, and to establish a process for courts to apply for funding for emergencies after these funds have been distributed. For 2015–2016, the TCBAC recommends proposing amendments to the statute that establishes the 2 percent state-level reserve. The TCBAC also recommends that the Judicial Council extend the suspension of the minimum operating and emergency fund balance policy for two fiscal years, and requests that the policy be in addition to the 1 percent reserve cap required by statute.

Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends:

- 1) The Judicial Council, starting in 2014–2015, distribute in January, after the council’s December business meeting, 75 percent of the remaining TCTF 2 percent reserve funds. From January 1 through March 15, the remaining 25 percent of the 2 percent reserve would be available for court requests due to unforeseen emergencies or unanticipated expenses. These court requests would be reviewed and approved by a TCBAC working group. Any remaining funds would be distributed back to the trial courts after March 15. The Judicial Council’s current approved supplemental funding process would need to be updated to reflect these changes.
- 2) Court requests due to unforeseen emergencies or unanticipated expenses approved after March 15 and until June 30, would be distributed to the court as a cash advance loan¹, until the following fiscal year when the court, if necessary, could apply for supplemental funding from the TCTF 2 percent reserve at the Judicial Council’s October business meeting in order to repay the cash advance loan. These court requests would be reviewed and approved by a TCBAC working group.
- 3) The TCBAC, working with the Court Executive Advisory Committee, Trial Court Presiding Judges Advisory Committee and the Policy Coordination and Liaison Committee, would recommend proposed amendments to Government Code section 68502.5(c)(2)(B), the statute that establishes the 2 percent reserve (see Attachment A), to be included as trailer bill language to the 2015 Budget Act. These recommended amendments would be presented at the Judicial Council’s business meeting in either January or February 2015.
- 4) Extending the suspension of the minimum operating and emergency fund balance policy for two fiscal years until June 30, 2016, and requesting that the minimum operating and emergency fund balance policy be in addition to the 1 percent reserve cap while in the interim seeking the repeal of Government Code section 77203.

Previous Council Action

Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve Process

On June 27, 2012, the Governor signed into law Senate Bill 1021, which repealed the provisions in Government Code section 77209 related to urgent needs funding from the Trial Court Improvement Fund (TCIF) and added Government Code section 68502.5, which requires that the

¹ Funds made available by Government Code section 68502.6 which authorizes up-to-two-year loan to be made to the TCTF in order to address courts’ cash flow issues (see attachment 6D). On June 27, 2014, the Judicial Council approved an updated cash advance process that incorporates use of these funds.

Judicial Council set aside as a reserve an amount equal to 2 percent of the TCTF appropriation in Program 45.10. In response to this new statute, the Judicial Council, at its August 31, 2012 meeting, approved the current policy with regard to the process, criteria, and required information for requesting supplemental funding from the reserve. This process modified what was approved by the council at its October 28, 2011 meeting as it related to requests for supplemental funding for urgent needs from the TCIF. (See Attachment B)

On June 27, 2014, the Judicial Council approved a 2015–2016 Budget Change Proposal (BCP) for changes to the statutory language regarding the 2 percent TCTF reserve. The TCBAC was to reevaluate the entire 2 percent TCTF reserve and allocation process. If the result of the evaluation was to recommend to the council that the process should be changed, for example, a change in the date for allocating the remaining funding to the courts, a BCP to change the language of the statute would need to be submitted to the Department of Finance (DOF).

Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy

On August 31, 2012, effective immediately, the council suspended the minimum operating and emergency fund balance policy, which required courts to maintain a fund balance or reserve that was roughly equal to between 3% and 5% of their prior year general fund expenditures. The council's action was taken in the context of two statutory changes. First, the policy became at least somewhat redundant when Government Code section 68502.5 required, starting in 2012–2013, the establishment of the 2% reserve in the TCTF that would be funded from courts' allocations. Each court contributes towards the reserve, which by statute is equal to 2% of the total TCTF Program 45.10 (Support for Operation of the Trial Courts) appropriation. Any monies that are not allocated by the council through the supplemental funding process are distributed back to each court in the same proportion to their contribution to the reserve. Second, Government Code section 77203 imposed, effective June 30, 2014, a 1% cap on fund balances that courts can carry forward from one fiscal year to the next. In view of the efforts to either eliminate or increase the 1% cap before it went into effect, the council suspended, instead of eliminated, the minimum operating and emergency fund balance policy.

Recent Actions on 2 Percent Process and Fund Balance Policy

On July 29, 2014, the TCBAC presented recommendations to the Judicial Council for changes to the process for the allocation of the 2 percent state-level reserve and the minimum operating and emergency fund balance policy. The Judicial Council deferred the TCBAC recommendations presented for changes to the process for the allocation of the 2 percent state-level reserve and the committee's recommendation that the Judicial Council terminate the minimum operating and emergency fund balance policy until their October meeting, and requested the TCBAC work with other advisory bodies, to provide further input to the council on the issues and recommendations presented in those items.

Rationale for Recommendations

At its July 7, 2014 meeting, the TCBAC discussed options and recommendations brought forward by its 2 Percent Reserve Process Working Group to change the current Judicial Council–approved process for the allocation of the 2 percent state-level reserve in the TCTF. The TCBAC also considered options on the minimum operating and emergency fund balance policy, which was suspended by the council for two years on August 31, 2012. At the council’s business meeting on July 29, 2014, the committee recommended that the Judicial Council:

- In January, after the Judicial Council’s December business meeting, distribute 100 percent of the remaining TCTF 2 percent reserve funds. Courts would have two opportunities per fiscal year instead of four to request supplemental funding from the 2 percent reserve.
- Seek the repeal of Government Code section 68502.5(c)(2)(B), which requires that the Judicial Council set aside as a reserve an amount equal to 2 percent of the Trial Court Trust Fund appropriation in Program 45.10.
- Terminate the minimum operating and emergency fund balance policy.

The first recommendation from the TCBAC, to distribute 100 percent of the remaining TCTF 2 percent reserve funds in January after the council’s December business meeting, originated from its working group. Courts would have two opportunities per fiscal year instead of four to request supplemental funding from the 2 percent reserve. The Judicial Council’s current approved process would need to be updated to reflect this recommended change. The second recommendation was from TCBAC which was for the Judicial Council to seek the repeal of Government Code section 68502.5(c)(2)(B), which requires that the council set aside as a reserve an amount equal to 2 percent of the TCTF appropriation. This recommendation by the committee was made primarily because the statute that establishes the 2 percent reserve became law prior to the development and application of the Workload Allocation Funding Methodology and is inconsistent with the workload based funding model adopted by the Judicial Council.

The Judicial Council deferred the TCBAC recommendations for changes to the process for the allocation of the 2 percent state-level reserve and the committee’s recommendation that the Judicial Council terminate the minimum operating and emergency fund balance policy until their October meeting, and requested the TCBAC work with other advisory bodies, to provide further input to the council on the issues and recommendations presented in those items.

The 2 Percent Reserve Process Working Group met twice to consider options to address issues that were raised at the July 29 council meeting on the TCBAC recommendations. One issue raised was that if the council was to distribute 100 percent of the remaining TCTF 2 percent reserve funds in January there would be no funds available for trial courts to request emergency funding in the second half of the fiscal year (January–June). Additionally, a policy would be

needed to deal with court funding emergencies for courts, prior to requesting the repeal of the statute and the Judicial Council policy on court held minimum operating and emergency reserve. The working group brought options and recommendations for the full committee to consider at its' September 26, 2014 meeting. At the TCBAC meeting on September 26, the committee made four recommendations, all of which originated from its working group, to be presented at the Judicial Council's October 28 business meeting. Three of the recommendations made were for changes to the supplemental funding process and one recommendation was to the operating and emergency reserve fund balance policy.

Recommendations on Supplemental Funding Process

Recommendation 1: Allocation Process

The recommendation from the TCBAC is for the Judicial Council, starting in 2014–2015, to distribute 75 percent of the remaining TCTF 2 percent reserve funds in January, after the council's December business meeting. The remaining 25 percent of the 2 percent reserve would be available for court requests due to unforeseen emergencies or unanticipated expenses from January 1 through March 15. These court requests would be reviewed and approved by a TCBAC working group. Any remaining funds would be distributed back to the trial courts after March 15. The Judicial Council's current approved supplemental funding process would need to be updated to reflect this change. (See Attachment C.)

Discussion. The committee voted unanimously to recommend this option to the Judicial Council. The main reason the committee recommends this option is that it accomplishes two goals. This recommendation expedites the distribution of 75 percent of the remaining 2 percent reserves to the courts by two months and leaves a 25 percent reserve to address emergency requests submitted from January through March 15. It also addresses the issue raised at the July 29, 2014 council meeting on the TCBAC's previous recommendation for the council to distribute 100 percent of the remaining TCTF 2 percent reserve funds in January leaving no funds available for trial courts to request emergency funding in January or February as is the case with the current process. The TCBAC made an amendment to this option to include that court requests submitted during this period would be reviewed and approved by a TCBAC working group.

Recommendation 2: Extension of Process Timeline

The recommendation from the TCBAC is to establish a process for the period after March 15 when the remaining 2 percent reserves have been distributed pursuant to statute and the Judicial Council-approved process. The committee recommends, starting in 2014–2015, that after March 15 and until June 30, approved court requests due to unforeseen emergencies or unanticipated expenses would be distributed to the court as a cash advance loan, until the following fiscal year when the court, if necessary, could apply for supplemental funding from the TCTF 2 percent reserve at the Judicial Council's October business meeting in order to repay the cash advance loan. These court requests would be reviewed and approved by a TCBAC working group.

Discussion. The committee voted unanimously to recommend this option to the Judicial Council. The decision by TCBAC members to recommend this option was made primarily to address the period of time after March 15 to June 30 when the remaining 2 percent reserves have been distributed pursuant to statute and there's no funding process in place for courts that are faced with an emergency funding need during this period of time. There was agreement by the committee members that a TCBAC working group would review and approve these requests that would only constitute a pre-approval until the following fiscal year when the Judicial Council could allocate funds from the next fiscal year's 2 percent allocation, if the court's request was approved. The application process and criteria would be the same as the current supplemental funding process. There was discussion by the committee as to whether using the cash advance funds made available by Government Code section 68502.6, which states that a court should have a balanced budget, would be allowable. Judicial Council staff informed the committee that Department of Finance staff is aware of the issue of a "dark period" in the statute that established the 2 percent reserve, when no funding for court emergencies is available, and acknowledges that this change is a solution to address this concern for now until statute changes are made.

Recommendation 3: Proposed Amendments to Statute

The recommendation from the TCBAC is for the committee, working with the Court Executive Advisory Committee, Trial Court Presiding Judges Advisory Committee and the Policy Coordination and Liaison Committee, to recommend proposed amendments to Government Code section 68502.5(c)(2)(B), to be included as trailer bill language to the 2015 Budget Act. These recommended amendments would be presented at the Judicial Council's business meeting in either January or February 2015.

Discussion. The committee voted unanimously to recommend this option to the Judicial Council. The TCBAC considered another option which was to seek the repeal of Government Code section 68502.5 and recommend a more appropriate percentage to be held in reserve at the state-level for urgent needs. No motion was made to recommend the option for repealing the statute. There was though a brief discussion by committee members on the importance of working on proposing structural changes to amend the statute which could be permanent instead of repealing it.

Recommendation on Fund Balance Policy

Recommendation 4: Operating and Emergency Reserve Policy

The recommendation from the TCBAC is to extend the suspension of the minimum operating and emergency fund balance policy for two fiscal years until June 30, 2016, and request that the minimum operating and emergency fund balance policy be in addition to the 1 percent reserve cap while in the interim seeking the repeal of Government Code section 77203.

Discussion. The committee voted unanimously to recommend this option to the Judicial Council. Several TCBAC members briefly discussed that it was important to continue pursuing the repeal of Government Code section 77203.

Comments, Alternatives Considered, and Policy Implications

This item was not circulated for comment. Options were considered by the TCBAC and are discussed in the Rationale section of the report.

Implementation Requirements, Costs, and Operational Impacts

Not applicable.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommended changes to the process for the allocation of the 2 percent reserve in the TCTF will address the strategic plan goals of Access, Fairness, and Diversity (Goal I); Independence and Accountability (Goal II); Modernization of Management and Administration (Goal III); Quality of Justice and Service to the Public (Goal IV); and Branchwide Infrastructure for Service Excellence (Goal VI).

Attachments

1. Attachment A: Government Code, § 68502.5(c)(2)(B)
2. Attachment B: Judicial Council-Approved Process for Supplemental Funding
3. Attachment C: Summary of Recommended Changes to Judicial Council-Approved Process
4. Attachment D: Government Code, § 68502.6

Government Code section 68502.5(c)(2)(B)

(B) Upon preliminary determination of the allocations to trial courts pursuant to subparagraph (A), the Judicial Council shall set aside 2 percent of the total funds appropriated in Program 45.10 of Item 0250-101-0932 of the annual Budget Act and these funds shall remain in the Trial Court Trust Fund. These funds shall be administered by the Judicial Council and be allocated to trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls. Unavoidable funding shortfall requests for up to 1.5 percent of these funds shall be submitted by the trial courts to the Judicial Council no later than October 1 of each year. The Judicial Council shall, by October 31 of each year, review and evaluate all requests submitted, select trial courts to receive funds, and notify those selected trial courts. By March 15 of each year, the Judicial Council shall distribute the remaining funds if there has been a request from a trial court for unforeseen emergencies or unanticipated expenses that has been reviewed, evaluated, and approved. Any unexpended funds shall be distributed to the trial courts on a prorated basis.

Judicial Council-Approved Process for Supplemental Funding

Below is the process for supplemental funding that was approved by the Judicial Council at its August 31, 2012, meeting.

- a. Supplemental funding for urgent needs is defined as unavoidable funding shortfalls, unforeseen emergencies, or unanticipated expenses for existing programs.
 - i. A request can be for either a loan or one-time funding that is not repaid, but not for ongoing funding.
- b. The submission, review, and approval process is:
 - i. All requests will be submitted to the Judicial Council for consideration;
 - ii. Requests will be submitted to the Administrative Director of the Courts by either the court's presiding judge or court executive officer;
 - iii. The Administrative Director of the Courts will forward the request to the AOC Director of Finance [now Fiscal Services Office].
 - iv. AOC Finance Division [Fiscal Services Office] budget staff will review the request, ask the court to provide any missing or incomplete information, draft a preliminary report, share the preliminary report with the court for its comments, revise as necessary, and issue a final report for the council;
 - v. The final report will be provided to the requesting court prior to the report being made publicly available on the California Courts website; and
 - vi. The court may send a representative to the Judicial Council meeting to present its request and respond to questions from the council.
- c. Beginning in 2012–2013, court requests for supplemental funding for urgent needs due to unavoidable budget shortfalls, must be submitted to the Administrative Director of the Courts, by no later than October 1. Courts are encouraged to submit supplemental funding requests for urgent needs before the October 1 deadline, but no earlier than 60 days after the Budget Act is enacted into law.
- d. Beginning in 2012–2013, the Judicial Council shall allocate up to 75 percent of the 2 percent state-level reserve fund by October 31 of each year to courts requesting supplemental funding for urgent needs due to unavoidable funding shortfalls.
- e. Beginning in 2012–2013, after October 31 and by March 15 of each fiscal year, the Judicial Council shall allocate the remaining funds if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses for existing programs. Any unexpended funds shall be distributed to the trial courts on a prorated basis.

- f. To be considered at a scheduled Judicial Council business meeting, requests submitted after October 31 for supplemental funding due to unforeseen emergencies and unanticipated expenses must be submitted to the Administrative Director of the Courts at least 25 business days prior to that business meeting.
- g. The Judicial Council would consider appropriate terms and conditions that courts must accept in order to receive supplemental funding for urgent needs.

Judicial Council-Approved Criteria for Eligibility for and Allocation of Supplemental Funding

Below are the criteria for eligibility for and allocation of supplemental funding for trial courts' urgent needs that were approved by the Judicial Council at its August 31, 2012, meeting.

- a. Only trial courts that are projecting a current-year negative fund balance can apply for supplemental funding related to urgent needs.
- b. Generally, no court may receive supplemental funding for urgent needs in successive fiscal years absent a clear and convincing showing.
- c. Courts submitting on or before October 1 can only receive up to the amount the court contributed to the 2 percent state-level reserve fund. If the requested amount is beyond the court's contribution to the 2 percent state-level reserve fund, the Judicial Council may distribute more funding to the court, after October 31 and prior to March 15 of the fiscal year.

More specifically, courts that submit by October 1 a request for an unavoidable funding shortfall, may apply with updated financial information for unforeseen emergencies or unanticipated expenses for existing programs distribution at a future Judicial Council business meeting prior to March 15.

- d. Allocate to all courts after March 15 a proportionate share of any unexpended funds from the 2 percent state-level reserve, regardless of whether the Judicial Council has allocated to a court supplemental funding for an urgent need in the current fiscal year, using courts' current year Trial Court Trust Fund and General Fund base allocation.
- e. If a court that is allocated supplemental funding determines during the fiscal year that some or all of the allocation is no longer needed due to changes in revenues and/or expenditures, [it] is required to return the amount that is not needed.

Judicial Council-Approved Information Required to be Provided by Trial Courts for Supplemental Funding

Below is the information required to be provided by trial courts for supplemental funding for urgent needs that were approved by the Judicial Council at its August 31, 2012, meeting.

- a. A description of what factors caused or are causing the need for funding;
- b. If requesting a one-time distribution, an explanation of why a loan would not be appropriate;
- c. Current status of court fund balance;
- d. Three-year history of year-end fund balances, revenues, and expenditures;
- e. Current detailed budget projections for the current fiscal year (e.g., FY 2012–2013), budget year (e.g., FY 2013–2014), and budget year plus 1 (e.g., FY 2014–2015);
- f. Measures the court has taken in the last three years regarding revenue enhancement and/or expenditure reduction, including layoffs, furloughs, reduced hours, and court closures;
- g. Employee compensation practices (e.g., cost-of-living adjustments) and staffing levels in the past five years;
- h. Description of the consequences to the court’s operations if the court does not receive funding;
- i. Description of the consequences to the public and access to justice if the court does not receive funding;
- j. What measures the court will take to mitigate the consequences to court operations, the public, and access to justice if funding is not approved;
- k. Five years of filing and termination numbers;
- l. Most recent audit history and remediation measures;
- m. If supplemental funding was received in prior year, please identify amount received and explain why additional funding is again needed in the current fiscal year; and

- n. If the request for supplemental funding is not for a one-time concern, the court must include an expenditure/revenue enhancement plan that identifies how the court will resolve its ongoing funding issue.

Summary of Recommended Changes to Judicial Council Approved Process

Judicial Council Approved Process for Supplemental Funding	Trial Court Budget Advisory Committee Recommendation 1
<p><u>Page 1(e)</u></p> <p>e. Beginning in 2012–2013, after October 31 and by March 15 of each fiscal year, the Judicial Council shall allocate the remaining funds if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses for existing programs. Any unexpended funds shall be distributed to the trial courts on a prorated basis.</p> <p><u>Page 2(d)</u></p> <p>c. Allocate to all courts after March 15 a proportionate share of any unexpended funds from the 2% state-level reserve, regardless of whether the Judicial Council has allocated to a court supplemental funding for an urgent need in the current fiscal year, using courts' current year Trial Court Trust Fund and General Fund base allocation.</p>	<p><u>Page 1(e)</u></p> <p>Beginning in 2012–2013 2014-2015, after October 31 and by March 15 of each fiscal year, the Judicial Council shall allocate 25 percent of the remaining funds if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses for existing programs. Any unexpended funds shall be distributed to the trial courts on a prorated basis. After March 15 and until June 30, requests due to unforeseen emergencies or unanticipated expenses approved, will be distributed to the court as a cash advance loan, until the following fiscal year when the court, if necessary, could apply for supplemental funding from the TCTF 2 percent reserve at the Judicial Council's October business meeting in order to repay the cash advance loan. These requests will be reviewed and approved by the Trial Court Budget Advisory Committee's working group.</p> <p><u>Page 2(d)</u></p> <p>c. Allocate to all courts after March 15 in January, 75 percent of any unexpended funds from the 2% state-level reserve, regardless of whether the Judicial Council has allocated to a court supplemental funding for an urgent need in the current fiscal year, using courts' current year Trial Court Trust Fund and General Fund base allocation.</p>

Government Code section 68502.6.

(a) If the cash balance of the Trial Court Trust Fund is insufficient to support trial court operations during the fiscal year, the Administrative Office of the Courts may transfer funds from any fund identified in subdivision (c) as a loan to the Trial Court Trust Fund. The total amount of outstanding loans shall not exceed one hundred fifty million dollars (\$150,000,000) at any time during the fiscal year. The Administrative Office of the Courts shall not authorize a loan pursuant to this section to provide cash resources to any court that has not first provided a balanced budget approved by the Judicial Council.

(b) The Administrative Office of the Courts may transfer funds from the Trial Court Trust Fund for the repayment of the loan described in subdivision (a). Interest shall not be charged or paid on any loan authorized pursuant to this section and all loans shall be repaid within two years from the date on which the loan originated. The authority to transfer funds provided by this section shall not interfere with the objectives for which the funds identified in subdivision (c) were created. This section shall not be construed to provide additional expenditure authority to the Trial Court Trust Fund.

(c) Moneys in the following funds shall be available for transfer to the Trial Court Trust Fund as a loan for cash flow purposes:

- (1) The State Court Facilities Construction Fund.
- (2) The Immediate and Critical Needs Account of the State Court Facilities Construction Fund.
- (3) The Judicial Branch Workers' Compensation Fund.

(d) For each loan executed pursuant to this section, the Administrative Office of the Courts shall, no later than August 30 of each year, report the following information to the Joint Legislative Budget Committee and the Department of Finance:

- (1) The date of the loan.
- (2) The amount loaned to each court.
- (3) The funding source of the loan.
- (4) The repayment date or proposed repayment date of the loan.

(Added by Stats. 2013, Ch. 31, Sec. 5. Effective June 27, 2013.)



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2014

Title	Agenda Item Type
Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	November 1, 2014
Recommended by	Date of Report
Task Force on Self-Represented Litigants Hon. Kathleen E. O'Leary, Chair	September 15, 2014
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Executive Summary

This is the final report of the Task Force on Self-Represented Litigants. This task force was charged by the council to implement the Statewide Action Plan for Serving Self-Represented Litigants (Action Plan) which was approved on February 27, 2004. This report identifies those recommendations in the Action Plan that have been put into place, those that remain to be done, and those that require ongoing education, technical assistance, research and evaluation. In accordance with the direction given by the Executive and Planning and Rules and Projects Committees the task force is recommending that the Advisory Committee on Providing Access and Fairness be directed by the council to be responsible for the ongoing implementation of the Action Plan and the remaining tasks of the Task Force on Self-Represented Litigants.

Recommendations

The Task Force on Self-Represented Litigants recommends that the Judicial Council receive and accept the task force's final report, and, effective November 1, 2014:

1. Direct that the Advisory Committee for Providing Access and Fairness be responsible for the following remaining tasks:

- a. Coordinate the statewide response to the needs of self-represented parties.
- b. Implement the Statewide Action Plan For Serving Self-Represented Litigants where appropriate and share information about model programs.
- c. Develop resources for services for self-represented litigants, particularly those activities in the statewide action plan that require significant funding.
- d. Make recommendations to the Judicial Council on funding for the court self-help centers and expansion of services.
- e. Make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented litigants.
- f. Promote effective caseload management and other court business office operations in cases involving self-represented litigants through research, and technical assistance to the courts.
- g. Provide education for judicial officers (including court-appointed temporary judges) and court staff in handling cases involving self-represented.

2. Direct that the Advisory Committee on Access and Fairness be responsible for the tasks assigned to the Task Force on Self-Represented Litigants by the council in response to the recommendations of the Elkins Family Law Implementation Task Force final report as follows:

- a. Promote increasing representation in family law through collaboration with the State Bar on limited scope and pro bono resources; and provide support and expertise to the programs instituted under the Sargent Shriver Civil Counsel Act(AB590 [Feuer]: Stats, ch. 457).¹
- b. Seek funding for the expansion of the court self-help centers, and provide education and technical assistance to the court self-help centers in legal substance and procedure, useful technology and efficient business practices, and make recommendations to the Judicial Council regarding updates to the *Guidelines for the Operation of Self-Help Centers in California Trial Courts*² as is required by CRC 10.960.³
- c. Seek to increase the availability of interpreters in family law both in the courtroom, and in other core services such as the business office operations, self-help centers and family court services.⁴
- d. Develop educational opportunities, information sharing, and technical assistance on the management of cases involving self-represented litigants, including the promotion of comprehensive settlement assistance for self-represented litigants in both motion and trial matters.⁵

¹ *Elkins Family Law Task Force, Final Report and Recommendations, April 2010*, Judicial Council of California, Recommendation III

² http://www.courts.ca.gov/documents/self_help_center_guidelines.pdf

³ *Elkins Report*. Recommendation III

⁴ Id

⁵ Id

- e. Continue empirical research necessary to assess demographics in the self-help centers, needs assessments, workload demands and the efficacy of court self-help strategies.⁶

Previous Council Action

On February 27, 2004, the Judicial Council adopted the recommendations set out in the *Statewide Action Plan for Serving Self-Represented Litigants*⁷. A task force was appointed and charged with implementing the recommendations contained in the Action Plan. Members of that Task Force on Self Represented Litigants have coordinated with advisory committees, courts and justice partners on statewide implementation efforts.

Implementation Efforts

A final report from the Task Force on Self-Represented Litigants is attached setting out detailed information about the implementation of the statewide Action Plan. (Attachment A, *Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants*.) Most of the recommendations have been implemented or initiated. Most notably, there are now court self-help centers in all of California's trial courts. However, most centers require expansion in scope and services. Other recommendations require ongoing education, technical assistance, research and evaluation. The final recommendations of the task force address the ongoing efforts that are needed to achieve the goals of the statewide Action Plan.

Rationale for Recommendation

Background and Methodology - The Task Force on Self-Represented Litigants

In May 2001, the Chief Justice named the Judicial Council's Task Force on Self-Represented Litigants. Responding to the growing number of self-represented litigants, the task force members were charged with the following mission:

1. To coordinate the statewide response to the needs of unrepresented parties;
2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
3. To develop resources for pro per services, particularly those activities in the statewide pro per action plan that require significant funding; and
4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for parties.

⁶ Id

⁷ <http://www.courts.ca.gov/partners/documents/selfreplitsrept.pdf>

The task force was chaired by Justice Kathleen E. O’Leary and was comprised of a diverse group of individuals from throughout the state representing the judiciary, bar, legal services, county government, court-based self-help center staff, law librarians, and the public.

The task force held its first meeting in September of 2001, and began work on creating a statewide action plan for assistance to self-represented litigants in the courts. In preparing this action plan, the task force analyzed 41 local action plans submitted by the courts. The task force also reviewed local court strategic plans that had been prepared as part of the community-focused strategic planning process initiated by the Judicial Council to improve public trust and confidence in the courts. The task force convened numerous subcommittee meetings by conference call on topics such as self-help centers, partnerships and technology. It contacted each of the Judicial Council Advisory groups to get their ideas and input for what measures the task force and the Judicial Council might undertake to serve the needs of self-represented litigants. The task force heard presentations by the Commission on Access to Justice and saw presentations of interactive systems designed to help litigants’ complete forms.

The Statewide Action Plan for Serving Self-Represented Litigants

Throughout the process of developing the action plan, the Task Force on Self-Represented Litigants consistently found a unity of interest between the courts and the public with respect to court-based assistance to self-represented litigants. What benefited one benefited the other. Thus, in order to increase access to justice for the public, and enhance the courts’ capacities for effectively handling cases involving self-represented litigants, the task force made three key findings:

1. Court-based, staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.
2. It is imperative for the efficient operation of today’s courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions.
3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

The Recommendations

In February of 2004, Judicial Council approved the *Statewide Action Plan for Serving Self-Represented Litigants* (Action Plan).⁸ The plan set forth the following eight recommendations:

⁸ id

1. Self-Help Centers

In order to expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state.

2. Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

3. Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

4. Judicial Branch Education

In order to increase the efficiency of the court and to minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

5. Public and Intergovernmental Education and outreach

Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

6. Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

7. Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required

8. Implementation of Statewide Action Plan

To provide for successful implementation of this statewide action plan, a smaller task force charged with the responsibility of overseeing implementation should be established.

The Task Force on Self-Represented Litigants – the Implementation Task Force

Upon approval by the Judicial Council of the Action Plan, a smaller Task Force on Self-Represented Litigants, also chaired by Justice O’Leary, was appointed to oversee implementation of the plan. For the last ten years, this task force has worked to help the courts adapt to this change in court population while working to assure that all Californians can seek justice through law.

There are now staffed, attorney supervised court self-help centers in all California trials courts, and stable funding for these centers has been established to support the court self-help centers. Integrated with the family law facilitators, these centers provide assistance in most areas of civil

litigation. Currently, over 1.2 million⁹ Californians seek assistance annually from the Family Law Facilitators and court-based Self-Help Centers. The majority of these Californians are trying to address fundamental concerns of family law, housing, and guardianship of children, interpersonal violence and consumer matters.

The Judicial Council has recognized court based self-help as a core function of court operations by adoption of rule 10.960 of the California Rules of Court. Guidelines for the operation of court self-help centers has been created that include matters related to services, staffing, operational design, and professional ethics.

The Task Force has also worked with the CJER Curriculum Committees to provide numerous trainings and materials for judges and court staff on handling cases involving self-represented litigants. In partnership with the State Bar of California, legal services, law librarians and many other justice system partners and community services agencies, a wide variety of helpful resources have been developed for the public.

As set forth in the attached report – much has been accomplished, but much more needs to be done to assist the courts and the people of the State of California.

Comments, Alternatives Considered, and Policy Implications

The Judicial Council's Executive and Planning and Rules and Projects Committees considered various alternatives as part of a comprehensive review of the governance, structure, and organization of the council's advisory groups, and the committees' recommendations were approved by the council. The task force recommendations are consistent with the council's directives with respect to integrating the Task Force on Self-Represented Litigants into the Advisory Committee for Providing Access and Fairness.

Implementation Requirements, Costs, and Operational Impacts

No new costs to the judicial branch will be incurred by adoption of these recommendations. The Advisory Committee on Providing Access and Fairness has already undertaken work on most of these remaining tasks.

Relevant Strategic Plan Goals and Operational Plan Objectives

Increasing the availability of counsel for self-represented litigants and supporting and expanding court-based assistance to self-represented litigants are consistent with Goal I (Access, Fairness, and Diversity). In particular these recommendation are consistent with Objective 2 (Identify and eliminate barriers to court access at all levels of service; ensure interactions with the court are understandable, convenient, and perceived as fair) and Objective 4 (Expand the availability of legal assistance, advice, and representation for litigants with limited financial resources.)

⁹ In calendar year 2010, requests for assistance from the family law facilitator/self-help centers was 1,230,797 - *Family Law Facilitator Electronic Database (FLFED) & quarterly reports from the Court Self-Help Centers.*

The recommendations related to empirical research and evaluation are consistent with Goal II (Independence and Accountability), in particular with objective 4 (Measure and regularly report branch performance—including branch progress toward infrastructure improvements to achieve benefits for the public.) The research recommendations are also consistent with Goal III (Modernization of Management and Administration), in particular Objective 2 (Evaluate and improve management techniques, allocation of funds, internal operations, and services; support the sharing of effective management practices branchwide.)

The recommendations related to ongoing education and technical assistance with processes and procedures in handling cases involving self-represented litigants is consistent with Goal III (Modernization of Management and Administration), in particular Objective 5 (Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.) The recommendations are also consistent with Goal IV (Quality of Justice and Service to the Public), in particular Objective 1b (Practices, procedures, and service programs to improve timeliness, quality of service, customer satisfaction, and procedural fairness in all courts—particularly high-volume Courts); Objective 1c (Improved safety, permanency, and fairness outcomes for children and families); and Objective 1f (Improved practices and procedures to ensure fair, expeditious, and accessible administration of justice for litigants in domestic violence cases.)

Attachments

Attachment A - Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants

TASK FORCE ON SELF-REPRESENTED LITIGANTS

Implementation Task Force: Final Report

October 2014

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Implementation Efforts

I. Staffed Court Self-Help Centers Throughout The State.

- A. Recognizing assistance to self-represented litigants (SRLs) as a core court function.
- B. Providing competent attorney-supervised staff in court self-help centers
- C. Initial assessment of SRL cases
- D. Court self-help centers as focal points for countywide or regional collaboration
- E. Providing SRL assistance throughout the flow of a case, including judgments
- F. Administrative integration of court self-help centers within one county or region

II. State Level Support For Self-Help Services

- A. Judicial Council Resource library for the Court Self-Help Centers
- B. Technical assistance for courts on implementation of their Self-Help Centers
- C. Centralized attorney help-line for Court Self-Help Center staff
- D. Statewide central clearinghouse for translations of materials
- E. Expansion of California Courts Online Self-Help Center.
- F. Simplification of Judicial Council forms and instructions.
- G. Technical assistance for courts in the development self-help technology
- H. Support for increased availability of representation
- I. Collaboration with the State Bar on access to justice for SRLs
- J. Technical assistance for courts collaborative justice strategies for SRLs.

III. Allocation Of Existing Resources

- A. Support for cases involving high percentages of SRLs
- B. Planning processes for handling SRL cases

IV. Judicial Branch Education

- A. A formal curriculum and education programs
- B. Specialized education to court clerks
- C. Judicial ethical issues when handling SRL cases

V. Community Education And Outreach Programs

- A. Materials for the public explaining the judicial system processes
- B. Provide information to legislators about services available to SRLs
- C. Exchange of information with appropriate governmental and community groups
- D. Working with the State Bar of California and other statewide entities on public outreach efforts.
- E. Reaching out locally to existing programs that serve self-represented litigants

VI. Courthouse Facilities

- A. Include space for the self-help centers in court facility planning
- B. Sufficient space in clerks' offices for the public to work
- C. Sufficient space near the courtrooms for settlement discussions
- D. Children's waiting rooms
- E. General Information stations near courthouse entrances
- F. Maps and signage in several languages

VII. Stable Funding Strategies for Court Self-Help Center

- A. Funding to expand existing programs
- B. Identify and collect data to support the self-help centers
- C. Develop standardized methodologies to measure the impact of self-help efforts
- D. Establish uniform standards for self-help centers
- E. Support efforts of the courts to seek supplemental public funding
- F. Support coordination of local efforts among programs
- G. Offer technical assistance with grant applications and other funding efforts

VIII. Establish an Implementation Task Force for the Statewide Action Plan

- A. Consultation with a broad range of subject matter experts
- B. Seeking input from non-implementation task force individuals

Conclusion

Task Force on Self-Represented Litigants: Final Report

Introduction

Civil litigation is changing in America. The majority of people coming to court in civil cases now stand before the court on their own, without an attorney by their side. For the last ten years, the Judicial Council's Task Force on Self-Represented Litigants has worked to help the courts adapt to this change in court population while working to assure that all Californians can seek justice through law.

The growth in the numbers of self-represented litigants (SRLs) has been well documented in numerous reports at the local, state and national levels over the last 15 years. California has been recognized internationally as a leader in responding to this change. Currently, over 1.2 million¹ Californians seek assistance annually from the Family Law Facilitators and court-based Self-Help Centers. The majority of these Californians are trying to address fundamental concerns of family law, housing, guardianship of children, interpersonal violence and consumer matters.

Approximately 75% of those seeking help in court self-help programs report that they are employed. However, 81% of those employed litigants report earning under \$3,000 per month in contrast to the average Californian who earns approximately \$4,000 per month. Comparing those wages to the average cost of family law attorneys, for example, who reported charging an average of \$330 per hour with an initial retainer of \$5575², it is not too surprising that there is a high rate of self-representation.

This trend is unlikely to change as Bureau of Labor Statistics projections³ indicate that the largest number of job openings over the next 10 years will be in primarily low-wage occupations, such as retail salespersons, food preparation and service workers, and cashiers. Similarly, the increasing complexity of the law leads to increasingly high attorney fees. Thus, representation by an attorney throughout a case has become out of reach for most civil litigants

While the lack of legal representation is clearly an enormous barrier for the public, it also creates a structural gap for the courts. Court operational systems, in accord with traditional adversarial jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have had attorneys to represent them. In today's litigation world where the majority of litigants are not represented, the operational components required to accomplish effective court

¹ In calendar year 2010, requests for assistance from the family law facilitator/self-help centers was 1,230,797 - *Family Law Facilitator Electronic Database (FLFED) & quarterly reports from the Court Self-Help Centers.*

² *Elkins Family Law Task Force Final Report and Recommendations, April 2010*
www.courts.ca.gov/documents/elkins-finalreport.pdf,

³ US Department of Labor, US Bureau of Labor Statistics, Occupational Employment Statistics program. *Employment Projections: 2012–2022, Table 8. Occupations with the largest projected number of job openings due to growth and replacement needs, 2012 and projected 2022*, updated December 19, 2013.

management have changed. Managing cases involving self-represented litigants is a daily business event at every level of court operations—from filing through calendaring, records management, and courtroom hearings. The pressing need for effective caseload management of cases involving self-represented litigants is intensified by periods of fiscal austerity. In order to enhance the court's ability to efficiently handle its civil caseload, robust court-based assistance to self-represented litigants has become a critical case management component, and a core function of a modern court.

Background

Growth of Self-Represented Civil Litigation

The size of the growth of the self-represented litigants (SRLs) over the last 30 years in civil litigation has been remarkable. There is no reliable aggregate data on the actual size of the SRL population in the American courts; however, local data combined with empirical observations has been available. Family law was the first area of unlimited civil to be seriously challenged by the growth in the numbers of SRLs, and it has been a harbinger for the future.

In Arizona, for example, the rate of family law cases in which at least one party was without counsel doubled in five years from 24 percent in 1980 to 47 percent in 1985.⁴ By 1990, this rate had grown to 88 percent.⁵ By the mid-1990s, in Washington state, the rate of family law cases in which at least one party was unrepresented had reached 77 percent,⁶ in Massachusetts it was 80 percent,⁷ and in Oregon it was 89 percent.⁸ In California, during the 1980s, the percent of family law cases in which at least one party was unrepresented grew from 30 percent to 67 percent,⁹ and continued to grow throughout the 1990s. In San Diego County, for example, the number of divorce filings involving at least one SRL rose from 46 percent in 1992 to 77 percent in 2000. A review of case files involving child support issues conducted by the California Judicial Council between 1995 and 1997 showed that at least one party was unrepresented in 84 percent of the cases.¹⁰ Two years later in 1999, in a similar study of case files, the SRL rate had increased to

⁴ Steven R. Cox & Mark Dwyer, *A Report on Self-Help Law: Its Many Perspectives* 50 (n.d.) (unpublished report, on file with the authors) (sponsored by the ABA Special Committee on the Delivery of Legal Services but not formally endorsed by the ABA.) cited in Russell Engler, *And Justice For All – Including the Unrepresented poor: Revising the Roles of Judges, Mediators, and Clerks*, 67 *FORDHAM L. REV.* 1987 (1999)

⁵ Bruce Sales, et. al., *Is Self-Representation a Reasonable Alternative to Attorney Representation in Divorce Cases?* 37 *ST. LOUIS U. L.J.* 553, 571 n.82 (1992), as cited in Russell Engler, *supra* at Note 4.

⁶ Erin M. Moore, *THE COST OF DIVORCE: PRO SE LITIGANTS FLOOD FAMILY LAW COURTS*, DeNovo, May 1995, as cited in Russell Engler, *supra* at Note 4.

⁷ Russell Engler, *supra* at Note 4. p. 2047 n.263

⁸ Maureen McKnight, *Dealing with the Unrepresented Opponent* (1996) (unpublished manuscript) (prepared for the Oregon Family Law Conference 1996, on file with author), as cited in Russell Engler, *supra* at Note 4.

⁹ Deborah L. Rhode, *The Delivery of Legal Services by Non-Lawyers*, 4 *GEO. J. LEGAL ETHICS* 209, 214-215 (1990) as cited in Russell Engler, *supra* at Note 4.

¹⁰ *Review of Statewide Uniform Child Support Guideline, 1998*, Judicial Council of California at page ES-5 <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/suppguide.pdf>

89 percent.¹¹ In a 2003 survey of SRL assistance plans submitted by local trial courts to the Judicial Council, estimates of the SRL rate in family law from the larger counties (with over fifty judicial positions), was 72 percent.¹² By the time of the 2003 survey, California courts were also citing high percentages of SRLs in other areas of civil litigation as well.¹³ The average estimate of the SRL rate in unlawful detainers was 34% (if landlords were excluded, the rate rose to about 90%). The mean in probate was 22% with some courts reporting rates over 50%. Some courts estimated the rate of SRLs appearing in other types of civil litigations as high as 50%.

National judicial organizations were also addressing similar issues. For example, attendees at the 1996 National Conference of the Future of the Judiciary identified open access to the justice system as one of the top five issues facing today's courts. In 1999, the National Conference on Public Trust and Confidence in the Courts ranked the cost of accessing the courts as the second most pressing issue affecting public trust and confidence in the justice system.¹⁴ In 2001, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) formed a joint task force on *pro se* litigation. In its 2002 report, this group stressed the need for courts to design processes that work well for cases involving self-represented litigants, and to take an affirmative role in responding to their needs.¹⁵

Early Court Planning

Between 1997 and 2001, proactive work was underway locally in the California courts with respect to cases involving SRLs, and these projects were feeding data on needs assessments to the Judicial Council. In addition to existing small claims advisors, courts such as the Superior Court of Ventura County had begun to experiment with implementation of court based self-help centers.¹⁶ There were also two pilot Family Law Facilitator Programs in the Superior Courts of Santa Clara and San Mateo.¹⁷

In 1996 the legislature passed AB1058 which became the Family law Facilitator Act.¹⁸ This legislation provided for court-based attorneys to provide neutral, educational assistance for SRLs in child support matters. The Family Law Facilitator programs were largely implemented by the end of 1997 and were beginning to provide a clear window into the type of court operations that

¹¹ Id. at p. 39

¹² Deborah J. Chase & Bonnie Rose Hough, A REPORT AND ANALYSIS OF ACTION PLANS THROUGHOUT CALIFORNIA: INTEGRATING SERVICES FOR SELF-REPRESENTED LITIGANTS INTO THE COURT SYSTEM. (June 2003) (report created for the State Justice Institute)(hereinafter called PRO SE ACTION PLANS)

¹³ Id

¹⁴ *National Action Plan: A Guide for State and National Organizations*, National Center for State Courts, 2000, found at: <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctcomm/id/20>

¹⁵ [Final Report on the Joint Task Force on Pro Se Litigation.](#) (July 2002). *Conference of Chief Justices and Conference of State Court Administrators at:*

<http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/TaskForceReportJuly2002.ashx>

¹⁶ Description of California's Programs for Self-Represented Litigants, Bonnie Hough prepared for International Legal Aid Group, available as Appendix 2, Statewide Action Plan for Serving Self-Represented Litigants.

¹⁷ The pilot projects were created by Family Code sections 20000 - 20043

¹⁸ Family Code §10000 et.seq.

were needed to effectively manage these cases. The sheer volume of SRLs seeking assistance from the Family Law Facilitators was stunning. Even with the limitation that cases must involve child support, these early Family Law Facilitators were seeing approximately half a million litigants per year statewide.¹⁹

In 1999, the American Judicature Society held a National Conference on Self-Represented Litigants Appearing in Court, sponsored by the State Justice Institute. Chief Justice Ronald M. George appointed a team from California to attend the conference. The team developed a draft action plan that resulted in four regional conferences in California designed to kick off state and local planning for court-based programs to assist SRLs. Over 600 stakeholders participated in these conferences and 55 of California's 58 local courts participated in this planning process.²⁰

The Task Force on Self-Represented Litigants

In May, 2001, the Chief Justice named the Judicial Council's Task Force on Self-Represented Litigants. Responding to the growing number of self-represented litigants, the task force members were charged with the following mission:

1. To coordinate the statewide response to the needs of unrepresented parties;
2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
3. To develop resources for pro per services, particularly those activities in the statewide pro per action plan that require significant funding; and
4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for parties.²¹

The task force was chaired by Justice Kathleen E. O'Leary and was comprised of a diverse group of individuals from throughout the state representing the judiciary, bar, legal services, county government, court-based self-help center staff, law librarians, and the public.

Statewide Action Plan for Service Self-Represented Litigants

The task force held its first meeting in September of 2001, and began work on creating a statewide action plan for assistance to self-represented litigants in the courts.

In preparing this action plan, the Task Force on Self-Represented Litigants analyzed 41 local action plans submitted by the courts. The task force also reviewed local court strategic plans that

¹⁹ *California's Family Law Facilitator Program, A New Paradigm for the Courts*, Journal of the Center for Families, Children & the Courts, Volume 2, 2000 pp 61-97.

²⁰ *A Report and Analysis of Action Plans Throughout California: Integrating services for Self-Represented litigants into the court system*, Administrative Office of the Courts, 2003.

²¹ *Statewide Action Plan for Serving Self-Represented Litigants*, 2004, Judicial Council of California

had been prepared as part of the community-focused strategic planning process initiated by Chief Justice George to improve public trust and confidence in the courts. The task force convened numerous subcommittee meetings by conference call on topics such as self-help centers, partnerships and technology. It contacted each of the Judicial Council Advisory groups to get their ideas and input for what measures the task force and the Judicial Council might undertake to serve the needs of self-represented litigants. The task force heard presentations by the Commission on Access to Justice and saw presentations of interactive systems designed to help litigants complete forms.

Throughout the process of developing the action plan, the task force consistently found a unity of interest between the courts and the public with respect to court-based assistance to self-represented litigants. What benefited one benefited the other. The task force believed that by directly confronting the enormity of litigation involving self-represented litigants, courts could improve the quality of their service to the public and reduce the time and cost of service delivery. Thus, in order to increase access to justice for the public, and enhance the courts' capacities for effectively handling SRL cases, the task force made three key findings:

Key Findings

1. Court-based, staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.
2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions.
3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

The Recommendations

In February of 2004, Judicial Council approved the *Statewide Action Plan for Serving Self-Represented Litigants* (Action Plan).²²

The plan set forth the following eight recommendations:

1. Self-Help Centers

²² id

In order to expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state.

2. Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

3. Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

4. Judicial Branch Education

In order to increase the efficiency of the court and to minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

5. Public and Intergovernmental Education and Outreach

Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

6. Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

7. Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required.

8. Implementation of Statewide Action Plan

To provide for successful implementation of this statewide action plan, a smaller task force charged with the responsibility of overseeing implementation should be established.

Implementation Task Force

Upon approval by the Judicial Council of the Action Plan, a smaller Task Force on Self-Represented Litigants, also chaired by Justice O’Leary, was appointed to oversee implementation of the plan.

Implementation Efforts

Recommendation I. Self-Help Centers

In order to expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state.

Background

The remarkably high volume of SRL cases, many with complex issues, was resulting in large numbers of pretrial hearings, delays and backlogs in dispositions, and increasingly high inventories for many judges. The inability of SRLs to understand and navigate the justice system unassisted was posing a number of challenges for the public and the court. For example, conflicting appearance schedules or requirements to appear too frequently were resulting in unnecessary scheduling of court time and resources, and problems for litigants with significant time off from work. Cases were not being coordinated, or hearings and trials repeatedly continued, so that some aspects of a dispute were being adjudicated more than once, sometimes by more than one court. Inadequate paperwork from SRLs was increasing continuances (or dismissals), and cases were not reaching completion in a timely manner, or even at all. Judicial officers were reporting that difficulty getting critical information was interfering with their ability to make comprehensive, fully informed decisions, or compromising the safety of family members and court staff. There were often no written orders in court files and the court was unable to track compliance with its orders. The business office staff was presented with a myriad of legal questions that they often could not answer. Lines at filing windows were long and business offices crowded with people asking questions and repeatedly submitting and re-submitting paperwork as they attempted to complete it accurately enough to get it filed. In the courtrooms, judges were often taking significant court time that would otherwise be available to hear cases, to educate SRLs about court procedure.

In order to facilitate the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers were needed throughout the state.

Implementation

- Currently there is court-based assistance to SRLs available throughout the California state trial court system. These court Self-Help Centers address family law, unlawful detainer, probate guardianships and conservatorships, property issues such as foreclosures, small claims matters, domestic violence and other restraining order issues, and a myriad of other civil matters including consumer debt defense and collection, and

even criminal expungements. Since 2007, the Judicial Council has provided ongoing dedicated funding to operate court self-help centers statewide and local courts have made significant funding contributions from their own budgets.

- These court self-help centers have built on leadership from the following:
 - Small Claims Advisors – Created in 1978, advisors, who are not always attorneys, provide free assistance in small claims matters including “individual personal advisory services, in person or by telephone, and by any other means reasonably calculated to provide timely and appropriate assistance” regarding preparation of small claims court filings, procedures, including procedures related to the conduct of the hearing, and information on the collection of small claims court judgments.²³
 - Family Law Facilitators – Family Law Facilitators have been available in California trial courts since 1997. These experienced attorneys developed creative ways to provide substantial neutral information to SRLs with child support matters and many courts supplemented the title IV-D funds to allow services in all family law cases.
 - Equal Access Fund – Partnership Grants – Beginning in 1999, the legislature has provided funding to the Judicial Council designated for nonprofit legal aid providers to operate self-help centers in collaboration with local courts. These partnerships are designed to help local courts respond to the growing numbers of self-represented litigants in a variety of civil litigation case types.
 - Family Law Information Centers – Established in 1999, the Family Law Information Centers provided funding to expand the facilitator program to allow court-based assistance covering all issues related to family law cases.
 - Model Self-Help Projects – Beginning in 2002, there have been Model Self-Help Centers in five Superior Courts- San Francisco, Fresno, Butte, Los Angeles and Contra Costa - each focusing on a specific issue. San Francisco focused on providing multilingual services, Fresno on Spanish assistance. Los Angeles and Butte both focused on collaborative work – Los Angeles on urban collaboration among many service providers, and Butte on regional collaboration among rural courts. Contra Costa focused on technology.

²³ Cal. Code Civ. Proc., Section 116.940

- Early local court self-help centers in the following superior courts among others:
 - Santa Clara and San Mateo Pilot Facilitator programs
 - Santa Clara Self-Service Center
 - Ventura Self-Help Center
 - Nevada County Public Law Center

Current Status

The foundation for this recommendation has been laid by the implementation and operation of the programs set out above. Those programs are ongoing. However, the courts have estimated in a 2007 survey conducted by the Judicial Council, that to fully meet the needs of the court and the public, an ongoing operating statewide budget for the court self-help center would be \$44,404,373. Current funding has reached approximately one quarter of this goal at \$11,200,000.²⁴

A. The Judicial Council should continue to recognize self-help services as a core function of the trial courts and identify these services consistently in the budgetary process.

Background:

The Judicial Council should include self-help services as a core court function in the trial court budget process. Assistance for self-represented litigants and the efficient processing of cases involving self-represented litigants should be identified as core operational processes of the court that directly affect its ability to achieve its mission, and appropriate funding should be provided. Budget request forms developed by the Judicial Council should reflect that these services are integral to the function of the court.

Implementation:

- Effective January 1, 2008, the Judicial Council adopted California Rule of Court 10.960 identifying court-based assistance to SRLs as a core court function.
- Under CRC 10.960, each court must include in its annual budget funding necessary for operation of its self-help center.
- The Resource Assessment Study, which forms the foundation for the Workload Allocation Funding Model, captures the full range of services provided by self-help centers to estimate staffing needs.

Current Status:

This recommendation has been largely completed, but additional funding is needed.

²⁴ The list of centers and the services they provide is posted on the home page of the California Courts on-line Self Help Center: www.courts.ca.gov/selfhelp.

B. Courts should use court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public.

Background:

The accuracy and completeness of the information provided to the public by the court was an issue raised with the task force. There was concern that some locations were simply putting out brochures and identifying them as self-help or that staff being assigned to the self-help centers might not be trained or qualified to answer the types of questions posed by SRLs, and that those services would not be helpful for either the court or the public. The level of information and education provided by self-help center staff distinguishes that role from the role normally played by a court clerk or other court staff. The practical information required to run a successful court self-help center requires knowledge and experience in the areas of law covered. Self-help center staff must be able to understand the procedural complexities of a case from beginning to end.

There were also concerns expressed to the task force about ethical issues, primarily maintaining the court's neutrality and appearance of neutrality. This frequently arose in the context of various collaborations between the court and legal services when the legal service agency would only serve one side of a case, such as in domestic violence or unlawful detainer. There was a need to develop standards for providing legal education to the public from a neutral position.

Other concerns arose about the use of volunteers in the self-help centers. These often centered on the critical need for competence of everyone who volunteered and the issue of attorneys generating private clients from the self-help centers users.

The task force wanted to build on the expectation of well-trained staff as set forth in the Family Law Facilitator Act²⁵ which requires the facilitator to be an active member of the California State Bar with litigation or mediation experience in family law. As required by the statute²⁶, the Judicial Council adopted additional rules regarding facilitators in 2000²⁷ which included a requirement that facilitators have at least five years of experience as a practicing attorney including substantial family law practice including litigation and/or mediation.

Implementation:

- In 2008, the Judicial Council adopted California Rule of Court 10.960. This provides that all court self-help centers must be staffed and attorney supervised.

²⁵ Family Code 10002

²⁶ Family Code 10010

²⁷ Initially CRC 1208, now rule 5.430.

- The yearly contracts between the courts and the AOC contain a requirement that the courts submit a budget that allocates at least 80% of funding to pay for staffing costs.
- The *Guidelines for the Operation of Self-Help Centers in California Trials Courts* (SHC *Guidelines*), issued by the Administrative Office of the Courts in 2008 and reaffirmed in 2011, set out staffing criteria for the court self-help centers that includes the following:
 - Staff must be present when the court self-help center is open to the public (Guideline 20)
 - A self-help attorney must oversee the legal work of nonattorney staff who provide direct legal information (Guideline 21)
 - A managing attorney should be working on self-help center business during the times that it provides services to the public. (Guideline 24)
 - A managing attorney must be an active member of the State Bar, and have experience in the areas of law covered by the self-help center for a minimum of 5 of the last 7 years in practice (Guideline 25)
 - Training and experience criteria are set out for other self-help center staff (Guidelines 28, 31, 34)
- The SHC *Guidelines* also sets out a set of ethical standards that builds on Appendix C to the California Rules of Court²⁸. (Guidelines 43 – 44).

Current Status:

This recommendation has been largely completed. Attorney supervised, staffed self-help centers are standard operating practices in California trial courts. They have proven remarkably successful. Additional funding is required.

C. Self Help Centers should conduct initial assessment of a litigant’s needs (triage) to save time and money for the court and parties

Background

Concerns were raised regarding the accuracy and completeness of legal documents prepared by self-represented litigants. Frequently, problems were only discovered when the litigants reached the courtroom, only to find the case could not move forward. Initial diagnostic

²⁸ Appendix C is entitled “*Guidelines for the Operation of Family Law Information Centers and Family Law Facilitators Offices*”

assessment of the actual legal needs of the self-help center user is important to avoid these problems. This requires the ability to review a case file, spot relevant issues, and identify options.

It was also clear that there were cases where it simply was not appropriate for a litigant to try to represent him or herself and that it was most helpful to let the litigant know of the complexity of the case and make appropriate referrals to the bar and legal services that could provide representation.

Implementation:

- The commentary to SHC *Guideline* 15 identifies interview and assessment (triage) as a core service of a self-help center. Most self-help centers have a triage process in place.
- Three courts (Orange, Placer and Sacramento) are using an electronic sorting system in the clerk's office that can sort court waiting users by case type and eliminate the need for standing in line.
- SHC *Guideline* 8 requires a self-help center to maintain a current and complete referral list and develop referral protocols with all appropriate community-based organizations and lawyer referral services to ensure efficient and effective referral of matters where counsel is necessary.
- SHC *Guideline* 11 states that when a litigant cannot be effectively assisted in the court self-help center, prompt referral to appropriate legal assistance should be made whenever possible.
- SHC *Guideline* 12 prohibits self-help centers from providing assistance on any issue on which a litigant is actively represented by an attorney. The center should develop a written protocol to avoid providing service to litigants who are currently represented by an attorney on that issue.
- Conferences and training sessions are jointly sponsored by the Judicial Council, State Bar and Legal Association of California to allow for cross-training and development of referral protocols.
- The Judicial Council administers the Sargent Shriver Civil Representation Pilot Program to provide representation in case types where one side is traditionally represented and the other side not. These partnerships between the courts and legal services are evaluating the impact of providing counsel not only for the litigants, but for the court and society at large.

Current Status:

This recommendation is ongoing as the needs of the public, available resources, and the law, change. Self-help centers are always reviewing and restructuring their legal assessment procedures.

D. Court-based self-help centers serve as focal points for countywide or regional programs for assisting self-represented litigants in collaboration with qualified legal services, local bar associations, law libraries, and other community stakeholders

Background:

The task force recognized that many of the litigants seeking services from the court need a wide variety of services. Strong collaborative efforts between the court self-help centers and other governmental or community based agencies are critical to help the public address their legal needs in a comprehensive manner. Support for staffing, facilities, and other needs can also be obtained through partnership agreements with nonprofit programs, local bars, law schools, law libraries and others.

Implementation:

- Ongoing Equal Access Partnership Grant programs are collaborations between the court and legal services for services to self-represented litigants. Projects have been developed throughout the state serving a wide variety of needs.
- Starting in 2004, in Los Angeles, the Justice Corps program was created to bring together colleges and universities with the court to place students in the court self-help centers to assist litigants. As a part of AmeriCorps, the Justice Corps students gain valuable education about the justice system while providing the court and the public with assistance in the self-help centers. The program has expanded from Los Angeles to the Superior Courts of San Diego, Alameda, San Francisco, San Mateo, and Santa Clara. JusticeCorps works in collaboration with the University of California, California State Universities, private colleges, and community service providers.
- The following are examples of legal aid agencies working with court self-help centers:
 - Alameda County Bar Volunteer Legal Services
 - Asian-Pacific Islander Legal Outreach
 - Bay Area Legal Aid
 - Bet Tzedek Legal Services
 - California Rural Legal Assistance
 - Central California Legal Services
 - Community Legal Services of East Palo Alto
 - Contra Costa Senior Legal Services
 - East Bay Community Law Center

- Elder Law and Advocacy
 - Family Violence Law Center
 - Greater Bakersfield Legal Assistance
 - Inland Counties Legal Services
 - Inland Empire Latino Lawyers Association
 - Justice and Diversity Center
 - Law Foundation of Silicon Valley
 - Legal Aid Foundation of Los Angeles
 - Legal Aid Foundation of Santa Barbara
 - Legal Aid of Marin
 - Legal Aid Society of Napa County
 - Legal Aid of Sonoma County
 - Legal Aid Society of Orange County
 - Legal Aid Society of San Diego
 - Legal Assistance for Seniors
 - Legal Services of Northern California
 - Los Angeles Center for Law and Justice
 - Los Angeles County Bar Association Projects
 - Neighborhood Legal Services of Los Angeles
 - Pro Bono Project Silicon Valley
 - Public Counsel
 - Public Law Center
 - San Diego Volunteer Lawyer Project
 - Watsonville Law Center
- The following are examples of colleges and universities working with court self-help centers:
 - University of California, Hastings College of the Law
 - University of San Francisco Law School
 - Golden Gate School of Law
 - Berkeley Law
 - University of California at Irvine
 - Cal State Western Law School
 - Whittier Law School
 - Chapman University, School of Law
 - Santa Clara Law School
 - University of California at Los Angeles
 - California State University
 - Thomas Jefferson School of Law
 - McGeorge School of Law
 - Sonoma State University

- The following are examples of other collaborative partners that have worked with court self-help centers
 - Better Business Bureau
 - YMCA/YWCA
 - Supervised visitation services
 - Domestic violence services
 - Community agencies such as La Raza Centro Legal
 - Law libraries

- Many collaborative programs were recognized with Kleps awards for their creativity and cost-effectiveness:
 - The SHARP model self-help program is a regional collaboration between Butte, Lake and Tehama courts²⁹
 - The Calaveras Superior Court developed their self-help center by building close community partnerships.³⁰
 - The Los Angeles model self-help program is an urban collaboration that includes the court and several legal services providers. It also initiated the Justice Corps project.³¹
 - The San Francisco ACCESS Center works in collaboration with local legal services to provide multilingual services to SRLs.³²
 - The Nevada self-help center involves close collaboration between the court and the law library.³³
 - The superior courts of Monterey, San Benito, Santa Clara, and Santa Cruz partnered with law libraries to provide services.³⁴
 - The Siskiyou Court developed highly graphic and culturally sensitive self-help instructional guides in close collaboration with their tribal community.³⁵
 - The Yolo Court developed a guardianship project to assist self-represented litigants and connect them with resources.³⁶

²⁹ [SHARP Center](#), Superior Courts of Butte, Glenn, and Tehama Counties (2004-2005)

³⁰ [Community Legal Assistance Center](#), Superior Court of Calaveras County (2004-2005)

³¹ [JusticeCorps](#), Superior Court of Los Angeles County (2006-2007)

³² [ACCESS Center](#), Superior Court of San Francisco County (2004-2005)

³³ Nevada Public Law Center – Kleps Award http://wpc.1a57.edgecastcdn.net/001A57/cfcc/kleps/13_hi.mp4

³⁴ [Regional Court and Library Partnership](#)

Superior Courts of Monterey, San Benito, Santa Clara, and Santa Cruz Counties (2006-2007)

³⁵ Siskiyou County – Visual Guide to the Courts: <http://www.courts.ca.gov/2268.htm>

- The Court of Appeal for the Second District developed the first appellate self-help program in the country in collaboration with legal aid and pro bono attorneys.³⁷
 - The Ventura Court’s self help center worked with local Spanish language radio stations to provide a Spanish language legal “Tip of the Day.”³⁸
 - The Imperial Court partnered with the Mexican Consulate, Mexican law students and the court in Calexico, Mexico to provide expanded self-help services.³⁹
- *SHC Guideline 7* states that in order to maximize services, court self-help centers should collaborate with existing courthouse programs. Referral and coordination plan templates were developed for trainings for self-help center staff to assist in developing these collaborations.⁴⁰
 - *SHC Guideline 36* states that if a self-help center uses volunteers, protocols should be developed to provide for their screening and training. Self-help center staff attorneys must provide oversight of volunteers, and their work should routinely be evaluated by the managing attorney.
 - Self-help programs often develop partnerships with community mediation services. For example, the Superior Court of Sonoma County partners with a community mediation provider to attend family court and help SRLs reach agreement on the division of small items of personal property.
 - The San Francisco ACCESS self-help center collaborates with a number of community cultural groups to provide assistance in several different languages.
 - Pilot projects were developed in Sacramento, Stanislaus, Monterey and San Francisco to provide mediation services and information for litigants with civil cases who had limited English proficiency. Informational videos were developed that explained the process. These have been posted on the California Courts website.⁴¹ Specialized training was offered for mediators on handling cases with self-represented litigants and partnerships developed by the courts with local mediation services.

³⁶ Yolo County – Guardianship Facilitation and Outreach - <http://www.courts.ca.gov/2251.htm>

³⁷ Appellate Self Help Clinic <http://www.courts.ca.gov/2293.htm>

³⁸ [Tip of the Day](#), Superior Court of Ventura County (2003)

³⁹ [Binational Justice Project](#), Superior Court of Imperial County (2008-2009)

⁴⁰ [Collaborations with Legal Services / Bar Associations](#) and [Developing and Maintaining Court/Community Partnerships to Better Serve the Pro Se Litigant](#)

⁴¹ <http://www.courts.ca.gov/20614.htm>

- Trainings were offered on how to use volunteers in court programs and worksheets were developed on how best to use volunteers.⁴²
 - In many counties including Marin, Sacramento, San Diego and Sonoma, attorneys volunteer to assist litigants to settle their cases at the time of hearings or at the family law case management calendars.
 - Many courts have partnered with local law schools to provide internship opportunities in self-help centers.

Current Status:

This recommendation is ongoing. The relationships built in these efforts have proven to be helpful to the court and the community.

E. Self Help centers should provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders

Background:

Just as SRLs need assistance to initiate cases and motions, they need assistance to finish them. The management of complex civil cases has historically been the job of attorneys. Without attorneys, this task falls upon the court. Leaving it to the SRL to complete without assistance is not workable for anyone. SRLs do not know how to manage caseflow. In family law, significant numbers of SRL cases can linger on for years without final judgment because the parties do not understand they have more court tasks to perform subsequent to filing. Litigants who have default or uncontested matters simply do not know how to move forward to judgment. Some remarry in the mistaken belief their case has been finalized by the court.

Similarly, many litigants do not understand what the orders in their case mean, how to enforce or comply with them. Without this information, SRLs can become frustrated with the process or unintentionally violate orders.

Implementation:

- Many local courts implemented family law caseflow management procedures using the attorneys and staff of their self-help centers. For example, in San Diego, attorneys from the family law facilitator's office see all SRLs scheduled for status conferences, and assist them to complete whatever task will move their cases to the next best step possible in the process. In Orange County, the attorneys from the family law facilitator's office conduct procedural assistance calendars that provide service that mirrors the San Diego status conferences. The development of these local programs continues throughout the state.

⁴² *Using Volunteers: Worksheet for Developing Plan* found at www.courts.ca.gov/partners/documents/volws.pdf

- The SRL Task Force worked in collaboration with the Elkins Family Law Task Force and the Elkins Implementation Task Force on issues related to SRL cases. As a result of the Elkins recommendations, the following occurred:
 - In August 2010, shortly after the appointment of the Implementation Task Force, the Legislature passed Assembly Bill 939 (Committee on Judiciary; Stats. 2010, ch. 352), which modified Family Code sections 2450–2451 to eliminate the requirement of a stipulation by the parties to allow the courts to provide case management services. As a result of this legislation, family law judges now have the same authority as other civil judges to organize the progress of family law cases as they proceed through the court process and help the families reach a timely resolution.
 - The legislation also required the Judicial Council to adopt a rule of court implementing family law caseload management, now called family centered case resolution, by January 1, 2012. In response, the Judicial Council adopted rule 5.83 of the California Rules of Court, which provides the framework within which courts can design their own procedures to actively manage their family law caseloads.
- Most of California’s trial courts are providing substantial help to SRLs to complete their cases, and mainly through integration and expansion of the self-help center into the family law case flow management procedures that are being implemented under CRC 5.83. For example, self-help centers in San Diego, Orange, Fresno, Santa Clara, Sonoma and Contra Costa take an active role in caseload management.
- Most self-help centers assist in preparing written orders after hearings, and may provide service directly in the courtrooms to answer questions, conduct settlement discussions, and help the litigants narrow issues for hearing
- Greater Bakersfield Legal Assistance prepares orders after hearing at the Kern Superior Court as part of an Equal Access Partnership Grant. They have developed a video demonstrating the importance of having written orders after hearing and instructions on how to prepare them.
- Courts have also explored providing assistance to help SRLs understand the orders made in other types of cases. An example of one Kleps Award winning program to help litigants understand how to comply with traffic orders was

developed by the Fresno County Superior Court and is called: ACTION (After Criminal Traffic Infraction One-Stop Network) Center.⁴³

- California Rule of Court 5.125 was adopted to provide a consistent approach and deadlines for preparing orders after hearing in family law cases.

Current Status:

Practices and procedures to provide assistance throughout the life of the case are currently being developed throughout the state in family law. However, the assessment of case management of other civil cases needs to be explored and assistance needs to be provided in understanding, complying with and enforcing orders and judgments once issued.

F. Administrative integration of self-help centers should be integrated within a county or region to the greatest extent possible.

Background:

Self help centers are funded through a variety of sources. Without administrative creativity, this can result in “siloeing” of programs which result in ineffective services for the public and the courts. For example, family law facilitators are funded through federal Title IVD child support enforcement dollars which are matched by state funds. This reimbursement is limited to matters involving child support, spousal support enforcement, and health insurance. It does not cover assistance with custody, visitation, divorce or the myriad of other family law matters that are inherent to the child support issue. This creates a fiscal isolation of child support in a way that is inconsistent with the more holistic statutory structure of family law, and the resulting needs of the court and the public.

Law librarians and small claims advisors receive filing fees which are diminishing as a result of fewer filings. Legal services agencies providing assistance in the courts have other funding requirements such as the need to serve only low income persons or only US citizens.

To address these basic functional problems, the Task Force recommended and many courts have adopted the recommendation that they combine funding sources and provide a “one-stop self-help center” pooling all resources and ensuring cross-training of staff so that litigants can be assisted most effectively.

Implementation:

- Additional funding for court self-help centers in 2007 allowed meaningful expansion of the family law facilitators beyond Title IVD reimbursable tasks and enabled creation of the current statewide system of self-help centers in the trial courts.

⁴³ <http://www.courts.ca.gov/2269.htm>

- Family Law Facilitators have been highly successful in integrating Title IVD reimbursable services with those that are not reimbursable. Now, whether or not a specific task is reimbursable under Title IVD has become largely a bookkeeping matter and does not determine actual program design. This allows services to be delivered seamlessly to the public, and be determined by case needs rather than accounting requirements.
- Small claims advisors and law libraries are integrated into many self help centers.
- Self-help services run by legal aid agencies work in collaboration with court self help centers and have developed methods for addressing funding limitations to allow services for a much wider range of litigants than if the services were not offered in partnerships.

Current Status:

Administrative integration of court-based self-help has been largely accomplished due to the increased funding statewide.

Recommendation II: Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

A. A resource library with materials for use by self-help centers in the local courts be maintained by the Administrative Office of the Courts (now Judicial Council)

Background:

The task force understood that sharing resources between self-help centers was the most effective way to spread best practices and the wide variety of resources that are continually being developed on the state and local levels. A website allows for quick updating and easy reference for materials including instructional guides, brochures, translations, information packets, sample grant applications, partnership agreements, volunteer training materials and a wide variety of administrative materials. These can be easily replicated or modified for use in other parts of the state.

Implementation:

- An extensive set of resources has been developed on the California Courts website in a section titled Equal Access found at:
<http://www.courts.ca.gov/programs-equalaccess.htm>

This site provides materials in the following areas:

- Background

- Program Management
- Service Delivery Models
- Self-Help Staff Resources
- Technological Resources
- Conferences & Trainings
- Research & Evaluation
- Pro Bono
- Instructional Materials
- Ethical Issues
- Language Materials & Resources
- Newsletters

Current Status:

Maintenance of this library so that it contains accurate and current materials is ongoing. Courts are asked annually to provide updates of materials and information from workshops, and website searches is regularly included in updates.

B. Technical assistance should be provided to the courts on implementation strategies

Background:

The task force was concerned that courts be supported in their ongoing work to plan for and implement self help services.

Implementation:

- The Judicial Council conducts an annual training conference for attorneys and staff of the court self-help centers. In addition to updates on substantive law, the conferences offer a variety of workshops on new ways to provide assistance.
- The Judicial Council also cosponsors a conference on family law each year with the Legal Aid Association of California. Focused on providing assistance to low-income litigants, it allows for highly relevant substantive law education as well as sharing of best practices and development of relationships between court-based self-help programs and legal aid organizations.
- Judicial Council attorneys have conducted numerous site visits to local courts to help address issues related to cases involving self-represented litigants.
- The Judicial Council has held statewide workshops on caseflow management in family law cases, and Judicial Council attorneys have conducted numerous site visits related to this issue.

- When funding first became available for self-help centers in each court in 2007, regional collaborations were also funded to allow local programs to share resources and referral protocols and to provide technical assistance to each other on addressing the needs in their community. While funding to support these efforts was eliminated in the budget crisis, regional groups are reemerging to share best practices and come up with creative ways to build technological solutions.
- The task force has prepared a document called *Effective Practices for Court Self-Help Centers* which is available for use by centers to determine what practices they might consider in their operations.

Current Status:

Technical assistance to the courts in implementing and adapting their self help centers to address new issues, handle funding challenges is ongoing. Special emphasis has been placed on helping the programs implement family law case management and the development of supporting technology.

C. Funding be sought for a telephone help-line service with access to Judicial Council attorneys to provide legal and other technical assistance to local self-help staff.

Background:

The task force believes that self-help center attorneys need access to legal support from attorneys with particular knowledge and experience in the wide array of issues handled in the centers. It appears as if the most efficient way to provide this would be in a centralized manner that could maximize the availability of these attorneys to as many courts as possible.

Implementation:

- Task force staff conducted a survey of telephone hotlines nationally; however, these were all services that dealt directly with the public. Given the volume of demand on the California self-help centers, the costs of providing direct service in this manner were prohibitive at the time of the study.
- Models of providing telephone assistance for Spanish language assistance and small claims services in rural counties was also explored, but also deferred given the funding crisis facing the courts.
- Judicial Council staff attorneys have worked to provide technical assistance and legal guidance to the self-help centers whenever possible. A listserv has also been developed for self-help center staff to allow for posting of questions and sharing of resources. This listserv is well-used and appears to be a useful resource for the programs.

Current Status:

This recommendation remains to be fully implemented.

D. The Judicial Council should serve as a central clearinghouse for translations and other materials in a variety of languages

Background:

In order to address the issue of language access in the self-help centers, many local courts were translating a variety of materials. In order to avoid other courts having to translate the same documents, the Task Force determined that the council should collect those resources and make them available for sharing.

Implementation:

- The Equal Access section of the Judicial Council's website contains a section with translations and self-help resources in a variety of languages.⁴⁴
- Most Judicial Council forms and instructional materials that would commonly be used by self-represented litigants are available in Spanish. All domestic violence forms and instructional materials are available in Vietnamese, Chinese and Korean in addition to English and Spanish. Translations are made based upon priorities established by a working group of court staff providing self-help and language access services.
- The Judicial Council's On-Line Self Help Center has been completely translated into Spanish so that there are now over 4,000 pages of Spanish-language instructional material. The website is arranged so that if a person can find the information on the English page, they can click a flag on the page to see the same text in Spanish. This allows court staff to easily direct Spanish speakers to helpful content.
- Two of the Model Self-Help Programs are designed to address language access in the self-help centers. One (Fresno) created a Spanish speaking center, and the other (San Francisco) created a multi-lingual center. The translations developed by the programs as well as information on the development and evaluation of those centers has been provided on-line and in training sessions.⁴⁵

Current Status:

Addressing issues of language access and the translation of materials is an ongoing issue.

E. The California Courts Online Self-Help Center should be expanded

⁴⁴See section on Limited English Proficiency (LEP) translations and resources found at: <http://www.courts.ca.gov/partners/53.htm>

⁴⁵To read the evaluation of these programs and see resources which they developed see: <http://www.courts.ca.gov/partners/211.htm>

Background:

The task force was impressed with the development and usage of the California Courts Online Self-Help Center and believed it should be expanded to the greatest extent possible.

Implementation:

- Since its implementation in 2002, the self-help website has grown from 400 pages to over 4,000 pages of content. The website contains basic legal and procedural information on a wide variety of topics⁴⁶ including:
 - Abuse & Harassment
 - Appeals
 - Consumer Issues
 - Criminal Law
 - Divorce or Separation
 - Families & Children
 - Gender Change
 - Name Change
 - Seniors & Conservatorship
 - Small Claims
 - Traffic
- The entire website has been translated into Spanish. Some resources are in additional languages.
- More than 4 million people use the website each year.
- Videos have been included on the website on a variety of topics including basic law and procedures relating to unlawful detainers, civil harassment, small claims, child custody, guardianship, juvenile dependency, juvenile delinquency, domestic violence and appeals.
- The website contains thousands of links to free, reputable legal information available on-line. For example, litigants seeking legal aid assistance are referred to Law Help California which maintains an updated list of free legal aid. Many legal topic areas are made more robust with appropriate links to resources.
- An interactive map has been developed that allows litigants to find the self-help center closest to them and find out location, hours of operation and other key facts as well as a link to that local court's self-help resources.

⁴⁶ The website is found at: www.courts.ca.gov/selfhelp.htm

- Interactive forms have been developed to allow litigants to write demand letters required before filing a small claims actions, letters to attorneys and other resources to assist litigants to complete necessary documents and potentially avoid litigation.

Current Status:

Updating and expanding the website is an ongoing project.

F. The Judicial Council should continue to simplify its forms and instructions.

Background:

The Judicial Council has worked to develop standardized forms that are more easily understood by litigants as well as those, such as police, charged with enforcing the forms. The Task Force applauded those efforts and encouraged continued work to simplify forms. It encouraged translation of those forms and the use of computer technology to forms to be completed on-line. It encouraged Advisory Committees to follow the Access Policy for Low- and Moderate Income Persons adopted by the Judicial Council on December 18, 2001⁴⁷, and consider the impact of any proposed rules, forms, or procedures on low-income litigants, being especially mindful of the impact on self-represented litigants.

Implementation:

- All domestic violence, civil harassment, elder abuse forms are in the plain language format as are small claims, fee waivers and adoption forms.
- In 2004 the Judicial Council forms on the website became fillable on-line and in 2011, they became savable. Since 2012, new and amended forms include “smart form” features which assist self-represented litigants.
- The Judicial Council developed the new *Request for Order* (form FL-300). This form combines the former *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) and the *Application for Order* (form FL-310) used in family law proceedings. This allows for the use of one consistent form and procedure for motion practice in family law.

The Judicial Council has created forms assistance programs with Hotdocs for use in self help centers and legal aid offices. The forms sets complete all required forms for a case in a “TurboTax”-like approach in which people answer questions that fill out the forms. Scores of programs have been developed for divorce, domestic violence, family law motions, guardianship and conservatorship. These programs are now being adapted to allow their use by litigants completing the forms on their own.

⁴⁷ [Judicial Council's Access Policy for serving low income individuals in California](#)

- Effective 2013, the Judicial Council approved simplification of declaration of disclosure forms and revised the *Property Declaration* (form FL-160) to enable it to be used to comply with disclosure requirements as well as to describe and propose a division of property.
- All Judicial Council forms commonly used in family law and domestic violence proceedings have been translated into Spanish to assist litigants in understanding what written information to provide to the court and what the court has ordered. Domestic violence forms and instructions have also been translated into Chinese, Korean and Vietnamese.
- Forms were developed to help low-income litigants who are unable to locate the opposing party in a family law matter to effectuate service by posting rather than publication.⁴⁸
- Appellate forms and instructions were developed to assist self-represented litigants with limited civil appeals.
- The Judicial Council has also adopted rules recognizing that many self-represented litigants have limited access to typewriters and computers. Rule 2.135 provides that courts may not reject a Judicial Council or local form for filing solely because it is handwritten or hand printed, or because that writing is in a color other than black or blue.

Current Status:

This recommendation is ongoing.

G. Technical training and assistance to local courts in the development and implementation of self-help technology on a countywide or regional basis should be continued.

Background:

The self-help centers need to be equipped with technology that will serve the public, facilitate self-help services and increase staff efficiency. Technology can assist the growing number of self-represented litigants are able to access assistance through web-based services, allowing self-help staff to focus efforts on those who need additional assistance. Self-help centers have used technology to expand services through videoconferencing, preparation of documents, use of remote interpreters and connection to services.

Implementation:

⁴⁸ FL980, FL 982 and FL 985

- The California Courts Online Self-Help Center has continued development expanding from an initial 400 pages to now over 4,000 pages of content to which local courts can easily link.
- In 2002, a Model Self-Help pilot program was funded in the Superior Court of Contra Costa County designed to focus on self-help technology. That program has built an interactive self-help website which complements the statewide website. It has developed videos with step by step explanations of how to complete forms to which the statewide website links.⁴⁹
- In 2003, The Superior Court of Orange County court worked in collaboration with the Legal Aid Society of Orange County on the ICAN! document assembly program⁵⁰ and won a KLEPS Award. A number of courts found this program, which was designed for persons with limited computer skills, to be helpful.
- The Superior Court of San Mateo developed the EZLegalFile document assembly program⁵¹ and won a KLEPS award. This program was used extensively by courts until the financial crisis.
- The SHARP self-help center, a Model Self-Help Project that provided service to multiple courts (Butte, Glenn, and Tehama) used video conferencing to conduct workshops and supervise non-attorney staff.⁵² This project won a KLEPS award. The program made a number of presentations on its use of videoconferencing so that other courts could consider how to use it in their own courts.
- Interactive programs have been added to the website to assist writing demand letters, referral information, and to calculate amounts due under various statutes.
- The Superior Court of Monterey received a Kleps award for its Self-Help Online Workshop Registration program for their self-help center⁵³. Information about that program was disseminated and other courts including San Diego now provide for on-line registration.⁵⁴
- The Judicial Council developed the Domestic Violence Assistance Self-Help (DASH) program that allows attorney supervision of requests for and responses to restraining orders, drafted in the community at multiple locations such as DV shelters. Use of the

⁴⁹ See for example, the video instructions found for family law forms on this page:

<http://www.courts.ca.gov/1230.htm>

⁵⁰ [I-CAN! \(Interactive Community Assistance Network\)](#), Superior Court of Orange County (2003)

⁵¹ [EZLegalFile](#), Superior Court of San Mateo County (2003)

⁵² [SHARP Center](#), Superior Courts of Butte, Glenn, and Tehama Counties (2004-2005)

⁵³ [Self-Help Online Workshop Registration](#), Superior Court of Monterey County (2008-2009)

⁵⁴ <https://iflow.sdcourt.ca.gov/>

DASH program allows attorneys to supervise non-attorneys to assist litigants at multiple locations electronically and significantly leverages attorney time. Similar programs have been developed for conservatorships, guardianships, and family law matters. These programs are made available at no charge to the litigants or the courts.

Current Status:

This recommendation is ongoing.

H. Support for increased availability of representation for low- and moderate income individuals should be continued

Background:

While many litigants can be effectively served with legal and procedural information at self-help centers, others will need legal advice, and limited or full-scope attorney representation. Since the court must maintain neutrality, it is critical to partner with bar associations, legal aid organizations and other agencies to ensure a full continuum of legal assistance is available so that all litigants receive the services they need to effectively present and resolve their case.

Implementation:

- The Judicial Council continues to administer Equal Access Funds which are allocated through the State Bar's Legal Services Trust Fund Commission to legal services agencies. 10% of the funds are used for self-help programs in partnership with local courts. These funds were increased in 2005 when the Uniform Civil Fees and Standard Fee Schedule Act added a distribution of \$4.80 per filing fee to the Equal Access Fund. This has increased funding for legal services by over \$5 million per year since 2007.
- The State Bar and Judicial Council have offered numerous workshops on limited scope representation, also known as unbundling. The Bar has worked with the Practicing Law Institute to provide a 3 hour on-line course at no charge to attorneys to encourage provision of limited scope services which are particularly helpful for clients with moderate incomes.
- Judicial education in family law includes information on limited scope representation and the benefits to the court of having attorneys for a portion of the case. It is included in classes such as *Family Law Calendar Management*.
- A *Pro Bono Toolkit*⁵⁵ was developed by the task force in coordination with the California Commission on Access to Justice to provide guidance about ways judges

⁵⁵ The *Pro Bono Toolkit* is found at: <http://www.courts.ca.gov/partners/56.htm>

can join with the Chief Justice to encourage pro bono service among attorneys consistent with the Code of Judicial Ethics.

- The Legislature has recognized the limitations of self-representation in some cases. The Sargent Shriver Civil Counsel Act (Assem. Bill 590 [Feuer]; Stats. 2009, ch. 457) provides funding for pilot projects that provide representation to low-income parties on critical legal issues affecting basic human needs. The legislation allows legal services organizations to expand representation in housing, child custody, domestic violence, guardianship, conservatorship and elder abuse. Nine pilot programs have been established with this funding to provide services for low-income litigants in cases where the one side is represented and the other is not. An evaluation of the program considering the impact of representation on the parties, the court and the community at large is underway and will be completed in 2016.⁵⁶
- In family law cases, the party with more resources can be ordered to pay the attorney fees for the other party. In response to the Elkins report, which indicated that this procedure could be simplified, the legislature passed AB 939 which amended various sections of the Family Code to provide that the court must consider attorney fee awards when requested. The Judicial Council then adopted rule 5.427, effective January 1, 2012, setting out the process for obtaining an attorney's fee order. Judicial Council forms *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) and *Attorney's Fees and Costs Order Attachment* (form FL- 346) were adopted for use in requesting attorney's fees and drafting the court order for attorney's fees.
- The Judicial Council adopted forms and procedures for limited scope representation in civil cases in addition to family cases.
- In 2012, the State Bar amended its rules regarding its Pro Bono Practice Program to allow attorneys who do not work for compensation, but who volunteer at court-based self-help centers, to receive the benefits of the program, including waiver of bar dues.
- Coordination is under way with State Bar staff to identify ways to improve mentoring opportunities for family law attorneys. The Family Law Executive Committee of the State Bar has developed training on fundamentals in family law, and has more advanced trainings planned for 2014 which they are also making available by video to encourage more attorneys to pursue family law as a career

Current Status:

This recommendation is ongoing.

⁵⁶ For information about the Shriver project see: <http://www.courts.ca.gov/15583.htm>

I. Work with the State Bar in promoting access for self-represented litigants should be continued

Background:

Ongoing cooperation with the State Bar will help support and promote the efforts of the courts to develop, implement, operate and maintain court based assistance to self-represented litigants. The courts should continue with their collaborative work with local bars. The court and the bar should work together to honor those who are working to assist self-represented litigants.

Implementation:

- Staff from the State Bar, Judicial Council and Legal Aid Association of California meet regularly to work on collaborations to increase services for self-represented litigants. The organizations regularly coordinate on training events to provide in-person and on-line training for self-help staff.
- The Legal Aid Association of California and the California Access to Justice Commission give awards annually to self-help center and other court staff for their work in increasing access to justice.
- The California Access to Justice Commission in collaboration with the Judicial Council and the California Judges Association, give the Benjamin Aranda III Access to Justice Award each year to a judicial officer who is selected on the basis of his or her work on access to justice matters.

Current Status:

More work is needed to recognize those whose work is dedicated to access to justice issues.

J. Technical assistance related to self-represented litigants should be provided to courts that are developing collaborative justice strategies.

Background:

The task force believes that the principles of collaborative justice work well for many cases in which SRLs are involved. Drug court models have provided data demonstrating their efficacy to facilitate meaningful change in individuals who might otherwise repeatedly reoffend. Issues of addiction, abusive behavior, and mental health are not uncommon in family and juvenile law cases and are highly challenging for the court when there are no attorneys to manage their clients.

Implementation:

- Many of California's trial courts have implemented family drug courts, domestic violence courts, juvenile drug courts and mental health courts.

- Staff provides technical assistance to courts on issues relating to self-represented litigants. A broad range of technical assistance and support is provided by staff to the Judicial Council's Advisory Committee on Collaborative Courts.

Current Status:

The work of the Judicial Council's Collaborative Courts Advisory Committee is ongoing.

Recommendation III: Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

A. Judicial officers handling large numbers of cases involving self-represented litigants should be given high priority for allocation of support services.

Background:

The areas of civil litigation that involve high percentages of self-represented litigants - have historically been underserved areas of court operations. The resources provided have not been proportionate to the volume of cases and proceedings. In reviewing the practices of courts throughout the state, it became apparent to the task force that frequently the least experienced and sometimes the least knowledgeable judicial officers were given an assignment with a high population of self-represented litigants. Because self-represented litigants often lack a sophisticated understanding of the law, basic fairness dictates that the judicial officer hearing a matter without attorneys should possess a comprehensive knowledge of the law. The importance of assigning suitable and talented judicial officers and staff who possess the requisite energy and enthusiasm to deal with calendars with a high volume of self-represented litigants cannot be overstated. Presiding judges must provide sufficient resources to allow judicial officers and staff to provide quality service to self-represented litigants. Such resources might include access to additional courtroom support staff, assignment to courtrooms with the largest available space, increased security, and self-help center attorneys available in the courtrooms to provide procedural assistance.

Implementation:

- CRC 10.960 requires courts to include in their annual budgets funding necessary for the operations of its self-help center.
- Standard of Judicial Administration 5.30 directs the supervising family law judge, in consultation with the presiding judge, to work to ensure that the family court has adequate resources.
- Recommendations from the Elkins Family Law Task Force include making more court resources available to family law calendars and ensuring that judicial officers assigned to family law have the knowledge and experience to handle the numbers of SRL cases found there,

- The Judicial Needs Assessment and Resource Assessment Study (which measures staff workload) has been updated, with an eye to more accurately measuring the full range of tasks involved in case processing including time spent by self-help staff
- The Guidelines for the Operations of Self-Help Centers include in its list of services tasks designed to support judges by providing readiness reviews, conducting case flow management and status conferences, being present in the courtroom for calendars with large numbers of self-represented litigants to help them reach agreements, narrow issues, answer questions and write up orders after hearing. (Guideline 15)
- Local court self-help center staff is currently actively involved in developing their courts' caseflow management practices and procedures for family law under CRC 5.83. Caseflow management allows more matters to be resolved and can circumvent the necessity of multiple hearings.
- In collaboration with the Judicial Council's Access & Fairness Advisory Committee (now the Advisory Committee on Providing Access and Fairness) the task force provided substantial input to the Trial Court Presiding Judges Advisory Committee on the updating of the publication *Making Judicial Assignments*. The committee incorporated most of the suggestions, many of which spoke specifically to handling matters involving self-represented litigants.
- A manual for judges was created - *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers* which includes guidance for bench officers on calendar management and ways to obtain assistance in the courtroom.
- A large percentage of self-help centers provide assistance to write up orders and judgments, allowing cases to be completed. Many provide assistance directly at the time of hearings.
- CJER presented a broadcast entitled *PJ/CEO Roundtable – Self-Represented Litigants in the California Courts* describing the need for highly skilled judges in cases with SRLs.

Current Status:

There has been substantial work on this recommendation; however, much more needs to be done, particularly with respect to assessment of volume and workload requirements for cases involving self-represented litigants.

B. Courts should continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders, and works toward ongoing coordination of efforts.

Background:

The planning processes that the trial courts implemented have been enormously successful in helping to develop and implement court self-help centers. The task force found that the collaborative relationships built as part of those planning efforts enabled the most efficient use of court resources.

Implementation:

- *SRL Guideline 8* advises that the SHC staff should have regular meetings with representatives of community-based services. Worksheets were developed to assist the programs in identifying stakeholders and agenda items for planning discussions.⁵⁷
- The Judicial Council offers an annual conference in partnership with the Legal Aid Association and the State Bar of California that allows those providing assistance to self-represented litigants to meet and share ideas. Workshops are designed to be of relevance to partners such as law librarians, interpreters, mediators, and small claims advisors as well as to self-help and legal aid attorneys and staff.
- The Judicial Council was able to provide \$300,000 a year to support local courts planning and collaboration efforts until the financial crisis. The collaborations forged among the courts and community justice partners during the early planning stages have continued in many cases.

Current Status:

There has been significant progress made on this recommendation. More opportunities for court and community service providers to meet face-to-face and discuss their work must be created. The planning process for self-help has been enormously successful in the development of the court self-help centers, in creation of more progressive caseload management processes and procedures. More planning is necessary to address topics such as court-based settlement assistance.

Recommendation IV: Judicial Branch Education

In order to increase the efficiency of the court and to minimize unwarranted obstacles encountered by self-represented litigants, a

⁵⁷ [Developing and Maintaining Court/Community Partnerships to Better Serve the Pro Se Litigant](#) and [Developing Relationships with Legal Services and Lawyer Referral Programs](#)

judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

A. A formal curriculum and education program should be developed to assist judicial officers and other court staff to serve the population of litigants who navigate the court without the benefit of counsel.

Background:

Conventional judicial branch education has been premised on the assumption that the typical person interacting with the courts is an attorney or other person with at least minimal training in the law (such as attorney services, paralegals, or legal secretaries). California courts are now serving an increasing number of self-represented litigants who have not had formal legal training or education, many of whom also have very limited English proficiency. Those charged with the responsibility of providing court services to this expanding group of litigants need special education and training to ensure fair and efficient delivery of services. Education should be developed to provide judicial officers, temporary judges and court staff with the skills necessary to ensure that the needs of self-represented litigants are accommodated effectively within the bounds of impartiality.

Implementation:

Judicial Education -

- A training curriculum was developed in conjunction with the National Self-Represented Litigation Network. The curriculum was piloted at the *National Judicial Conference on Leadership, Education and Courtroom Best Practices in Self-Represented Litigation*, held at Harvard University and attended by a number of Judicial Council committee members and staff.
- This curriculum has been adapted for use in California use and a teaching guide developed entitled: *Handling Cases Involving Self-Represented Litigants – Change, Challenge and Opportunity* –which includes a PowerPoint and videos
- Guidance on handling cases involving self-represented litigants has been included in a wide range of educational forums for judges including being integrated into most case types in which self-represented litigants appear. Additionally, many stand alone classes have been offered including:
 - Ethics and Self-Represented Litigants in Domestic Violence cases – a 1 1/2 day interactive workshop that is offered every year
 - Handling Cases involving Self-Represented Litigants for Assigned Judges
 - Handling Complex Property Issues with Self-Represented Litigants

- The Judicial Council adopted rules regarding use of temporary (pro tem) judges which includes required training on handling cases with self-represented litigants⁵⁸. A training curriculum was developed to comply with this requirement.
- Workshops on handling cases involving self-represented litigants are now offered at every Judicial College.
- Information and role-plays to help judges handle cases with self-represented litigants is included in all new judge orientation courses.
- Programs have been presented at the Appellate Institute to familiarize appellate courts with the education being provided to trial court judges on their ethical duties relating to self-represented litigants and to point out issues on appeal.
- A benchguide was prepared with guidance from over 70 judicial officers throughout the state as well as national experts on *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers*.⁵⁹ It covers topics including ethics, solutions for evidentiary challenges, caseload management, courtroom and hearing management, settling cases, communication tools, avoiding unintended bias and judicial leadership in access to justice. It includes sample scripts and checklists developed by judicial officers. The benchguide received the Howell Heflin award from the State Justice Institute and has been adapted for national use.
- CJER, developed the following on-line courses:
 - *Dealing with Self-Represented Litigants in Domestic Violence Family Law Cases*
 - *Communicating With Self-Represented Litigants*
 - *Self-Represented Litigants 2: Special Challenges*
 - *The Practical Judge – Communications with Self-Represented Litigants*
- Standalone workshops on handling cases with self-represented litigants have been developed and offered in a wide variety of forums by Judicial Council committee members and staff at venues including national conferences of the American Judges Association and the Association of Family and Conciliation Courts.
- Articles to provide continuing education were written by Judicial Council Task Force members and staff and appeared in publications such as the ABA's Judges Journal, California Law Journal, Family Court Review, Family Law Quarterly, Contemporary Issues in Law, and Court Review as well as in many State Bar publications.

⁵⁸ California Rule of Court 2.813(a)(3)

⁵⁹ http://www.courts.ca.gov/documents/benchguide_self_rep_litigants.pdf

- Video resources were developed for use in educational sessions for judges. Judicial Council committee members and staff participated in a research project of the National Self-Represented Litigation Network in which court hearings involving two self-represented litigants were videotaped in 4 jurisdictions throughout the U.S. Each of the litigants and the judge were interviewed separately after the hearing. They were each shown a videotape of the other taken during the hearing and asked questions to determine the effectiveness of communication between the judge and litigants. The videotaped interviews were analyzed and then edited for judicial education. This project, one of the first of its kind, demonstrated that there can be a high level of understanding and suggested a number of best practices for judges to employ in their courtrooms to enhance communications.⁶⁰
- 3 Regional Workshops on caseload management in family law which included judges and court staff from 37 courts. Workshops included information on special issues of handling cases involving self-represented litigants and provided participants the ability to develop a local action plan to help these cases be concluded.
- The Judicial Council prepared a manual for courts on *Developing Effective Practices in Family Caseload Management* which includes a special focus on cases involving self-represented litigants.
- CJER developed the following on-line courses:
 - Dealing with Self-Represented Litigants in Domestic Violence Family Law Cases
 - Communicating With Self-Represented Litigants
 - Self-Represented Litigants 2: Special Challenges
 - The Practical Judge – Communications with Self-Represented Litigants

Self Help Center Staff Training

The Judicial Council has sponsored or cosponsored a conferences focusing on education for self help center staff each year.⁶¹ For example, in 2014, more than 30 workshops were offered on cutting edge issues in law as well as new delivery systems including use of mobile devices. Materials from the conferences are posted on-line and are also integrated into the Equal Access website.

⁶⁰ [Final Report on the Effectiveness of Courtroom Communication in Hearings Involving Two Self-Represented Litigants](#) - A report of the findings of the exploratory study conducted by Greacen Associates, LLC and the Self-Represented Litigation Network.

⁶¹ Materials from the conferences are posted on-line at / <http://www.courts.ca.gov/partners/50.htm>

The Judicial Council sponsors the AB 1058 conference every year for family law facilitators. The conference provides extensive education on child support and other legal topics, as well as workshops on ethics and promising practices.

The Judicial Council partners with the Legal Aid Association of California to provide self help center attorneys and staff with free webinars on a variety of legal topics. A monthly alert listing free training opportunities is provided to self-help center staff.

Current Status:

Judicial branch education on matters involving self-represented litigants and their cases is ongoing.

B. The AOC should provide specialized education to court clerks to enhance their ability to provide the public with high-quality information and appropriate referrals, as well as to interact effectively with the self-help centers.

Background:

Court clerks are now encouraged to answer questions for the public and not just give a blanket response of not being able to give legal advice. Particular attention should be given to continuing and expanding the training and education of court clerks. The information provided to the public should be reliable and of high quality. If clerks are assigned to support self-help center attorneys, additional education is required to ensure the competence of the services provided.

Implementation:

- The Judicial Council created a guide entitled *May I Help You? Legal Information v. Legal Advice, A Resource Guide for Court Clerks*.⁶²
- Three broadcasts were prepared by CJER entitled “May I Help You: Legal Information v. Legal Advice” and are shown regularly to court clerks (May I Help You I, II and III). The focus is on helping SRLs and finding good resources for assistance.
- The Judicial Council adopted form MC 800 *Court Clerks Signage*⁶³ which lists the type of information a clerk can and cannot provide.
- *SHC Guidelines* 33 and 34 address the need for the non-attorney staff in the self-help centers to training in customer service, and self-help center operations and procedures, as well as continuing education in the law.

⁶² See <http://www.courts.ca.gov/partners/56.htm>

⁶³ See <http://www.courts.ca.gov/documents/mc800.pdf>

- The Court Clerk Training Institute has included workshops on self-represented litigants as well as substantive procedural legal issues.
- Information on providing assistance to self-represented litigants has been integrated into a wide variety of courses for clerks, both in-person, on-line and by broadcast.
- CJER has provided many on-line, in-person and broadcast classes on the law as well as new forms and procedures. There are training modules in a wide variety of procedures including family law and domestic violence. When there are significant changes to forms and procedures, CJER will generally present a broadcast for clerks on those changes in addition to updating existing materials.
- Brochures and posters providing information on the California Courts On-Line Self-Help Center have been provided to all courts and clerks are encouraged to review the website and use those materials to provide referrals to court customers if they do not know the answer to the questions or do not have sufficient time to answer those questions.

Current Status:

This recommendation is ongoing.

- C. The Judicial Council, in consultation with the California Judges Association, should provide greater clarification of the extent to which judicial officers may ensure due process in proceedings involving self-represented litigants without compromising judicial impartiality.**

Background:

Judges are often concerned about the nature and extent of information they may impart to SRLs without compromising their neutrality, or appearance of neutrality. Judges need additional guidance to decide what measures can be taken to protect constitutional safeguards for all litigants without compromising judicial impartiality.

Implementation:

- The California Code of Judicial Ethics was modified to address the issue of handling cases with self-represented litigants. Canon 2 (8) provides that “A judge shall dispose of all judicial matters fairly, promptly and efficiently. A judge shall manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law.” Commentary now notes: “The obligation of a judge to dispose of matters promptly and efficiently must not take precedence over the judge’s obligation to dispose of the matters fairly and with patience. For example, when a litigant is self-represented, a judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and canons, to enable the litigant to be heard...”

- *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers* – Chapters 2-4 address issues of judicial ethics when dealing with SRLs. Chapter 3 sets out California law applicable to a judge’s ethical duties in dealing with self-represented litigants
- CJER has included issues relating to self-represented litigants in its annual qualifying ethics courses.
- CJER has also developed an online ethics courses on *Communicating with Self-Represented Litigants and Self-Represented Litigants – Special Challenges*.
- CJER has offered a number of workshops for judicial officers on the ethics of handling cases involving self-represented litigants.
- The Commission on Judicial Performance has issued a number of opinions relating to judges handling of cases involving self-represented litigants that provide additional guidance for judicial officers.
- The American Bar Association Model Code of Judicial Ethics has added Comment #4 to Rule 2.2 Impartiality and Fairness requiring a judge to uphold and apply the law, and perform all duties of judicial office fairly and impartially. Comment #4 states: “*It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matter fairly heard.*”

Current Status:

This recommendation is ongoing.

Recommendation V: Public and Intergovernmental Education and Outreach
Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

A. The Judicial Council should continue to develop informational material and explore models to explain the judicial system to the public.

Background:

All too often the public forms its impressions and acquires its knowledge of the legal system based solely on how it is portrayed in the popular media. These depictions are often unrealistic and misleading and make it difficult for self-represented litigants to accurately anticipate and appropriately prepare for their day in court. To counter these distortions, judicial officers should be encouraged to engage in community outreach and education.

Existing communication modes should be employed to better inform Californians about their courts. Development of educational materials describing court processes should be expanded. A law related educational website should be developed for elementary school, middle school and high school students. Programs such as Spanish-language radio programs should be encouraged to expand outreach to traditionally underserved communities.

Implementation:

- The redesign of the California Courts Self-Help Center has incorporated additional content regarding a wide variety of proceedings where litigants may represent themselves. More than 4,000 pages of information are available in English and Spanish on the website. Educational videos on a variety of topics including how to prepare for court have been uploaded to the California Courts YouTube channel. This site receives over 4 million visits annually. Posters and brochures are provided to the courts to alert court users to the availability of this resource. Buttons with links are also provided to the courts to make it easy for them to connect directly to the website.
- Websites were developed for parents, teenagers and children in families going through separation and divorce. These websites include a 3 hour on-line parenting class which utilizes videos and on-line quizzes and other interactive tools to provide critical information to parents. These websites are found at www.familieschange.ca.gov and www.changeville.ca.gov. Posters and brochures have been provided to the courts to allow them to make easy referrals to those resources.
- The Judicial Council adopted a number of information forms for the public. *Information Sheet for Request for Order* (form FL-300-INFO) sets out instructions on how to make a request for an order. Forms FL-313-INFO and FL-314-INFO provide information about child custody mediation and recommending counseling. Further, *Attorney for Child in a Family Law Case—Information Sheet* (form FL-321-INFO) provides information to the parties about minor's counsel.
- The Judicial Council has created a number of videos to assist litigants understand court processes. These include orientations to Juvenile Dependency and Juvenile Delinquency courts. Videos have been developed regarding Resolving Unlawful Detainer Cases, Civil Harassment Cases and Small Claims Cases which provide information on both substantive law and mediation options. These are available in English, Spanish and Russian. Counsel staff has also adapted videos produced by local courts for statewide web usage. Topics include Guardianship, Appeals, Family Law, Evidence and Court Appearances.
- In 2012 the Judicial Council adopted rule 5.83(g), which requires that courts provide information about the court process, as well as other orientation information, to

litigants at the time of the initiation of their case. Form FL-107-INFO *Legal Steps for a Divorce or Legal Separation* was adopted to allow the courts to easily comply with that requirement.

- A 30 minute orientation video entitled *Orientation Video to Family Court Services Mediation and Child Custody Recommending Counseling* has been created that educates litigants about the child custody mediation and court process. This video has been captioned in English, Spanish, Chinese, Korean and Vietnamese and has been distributed to all courts as well as posted on-line⁶⁴ to allow parents to access this information in a timely manner and be prepared for their mediation meeting at family court services.

Current Status:

This recommendation is ongoing.

B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.

Background:

The task force recommended that materials be developed to more fully inform local and state legislators of the issues raised by self-represented litigants and to advise district and local staff as to how they might best direct constituents to services available to them.

Implementation:

- The Judicial Council has prepared the following reports to the legislature on services provided by self-help centers and the benefits demonstrated to the public by those centers:
 - [Family Law Information Centers: A Report on Three Pilot Programs](#)⁶⁵
 - [Equal Access Fund - A Report to the California Legislature, March 2005](#)⁶⁶
 - [Model Self-Help Pilot Programs - A Report to the Legislature, March 2005](#)⁶⁷
- Legislative staff participated in the Elkins Family Law Task Force and the Elkins Implementation Task Force as well as the Sargent Shriver Civil Counsel Pilot Project Implementation Committee.

⁶⁴ See <http://www.courts.ca.gov/selfhelp-custody.htm>

⁶⁵ <http://www.courts.ca.gov/documents/Family-Law-Information-Centers-March-2003.pdf>

⁶⁶ <https://www.courts.ca.gov/documents/Equal-Access-Fund-March-2005.pdf>

⁶⁷ <https://www.courts.ca.gov/programs/partner/213.htm>

- Many local courts have developed informational packages to share with their elected representatives. Self-help centers are generally part of a legislative tour of any court facility due to the interest of the legislator's constituents in these services.
- The Legislative Analyst's Office (LAO) was hosted at informational meetings at six courts during the summer of 2014. The goal of the meetings was to explore the depth and variety of court-based services available to self-represented litigants. LAO visited Placer, Butte, Contra Costa, Santa Clara, Orange and Los Angeles superior courts. They had an opportunity to observe services being provided, and to ask questions of both litigants and the service providers about the nature of the help they offer, and the needs of the public. Judicial Council staff provided a variety of court-based materials for LAO to prepare a report for use by legislators in better understanding the needs of self-represented litigants and the capacity and lengths to which the courts provide services to support them.

Current Status:

This recommendation is ongoing.

C. Local courts should be encouraged to strengthen their ties with law enforcement agencies, local attorneys and bar associations, law schools, law libraries, domestic violence councils and other appropriate governmental and community groups so that information on issues and services related to self-represented litigants can be exchanged.

Background:

The California justice structure represents a continuum of effort, beginning many times with an officer on the street and ending at some point in the court system. The need for cooperative and collaborative efforts to ensure efficient and consistent administration of justice, both in practice and in perception, must be instilled. A law enforcement agency can be asked to enforce orders for which the individual seeking assistance has no written document, or arguing parties may present an officer with orders that appear to conflict. Information should be made available about enforcement of orders for self-represented litigants and the ways in which these orders can be modified through the court process. Courts should be encouraged to solicit ongoing input from law enforcement staff about problems they are experiencing enforcing court orders in the field.

Additionally, local bar associations, law libraries and other appropriate governmental and community groups should be consulted with regularly to share information on the needs of self-represented litigants and the services available for them. All participants in the justice community have valuable information that should be shared to the greatest extent possible

Implementation:

- The California Courts Protective Order Registry (CCPOR) is providing statewide access to protective orders made in California. This means that a judge in one court can see if there are any other restraining orders in effect elsewhere that might conflict with the matter before the court. Police officers are able to see the image of the complete order so that all the information is available to them; it is not limited to the CARPOS only data. Most of the trial courts in California have forged agreements with their local law enforcement to entry of data from restraining orders into CARPOS. Once an order is entered by the court, it is given to law enforcement that does the data entry into CARPOS.
- In progress is the FACCTS/CCPOR Interface Project. The Family Court Case Tracking System (FACCTS) is an application that produces a Restraining Order after a hearing on Judicial Council forms and a minute order – in real time. The program makes a pdf of the Judicial Council form to be printed for the litigants. The image of the order is automatically posted to CCPOR, and information from the order populates the CCPOR database for delivery to CARPOS. This produces a significant decrease in the workload necessitated by repeated input of the same data into different systems. Both the court and law enforcement benefit by this work reduction.
- Many family law facilitators/self-help attorneys have gone to jails and prisons to provide assistance to inmates on matters of child support obligations and/or custody/visitation. For example, the Superior Court of Marin County regularly sends a family law facilitator to San Quentin Penitentiary to provide assistance. Other courts have partnered with the public defender’s office to get information to defendants about child support modification due to incarceration. Family law facilitators and self-help centers respond to inquiries made by mail or email from inmates.
- Local family law facilitators work collaboratively with their Departments of Child Support Services (DCSS) on joint projects such as the EPIC project in San Francisco that reached out to obligors in an effort to reduce the number of default judgments.
- Judicial Council attorneys, child support commissioners, family law facilitators, and DCSS attorneys participate in a stakeholders’ team that meets regularly to identify and solve problems with the AB1058 child support system.
- In some courts, DCSS attorneys or family law facilitators are present at juvenile dependency proceedings so that the issue of child support can be addressed without multiple court appearances.
- Some courts have partnered with their Local 211 lines that provide information to the public about available non-profit community services. The Superior Court of Sacramento County locates a staff person from the 211 line at the self-help center.

Los Angeles has converted public telephone booths near the self-help center at one courthouse to call directly to 211.

- Courts work collaboratively with the Department of Social Services on cases in family court involving allegations of child abuse. The Superior Court of Orange County has staff from DSS housed on site at the court.
- The Superior Court of Imperial County developed the Binational Justice Project which partnered the family law facilitator with the Mexican court to address common issues with regard to family law cases. This project won a KLEPS award.⁶⁸

Current Status:

These and other projects involved with the exchange of data between the court and other government or community groups are ongoing.

D. The Judicial Council should continue to coordinate with the State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians and other statewide entities in public outreach efforts.

Background:

Local courts have done tremendous work in reaching out to stakeholders in their communities to provide information on services available in their local courts. Statewide coordination is also important to allow for sharing of common resources and building statewide support for the courts and services for self-represented litigants. Coordination efforts among the Judicial Council, State Bar of California, Legal Aid Association of California (LAAC), California Commission on Access to Justice, Council of California County Law Librarians and other organizations (including those representing law schools, public libraries, social services agencies, and diverse community groups) are critical to distributing information about statewide efforts and to supporting the work of local courts.

Implementation:

- Annual Family Law Conference co-sponsored by the Judicial Council and LAAC.
- Self-Represented Litigants Conference cosponsored by LAAC and the State Bar of California designed for training and education of attorneys, both court attorneys and legal aid attorneys, on substantive law and ethical issues.

⁶⁸ [Binational Justice Project](#), Superior Court of Imperial County (2008-2009)

- Participation of Judicial Branch appointees to the State Bar’s Legal Services Trust Fund Commission. The commission administers the Equal Access fund from the Judicial Council to legal services.
- Statewide support for Justicecorps program which brings together local courts and universities using Americorps funding to enable college students to provide 300 hours of volunteer service in court-based self-help programs under the direction of attorneys.

Current Status:

These projects are ongoing with new programs developing over time.

E. Local courts should be encouraged to identify and reach out to existing efforts to better serve self-represented litigants

Background:

Judicial officers and court administrators should be encouraged to identify and reach out to existing community efforts to better serve self-represented litigants. The task force is mindful of the need for judicial officers and courts to uphold the integrity and independence of the judiciary but believes local courts can work closely with appropriate partners without creating any appearance of partiality. Law librarians are an apt example of an appropriate court partner. Given the limited resources dedicated to SRL assistance, it seems important to avoid duplication of service to the greatest extent possible

Implementation:

- The Superior Court of Alameda County participates in a Community Project Committee conducted by the Alameda County Bar Association. In addition to the court self-help attorneys, the committee includes attorneys from the various East Bay legal services. Examples include; East Bay Community Law Center, Bay Legal, Volunteer Legal Services, Legal Services for Seniors, and Family Violence Law Center. These groups attempt to support each other, and avoid competing for funding as much as possible.
- The Superior Court of Los Angeles has structured its urban collaborative model for self-help based on collaboration with existing services. The court self-help center partners with the Los Angeles Law Library and Department of Consumer Affairs as well as many legal services agencies including Neighborhood Legal Services of Los Angeles, Legal Aid Foundation of Los Angeles, Bet Tzedek Legal Services, the Los Angeles Center for Law and Justice, Public Counsel, and Community Legal Services of Los Angeles.

- In many courts, the local small claims advisor service has become a part of the self-help center. Statewide self help conferences are designed to include at least one full day of education specifically for small claims advisors.
- Many courts partner with local law libraries to provide services for self-represented litigants. For example, the self-help centers in El Dorado, Kern, Nevada and Placer counties are located in law libraries. Other law libraries, such as Contra Costa and Los Angeles, offer many workshops designed for self-represented litigants.

Current Status:

This recommendation is ongoing.

Recommendation VI: Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

A. Court facilities plans developed by the AOC should include space for self-help centers near the clerks' offices in designs for future courthouse facilities or remodeling of existing facilities

Background:

Evaluations demonstrated that self help centers are much more effective when located in a courthouse rather than being in a separate location. Fewer people tend to use an off-site center, judges cannot make effective referrals from courtrooms, and litigants tend to misassemble paperwork which leads to repeat tasks. Participation of the self-help center staff in caseflow management is reduced by lack of physical availability, and security at the self-help center can become a serious issue.

Most courthouses were designed before the advent of self-help services and adequate space for services has been a challenge. Self help centers are most effective when they are located near the clerks' office to minimize misplaced papers before filing. Self-represented litigants need space to sit and work on their paperwork. Space should be available to conduct mediations with self-represented litigants. To maximize staff resources, space to conduct workshops should be provided. Copiers, computers, and other technological resources should be available in the self-help centers for self-represented litigants to use.

Further, SRLs also simply need to know how to physically navigate the courthouse so they can easily find a particular courtroom, the self-help center, or other court service they may require. Courts should periodically assess how easy it is for court users to get around a courthouse.

Implementation:

- A Tour Guide was developed in conjunction with the National Self-Represented Litigation Network as a checklist to enable court staff to tour their courthouse from the perspective of a self-represented litigant.⁶⁹
- SHC Guidelines state that as with other core court functions, the court self-help center should be located in the courthouse and seek to meet two critical objectives: (1) ease of use for the public, and (2) efficient use of staff. (Guideline 3)
- Task force members and staff met with the Judicial Council’s Office of Real Estate and Facilities Management to set out facilities needs for the self-help centers in any new courthouse construction, or remodeling of existing structures. Many of their suggestions were included in Section 7.2 of the California *Trial Court Facilities Standards, 2010 Edition*. Over the last 10 years, courthouse facilities for self-help centers have improved significantly with most self-help centers having room to meet individually with litigants, or to conduct workshops of between 10 – 20 persons.

Current Status:

This recommendation will be ongoing as courthouse upgrade and construction move forward.

B. Facilities should include sufficient space for litigants to conduct business at the clerk’s office

Background

The public is often required to wait for significant periods of time for their turn to talk to a court clerk, or get in to the self-help center. Litigants standing in long lines for long periods of time are often tired, uncomfortable and frustrated before they even talk to court staff. The pressure on court staff of facing long lines of tired, unhappy people can evoke anxiety, guilt, and frustration, and if prolonged can lead to a lack of empathy toward the public. To make matters even more challenging, if the person in line is a self-represented litigant, chances are good that they will not have accurate and complete paperwork and will be required to go fix it – then get back in line. If the press of business makes overcrowding in the clerk’s office unavoidable, then attention needs to be paid to how the situation can be made most comfortable for the public and for court staff. Waiting areas for clerk’s offices can help reduce tension for everyone. A waiting room could contain information materials, charts, flowcharts and other things that might help individuals learn more about the process before they actually get to the clerk’s window. Space to work on documents should be available as well as places to sit down and wait.

⁶⁹ [Tour Guide](#) - This explains how to observe the courthouse and court processes from the point of view of a self-represented litigant.

Implementation:

- The Superior Courts of Placer and Orange Counties use automated triage systems that allow the public who are waiting, to sit down while they wait and come to the window only when their case is called by the clerk. The cases are sorted into broad categories by case type and type of assistance needed, such as forms, copies from court files, or assistance from the self-help center.
- Several courts, such as the Superior Courts of Monterey and San Diego counties have implemented an online appointment system that allows self-represented litigants to schedule themselves into workshops on a variety of subjects.
- Other courts have staffed telephone help-lines. For example, the Superior Court of Alameda provides dedicated telephone assistance hours 4 afternoons per week. There are two self-help center paralegals staffing these 2 lines. Use of the telephone system has helped cut down foot traffic at the courthouse. The SHARP self-help program in Butte and Tehama counties handles over 1,000 calls per month, cutting down on the need for litigants to come in person to the centers which have limited space.
- The Superior Court of Sacramento provides a great deal of assistance by email. This also cuts down on the foot traffic at the courthouse and allows litigants to get assistance without losing time at work.

Current Status:

This is an area that is undergoing significant change as a result of layoffs of court staff. Technological solutions can be helpful to reduce the negative impacts of increased wait times.

C. Facilities should include sufficient space around courtrooms to wait for cases to be called, meet with volunteer attorneys, conduct settlement talks, and meet with mediators, interpreters, and social services providers.

Background:

Frequently calendars with a high percentage of self-represented litigants are fairly large. This can be particularly true in family law. It is important for the safety of all concerned that a safe and sufficient space is provided for litigants to wait for their cases to be called. Problems arise if there is not enough space to sit in the courtrooms or the space is overcrowded, and the litigants are forced to wait in hallways without the support of courtroom staff. This is particularly dangerous when there have been domestic violence incidents in the case.

The task force was concerned to hear reports of litigants stuffed into small courtrooms requiring many of them to stand while they wait for their hearing to be called. This sort of overcrowding can create situations in which parties who are already anxious about their

hearings get increasingly upset before their case is called, it can also lead to higher levels of animus toward the other party or attorney, or the court

Space should also be made available at or near courtrooms for litigants to meet with service providers such as mediators, volunteer attorneys, interpreters, or social services providers. Of concern for the task force were reports of staff needing to conduct confidential mediations with parties in hallways or stairwells.

Implementation:

- Architects from the Judicial Council's Office of Real Estate and Facilities Management participated in a number of meetings with representatives of the Task Force to discuss these issues. Recommendations regarding the need for space for settlement and services are included in Chapter 7 of the California Trial Court Facilities Standards as amended in March 2010.⁷⁰
- Courts have improvised in various ways to address these problems. For example, courts are using witness rooms or jury rooms to conduct mediations and other settlement discussions.

Current Status:

There has been significant effort to improve facilities to better serve self represented litigants, but more work is needed on this recommendation. .

D. Facilities should include children's waiting rooms for the children of litigants who are at the court for hearings or to prepare and file paperwork.

Background:

Litigants are often forced to bring children with them to the courthouse. Lack of funds or available child care is a common problem. Litigants are not able to supervise young children and also pay attention to instructions given to them by court staff. Without appropriate accommodations, children run unsupervised in the halls of the courthouse while litigants are trying to work on paperwork. Most self-help centers do not allow children in workshops in order to prevent disruptions for the workshop attendees.

The problem is also found in courtrooms at the time of hearings. Children are not allowed in the courtrooms in many family law departments. It is well-nigh impossible for parents to effectively participate in their hearing and take care of their children at the same time. Again, this creates frustration for litigants and increased burden on court staff.

Implementation:

⁷⁰ [*California Trial Court Facilities Standards*](#), Adopted in 2006, Amended in March 2010
Best practices that are applied to the design and construction of basic components of trial court buildings

- Many courts now have children’s waiting rooms. Examples include the Superior Courts of Alameda, Sonoma, San Francisco, San Mateo, Los Angeles, Orange, San Diego, Santa Barbara, Santa Clara, Fresno and Ventura.
- California Rule of Court section 1.3 requires that new courthouse construction include a children’s waiting room.
- The Judicial Council has approved a new protocol for distributing funds for children’s waiting rooms pursuant to Government Code section 26826.3.
- [California Trial Court Facilities Standards](#) includes recommendations regarding children’s waiting rooms⁷¹.

Current Status:

This recommendation is well underway and ongoing.

E. Information stations that provide general information about court facilities and services should be placed near courthouse entrances.

Background:

The task force was concerned about members of the public, particularly self-represented litigants, wandering around the courthouse, frustrated because they could not figure out where in the building to go for which purpose. It found that information stations situated near entrances have proven to be very helpful to litigants in navigating their way around the court. They recommended that bilingual staff should be available whenever possible. This can be an ideal use of volunteers from the community who have no legal training. Litigants can be directed to their desired locations and to self-help centers and other resources. General questions about how to use the facility and the location of services can be addressed, and information about assistance for litigants with special physical and language needs can be available. Kiosks with general information about the court can be most useful when staff is unavailable.

Implementation:

- Most courts have put general information about how the courthouse is organized physically, and where to go for what services on their local websites.
- Many courts have also established either information booths or information kiosks at the entry to the courthouse. For example, the Superior Court of Los Angeles has a

⁷¹ [California Trial Court Facilities Standards](#), Adopted in 2006, Amended in March 2010

kiosk people can use to find out where they should be going. Other courts have information booths. Among the examples are the Superior Courts of Alameda, Sacramento and Tulare.

Current Status:

Significant progress has been made on this recommendation, but additional work is required. It is ongoing.

F. Maps and signage in several languages should be provided to help self-represented litigants find their way around the courthouse.

Background:

Concerns of the task force about the public's ability to navigate the courthouse are mirrored in this recommendation. Signs, maps, and floor-plan charts have all proved useful to the public for providing information about how to use the courthouse. These should be translated into several languages. Universal signage should be developed to help litigants find common services, such as a self help center.

Implementation:

- Local courts have developed maps and signage based upon the physical design of their courthouse. Judicial Council staff has provided samples of posters, templates and other materials to courts to assist local courts in developing local resources.

Current Status:

There is improvement locally on this issue, but more work needs to be done to develop universal signage.

Recommendation VII: Fiscal Impact:

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required.

A. Continued stable funding should be sought to expand successful existing programs statewide.

Background:

At the time the Action Plan was drafted, the only stable statewide funding for court-based self-help was the AB1058 funding for the family law facilitator. That funding was limited to child support related issues only. Although many courts were contributing funding from their local trial court budgets, it was clear to the task force that additional stable statewide funding was also necessary. Until adequate and stable funding is included in the judicial branch's appropriation, there can be no assurance that self-represented litigants throughout the state

will have equal access to justice. Regrettably, access to justice presently is often dependent on the resourceful and vigilant efforts of local courts and communities to secure funding to support services for these litigants.

Implementation:

- The Budget Act for fiscal year 2005-2006 called on the Judicial Council to allocate up to \$5 million for self-help services and required a report on the implementation of the programs in 2006-2007. A report to the legislature *on California Courts Self-Help Centers* was made in June of 2007.
- The Judicial Council allocated \$2.5 million in the first year (2005-2006)
 - \$1.25 million was allocated on a formula basis to all requesting courts (51 courts) to establish or enhance self-help assistance. The formula was based on an average of the court's population and the amount of funds used for the family law facilitator program. These funds could not be used to supplant funding for existing services. They could only be used to expand existing services or start new ones. At least 75 percent of the funds were to be expended for the costs of an attorney. Courts were asked to match 10 percent of the grant with existing resources. This could include allocating an existing court clerk to assist the attorney.
 - \$335,000 was allocated to requesting courts to support planning and implementation of action plans that the courts had already adopted, as well as regional coordination of self-help programs.
 - \$250,000 was allocated to provide for one-time costs associated with providing self-help
 - \$342,755 was allocated for self-help centers through Regional Opportunity Grants.
 - \$125,000 was allocated for the JusticeCorps program
 - \$215,000 was allocated to pilot programs to assist self-represented litigants obtain orders after hearing in domestic violence cases.
 - \$104,519 was allocated to expand the EZLegalFile document assembly program
- In 2006-2007 a survey of courts was conducted by the Judicial Council to assess the funding needs for fully staffed, civil self-help centers in the courts. The consolidated total yearly budget was \$47,992,268.

- In 2006-2007, expanding the self-help centers was one of three top priorities in the judicial branch budget. \$3.7 million was allocated from the Trial Court Trust Fund, and \$5 million from the Trial Court Improvement Fund, totaling \$8.7 million for the statewide expansion of the court self-help centers.
- Currently, in addition to the AB1058 funding for the family law facilitator, statewide funding for self-help centers in the courts is \$11,200,000 yearly.
- Family Law Facilitator funds were increased to \$ 15,040,301.
- Local courts also continue to fund self-help services from their local budgets.

Current Status:

The fiscal crisis in the court has caused local courts to pull back some of the self-help center funding they had been contributing. The self-help centers are overcrowded with no way to grow. So, this recommendation is ongoing and needs more work.

B. The Judicial Council should identify, collect and report on data that support development of continued and future funding for programs for self-represented litigants.

Background:

The task force has always been mindful of the fiscal circumstances in California and recognized the need for a thoughtful and cost-effective plan for continued and future funding. The task force worked to put forward measures that will save money as a result of consolidation, standardization, and other efficiencies.

Understanding that demonstrated need is a basic component of any successful funding request, the task force has tried to identify sources from which compelling data might be collected. Existing operational data should be used whenever possible, and any additional data requirement should be coordinated in a manner likely to cause the least burden on the local courts. Additional data regarding need for services could be obtained from social services and community agencies and representatives.

Implementation:

- A survey of trial courts was conducted in 2007 to collect their assessment of the funding needed for full service civil self-help centers. This information was crucial in the Judicial Council's determination to allocate an additional \$11.2 million in funding for self-help centers.
- The Family Law Resource Guidelines (FLRG), Guide 4, sets out effective practices identified by subject matter experts from the courts on the topic of assistance to self-

represented litigants. It then reports on the research done to assess the resource implications of those practices.

- The *SHC Guidelines* (Guideline 19) requires routine evaluation of services to the public, and recommends a minimum of quarterly reports on self-help center operations. Court self-help centers have been providing reports to the Judicial Council since the funding began in 2007. These reports are used to provide data to the Judicial Council and legislature regarding services provided as well as unmet needs.
- Family law facilitators and self-help programs that are part of the facilitator's office are also required to place operational data into the Family Law Facilitator Electronic Database (FLFED). This data is used to indicate the need for the service with the Department of Child Support Services and has been used to increase the funding for the family law facilitator program.
- Efficacy data has been collected and reported in the evaluations of the Family Law Information Centers, Equal Access Partnership Programs, and the Model Self-Help Programs. That data was instrumental in determinations to continue funding those programs in times of severe fiscal challenges.
- Costs and benefits to the courts and litigants of providing self help services were studied in six courts in the San Joaquin Valley.⁷² Information on the results was widely disseminated and the data collection tools and protocols were shared with all the courts.
- The Sargent Shriver Civil Counsel Pilot Project is conducting a legislatively mandated research project that will include analysis of the benefits and costs of providing representation and expanded court services for those persons who remain self-represented. It will review unmet needs and the impact of provision of legal services on other social service and governmental agencies. This evaluation will be provided to the Legislature in January 2015.
- A set of “dashboard measures” of fundamental family law statistics has been defined to help courts establish baseline measurements that can then be used to identify caseflow areas meriting further attention. Once implemented, these measurements inform and guide the courts in monitoring, evaluating, and improving their performance in the specific measured areas/outcomes, as well as in assessing the

⁷² [*The Benefits and Costs of Programs to Assist Self-Represented Litigants: Results from Limited Data Gathering Conducted by Six Trial Courts in California's San Joaquin Valley*](#) (May 2009) (Prepared by John Greacen, Greacen Associates, LLC.)

effects of various caseload adjustments. The measures are currently being pilot-tested using case management system data from several courts throughout the state.

Current Status:

There has been much work done on this recommendation, but more is required

C. Standardized methodologies to measure and report the impact of self-help efforts should continue to be developed

Background:

Uniform definitions of terms must be established to allow for valid comparisons. New tools must be designed and implemented to capture efficacy data. Standard and periodic exit surveys or customer satisfaction inquiries should be considered throughout the state. These results will not only gauge success of a particular program, they will be useful in determining the relative effectiveness of individual parts of a program as compared with other services. A method should be crafted by which the impact of the self-help centers in expediting cases may be assessed. Examples of possible tools include review of court operations data, judicial surveys, and surveys of court staff. The effectiveness of computer and web-based self-help programs should be studied. Quality, not just quantity, of service must be calculated in evaluation

Implementation:

- There are uniform demographic categories used in FLFED and the SHC Quarterly reports that provide statewide data on the users of the self-help centers.
- Volume and other basic accounting data is largely measured in the same manner in FLFED and the SHC quarterly reports.
- Efficacy data has been reported in the evaluations of the Equal Access Partnership Grants and the Model Self-Help Programs. This included customer satisfaction data.
- Efficacy data was also provided in the evaluation of the Family Law Information Centers. This included customer satisfaction and judicial satisfaction.
- The “Dashboard Measures” for family law, generated by the report of the Elkins Family Law Task Force, attempt to set uniform basic guidelines for family court operational data for management reports.

- A toolkit for assessing the effectiveness of self-help services has been developed to allow local courts to evaluate their own programs. Workshops have been conducted to explain how to use these tools for courts wishing to implement them.⁷³
- The National Center for State Courts has developed a recommendation for a way to count and report the representation status of a litigant in a case. This has been distributed nationally in order to encourage consistent information.⁷⁴

Current Status:

Although some work has been done, much more is required. For example, the Judicial Branch Statistical Information System (JBSIS) is unable to assess the number of civil litigants who file cases without attorneys. Further, the ability to assess the quality and impact of service has been highly challenging due to the complexity of many SRL cases.

D. Uniform standards for self-help centers be established to facilitate budget analysis

Background:

The task force felt that there should be a basic set of minimum standards for the operation of the court self-help centers. Criteria should include minimum staffing levels and qualifications, facilities requirements, referral systems, levels of service provided, and hours of operation. These standards should be incorporated into the development of uniform definitions of terms for the purpose of gathering meaningful data. The standards should be used to assist the courts in establishing a baseline for funding for self-help activities to assure equal access to core self-help assistance throughout the state.

Implementation:

- The *Guidelines for the Operation of Self-Help Centers in California Trial Courts* (2008 and reaffirmed in 2011) set out the minimum basic standards for the court self-help centers. This document has gone through two review periods to date.

Current Status:

While regular review of the standards is helpful to ensure that it reflects newest advances in services, this recommendation is completed.

E. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self help centers should be supported and encouraged

Background:

⁷³ These tools are found at on the California Courts Equal Access website in the section on research and evaluation. <http://www.courts.ca.gov/partners/143.htm>

⁷⁴ http://www.courtstatistics.org/Other-Pages/SRL_Main.aspx

The task force recognized that self-help services are often a great help to constituents of local government officials. This partnership between local governments and the courts can be very helpful for the public.

Implementation:

- The Superior Court of Los Angeles court self-help centers has forged partnership with a number of other groups. For example, several of the court self-help centers are funded by the Department of Consumer Affairs and operated by Neighborhood Legal Services, the Legal Aid Foundation of Los Angeles and the Legal Aid Society of Orange County which provides services in southern Los Angeles.
- The Superior Courts of Santa Clara and Placer were able to secure grants from Proposition 10 funding for work on cases involving young children

Current Status

This recommendation is ongoing.

F. Coordination of efforts among programs assisting self-represented litigants should be stressed to maximize services and avoid duplication

Background:

The Task Force thought that whenever possible, courts should look at the possibility of coordinating existing self-help assistance to save costs and provide more cohesive services for litigants. Courts should also work closely with programs funded through the Dispute Resolution Program Act and Small Claims Advisors Act and seek to ensure collaboration whenever possible

Implementation:

- Many courts have worked closely with their law libraries to locate self-help services in those libraries. Examples include Alameda, Butte, Contra Costa, El Dorado, Kern, Los Angeles, Orange, Nevada, Sacramento and San Bernardino counties. Law libraries provide space and resources to assist litigants with a quiet place to work, computer and law book access which is particularly helpful for more complicated cases. Many hold workshops for the public.
- The SHARP self-help center in the Superior Court of Butte County also serves the Superior Courts of Lake and Tehama Counties.
- The role of small claims advisor has largely been integrated with the court self-help centers. This allows for more seamless services for litigants.
- Many self-help programs offer mediation services and all refer to local dispute resolution programs that assist litigants with resolving their cases outside of court.

- Law librarians, small claims advisors and mediators have been active participants in conferences on serving self-represented litigants and each conference has offered specific workshops sharing best practices as well as roundtables for discussion and collaboration.

Current Status:

This recommendation is ongoing.

G. Assistance with grant applications and other resource-enhancing mechanisms should continue to be offered to local courts.

Background:

The Task Force was impressed by the efforts of local courts to expand resources for self-help and thought that it was a good use of Judicial Council resources to continue to provide assistance to local courts on how to obtain grant funding, offer centralized purchasing options to enhance buying power, and otherwise support local courts in obtaining resources for self-help efforts. It suggested that generic materials should be developed for the courts to use in seeking grants from appropriate outside sources.

Implementation:

- The Judicial Council staff assists courts with Justice Corps grants that allow students to provide 300 hours each of legal assistance in self-help centers under the direction of attorneys.
- Alerts are provided to courts when funding becomes available from outside entities including the Equal Access Fund Partnership Grants, Legal Services Corporation Technology Innovation Grants, the California Bar Foundation and the State Justice Institute for initiatives in support of self-help centers.
- A number of workshops have been offered at statewide conferences on how to obtain grants to assist in expanding services and generic materials were provided to the courts as part of those workshops.
- A master agreement has been negotiated for use by the Judicial Council and the courts to obtain translation services for all commonly used languages in California as well as “Plain Language” English.
- A master agreement has been negotiated for use by the Judicial Council and the courts for telephonic interpreter services which can be used at a court clerk’s office or self-help center. This service can be particularly helpful for languages which are not commonly spoken.

- The Judicial Council has an agreement for the use of a national server for document assembly programs which can be used by all California courts.

Current Status:

This recommendation is ongoing.

Recommendation VIII: Implementation of Statewide Action Plan

To provide for successful implementation of this statewide action plan, a smaller task force charged with responsibility of overseeing implementation should be established.

The Judicial Council often appoints an implementation Task Force to oversee the implementation of recommendations in Action Plans or policy reports

Implementation:

- Upon adoption of the Action Plan by the Judicial Council in 2004, an implementation Task Force on Self-Represented Litigants was appointed.

Current Status:

This recommendation has been completed.

A. The implementation task force should consult with experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services, as well as with partners such as bar associations, legal services, law libraries, and community organizations.

Background

The goal of providing significantly expanded self-help services throughout the entire court requires input and collaboration with a wide variety of subject matter experts.

Implementation:

- The implementation task force reached out to a wide variety of experts. It met with judicial educators, facilities specialists, technologists, linguists, representatives from community organizations, bar associations, law libraries and a variety of other organizations. The task force chair and staff made presentations to all Judicial Council standing committees and asked for their feedback and guidance in implementation. Many committees embarked on significant efforts including development of information and forms designed for self-represented litigants to address the recommendations in the Action Plan.

Current Status:

This recommendation has been completed.

B. The number of members on the implementation task force should be limited, but members should be charged with the responsibility to seek input from non-members with unique knowledge and practical experience.

Background:

Since the effective implementation of the Action Plan required varied and extensive subject matter expertise, knowledge and understanding of practical concerns, it was believed that an implementation committee with the requisite experience would be so large as to be unworkable. Instead the members were charged with regularly reaching out to colleagues and potential partners for suggestions.

Implementation:

- The implementation task force has either had members or consulted with such individuals as judicial officers who have knowledge and experience in cases involving self-represented litigants, the family law facilitators, self-help center attorneys or staff members, law librarians, Judicial Council advisory committees, legal services organizations, the Commission on Access to Justice, as well as state and local bar association committees and sections.

Current Status:

This recommendation has been completed.

Conclusion

The expansion and increased sophistication of services provided by the courts to enable self-represented litigants to have their matters adjudicated has been remarkable in the last fifteen years. California's courts are internationally recognized for their efforts to ensure that all litigants have access to justice in an efficient and effective manner and should be commended. The Action Plan has been a guidepost for all of these efforts, laying out the vision of the Judicial Council for a comprehensive and thoughtful approach to the changing population of those coming to California's courts.

The new Advisory Committee on Providing Access and Fairness should continue the work of implementing the Statewide Action Plan for Serving Self-Represented Litigants and embark upon an effort to consider what next steps should be taken to address the needs of the courts and the public we serve.



JUDICIAL COUNCIL OF CALIFORNIA

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www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title

Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring

Agenda Item Type

Information Only

Date of Report

September 19, 2014

Submitted by

Executive and Planning Committee
Hon. Douglas P. Miller, Chair

Contact

Martin Hoshino

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Executive Summary

The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

Previous Council Action

The Judicial Council approved directives presented by E&P on August 31, 2012. These directives reaffirmed Judicial Council authority over the staff to the Judicial Council, restructured the staff agency, and endorsed a plan for monthly monitoring of the implementation of the directives by E&P. The last report to the Judicial Council on implementation efforts was provided by E&P at the August 22, 2014, Judicial Council meeting.

Implementation Progress

The staff to the Judicial Council offices continue to progress in implementing the Restructuring Directives in accordance with the timelines for implementation approved by the Judicial Council.

Since the August 2014 council meeting, the following directives were reported as complete:

- Directive 44—Finance provided information on the implementation of budget and forecasting recommendations to ensure that the budgets of individual units are aligned with their program responsibilities. The process improvements were implemented in July 2014 with the first financial forecast under the new process occurring in November 2014. Finance will continue to make modifications to its budget review techniques as part of an ongoing process of continuous improvement.
- Directive 138—Real Estate & Facilities Management provided information on fiscal planning efforts implemented to fund increased costs for the maintenance of court facilities. These efforts included the renegotiation of rent, generation of revenues, approval of a budget change proposal in support of the Trial Court Facility Modifications program, and Judicial Council approval of additional resources to implement budget projects.

Attachments

1. *Status Report: Judicial Council Directives on Staff Restructuring*

STATUS REPORT
JUDICIAL COUNCIL DIRECTIVES
ON STAFF RESTRUCTURING

October 28, 2014

#	Directive *	Timeline	Status	Status Updates
1	<p>The Administrative Director of the Courts operates subject to the oversight of the Judicial Council. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on each item on this chart approved by the Judicial Council.</p> <p>SEC Recommendation The Administrative Director must operate subject to the oversight of the Judicial Council and will be charged with implementing the recommendations in this report if so directed.</p>	For immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
2	<p>E&P recommends that the Judicial Council take an active role in overseeing and monitoring the AOC to ensure transparency, accountability, and efficiency in the AOC's operations and practices.</p> <p>SEC Recommendation The Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.</p>	For immediate implementation (Ongoing)	Ongoing	

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#	Directive *	Timeline	Status	Status Updates
3	<p>E&P recommends that the Judicial Council promote the primary role and orientation of the AOC as a service provider to the Judicial Council and the courts for the benefit of the public.</p> <p>SEC Recommendation</p> <p>The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.</p>	For immediate implementation (Ongoing)	Ongoing	
4	<p>E&P recommends that the Judicial Council, in exercising its independent and ultimate governance authority over the operations and practices of the AOC, must ensure that the AOC provide it with a comprehensive analysis, including a business case analysis, a full range of options and impacts and pros and cons, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs and projects, the Judicial Council must ensure that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.</p> <p>SEC Recommendation</p> <p>In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs, and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.</p>	For immediate implementation (Ongoing)	Ongoing	

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#	Directive *	Timeline	Status	Status Updates
5	<p>E&P recommends that the Judicial Council conduct an annual review of the performance of the Administrative Director of the Courts (ADOC). The review must take into consideration input submitted by persons inside and outside the judicial branch.</p> <p>SEC Recommendation</p> <p>The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the Courts. These reviews must take into consideration input submitted by persons inside and outside the judicial branch.</p>	For initiation October 2013	Ongoing	

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#	Directive *	Timeline	Status	Status Updates
6	E&P recommends that the Judicial Council direct the Rules and Projects Committee, consistent with its responsibility under rule 10.13 of the California Rules of Court, to establish and maintain a rule-making process that is understandable and accessible to justice system partners and the public, to consider SEC Recommendation 6-8 and report on any changes to the rule-making process to the Judicial Council.	RUPRO to propose a timeline to return to the council to present its recommendations.	Completed	<p>RUPRO will continue to address this directive on an ongoing basis. Most recently, on behalf of RUPRO, Justice Hull attended the meetings of the executive committees of the Trial Court Presiding Judges and Court Executives Advisory Committees to summarize RUPRO's actions to address this directive and seek their input on the effect of the changes. As it does annually, through the process for review and approval of annual agendas, RUPRO applied priority levels to rules and forms proposals when RUPRO approved annual agendas of advisory groups that it oversees. RUPRO considered whether there is an urgent need for proposals and whether they will provide significant benefits to the courts and public. Since January 2013, actions by RUPRO related to this directive include directing two advisory groups to submit proposals to the Presiding Judges and Court Executive Officers for early input on the proposals, including requesting information about fiscal and operational impacts.</p> <p>RUPRO will, as part of annual agenda review, continue to review all advisory body proposals for rules and forms under RUPRO policies in effect at that time (the current policy is to give priority to proposals that are statutorily required or promote cost savings or efficiencies). The RUPRO Chair will continue to meet with TCPJAC Executive Committee on an ongoing basis to discuss the issues identified in this directive.</p>

SEC Recommendation

The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should

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#	Directive *	Timeline	Status	Status Updates
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recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules, including by focusing on rule changes that are required by statutory changes.

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#	Directive *	Timeline	Status	Status Updates
7	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose a procedure to seek the fully informed input and collaboration of the courts before undertaking significant projects or branchwide initiatives that affect the courts. The AOC should also seek the input of all stakeholder groups, including the State Bar.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	SEC Recommendation The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that affect the courts.			

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#	Directive *	Timeline	Status	Status Updates
8	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to first employ a comprehensive analysis, including an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts and stakeholders.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	SEC Recommendation The AOC must first employ an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts.			

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#	Directive *	Timeline	Status	Status Updates
9	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure for developing and communicating accurate cost estimates for projects, programs, and initiatives.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

[SEC Recommendation](#)

The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.

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#	Directive *	Timeline	Status	Status Updates
10	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.

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#	Directive *	Timeline	Status	Status Updates
11	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to maintain proper documentation and records of its decision making process for significant projects and programs.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.

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#	Directive *	Timeline	Status	Status Updates
12	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	SEC Recommendation The AOC must identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.			

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#	Directive *	Timeline	Status	Status Updates
13	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to accurately report and make available information on potential costs of projects and impacts on the courts.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.

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#	Directive *	Timeline	Status	Status Updates
14	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to conduct a comprehensive review of the AOC position classification system as soon as possible. The focus of the review must be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.</p>			

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#	Directive *	Timeline	Status	Status Updates
15	The Administrative Office of the Courts must also undertake a comprehensive review of the AOC compensation system as soon as possible. The AOC must review all compensation-related policies and procedures, including those contained in the AOC Personnel Policies and Procedures Manual.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 167 2011 350">On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 391 1965 513">In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2011 829">In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2011 1057">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1097 2011 1187">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1227 2011 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1414 2011 1438">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
	<p>SEC Recommendation</p> <p>The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures must be reviewed, including those contained in the AOC personnel manual. AOC staff should be used to conduct this review to the extent possible. If outside consultants are required, such work could be combined with the classification review that is recommended above. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.</p>			<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

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#	Directive *	Timeline	Status	Status Updates
16	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(a) A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
	SEC Recommendation			<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p>
	<p>The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:</p>			<p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p>
	<p>(a) A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.</p>			<p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p>
				<p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

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#	Directive *	Timeline	Status	Status Updates
17	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(b) Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p><u>SEC Recommendation</u></p> <p>The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:</p> <p>(b) Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.</p>			

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#	Directive *	Timeline	Status	Status Updates
18	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(c) The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC Personnel Policies and Procedures Manual) should be reviewed and, if maintained, applied consistently.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
	SEC Recommendation			<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p>
	<p>The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:</p>			<p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p>
	<p>(c) The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC personnel manual) should be reviewed and, if maintained, applied consistently.</p>			<p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p>
				<p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

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#	Directive *	Timeline	Status	Status Updates
19	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(d) Given current HR staffing and expertise levels, the Administrative Director of the Courts is directed to consider whether an outside entity should conduct these reviews and return to the Judicial Council with an analysis and a recommendation.</p> <p><u>SEC Recommendation</u></p> <p>The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:</p> <p>(d) Given current HR staffing and expertise levels, an outside entity should be considered to conduct these reviews.</p>	<p>Due date will be modified after September 2013 after the selection of a vendor for the AOC Classification and Compensations study as directed by the Judicial Council.</p>	Completed	<p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder. The AOC is working with the successful bidder to develop and execute an agreement, expected to be finalized no later than October 31, 2013. If the parties are able to reach agreement, the contract start date will begin in October 2013 with an estimated end date of November 24, 2014. The study is expected to commence following the contract start date.</p> <p>In October 2013, E&P will provide an update to the Judicial Council on the results of the Classification and Compensation study RFP, and outline next steps for the commencement of the organization-wide AOC Classification and Compensation study.</p>

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#	Directive *	Timeline	Status	Status Updates
20	E&P also recommends that the Judicial Council direct the Administrative Director of the Courts to assess the results of the compensation and classification studies to be completed and propose organizational changes that take into account the SEC recommendation 7-75 and the analysis of the classification and compensation studies.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2007 354">On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 391 1965 513">In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2007 829">In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2007 1057">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1097 2007 1187">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1227 2007 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1414 2007 1438">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
	SEC Recommendation			<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>The Administrative Director should make an AOC-wide assessment to determine whether attorneys employed across the various AOC divisions are being best leveraged to serve the priority legal needs of the organization and court users.</p>			

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#	Directive *	Timeline	Status	Status Updates
21	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.	Completion by December 2013.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate;

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#	Directive *	Timeline	Status	Status Updates
	and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.			
22	E&P recommends that the Judicial Council direct the AOC to renegotiate or terminate, if possible, its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and, if possible, renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that the State Department of General Services would have to find replacement tenants for its space. SEC Recommendation The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.	ADOC recommendations to the council at the 10/26/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
23	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to identify legislative requirements that impose unnecessary reporting or other mandates on the courts and the AOC. Appropriate efforts should be made to revise or repeal such requirements.	ADOC report to E&P identifying legislative requirements by December 2013.	Completed	<p>The Office of Governmental Affairs continues to identify statutory requirements that impose unnecessary reporting or other mandates and, on behalf of and at the direction of the Judicial Council, advocate for revising and/or repealing such requirements.</p> <p>OGA continues to work with Judicial council staff to identify legislatively mandated reporting requirements for the Judicial Council, AOC and the courts that are unnecessary, outdated, or overly burdensome. In 2012, OGA worked with AOC divisions to identify several such reporting requirements. OGA then recommended to the legislature that these requirements be repealed. One such reporting requirement was eliminated. OGA has once again asked AOC divisions to identify additional unnecessary, outdated, or overly burdensome reporting requirements. OGA will continue to take ideas for eliminating unnecessary reporting requirements to the PCLC to seek legislative action to eliminate these requirements. This is a ongoing duty that will continue on beyond the life of the directive.</p>
<p>SEC Recommendation</p> <p>The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise or repeal such requirements.</p> <hr/>				

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#	Directive *	Timeline	Status	Status Updates
24	<p>On August 9, 2012, E&P directed the interim Administrative Director of the Courts and incoming Administrative Director of the Courts to consider the SEC recommendations on AOC organizational structure (recommendations 5-1–5-6, 6-1) and present their proposal for an organizational structure for the consideration of the full Judicial Council at the August 31, 2012, council meeting.</p> <p><u>SEC Recommendation</u></p> <p>5-1. The AOC should be reorganized. The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to the Executive Office but no longer should be accorded divisional status.</p> <p>5-2. The Chief Operating Officer should manage and direct the Judicial and Court Operations Services Division, consisting of functions located in the Court Operations Special Services Office; the Center for Families, Children and the Courts; the Education Office/Center for Judicial Education and Research; and the Office of Court Construction and Facilities Management.</p> <p>5-3. The Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of functions located in the Fiscal Services Office, the Human Resources Services Office, the Trial Court Administrative Services Office, and the Information and Technology Services Office.</p>	<p>Interim and incoming ADOC to present proposed organizational chart and implementation proposal to the council for consideration at the 8/31/12, council meeting.</p> <p>With council approval, an organizational design will be implemented by October 2012.</p>	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
	<p>5-4. Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include such functions as the coordination of AOC support of the Judicial Council, Trial Court Support and Liaison Services, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office.</p>			
	<p>5-5. The Chief Counsel, manager of the Legal Services Office (formerly the Office of the General Counsel) should report directly to the Administrative Director depending on the specific issue under consideration and depending on the preferences of the Administrative Director.</p>			
	<p>5-6. The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be so designated.</p>			
	<p>6-1. The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.</p>			

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#	Directive *	Timeline	Status	Status Updates
25	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require immediate compliance with the requirements and policies in the AOC Personnel Policies and Procedures Manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.</p> <p>SEC Recommendation</p> <p>The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.</p>	<p>Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
26	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy. The Administrative Director of the Courts must review the AOC telecommuting policy and provide the council with a report proposing any recommendations on amendments to the policy, by the December 13-14, 2012, council meeting. Based on a recommendation from the Executive and Planning Committee, the Judicial Council added an additional directive to the existing telecommute directives at the December 14, 2012, meeting to consider and report on alternatives for the telecommute policy, including whether this policy should remain in force and directed the ADOC to return to the council with a report and recommendations for the council's February 2013 meeting.</p> <p>SEC Recommendation</p> <p>The AOC must adhere to its telecommuting policy (Section 8.9 of the AOC personnel manual). It must apply the policy consistently and must identify and correct all existing deviations and violations of the existing policy.</p>	<p>Administrative Director of the Courts to report to the Executive & Planning Committee on the use of the amended telecommute policy for the period of June 2013 - August 2013. The Administrative Director of the Courts will provide a year-end report/evaluation to the Judicial Council once a final timeline has been determined by the Committee.</p>	Completed	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
27	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that, with an appropriate individual employee performance planning and appraisal system in place, the AOC utilizes the flexibility provided by its at-will employment policy to address employee performance issues. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.</p> <p><u>SEC Recommendation</u></p> <p>6-4. With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues.</p> <p>7-36. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.</p>	ADOC report to the council at the April 2013 meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.
28	<p>E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require compliance with the AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC Personnel Policies and Procedures Manual, section 3.9) and that performance appraisals are uniformly implemented throughout the AOC as soon as possible.</p> <p><u>SEC Recommendation</u></p> <p>The AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC personnel manual, section 3.9) must be implemented uniformly throughout the AOC as soon as possible.</p>	Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
29	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop an employment discipline policy to be implemented consistently across the entire AOC that provides for performance improvement plans.</p> <p><u>SEC Recommendation</u> A consistent employment discipline policy must accompany the employee performance appraisal system. Section 8.1B of the AOC personnel manual discusses disciplinary action, but is inadequate. A policy that provides for performance improvement plans and for the actual utilization of progressive discipline should be developed and implemented consistently across the entire AOC.</p>	Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
30	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to utilize the AOC's layoff process to provide management with a proactive way to deal with significant reductions in resources.</p> <p><u>SEC Recommendation</u> The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.</p>	Revised policy adopted May 18, 2012.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
31	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require the AOC leadership to develop, maintain, and support implementation of effective and efficient human resources policies and practices uniformly throughout the AOC.	The Administrative Director of the Courts will provide a report to the Judicial Council at the August 2014 meeting.	Completed	<p>The Human Resources Services Office (HRSO) has concluded its review of the Personnel Policies and Procedures Manual (Manual). In conducting its review, the HRSO focused on updating policies to reflect legislative and organizational changes to the Judicial Council since July 2011, while simultaneously addressing issues raised by related Judicial Council Directives. All policies were reviewed within different areas of the HRSO. The office also received feedback from the Legal Services Office.</p> <p>The Manual has been and continues to be a living document. While this review is comprehensive and is intended to be inclusive of recent changes to the organization and state/federal employment law, the HRSO fully expects to make continuing adjustments as it relates to business needs/practices, and constantly changing legal environments while ensuring that policies remain relevant and accurate.</p> <p>The updated Policy Manual will be presented to the Executive and Planning Committee for final review.</p>

SEC Recommendation

The AOC leadership must recommit itself to developing and maintaining effective and efficient HR policies and practices. The new Administrative Director, among other priority actions, must reestablish the AOC's commitment to implement sound HR policies and practices.

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#	Directive *	Timeline	Status	Status Updates
32	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC Personnel Policies and Procedures Manual, should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.	The Administrative Director of the Courts will provide a report to the Judicial Council at the August 2014 meeting.	Completed	<p>The Human Resources Services Office (HRSO) has concluded its review of the Personnel Policies and Procedures Manual (Manual). In conducting its review, the HRSO focused on updating policies to reflect legislative and organizational changes to the Judicial Council since July 2011, while simultaneously addressing issues raised by related Judicial Council Directives. All policies were reviewed within different areas of the HRSO. The office also received feedback from the Legal Services Office.</p> <p>The Manual has been and continues to be a living document. While this review is comprehensive and is intended to be inclusive of recent changes to the organization and state/federal employment law, the HRSO fully expects to make continuing adjustments as it relates to business needs/practices, and constantly changing legal environments while ensuring that policies remain relevant and accurate.</p> <p>The updated Policy Manual will be presented to the Executive and Planning Committee for final review.</p>
<p><u>SEC Recommendation</u></p> <p>A gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC personnel manual should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.</p> <hr/>				

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#	Directive *	Timeline	Status	Status Updates
33	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are transparent.</p> <p>The Administrative Director of the Courts should develop and make public a description of the AOC fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The AOC should produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year.</p> <p><u>SEC Recommendation</u> The AOC's fiscal and budget processes must be transparent. The Executive Leadership Team should require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The Fiscal Services Office should be required to produce a comprehensive, publicly available midyear budget report,</p>	<p>Final report on measures taken to implement a new approach to the budget process by December 2014.</p>	<p>In Progress</p>	<p>The JCC Finance Office has already implemented various improvements to the JCC's budgeting process, but additional improvements are still being developed. JCC staff are also working to implement other fiscal and budget processes, such as improved budget & allocation reports and developing enhanced training options for division/office budget liaisons. As part of this process, the Finance Office staff will confer with other state entities on their respective practices. In addition, the Finance Office will build upon the DOF annual budget development calendar to more fully document the JCC fiscal and budget processes.</p> <p>A budget process survey was distributed to 23 executive branch departments as a tool to gather information regarding their internal budget and fiscal processes. A total of 16 departments/agencies responded to the survey including 7 which utilize CALSTARS. JCC Finance Office will review, evaluate and summarize the survey results and also develop recommendations for improvements that can be made to JCC processes. We expect this phase of the process will take until the June 2014 reporting period to be completed.</p> <p>Staff progress has been delayed due to workload associated with the audit of the Judicial Council authorized by the Joint Legislative Audit Committee and conducted by the California State Auditor.</p>

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#	Directive *	Timeline	Status	Status Updates
	including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing an entirely new approach to fiscal processes and fiscal information for the AOC.			
34	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that all fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division.	Immediate implementation with ADOC report to the council at the 10/26/2012, meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
	<p><u>SEC Recommendation</u></p> <p>All fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division (to become the Fiscal Services Office under the recommendations in this report).</p>			
35	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal tracking systems be in place so that timely and accurate information on resources available and expenditures to date are readily available.	ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
	<p><u>SEC Recommendation</u></p> <p>Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available. Managers need this information so they do not spend beyond their allotments.</p>			

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#	Directive *	Timeline	Status	Status Updates
36	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal information displays be streamlined and simplified so they are clearly understandable.	ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
<p>SEC Recommendation Information displays need to be streamlined and simplified so they are clearly understandable.</p> <hr/>				

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#	Directive *	Timeline	Status	Status Updates
37	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the Finance Division track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division, or by program, whichever provides the most informed and accurate picture of the budget.	ADOC interim report to the council at the February 2013 meeting and final report at the October 2013 meeting.	Completed	<p>This directive is considered complete as AOC FSO staff currently tracks appropriations and expenditures by fund. As required by Department of Finance and to comply with State of California Legal Basis Accounting, the Oracle financial system maintains all of this information dating back to 1996-97. Additionally, the Judicial Branch display in the annual Governor's Budget and supporting schedules provide appropriations and expenditures by fund.</p> <p>Also, the AOC FSO conducts regular reviews of budget and expenditure information to ensure divisions/offices are functioning within available resources. This includes monthly budget forecasting for the remainder of the fiscal year as well as year-end planning activities. AOC staff also provides these budget support services to the Supreme Court, Courts of Appeal, and the Habeas Corpus Resource Center.</p> <p>Finally, after the end of this fiscal year, FSO will review existing reports and develop a standard year-end summary to facilitate comparative year-to-year funding changes. AOC staff will continue to review existing processes and procedures to determine what improvements can be implemented on an ongoing basis.</p>
	<p><u>SEC Recommendation</u></p> <p>The Finance Division (Fiscal Services Office) should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division or by program — whichever provides the audience with the most informed and accurate picture of the budget.</p> <hr/>			

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#	Directive *	Timeline	Status	Status Updates
38	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that expenditures be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures must be further broken down as support for the Supreme Court and Appellate Courts. The AOC should adopt the methodology of distributing the administrative costs among programs.	ADOC interim report to the council at the February 2013 meeting and the final report at the December 2014 meeting.	In Progress	<p>The JCC Finance Office does track expenditures split into those for state operations and local assistance. Local assistance expenditures are tracked by trial court (if an individual trial court directly benefited) and state-wide (for expenditures that benefits more than one trial court). State operations expenditure tracking is further broken down by the program and entity specified in each year's Budget Act.</p> <p>With respect to the distribution of administrative costs, JCC Finance Office staff will be evaluating methodologies employed by other state-funded entities to determine which method should be applied at the JCC.</p> <p>A budget process survey was distributed to 23 executive branch departments as a tool to gather information regarding their internal budget and fiscal processes. A total of 16 departments/agencies responded to the survey including 7 which utilize CALSTARS. JCC Finance Office staff will review, evaluate and summarize the survey results and also develop recommendations for improvements that can be made to JCC processes. We expect this phase of the process will take until the June 2014 reporting period to be completed.</p> <p>Staff progress has been delayed due to workload associated with the audit of the Judicial Council authorized by the Joint Legislative Audit Committee and conducted by the California State Auditor.</p>

SEC Recommendation

Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures should be further broken down as support for the Supreme Court and Appellate Courts. In most state departments, administrative costs are distributed among programs. The

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#	Directive *	Timeline	Status	Status Updates
	AOC should adopt this methodology.			
39	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the AOC schedule its budget development and budget administration around the time frames used by all state entities.	Administrative Director of the Courts to provide update to Judicial Council at the October 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
	SEC Recommendation			
	The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units.			

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#	Directive *	Timeline	Status	Status Updates
40	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that requests for additional resources be presented to the Judicial Council at its August meeting, identify the increased resources requested, and be accompanied by clear statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request and there should be a system to prioritize requests.</p> <p>SEC Recommendation</p> <p>Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit</p>	Immediate implementation	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

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#	Directive *	Timeline	Status	Status Updates
	<p>analysis should be part of any request, and there should be a system to prioritize requests.</p>			
41	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, after the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. All figures provided by the AOC should tie back to the Governor's Budget or be explained in footnotes.</p> <p><u>SEC Recommendation</u></p> <p>After the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.</p>	<p>Immediate implementation. ADOC report to the council at the February 2013 council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
42	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, except for budget changes that must be made to comply with time requirements in the state budget process, the AOC not change the numbers in the budget statements it presents. All figures provided by the AOC must tie back to the Governor's budget or be explained in footnotes.</p> <p><u>SEC Recommendation</u></p> <p>Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.</p>	<p>Immediate implementation (Ongoing)</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the December 14, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
43	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to perform internal audits upon completion of the restructuring of the AOC.	Administrative Director of the Courts to report to council at the October 2014 council meeting.	In Progress	<p data-bbox="1440 168 2020 483">Audit Services (AS) balances its audit activities between the branch and the Judicial Council based on staffing availability. Historically, AS had an authorized staff high of 17 positions and actual of 15 positions in Fiscal Year (FY) 2006-2007 and has a current authorized and actual staff of 14 in FY 2014-2015. These staffing levels do not reflect the external audit contract that was in place from FY 2001-2002 through FY 2012-2013 that provided up to six supplemental auditors.</p> <p data-bbox="1440 521 2020 992">With this staffing, AS conducts superior court audits and internal audits of the Judicial Council. The primary focus of the AS work at the Judicial Council has been in facilities where AS has audited the work of the external facilities maintenance vendors and capital construction. AS continues to perform work in this area and in FY 2014-2015 it plans on auditing facilities areas including the: 1) documentation and operational process concerning the delegated facilities maintenance program; 2) Computer Aided Facilities Management (CAFM) system for logical and physical security access controls and data integrity testing; and 3) Court Facilities Architecture Revolving Fund established under Government Code Section 70379.</p> <p data-bbox="1440 1029 2020 1344">Other AS internal audit work at the Judicial Council planned for fiscal year 2014-2015 includes: 1) Review of certain general and application controls over Oracle Financials including: (a) data integrity testing of information in the database used for decision making purposes and financial reporting; (b) logical and physical access controls to the system; and 2) Review of the overall logical access to the Judicial Council's network as a follow-up to the CSA audit of December 2013.</p> <p data-bbox="1440 1382 2020 1437">Significantly impacting the audit plan for fiscal year 2014-2015 are external audits of the Judicial Council</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>and the A&E Advisory Committee activities that have recently been performed or are in process. AS has been involved in the work and will evaluate it as part of its on-going risk assessment and work plans.</p> <p>AS work is subject to change based upon changes occurring in the Judicial Branch and within the Judicial Council. The Executive Office of the Judicial Council can also review and request work based upon these changes that will affect the plan for fiscal year 2014-2015 with trade-offs if new work is prioritized.</p> <p>Beyond 2014-2015, AS will work with the Executive Office to continue to identify and include internal audit activities for those offices believed to have higher risk profile (i.e., accounting functions, Phoenix financials, etc.) as part of its future audit plans while balancing this workload with audit services provided to the superior courts.</p> <p>To provide the council with an update on council internal audit activities, it is requested that the timeline for this directive be modified to read: "Judicial Council Administrative Director to report to council at the February 2015 council meeting."</p>
	<p><u>SEC Recommendation</u></p> <p>The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.</p>			

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#	Directive *	Timeline	Status	Status Updates
44	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the leadership team must develop and employ budget review techniques so that the budget of an individual unit is aligned with its program responsibilities.	The Administrative Director of the Courts to report to the council at the December 2014 meeting.	Completed	<p>In 2013, the JCC staff Executive Office retained an individual with extensive departmental budget experience with both the judicial and executive branch to undertake a review of the JCC office's budget and forecast processes. Budget and forecasting recommendations from this effort were received and are planned for implementation in July 2014. These process improvements along with periodic reviews of individual JCC offices' budgets will provide the framework upon which budget allocations are based beginning in FY 2014-15 as well as a structure for ensuring that unit budgets are aligned with program responsibilities.</p> <p>Following the JCC's determination of staff services and workload priorities the Finance Office will work with the Executive Office to align individual units with their program responsibilities.</p> <p>Although process improvements will be implemented in July 2014 with the first financial forecast under the new process occurring in November 2014, the FSO will continue to make modifications to its budget review techniques as part of an ongoing process of continuous improvement.</p>
<u>SEC Recommendation</u>				
As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and or programs to make sure funding is consistent with mandated requirements.				

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#	Directive *	Timeline	Status	Status Updates
45	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the total staff size of the AOC must be reduced significantly and must not exceed the total number of authorized positions. The consolidation of divisions, elimination of unnecessary and overlapping positions, and other organizational changes should reduce the number of positions.</p> <p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that staffing levels of the AOC be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff — must be accounted for in a manner understandable to the public.</p> <p>SEC Recommendation</p> <p>9-1. The total staff size of the AOC should be reduced significantly.</p> <p>9-2. The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780.</p> <p>9-5. The staffing levels of the AOC must be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing—including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff—must be accounted for in</p>	Immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
	<p>a manner understandable to the public.</p> <hr/>			
46	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the Judicial Council vacant authorized positions if they have remained unfilled for six months.</p> <p><u>SEC Recommendation</u> Vacant authorized positions should be eliminated if they have remained unfilled for six months.</p> <hr/>	<p>(Ongoing) ADOC to provide updates to the council for each council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>
47	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.</p> <p><u>SEC Recommendation</u> Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.</p> <hr/>	<p>Completion by June 2013</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
48	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the council's long-term strategic planning, to evaluate the location of the AOC main offices based on a cost-benefit analysis and other considerations.	For long term consideration	In Progress	A series of real estate transactions resulted in an expense reduction of nearly \$8.6 million in rent and a space contraction of 82,761 SF (25%) through FY 2014-15. These were subsequently approved in fulfillment of Directive 22, which represents the initial phase implementation of Directive 48. The Directive's full implementation to occur as part of the Council's long-term strategic planning, evaluating the location of the Judicial Council main offices based on a cost-benefit analysis and other considerations.
	<p><u>SEC Recommendation</u></p> <p>As part of its long-term planning, the AOC should consider relocation of its main offices, based on a cost-benefit analysis of doing so.</p>			
49	E&P recommends that the Judicial Council support SEC Recommendation 7-2 with no further action. The AOC has terminated special consultants hired on a continuous basis.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
	<p><u>SEC Recommendation</u></p> <p>The practice of employing a special consultant on a continuous basis should be reevaluated and considered for termination taking into account the relative costs, benefits, and other available resources.</p>			

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#	Directive *	Timeline	Status	Status Updates
50	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-3 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>The Center for Families, Children and the Courts should be an office reporting to the Chief Operating Officer in the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The CFCC manager position should be compensated at its current level.</p>			

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#	Directive *	Timeline	Status	Status Updates
51	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(a) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of this directive is directly tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study. In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(a) CFCC has a one-over-one management structure with a Division Director and an Assistant Division Director position. The Assistant Division Director position should be eliminated.</p>			

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#	Directive *	Timeline	Status	Status Updates
52	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2007 354">On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 391 1965 513">In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2007 829">In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2007 1057">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1097 2007 1187">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1227 2007 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1414 2007 1438">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(b) There are nearly 30 attorney positions in CFCC, including 7 attorneys who act as Judicial Court Assistance Team Liaisons. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications.</p>			

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#	Directive *	Timeline	Status	Status Updates
52.1	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	Administrative Director of the Courts to provide an Interim Report to the council at the June 2013 Judicial Council meeting.	Completed	<p>CFCC reports that this directive is completed. The total number of authorized CFCC positions has been reduced by 32%. The percentage of reductions was nearly equivalent in positions funded by CFCC's general fund allocation (33%) and other funding sources (27%).</p> <p>Additionally, CFCC reports the following:</p> <ul style="list-style-type: none"> * CFCC's Rules and Forms Unit has been eliminated. * CFCC follows the new guidance from the Judicial Council Rules and Projects Committee (RUPRO) regarding the production of new and revised rules and forms proposals. This new guidance has not resulted in staffing reductions in CFCC. * This directive has been tied to directive 145 which includes a proposed process and policy for pursuing competitive grants for the council at the August 2013 council meeting. CFCC external funding sources come from long-standing state and federal allocations which are not subject to competitive grant process. As such, the proposed grant process and policy referenced in directive 145 is not applicable to current CFCC external funding and will not result in a reduction in CFCC staffing. <p>For these reasons, no further staffing reductions are anticipated as a result of implementation of Judicial Council Directives regarding grants and rule-making.</p>

SEC Recommendation

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(c) The CFCC has numerous grant-funded positions, including five in its Rules and Forms Unit. Implementation of our recommendations for the AOC's Grants and Rule-making Processes could result in some reductions in these positions.

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#	Directive *	Timeline	Status	Status Updates
53	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(d) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Administrative Director of the Courts to present a report of available options regarding the study's implementation to the Judicial Council for their consideration at the July 2013 Judicial Council meeting.	Completed	Since the end of FY 10-11, the number of AOC employees in research classifications has declined by approximately 45%. To improve the efficiency and effectiveness of research in support of the Judicial Council and the courts, and consistent with Judicial Council Directives 53 and 72.1, all research analysts currently at the AOC have been consolidated into offices within the Judicial and Court Operations Division. Managers overseeing research in those offices began discussions in October 2012 and have implemented a protocol to manage workforce reduction and address staffing current and future projects.
	<p><u>SEC Recommendation</u></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) The CFCC has a number of positions devoted to research programs, as do other offices to be placed within the Judicial and Court Operations Services Division, presenting opportunities for efficiencies by consolidating divisional research efforts.</p>			

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#	Directive *	Timeline	Status	Status Updates
54	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>After the completion of the AOC Classification and Compensation Study, the Executive Team will have more information necessary for determining staffing needs and resources for committee support. As such, this directive will be addressed after the completion of the Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

SEC Recommendation

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(e) CFCC staff members provide support to a number of Judicial Council committees and task forces. The recommended consolidation of this support function under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.

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#	Directive *	Timeline	Status	Status Updates
55	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-4(f) with no further action, as these administrative and grant support functions have been consolidated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p>SEC Recommendation</p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) The CFCC maintains a Core Operations Unit, which is essentially an administrative and grant support unit. The consolidation of administrative functions and resources within the Judicial and Court Administrative Services Division should lead to the downsizing of this unit.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
56	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider reducing or eliminating various publications produced by the Center for Families, Children, & the Courts.</p> <p>SEC Recommendation</p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(g) CFCC staff members produce various publications. They should be considered for reduction or elimination</p>	ADOC to report to the council at the February 2013 council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
57	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-4(h) with no further action. The Judge-in Residence is now volunteering time to fulfill this responsibility.</p> <p><u>SEC Recommendation</u> CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(h) The Judge-in-Residence position in this division should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
58	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-4(i) with no further action, as the positions related to CCMS have been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u> CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(i) Positions related to CCMS should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
59	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, & the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.</p> <p><u>SEC Recommendation</u></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(j) Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.</p>	<p>ADOC to report to the council at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>
60	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program, and return to the council with an assessment and proposal.</p> <p><u>SEC Recommendation</u></p> <p>Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program.</p>	<p>ADOC to propose a plan for implementation to the council at the February 2013 meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
61	<p>E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by the Policy Coordination and Liaison Committee.</p> <p><u>SEC Recommendation</u> Consistent with recommendations in this report calling for a review of AOC's rule-making process, legislative proposals generated through this division should be limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees.</p>	Immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
62	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a systems review of the manner in which AOC staff review trial court records should be conducted to streamline Judicial Review and Technical Assistance audits, if possible, and to lessen the impact on court resources.</p> <p><u>SEC Recommendation</u> A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.</p>	ADOC to report to the council on the audit process at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
63	<p>With the exception of assigned judges, AOC staff must not investigate complaints from litigants about judicial officers.</p> <p><u>SEC Recommendation</u> The CFCC should discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters, as such matters are handled by other entities.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
64	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-10 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

SEC Recommendation

The Court Operations Special Services Office (COSSO), formerly CPAS, should be an office reporting to the Chief Operating Officer within the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The COSSO manager position should be at the Senior Manager level.

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#	Directive *	Timeline	Status	Status Updates
65	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-12 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><u>SEC Recommendation</u> The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.</p>	Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
65.1	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-12(a) with no further action, due to the temporary suspension of the Kleps Program initiated to reduce branch costs.</p> <p><u>SEC Recommendation</u> The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(a) To save resources, the Kleps Award Program should be suspended temporarily.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
66	<p>E&P recommends that the Judicial Council defer a decision on SEC Recommendation 7-12(b), pending a recommendation from the Trial Court Budget Working Group.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(b) The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.</p>		Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>
67	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-12(c) with no further action as the Procedural Fairness/Public Trust and Confidence program has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(c) Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.</p>	Completed	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
68	<p>E&P recommends that the Judicial Council consider whether to continue support for the Civics Education Program after the conclusion of the 2013 summit. The California On My Honor Program has been suspended for 2 years due to the lack of funding.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(d) Once the 2013 summit has concluded, the Administrative Director and Judicial Council should evaluate continuing support for the Civics Education Program/California On My Honor program.</p>	ADOC to report to the council at the April 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.
69	<p>E&P recommends that the Judicial Council direct the ADOC to evaluate the extent to which financial and personnel support for the Jury Improvement Project should be maintained, recognizing the high value of the project to the judicial branch, especially because jury service represents the single largest point of contact between citizens and the courts.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(e) The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained.</p>	ADOC to report to the council at the 10/26/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
70	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(g) The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an impediment in the delivery of interpreter services to the courts.</p>	ADOC to report to the council at the April 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.
71	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-16 with no further action as the Judicial Administration Library has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Judicial Administration Library should be consolidated with the Supreme Court Library.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
72	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>7-11. COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.</p> <p>(a) COSSO should have a management structure that includes a Unit Manager, but the Assistant Division Director position should be eliminated</p>			

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#	Directive *	Timeline	Status	Status Updates
72.1	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>7-11. COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.</p> <p>(b) The research functions and units of COSSO should be reviewed for possible consolidation with other research programs in the Judicial and Court Operations Services Division, presenting opportunities for efficiencies and position reductions.</p>	<p>Administrative Director of the Courts to present a report of available options regarding the study's implementation to the Judicial Council for their consideration at the July 2013 Judicial Council meeting.</p>	Completed	<p>Since the end of FY 10-11, the number of AOC employees in research classifications has declined by approximately 45%. To improve the efficiency and effectiveness of research in support of the Judicial Council and the courts, and consistent with Judicial Council Directives 53 and 72.1, all research analysts currently at the AOC have been consolidated into offices within the Judicial and Court Operations Division. Managers overseeing research in those offices began discussions in October 2012 and have implemented a protocol to manage workforce reduction and address staffing current and future projects.</p>

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#	Directive *	Timeline	Status	Status Updates
72.2	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u> 7-14. A significant number of COSSO staff members, such as those in the Administration and Planning unit, are assigned to various functions in support of the Judicial Council. The recommended consolidation of Judicial Council support activities under the direction of the Chief of Staff will present opportunities for efficiencies and resource reductions.</p>	<p>Incoming ADOC's organizational proposal to be presented for council consideration at the 8/31/12, council meeting.**</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>
73	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-13 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><u>SEC Recommendation</u> The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.</p>	<p>Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
74	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that activities related to the education and training of Appellate Court Justices in the COSSO should be consolidated with the Education Division/CJER.</p> <p><u>SEC Recommendation</u> Some COSSO staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER.</p>	Completion by June 2013.	Closed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013 Judicial Council Meeting. At the April 26, 2013 Judicial Council Meeting, the Administra</p>
75	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-17(a) with no further action as the Assigned Judges Program and Assigned Judges Program Regional Assignment Units have merged through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u> Modifications to the Assigned Judges Program should be considered, including the following:</p> <p>(a) The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.</p>	Completed	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
76	<p>E&P recommends that SEC Recommendations 7-17(b), (c), and (d) be referred to the Chief Justice for consideration. The AOC's Assigned Judges Program provides support to the Chief Justice in the assignment of judges under California Constitution Article VI, Section 6(e).</p> <p><u>SEC Recommendation</u></p> <p>Modifications to the Assigned Judges Program should be considered, including the following:</p> <p>(b) The program's travel and expense policies should be reviewed to mitigate adverse impacts on the availability of assigned judges to smaller and rural courts.</p> <p>(c) Consideration should be given to a pilot program to allow half-day assignments of judges, taking into account the probable inability of small, rural courts to attract judges on this basis.</p> <p>(d) Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.</p>		Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
77	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-18 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><u>SEC Recommendation</u></p> <p>The functions of the Trial Court Leadership Service unit should be moved under the auspices of the new Executive Office, as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies.</p>	Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
78	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-19 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>The Education Division should be an office within the Judicial and Court Operations Services Division, under the direction of the Chief Operating Officer, rather than a stand-alone division. The Education Division/CJER manager position should be compensated at its current level.</p>			

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#	Directive *	Timeline	Status	Status Updates
79	E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.	Final reporting on this directive will be submitted at the June 2014 council meeting.	Completed	RUPRO recommended that the council adopt a proposal to amend rule 10.474 on education for trial court employees at its April 25, 2014 meeting. The amendments provide that each court executive officer has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement, and may, for good cause, grant a one-year extension of time to complete the education requirements. The council adopted the rule proposal at its April 25th council meeting and the amendments will be effective January 1, 2015.
	SEC Recommendation As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.			

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#	Directive *	Timeline	Status	Status Updates
80	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(a) A workgroup has been formed to review all education for new judges to ensure that it is being provided in the most effective and efficient way possible. The efficiencies identified by this working group may present opportunities for reductions.</p>	<p>Administrative Director of the Courts to provide report that evaluates education for new judges at the June 2013 council meeting.</p>	Completed	<p>Judicial Council report presented to the Judicial Council for consideration at the June 28, 2013 Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
81	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-20(b), taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2011 354">On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 393 1965 513">In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 552 2011 834">In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 873 2011 1058">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1097 2011 1185">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1224 2011 1377">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1416 2011 1438">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p><u>SEC Recommendation</u></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(b) There are in excess of a dozen attorney positions in the Education Division in units such as Design and Consulting, and Publications and Resources, in addition to the Judicial Education unit. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications. In particular, education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary.</p>			

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#	Directive *	Timeline	Status	Status Updates
82	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-20(c) with no further action, as the positions and activities related to the Court Case Management System in the Education Division have been eliminated, through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(c) The Court Case Management System training unit and any other positions engaged in CCMS-related activities should be eliminated in light of the Judicial Council's decision to cancel the full deployment of the CCMS system.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
83	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Production, Delivery, and Educational Technologies Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) The Production, Delivery and Educational Technologies unit has grown to more than 25 positions plus several temporary staff. The number of staff in this unit should be reduced in light of the difficult fiscal environment.</p>	ADOC to report to council with recommendations at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
84	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and consider reducing the positions assigned to develop training for AOC Staff in the Curriculum and Course Development Unit, especially if training requirements are relaxed	ADOC to report to council with recommendations following recommendations from RUPRO on training requirements.	Completed	<p>This directive is completed after action on Judicial Council directive #79 was taken. Directive #79 was referred to RUPRO for action, and states: E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.</p> <p>At its meeting in March, RUPRO reviewed and discussed a letter from Judge Jahr (attached) in which he provided recommendations for relaxation of the education rules to provide him with greater discretion and flexibility in utilizing AOC staff during this time of budget constraint. RUPRO appointed a subcommittee to evaluate the relaxation of education rules for AOC and court staff.</p> <p>The RUPRO subcommittee recommended and RUPRO adopted a modification of the rule that governs education for AOC staff (CRC 10.491) which will extend the time frame for completing education requirements by one year and allow the ADOC discretion in determining how much of that education needs to be live face to face or distance. The Judicial Council adopted this rule amendment at its June 28, 2013, meeting. On August 6, 2013, a memorandum was issued to all AOC staff advising them that the Administrative Director was authorizing a one-year extension for all AOC staff to meet their education requirements. The Administrative Director of the Courts has considered reducing the positions assigned to develop training for AOC staff in the Curriculum and Course Development Unit (now the Judicial Branch Education Development Unit) in light of the recent revision to CRC 10.491 and has determined that a reduction in positions is not warranted. The</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>relaxation of the education requirements for AOC staff is not on-going. During this relaxation period, any staff resources which may be partially relieved will be assigned to work on other existing education programs.</p> <p>CJER conducted a comprehensive review of AOC education it provides and made extensive revisions in an effort to streamline this education by reducing classes that were not well attended, and increasing the education which is court focused. This was done to implement Judicial Council directive #88 and was completed. Directive #88 states that: E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p> <p>SERVICE LEVEL IMPACT</p> <p>The recent revisions to AOC education will result in providing AOC staff with more court focused education which will enhance the level of service AOC staff provide to the courts.</p>
	<p>SEC Recommendation</p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(e) The Curriculum and Course Development unit includes several positions assigned to develop training for AOC staff. This activity should be evaluated and reduced, especially if training requirements are relaxed.</p>			

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#	Directive *	Timeline	Status	Status Updates
85	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Administrative Services Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.</p> <p>SEC Recommendation</p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) The Administrative Services unit contains more than 20 staff engaged in support activities such as records management, printing and copying, scheduling and planning training delivery, and coordinating logistics for all AOC events. The number of staff in this unit should be evaluated and reduced commensurate with the reduction in the number of live programs and events, and reflecting a reduction in the number of employees AOC-wide.</p>	<p>ADOC to report to council with recommendations at the June 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
86	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Education Division should conduct true cost benefit analyses in determining the types of training and education it provides for new judicial officers and others, and to report to the council on the results. Analyses should include types, lengths, locations of programs, delivery methods, and the costs to courts.</p> <p>SEC Recommendation</p> <p>The Education Division should conduct true cost-benefit analyses — and not rely only on its own preferences — in determining the types of training and education it provides, including types, lengths, and locations of programs, delivery methods, and the costs to courts. This type of analysis should apply to training and education programs for new judicial officers.</p>	<p>ADOC to provide recommendations on the process at 12/14/12, council meeting with a final report at the April 2013 meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
87	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the AOC should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
88	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p> <p><u>SEC Recommendation</u></p> <p>As to training currently required of AOC managers, supervisors, and employees, the Administrative Director should order a review of the content of training courses offered, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p>	ADOC report to the council at the 12/14/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the December 14, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
89	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-25 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>The functions performed by the Finance Division should be placed in the Judicial and Court Administrative Services Division. The Finance Division should be renamed the Fiscal Services Office, reporting to the Chief Administrative Officer. The Fiscal Services Office Manager position should be at the Senior Manager level.</p>			

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#	Directive *	Timeline	Status	Status Updates
90	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-26 and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2011 354">On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 391 1965 513">In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2011 829">In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2011 1057">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1097 2011 1187">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1227 2011 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1414 2011 1438">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
	SEC Recommendation	The number of managers and supervisors should be reduced.		<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

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#	Directive *	Timeline	Status	Status Updates
91	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure through the budget and fiscal management measures implemented by the AOC that the AOC's Finance Division is involved in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.	ADOC interim report to the council at the February 2013 council meeting and final report at the meeting in October 2013.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	<p>SEC Recommendation</p> <p>The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.</p>			

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#	Directive *	Timeline	Status	Status Updates
92	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are more transparent.	ADOC interim report to the council at the February 2013 meeting and final report at the October 2013 meeting.	Completed	<p>This directive is considered complete as the Fiscal Services Office continues to work on ensuring that budget information is readily available to the public via the courts website which includes the link to the DOF ebudget website (http://www.ebudget.ca.gov/). The branch's fiscal information is displayed here as part of the Governor's budget package, including three year expenditures and position detail, fund condition statements, and fund transfer information. The AOC mid-year forecast as well as fiscal and budget processes calendar are planned future additions to the court website. Other detailed fiscal reports, such as reports to the legislative on branch expenditures, can be accessed on the public website as well (see attached example on special fund expenditures for 2011-12).</p> <p>The AOC will build upon the DOF annual budget development calendar to document the AOC fiscal and budget processes. Additionally, the Fiscal Services Office will confer with other state departments to obtain feedback regarding their internal fiscal and budget processes.</p>

SEC Recommendation

The budgeting process must become more transparent. Budget information must be readily available to the public, including online. Budget documents must provide understandable explanations and detail concerning revenue sources, fund transfers, and expenditures.

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#	Directive *	Timeline	Status	Status Updates
93	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the budget and fiscal management measures implemented by the AOC enable the Finance Division to improve the timeliness of processing contracts to better serve courts, contractors, vendors, and others.</p> <p><u>SEC Recommendation</u> This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.</p>	<p>Interim report to the council on the changes in progress by the February 2013 council meeting.</p> <p>Final report on measures taken to implement a new approach to the budget process, by June 2013 council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>
94	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.</p> <p><u>SEC Recommendation</u> The Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.</p>	<p>ADOC to report to the council at the June 2013 council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
95	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-31 with no further action as the unit has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u> The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
96	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-32 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><u>SEC Recommendation</u> Consistent with recent consolidation of this division, the HR function should no longer be assigned stand-alone division status in the AOC organizational structure and should be combined with other administrative functions, reporting to the Chief Administrative Officer in the AOC's Administrative Services Division.</p>	Interim and incoming ADOC to present organizational proposal the council at the 8/31/12, meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
97	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u> The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(a) The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
97.1	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u> The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(b) The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.</p>	ADOC to make a proposal based on the classification and compensation study.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
97.2	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(c) One of the three Senior Manager positions is vacant, a vacancy that should be made permanent by reallocating managerial responsibilities to the two filled Senior Manager positions.</p>	Completed. This Division has 2 senior manager positions.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
98	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the progress and results of staffing changes being implemented in the Human Resources unit as part of the AOC's internal restructuring process.</p> <p><u>SEC Recommendation</u></p> <p>The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(d) With the elimination of the positions discussed above, consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions that can be assigned work needed to help reestablish effective HR policies and practices in the AOC.</p>	ADOC to report to the council on the results and status of AOC restructuring at the February 2013 council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
99	E&P recommends that the Judicial Council support SEC Recommendation 7-42 with no further action, as the issues have been resolved. SEC Recommendation The Administrative Director should resolve any remaining issues that have existed between the HR Division and Office of General Counsel, including by redefining respective roles relating to employee discipline or other HR functions.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
100	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-43 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>The committee recommends that the functions of this division be placed under a unit titled Information and Technology Services Office, combined with any remaining functions of CCMS. The office should report to the Chief Administrative Officer of the Judicial and Court Administrative Services Division. The IS Manager position should be compensated at its current level.</p>			

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#	Directive *	Timeline	Status	Status Updates
101	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-44 and direct the council's Technology Committee to reexamine technology policies in the judicial branch to formulate any new branch-wide technology policies or standards, based on the input, needs, and experiences of the courts and court users, and including cost-benefit analysis.</p> <p>SEC Recommendation</p> <p>A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.</p>	Report to the council at the October 2014 council meeting.	In Progress	<p>The Technology Committee continues to develop a unified, long-term plan to achieve funding stability for court technology. The Technology Planning Task Force was charged with developing this plan. Three tracks were launched: governance, strategic plan, and funding. The new Court Technology Governance and Strategic Plan was developed and reviewed by the Judicial Council. A period of public comment period was held. The plan was approved by the council in August 2014, and will be updated and presented at the October 2014 council meeting, with revised language around language access.</p>
102	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-45(a) with no further action, as the recommended staff reductions have occurred through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p>SEC Recommendation</p> <p>Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(a) Unnecessary CCMS positions should be eliminated.</p>	Completed	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
103	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-45(b) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p>SEC Recommendation</p> <p>Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(b) The total number of senior managers should be reduced.</p> <hr/>	ADOC to make a proposal based on the classification and compensation study.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
104	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts should review and reduce accordingly the use of temporary employees, consultants, and contractors.	ADOC will report to the council at the April 2014 meeting.	Completed	<p data-bbox="1440 168 2028 548">In 2012, the AOC Executive Office approved a program that converts full-time employees into a limited number of contractor positions in critical long-term maintenance and support roles to provide cost savings and longer term stability and support. A three phase project was developed by ITSO and recruitments began in April 2013 with the hiring of eight (8) positions followed by a second recruitment in November 2013 that resulted in the hiring of two additional positions. (It should be noted that one of these hires resigned a short time after being employed in a regular position).</p> <p data-bbox="1440 581 2028 961">The program has been a success to date with cost savings of 35% for each position hired. However, ITSO has been met with challenges in hiring permanent staff due to a competitive IT market, the exclusion of short term programs or assignments from the program, a pay structure that is generally perceived to be non-competitive for skilled and experienced IT resources, and the policy that new hires may not participate in the pilot telecommunication program. For these reasons, the program appears to have plateaued with 50% of external candidates declining offers for positions.</p> <p data-bbox="1440 993 2028 1279">The organization will continue its efforts on a periodic basis to review opportunities for converting contractor positions to full time employees with the understanding that not all contractor positions can be converted, that there will always be a need for contractors on short term programs with specialized skill sets, and that with the termination of some interim programs, the overall number of programs will be reduced (i.e., V2).</p> <p data-bbox="1440 1312 2028 1438">The infrastructure for this process has been developed and the organization will periodically review the program with the goal of hiring full time staff for full time programs to provide the best</p>

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#	Directive *	Timeline	Status	Status Updates
105	<p>SEC Recommendation</p> <p>Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(c) The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.</p> <hr/> <p>E&P recommends that the Judicial Council support SEC Recommendation 7-46 and direct the Administrative Director of the Courts, as part of AOC long-term planning, to conduct a review and audit of all technology currently used at the AOC and to return to the Judicial Council with a progress report on the findings, including efficiencies and potential cost savings.</p>	ADOC will report to the council at the February 2014 meeting.	Completed	<p>services to the user community and experience cost savings for the organization.</p> <p>This directive has been closed. The Information Technology Services Office continues to review technology currently used in AOC data centers and utilizes Enterprise Technology Standards established by the AOC Enterprise Architecture Working Group. These standards define technologies that should be leveraged and those that should be phased out in order to maximize efficiencies and cost savings, and they are updated twice each year with the next update scheduled for December 2013. The standards are discussed with the application and infrastructure teams during monthly meetings to monitor compliance and identify strategies for ensuring compliance. Additional detail regarding the technology audit, standards and processes was added to the drafted closure documentation for targeted completion in February 2014.</p>
	<p>SEC Recommendation</p> <p>Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC.</p>			
	<p>Efficiencies and cost savings could result from the use of a single platform.</p> <hr/>			

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#	Directive *	Timeline	Status	Status Updates
106	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-71 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>The Office of General Counsel should be renamed Legal Services Office, consistent with its past designation, and should be a stand-alone office reporting to the Administrative Director of the Courts. The Legal Services Office manager position should be compensated at its current level. The Legal Services Office should not be at the same divisional level as the Judicial and Court Operations Services Division or the Judicial and Court Administrative Services Division. The Chief Counsel, manager of the Legal Services Office, should not be a member of the Executive Leadership Team.</p>			

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#	Directive *	Timeline	Status	Status Updates
107	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel position could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.</p>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	<p>Completed</p>	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
108	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-72(b) and direct the Administrative Director of the Courts to direct implementation of fundamental management practices to address underperformance of staff members and provide better supervision and allocation of work.</p> <p><u>SEC Recommendation</u></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(b) Despite the large number of management positions, management systems and processes are particularly lacking in the Legal Services Office. Implementing fundamental management practices to address the underperformance of staff members and provide better supervision and allocation of work should produce efficiencies that can result in reductions.</p>	<p>ADOC interim report to the council on the changes in progress by the February 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
109	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(c) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(c) A large number of Legal Services Office positions are dedicated to supporting the Judicial Council and its various committees and task forces. Assigning responsibility for coordinating the AOC's Judicial Council support activities to the Executive Office under the direction of the Chief of Staff will lead to efficiencies that should result in reductions of Legal Services Office positions dedicated to these activities.</p> <hr/>	<p>Interim and incoming ADOC organizational proposal to be presented to the council at the 8/31/12, meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
110	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-72(d) and direct the Administrative Director of the Courts to report to the council on measures to streamline and improve the AOC's contracting processes and reduce contract-related work performed by this office.</p> <p><u>SEC Recommendation</u></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) Implementation of the recommendations designed to streamline and improve the AOC's contracting processes should reduce contract-related work performed by the Legal Services Office.</p>	Final report to the council at June 2013 meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
111	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72 (e) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
	<p>SEC Recommendation</p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(e) The Legal Services Office has promoted and contributed to the "lawyerizing" of numerous activities and functions in the AOC. There are opportunities for work currently performed by attorneys in the Rules and Projects, Transactions and Business Operations, Real Estate, and Labor and Employment units to be performed by nonattorneys, resulting in efficiencies and possible staff reductions.</p>			<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

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#	Directive *	Timeline	Status	Status Updates
112	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.</p>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	<p>Completed</p>	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>
113	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-73 with no further action. The telecommuting status of one position has ended and, as of September 7, 2012, the telecommuting status of the second position will end.</p> <p><u>SEC Recommendation</u></p> <p>There currently are at least two positions in the Legal Services Office that violate the AOC's telecommuting policy. These should be terminated immediately, resulting in reductions. Nor should telecommuting be permitted for supervising attorneys in this division.</p>	<p>ADOC to report to the council with proposal for a revised policy at the 12/14/12, council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
114	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>After the completion of the AOC Classification and Compensation Study, the Executive Team will have more information necessary for determining staffing needs and resources for committee support. As such, this directive will be addressed after the completion of the Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>As recommended elsewhere, the Judicial Council should assess the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.</p>			

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#	Directive *	Timeline	Status	Status Updates
115	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.</p> <p><u>SEC Recommendation</u> The role of the Chief Counsel should be redefined to reflect the primary role of providing legal advice and services, as opposed to developing policy for the judicial branch.</p>	ADOC to make recommendations to the council at the April 2014 council meeting.	Completed	Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.
116	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-77(a) and (d), and direct the Administrative Director of the Courts that the Office of the General Counsel should employ and emphasize a customer service model of operation, recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.</p> <p><u>SEC Recommendation</u> This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(a) Most fundamentally, this division should employ and emphasize a customer service model of operation — recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.</p>	ADOC to report back to the council at the February 2013 council meeting	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
117	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.</p> <p>SEC Recommendation</p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(b) This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate nonsupervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.</p>	<p>Administrative Director of the Courts to provide an interim report at the July 2013 council meeting with a final report at a later date.</p>	<p>Completed</p>	<p>At the June 28, 2013, Judicial Council meeting, the council approved recommendations contained in a report from the council Liaisons to the Legal Services Office (LSO) including a recommendation regarding LSO attorney resources housed in AOC field offices. The council liaisons identified that having attorneys housed in field offices is consistent with other government agencies and private law firms and allows for more direction communication between LSO attorneys and the courts in their region. As such, the council approved the liaisons' recommendation that the current practice of employing LSO attorney staff in AOC field offices is appropriate.</p>

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#	Directive *	Timeline	Status	Status Updates
118	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of the General Counsel service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.</p> <p><u>SEC Recommendation</u></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(c) The service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.</p>	<p>ADOC to report back to the council at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
119	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to place emphasis on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.</p> <p>SEC Recommendation</p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(d) Emphasis must be placed on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.</p>	<p>ADOC to report back to the council at the June 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
120	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.</p> <p>SEC Recommendation</p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(e) Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.</p>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	<p>Completed</p>	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
121	E&P recommends that the Judicial Council support SEC Recommendation 7-78 with no further action, as the issues have been resolved. SEC Recommendation The Administrative Director should resolve issues that have existed between the HR Division and OGC, including by redefining respective roles relating to employee discipline or other HR functions.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
122	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs. SEC Recommendation The Judicial Council and/or Administrative Director should order an independent review of this office's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost-effective manner.	ADOC to present a proposal with options to the council by the February 2013 council meeting, with a final report at the December 2013 meeting.	Completed	At the June 28, 2013, Judicial Council meeting, the council approved recommendations contained in a report from the council Liaisons to the Legal Services Office (LSO) relating to the use of outside counsel by LSO. The council liaisons concluded that the use of outside counsel is appropriate and in some cases mandated providing valuable legal resources for the varying needs of LSO. The council approved various recommendations proposed by the council liaisons designed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed. These recommendations included an annual report from the Administrative Director to the Advisory Committee on Financial Accountability and Efficiency (A&E) for review and reporting to the council. The council directed the Administrative Director to implement the recommendations and report back to the council on the implementation by March 31, 2014.

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#	Directive *	Timeline	Status	Status Updates
123	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-52 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

SEC Recommendation

The Office of Communications should remain in the Executive Office and under the direction of a Chief of Staff. The Office of Communications manager position should be placed at the Senior Manager level.

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#	Directive *	Timeline	Status	Status Updates
124	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts, to the extent that resources are available, that Office of Communication resources, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance</p> <p>SEC Recommendation</p> <p>The resources of this office, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.</p>	<p>ADOC to report to the council on the restructuring changes to this office at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
125	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to return to the Judicial Council with an analysis, defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval.	Administrative Director of the Courts to provide an interim report to the council at the July 2014 council meeting with a final report at the December 2014 council meeting.	In Progress	<p>The Judicial Council approved the recommendation by the Administrative Director of the Courts (ADOC) to maintain the Office of Security, but deferred action on directing a proposed Court Security Advisory Committee to review the Office of Security and make recommendations on its functions, pending further review of advisory groups by the Executive and Planning Committee (E&P) and Rules and Projects Committee (RUPRO). After completion of that review, the Judicial Council approved the related recommendation by E&P and RUPRO, directing them to propose establishment of a Court Security Advisory Committee with a rule of court, charge, and appointments made through the annual nominations process. Proposed rule 10.61 to establish the committee was circulated for public comment and submitted to the council for consideration at its October 25, 2013, meeting. The council adopted rule 10.61 establishing the committee. E&P issued a solicitation for nominations for membership in the committee on November 8, 2013. Nominations were due by December 4, 2013. The Chief Justice appointed the members to the committee and announced Judge Thomas Maddock as chair of the committee on February 10, 2014. The committee convened briefly for an introductory meeting on June 18, 2014. It had an in-person meeting on September 4, 2014, to discuss recommendations and formed an ad hoc subcommittee to prepare a draft report for its consideration.</p>

[SEC Recommendation](#)

7-54. There is no need for a stand-alone Office of Emergency Response and Security. Most necessary functions performed by the office can be reassigned and absorbed by existing units in the Judicial and Court Operations Services Division.

7-55. The functions of this office should be refocused and

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#	Directive *	Timeline	Status	Status Updates
	<p>limited to those reasonably required by statute or by the Rules of Court, primarily including review of security plans for new and existing facilities; review of court security equipment, if requested by the courts; and review of emergency plans.</p> <p>7-56. Reductions in this office are feasible. The office cannot effectively provide branch-wide judicial security and online protection for all judicial officers. Positions allocated for such functions should be eliminated. The Administrative Director should evaluate whether some activities undertaken by this office are cost effective, such as judicial security and online protection functions.</p>			
126	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-84 with no further action, as the Bay Area, Northern Central, and Southern Regional Offices no longer have any direct regional office staff. The Northern Central Regional Office has been reorganized as the Trial Court Liaison Office reporting to the Executive Office.</p> <p>SEC Recommendation</p> <p>The regional offices should cease to exist as a separate division within AOC. The BANCRO and SRO offices should close. Advocacy and liaison services provided to the trial courts should be provided through the office of Trial Court Support and Liaison in the new Executive Office.</p>	<p>Completed. ADOC to report to the council on specific actions taken.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
127	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to renegotiate or terminate, if possible, the leases for space utilized by SRO and BANCRO. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.</p> <p><u>SEC Recommendation</u></p> <p>Leases for space utilized by SRO and BANCRO should be renegotiated or terminated, if possible, as such lease costs cannot be justified. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.</p>	<p>Completed. ADOC to update the council on the status of the leases at the 10/26/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>
128	<p>E&P recommends that the Judicial Council support SEC Recommendation 7-86 and direct the Administrative Director of the Courts to provide the council with an update on organizational changes made with the elimination of the regional office staff.</p> <p><u>SEC Recommendation</u></p> <p>While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial Court Support and Liaison Services in the Executive Office, a physical office should be maintained in the Northern California Region area to provide some services to courts in the region.</p>	<p>Completed. ADOC to update the council on the status of the leases at the 10/26/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
129	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider placing the significant special projects previously assigned to the regional offices under the direction of the Chief of Staff in the Executive Office, contingent upon council approval of the organizational structure for the AOC.</p> <p>SEC Recommendation</p> <p>The significant special projects previously assigned to the regional offices should be placed under the direction of the Chief of Staff in the Executive Office.</p>	<p>Interim and incoming ADOC to present organizational proposal to the council at the 8/31/12, council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
130	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-47 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

SEC Recommendation

TCAS should be made a unit under the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer. The TCAS Manager position should be at the Senior Manager level.

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#	Directive *	Timeline	Status	Status Updates
131	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that, subject to available resources, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.</p> <p><u>SEC Recommendation</u> The Phoenix Financial System is in place in all 58 superior courts; however, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
132	<p>E&P recommends that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.</p> <p><u>SEC Recommendation</u> As policy matters, it is recommended that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.</p>	Trial Court Budget Working Group to propose a timeline to return to the council to present its recommendations.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
133	<p>E&P recommends that the Judicial Council support SEC recommendations 7-46 and 7-50 and direct the Administrative Director of the Courts, as part of AOC long-term planning, to review the information technology systems currently implemented Branch wide to support enterprise resource planning: finance, human resources, and education functional areas; to identify costs, benefits, and potential long-term savings, and the challenges of migrating support to a single IT platform; and to return to the council with a progress report on the findings.</p> <p><u>SEC Recommendation</u></p> <p>As with the Information Services Division, the AOC should determine whether to continue use of multiple or overlapping technologies for similar functions, as using a single technology could result in efficiencies and savings, both operationally and in personnel cost.</p>	<p>ADOC final report to the council at the December 2014 council meeting.</p>	<p>In Progress</p>	<p>In April 2013, Judicial Council staff began reviewing the council's use of claims audit services by the State Controller's Office (SCO) and State Treasurer's Office (STO). Staff concluded that the Judicial Council is not authorized to provide these claims audit services and the project team is drafting a white paper outlining the options available to the council in light of this conclusion.</p> <p>The project team has completed a white paper outlining possible paths forward, targeting October 2014 to complete the review, report on the findings, and recommend closure of SEC #133.</p>
134	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Trial Court Administrative Services division should continue to provide clear service-level agreements with respect to services provided to the courts.</p> <p><u>SEC Recommendation</u></p> <p>TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.</p>	<p>Immediate implementation (Ongoing)</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
135	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-64 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>
	<p>SEC Recommendation</p> <p>The OCCM should be renamed Office of Court Construction and Facilities Management Services. The functions of this unit should be placed under the Judicial and Court Operations Services Division and reporting to the Chief Operating Officer. The manager of this unit should be compensated at the same level.</p>			

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#	Directive *	Timeline	Status	Status Updates
136	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of Office of Court Construction and Management operations.	ADOC interim update to the council at the June 2013 council meeting and final report at the October 2014 meeting.	In Progress	<p>Real Estate and Facilities Management has now had over 9 years of experience using two general approaches to the delivery of facility management services :1) using a largely outsourced service-provider model, contracting for routine maintenance (Firm Fixed Price and Cost-Plus contracting), plant engineers, trades and crafts personnel (Job Order and Cost-Plus Contracting), supervised by in-house management staff in or near the court facilities, and 2), the court-delegated facility management program, piloted by four trial courts (Orange, Riverside, Imperial, San Luis Obispo) with limited discussion by the Trial Court Facility Modifications Working Group to expand the program if there is interest by other interested courts.</p> <p>The only untried general model is an in-house, limited contacting organization similar to the Department of General Services in the Executive Branch, where management, plant engineers, trades and other technicians are state employees. Implementation of this model would represent a significant departure from the models used thus far, and based on the limited information previously received, may be considerably more expensive on a per square foot basis and would require hiring approximately 125 more employees (initial OCCM staffing plan based on information from DGS indicated the need to staff facility management unit with 180 employees).</p> <p>Given resource constraints within Real Estate and Facilities Management, the cost-benefit analysis has been delayed. Therefore we are requesting that the JC Directive Timeline be modified to read: "Administrative Director interim update to the council at the June 2013 council meeting and final report at the June 2015 meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
137	<p>SEC Recommendation A cost-benefit analysis of the entire scope of OCCM operations is needed.</p> <p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-66 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the council on facilities maintenance program efficiencies, including broadening courts' responsibilities for maintenance of court facilities and for smaller scale projects.</p> <p>SEC Recommendation The current facilities maintenance program appears inefficient and unnecessarily costly. The consultant report is necessary and should be considered part of a necessary reevaluation of the program. Courts should be given the option to assume responsibility for maintenance of court facilities and for smaller-scale projects.</p>	<p>ADOC interim update to the council at the June 2013 council meeting and final report at the October 2014 meeting.</p>	<p>In Progress</p>	<p>The Orange, San Luis Obispo, Imperial and Riverside County Superior Courts have been participating in a pilot program for the delegation of facility management services. The four courts presented preliminary findings on the program to the Trial Court Facility Modifications Advisory Committee (Advisory Committee) at its May, 2014 meeting, reporting generally positive results, but felt the requirements of the Intrabranh agreements (IBAs) limited their success; consequently, it was determined that expansion of the program to include other courts should be deferred.</p> <p>JCC staff revised the IBA to streamline the administrative requirements of the program. The Delegation Working Group, the Advisory Committee and JCC staff agree that an extension of the pilot with the existing courts for an additional year would provide an opportunity to re-evaluate the program before reconsidering a recommendation to expand participation by other courts. Therefore, we are requesting that the JC Directive Timeline be modified to read: "Administrative Director interim update to the council at the June 2013 council meeting and final report at the June 2015 meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
138	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-67 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the Judicial Council regarding fiscal planning for facilities maintenance for new and existing facilities and revenue streams to fund increased costs for maintenance of court facilities.</p> <p>SEC Recommendation</p> <p>Fiscal planning for facilities maintenance for new and existing facilities needs to become an immediate priority, and revenue streams to fund increased costs for maintenance of court facilities must be identified and obtained.</p>	Final report at the October 2014 council meeting.	Completed	<p>All efforts designed to implement this Directive have now been completed, including:</p> <ul style="list-style-type: none"> • The renegotiation of rent and generation of revenues, yielding gross expense reductions of over \$8 million during the prior 12-month period. • Approval of a Budget Change Proposal (BCP) to use Facility Program resources to fund a 10-year, \$150 million appropriation in support of the Trial Court Facility Modifications program. <p>The Judicial Council subsequently approved the recommendation for additional resources to implement budgeted projects.</p>

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#	Directive *	Timeline	Status	Status Updates
139	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, once organizational changes are made as approved by the Judicial Council, to evaluate and make recommendations regarding staff reductions.	Administrative Director of the Courts to provide an interim report to the council at the December 2013 council meeting.	Completed	The office director, in collaboration with the Chief Operating Officer, has completed organizational changes and an assessment of the staffing and resource requirements to execute the \$5 billion construction program without increasing risk to the branch. As indicated in the October 2013 interim report to the Judicial Council, the office is proceeding with hiring three construction inspector positions critically needed now to effectively manage the current program, which will include 15 projects in construction totaling about \$2 billion by the end of 2013.
	<p>SEC Recommendation</p> <p>Staff reductions appear feasible in light of the slowdown in new court construction and should be made accordingly. The Chief Operating Officer should be charged with implementing necessary reductions.</p>			
140	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.	Completion by June 2013	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
	<p>SEC Recommendation</p> <p>The use of temporary or other staff to circumvent the hiring freeze should cease.</p>			

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#	Directive *	Timeline	Status	Status Updates
141	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to review, as part of the AOC-wide review of its contracting processes, the contracting process utilized by the Office of Court Construction and Management.	Completion by December 2013.	Completed	<p>This directive was addressed as part of the AOC's ongoing contract process improvement efforts. In addition, the requirements of the Judicial Branch Contracting Manual has resulted in better standardization and better compliance with procurement practices for the non-capital projects divisions and offices. For the capital projects area, recommendations by a competitively solicited consultant (Pegasus) for procurement, contract administration and project management have been implemented and will go to the Judicial Council in January of 2014.</p> <p>Business Services staff have worked with Judicial Branch Capital Program Office and Office of Real Estate and Facilities Management to review and implement the Pegasus recommendations so that the current processes to the contracting process are improved.</p> <p>It should be recognized that the administration and maintenance of policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this maintenance effort will be an ongoing process.</p>
<p><u>SEC Recommendation</u> The contracting process utilized by OCCM needs to be improved. This process should be reviewed as part of the AOC-wide review of its contracting processes.</p> <hr/>				

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#	Directive *	Timeline	Status	Status Updates
142	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-80 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson & Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson & Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>HR will be initiating discussions with Fox Lawson to request a possible extension to the deliverable due dates. If the timeline is approved, the study is expected to be completed in early 2015.</p>

SEC Recommendation

The Office of Governmental Affairs should be placed in the Executive Office, under the direction of the Chief of Staff. The OGA Manager position should be at the Senior Manager level.

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#	Directive *	Timeline	Status	Status Updates
143	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of Governmental Affairs (OGA) should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee (PCLC), and take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.</p> <p><u>SEC Recommendation</u></p> <p>The OGA should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee. The Chief of Staff should take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
144	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.</p> <p><u>SEC Recommendation</u></p> <p>The Administrative Director should direct that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.</p>	Completed. ADOC will continue to monitor the deployment of expertise.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
145	<p>E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose to the council a process and policies for pursuing grants. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Until a process of review and oversight is finalized, the Administrative Director of the Courts must approve the AOC's engagement in all grant proposals and agreements.</p> <p><u>SEC Recommendation</u></p> <p>6-9. The Executive Leadership Team must develop and make public a description of the AOC's process for determining which grants to pursue. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether the AOC should pursue grant funding.</p> <p>7-5. The Judicial Council should exercise oversight to assure that grant-funded programs are undertaken only when consistent with predetermined, branch-wide policy and plans. The fiscal and operational impacts of grant-funded programs on the courts should be considered as part of the fiscal planning process.</p> <p>7-12. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following.</p> <p>Excerpt:</p> <p>(f) The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC,</p>	<p>ADOC to recommend to the council a process and policies for evaluating appropriate grants by August 2013 and a cost benefit analysis proposal by October 2013.</p>	<p>Completed</p>	<p>The Administrative Director of the Courts has approved a staff recommendation for a new policy and process for pursuing competitive grants that are in line with the branch's strategic goals, and--assuming the council approved--has directed staff to take steps to publicize and implement the new policy and process, which are appended to the staff report to the Administrative Director, dated July 30, 2013, and entitled "Judicial Council Directive 145 re Grant Seeking."</p>

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#	Directive *	Timeline	Status	Status Updates
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grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director and the Judicial Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.

DRAFT

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DRAFT



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title

Trial Courts: Fiscal Year 2013–2014 50/50
Excess Split Revenue Distribution to Trial
Courts

Agenda Item Type

Information Only

Date of Report

October 6, 2014

Submitted by

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Executive Summary

This report provides the status of the FY 2013–2014 fee, fine, and forfeiture revenue deposited in the State Trial Court Improvement and Modernization Fund. Government Code section 77205(a) and California Rule of Court 10.105 require the Judicial Council to allocate of 80 percent of the 50/50 excess split revenues that exceed the total amount from FY 2002–2003 base level, among the following:

- The trial court in the county from which the revenue was deposited
- Other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085
- For retention in the State Trial Court Improvement and Modernization Fund (STCIMF)

Previous Council Action

On December 10, 2004, the Judicial Council (council) adopted a methodology whereby the trial courts in counties whose 50/50 excess split revenues exceeded the FY 2002–2003 base level would receive a pro rata share of a minimum of 20 percent of the total excess revenues. The remainder would be retained in the STCIMF. From FY 2004–2005 to FY 2007–2008, total 50/50

excess split revenues exceeded the total amount from FY 2002–2003 base level, and pro rata distributions were made to eligible trial courts from 20 percent of the excess revenue based on the council approved methodology (.

Summary of Findings

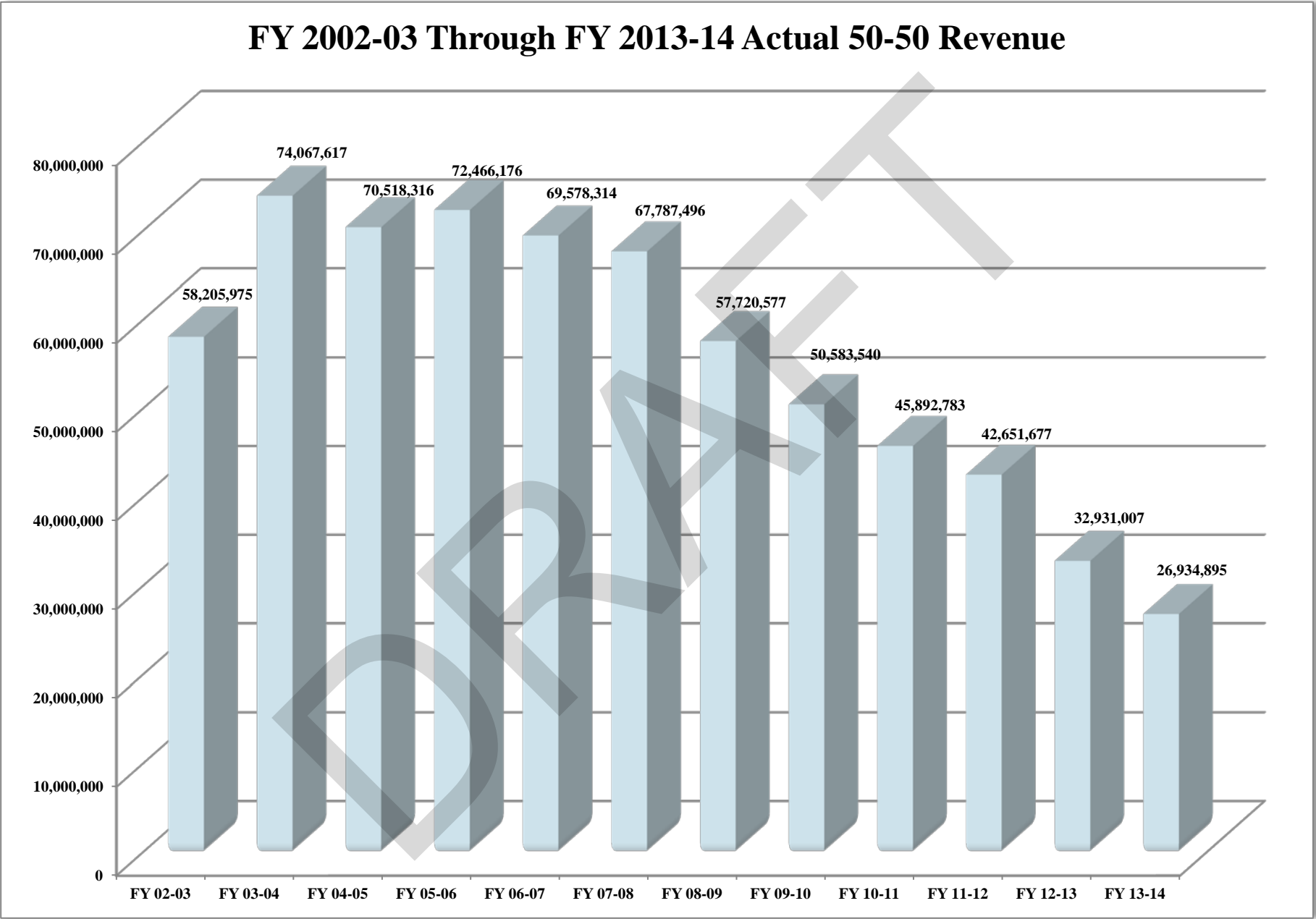
Based on the revenue received and posted by the State Controller’s Office for each county, the 50/50 excess split revenue from FY 2013–2014 did not exceed the total amount from FY 2002–2003 base level. Thus, there will be no distribution to the trial courts in FY 2014–2015. The excess split revenue has not exceeded the FY 2002–2003 base level since FY 2008–2009 (see Attachments C2 and C3). Essentially every revenue category has contributed to the overall decline in the revenue since FY 2007–2008 (see Attachments C4 and C5).

Attachments

1. Attachment A: FY 2002–2003 Through FY 2013–2014 Actual 50/50 Excess Split Revenue by County (Table)
2. Attachment B: FY 2002–2003 Through FY 2013–2014 Actual 50/50 Excess Split Revenue by Fiscal Year (Bar Chart)
3. Attachment C: FY 2005–2006 Through FY 2013–2014 Revenues Subject to 50/50 Excess Split (Table)
4. Attachment D: FY 2005–2006 Through FY 2013–2014 Revenues Subject to 50/50 Excess Split (Graph)

Actual 50-50 Excess Split Revenue From FY 2002-03 Through FY 2013-14

		FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
01	Alameda	1,756,180	2,282,840	2,339,652	2,205,493	1,718,455	2,395,506	1,278,976	898,062	1,082,858	1,555,815	1,875,576	989,558
02	Alpine	37,047	71,042	44,276	14,528	13,924	11,584	11,936	20,008	16,664	30,819	14,464	8,469
03	Amador	53,662	90,082	69,730	33,161	98,658	106,338	71,741	76,339	69,920	307,491	35,347	36,560
04	Butte	316,805	438,860	219,906	313,525	394,368	476,501	393,727	414,788	421,147	410,315	322,643	227,485
05	Calaveras	107,728	62,411	86,749	128,735	145,087	119,145	22,254	36,131	43,217	25,796	37,847	63,000
06	Colusa	159,377	178,911	208,046	196,601	149,205	172,352	108,398	193,982	301,347	295,982	187,029	152,845
07	Contra Costa	1,815,021	2,058,419	2,090,266	1,683,683	1,486,579	2,602,305	956,962	916,573	1,149,141	1,303,008	1,038,339	925,720
08	Del Norte	183,843	138,148	118,536	153,659	141,061	158,544	90,270	78,538	82,404	92,011	77,090	79,723
09	El Dorado	299,136	273,132	203,439	260,150	135,824	211,491	228,537	229,601	66,249	253,519	207,597	173,743
10	Fresno	1,439,959	2,017,996	1,995,248	4,202,463	2,119,519	2,690,525	2,161,104	2,021,267	1,611,567	1,367,413	1,380,390	859,961
11	Glenn	237,830	296,278	256,456	373,410	345,360	358,326	415,708	424,053	439,769	319,003	277,237	278,214
12	Humboldt	0	82,398	100,914	88,735	212,278	273,644	188,455	150,469	145,438	121,376	63,046	30,090
13	Imperial	430,473	250,627	507,290	643,762	858,036	1,253,974	775,189	648,888	691,461	602,581	557,218	816,759
14	Inyo	198,690	199,213	203,527	242,417	214,934	156,331	172,470	179,232	201,556	182,986	68,078	58,966
15	Kern	2,099,967	3,267,017	3,127,486	3,455,741	2,879,899	2,392,786	2,311,201	2,668,199	3,580,611	3,601,132	2,826,191	2,571,583
16	Kings	315,420	359,082	433,519	684,221	498,215	552,066	768,202	643,594	695,184	608,228	503,081	457,399
17	Lake	177,900	152,746	174,330	147,241	152,794	177,755	199,744	75,219	62,474	40,875	1,173	27,264
18	Lassen	212,822	218,877	0	76,222	97,944	142,835	77,234	38,020	13,995	15,992	415,273	50,677
19	Los Angeles	10,443,381	15,546,867	13,506,073	13,606,842	13,418,327	13,399,107	10,980,166	8,632,105	6,892,109	2,193,135	1,381,962	0
20	Madera	0	240,620	29,420	0	54,252	21,417	69,284	274,787	187,150	632,658	0	22,127
21	Marin	477,179	686,233	788,401	1,148,926	713,865	810,382	662,261	589,943	345,753	206,266	288,270	129,870
22	Mariposa	0	15,544	37,377	78,875	112,346	75,436	315,618	67,066	86,534	32,814	44,586	51,614
23	Mendocino	294,992	381,345	445,403	368,983	536,123	567,557	314,409	508,817	382,078	258,538	236,529	282,285
24	Merced	606,749	456,012	717,382	785,461	665,352	763,695	767,099	694,183	1,319,549	699,322	557,445	539,997
25	Modoc	4,980	1,238	0	9	25	0	0	12,778	0	0	0	4,897
26	Mono	0	0	127,640	115,351	118,432	167,177	195,839	77,863	116,476	109,117	79,977	24,778
27	Monterey	222,156	50,413	343,667	831,053	638,201	693,731	778,438	531,934	598,479	514,339	256,281	225,240
28	Napa	361,257	371,225	344,261	355,388	398,538	321,418	286,035	347,488	353,300	248,751	312,087	305,463
29	Nevada	0	62,189	53,558	39,858	170,204	130,832	36,050	19,769	0	0	0	0
30	Orange	5,084,038	5,810,330	5,176,355	5,369,083	5,187,585	4,958,538	3,104,384	297,078	177,968	4,949,451	523,715	652,760
31	Placer	922,638	1,297,674	1,272,334	1,089,522	1,179,250	1,252,842	1,395,720	1,089,907	790,714	583,547	495,041	465,058
32	Plumas	0	85,849	86,898	70,087	95,087	45,047	37,264	143,224	73,124	55,203	26,142	25,593
33	Riverside	3,343,986	5,932,799	4,686,130	5,055,935	5,026,473	4,444,701	4,648,926	4,459,127	3,731,360	3,139,019	3,079,656	2,522,702
34	Sacramento	2,637,044	3,187,574	3,655,778	3,048,647	2,305,771	2,474,507	2,310,727	1,887,143	2,165,579	1,911,278	2,014,631	2,198,711
35	San Benito	271,658	155,989	140,834	284,994	215,209	227,668	165,407	90,380	96,402	42,884	88,085	47,070
36	San Bernardino	4,059,875	5,122,636	5,092,380	5,900,610	6,558,726	5,705,904	4,928,745	3,670,915	3,756,696	2,879,533	2,434,654	2,327,699
37	San Diego	4,276,751	5,373,452	4,763,152	4,897,768	5,545,703	4,039,161	3,453,187	5,035,163	3,189,835	2,859,783	2,638,877	1,723,423
38	San Francisco	1,878,248	1,714,216	1,042,818	1,073,761	982,110	923,619	1,119,763	905,180	849,387	1,350,980	1,523,845	1,576,394
39	San Joaquin	803,605	1,172,104	1,553,295	1,072,579	1,112,158	777,590	1,224,710	724,078	765,088	362,604	559,499	533,614
40	San Luis Obispo	490,350	556,329	443,948	518,872	610,270	523,034	587,269	885,008	424,641	344,491	279,675	72,626
41	San Mateo	931,995	1,043,883	719,098	730,012	1,013,951	1,078,762	895,589	1,167,155	1,631,292	923,734	1,078,890	754,599
42	Santa Barbara	912,513	882,688	666,511	802,139	510,101	587,689	528,822	512,938	805,057	770,673	417,654	607,542
43	Santa Clara	2,768,166	811,891	2,651,450	1,694,161	1,805,924	1,004,841	790,122	339,804	36,887	0	0	0
44	Santa Cruz	257,807	293,803	1,421,082	609,161	411,779	352,625	340,557	286,133	278,780	410,815	244,478	266,612
45	Shasta	443,683	556,760	536,023	483,369	483,401	407,817	528,361	428,669	334,040	294,013	259,197	194,151
46	Sierra	40,103	23,350	18,297	18,297	34,360	23,114	2,217	12,553	6,113	6,536	5,016	3,825
47	Siskiyou	345,163	480,862	337,409	242,311	212,813	202,990	283,163	313,742	296,519	299,384	248,033	146,586
48	Solano	615,263	998,076	1,392,671	1,354,440	1,084,102	806,350	810,237	529,223	361,266	164,699	27,746	0
49	Sonoma	1,051,276	950,478	1,085,711	564,911	976,863	921,444	805,188	770,944	805,492	1,674,650	859,304	702,647
50	Stanislaus	762,307	930,894	862,962	1,019,138	1,036,665	1,304,948	841,604	823,993	847,824	593,350	404,827	383,428
51	Sutter	186,126	252,341	245,742	243,449	332,773	361,183	209,179	94,037	23,557	120,742	58,049	67,052
52	Tehama	234,259	294,974	274,942	409,795	300,081	390,902	308,093	257,882	250,250	126,216	117,073	122,138
53	Trinity	30,984	36,336	45,280	47,099	52,436	62,232	52,936	30,260	9,330	0	0	0
54	Tulare	664,421	1,964,205	828,462	685,175	893,939	1,031,219	965,471	1,131,818	1,014,478	1,074,997	1,084,807	960,385
55	Tuolumne	163,731	360,765	182,217	209,546	184,845	181,034	164,464	130,478	549,006	123,868	137,702	95,637
56	Ventura	2,070,951	3,028,637	2,140,857	1,987,709	2,056,702	1,633,602	1,867,025	1,872,731	1,145,471	1,046,789	818,457	620,545
57	Yolo	545,787	289,078	400,701	394,449	428,843	481,113	443,571	617,507	363,098	310,535	304,408	319,331
58	Yuba	160,692	209,878	222,429	355,586	452,590	380,263	270,572	606,778	157,098	202,626	156,792	150,483
	Total	58,205,975	74,067,617	70,518,316	72,466,176	69,578,314	67,787,496	57,720,577	50,583,540	45,892,783	42,651,677	32,931,007	26,934,895



Note: Revenues for FY 2013-14 is based on the actual amount posted by the State Controller's Office as of 9/19/2014.

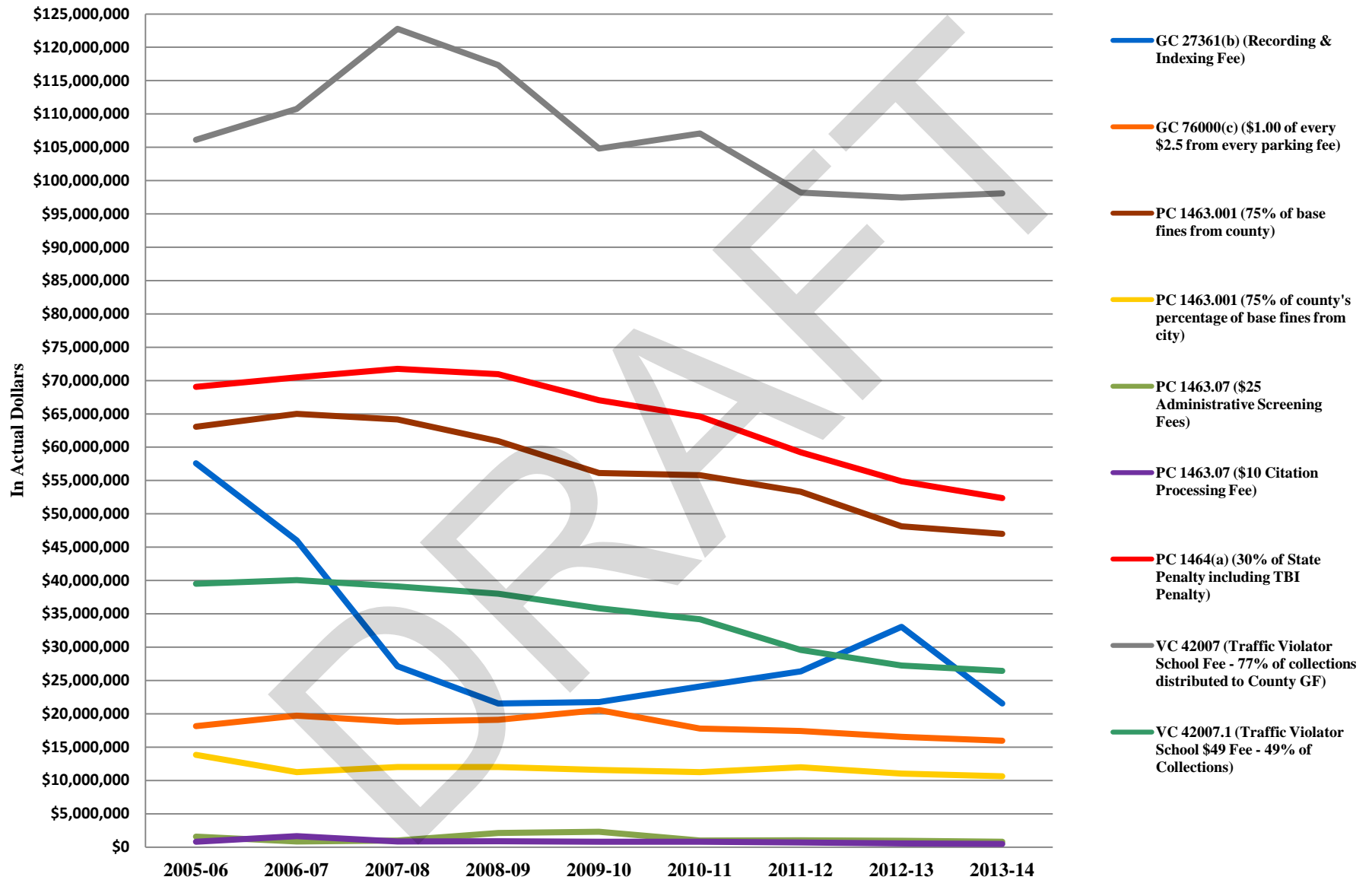
FY 2005-16 through FY 2013-14 Revenues Related to 50-50 Excess Split Revenue

(Amount in actual dollars)

Revenue Category	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
GC 27361(b) (Recording & Indexing Fee)	57,595,599	46,025,052	27,136,554	21,550,780	21,763,207	24,087,832	26,366,391	33,062,213	21,545,849
GC 76000(c) (\$1.00 of every \$2.5 from every parking fee)	18,132,666	19,732,098	18,817,863	19,087,160	20,550,643	17,768,599	17,419,675	16,530,226	15,954,192
PC 1463.001 (75% of base fines from county)	63,082,101	65,000,836	64,163,118	60,920,192	56,133,963	55,785,613	53,328,230	48,114,718	46,988,386
PC 1463.001 (75% of county's percentage of base fines from city)	13,848,886	11,253,954	11,997,078	12,032,330	11,579,506	11,243,145	11,992,561	11,042,039	10,615,060
PC 1463.07 (\$25 Administrative Screening Fees)	1,561,917	841,033	968,207	2,133,898	2,313,593	987,757	1,004,949	958,224	818,684
PC 1463.07 (\$10 Citation Processing Fee)	806,303	1,632,608	838,861	872,349	799,341	790,518	694,044	549,800	484,851
PC 1464(a) (30% of State Penalty including TBI Penalty)	69,069,348	70,474,991	71,747,445	70,959,453	67,029,610	64,613,500	59,225,688	54,886,040	52,350,950
VC 42007 (Traffic Violator School Fee - 77% of collections distributed to County GF)	106,128,359	110,749,210	122,762,850	117,321,215	104,801,396	107,073,533	98,213,294	97,464,760	98,094,183
VC 42007.1 (Traffic Violator School \$49 Fee - 49% of Collections)	39,506,143	40,075,291	39,121,898	38,021,349	35,824,432	34,165,731	29,562,465	27,256,352	26,440,903
Total	369,731,321	365,785,073	357,553,873	342,898,726	320,795,690	316,516,228	297,807,298	289,864,372	273,293,058

Data source: the 50-50 Excess Split Revenue Computation Form provided by the counties or courts annually. Data prior to FY 2005-06 is either not available, or incomplete.

FY 2005-06 through FY 2013-14 Revenue Subject to 50% Split





Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2014

Title	Agenda Item Type
Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 4 of Fiscal Year 2013–2014	Information Only
Submitted by	Date of Report
Trial Court Facility Modification Advisory Committee	September 19, 2014
Hon. David Edwin Power, Chair	Contact
	Patrick McGrath, 916-643-8051 patrick.mcgrath@jud.ca.gov

Executive Summary

The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the fourth quarter of fiscal year 2013–2014. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 4, Fiscal Year 2013–2014* as information for the council. This report summarizes the activities of the Trial Court Facility Modification Advisory Committee from April 1, 2014, to June 30, 2014.

Previous Council Action

The Trial Court Facility Modification Working Group was established by Judicial Council policy in 2005. The working group first met in April 2006 and operated under the *Trial Court Facility Modifications Policy*,¹ adopted by the Judicial Council in 2005 and revised on July 27, 2012. The working group's primary oversight responsibilities included reviewing statewide facility modification requests and approving facility modification funding.

¹ As adopted in 2005, the policy was known as the *Prioritization Methodology for Modifications to Court Facilities*. When it was revised in 2012, the name also changed. See www.courts.ca.gov/documents/jc-20120727-itemG.pdf.

The working group's charge was formalized by the Judicial Council on December 14, 2012, and the working group was assigned additional oversight responsibility for the operations and maintenance of existing facilities, noncapital-related real estate transactions, energy management, and environmental management and sustainability. On April 25, 2013, the working group's status was elevated to that of advisory committee.

An updated Court-Funded Facilities Request approval process was submitted and approved by the Judicial Council on August 23, 2013, requiring all Court-Funded Facilities Requests to be reviewed and approved by the Trial Court Facility Modification Advisory Committee (TCFMAC). These submittals may include lease-related costs (e.g., lease payments and operating costs, repairs, or modifications required by a lease); allowable court operations expenditures under rule 10.810 of the California Rules of Court (e.g., equipment, furnishings, interior painting, flooring replacement or repair, furniture repair, or records storage); and other facility improvements that are not allowable court operations expenditures under rule 10.810 (e.g., facilities operations, maintenance, repairs, and modifications, but not capital projects), if they would improve a court's functioning or reduce ongoing court operating costs.

Reports previously approved by the Judicial Council are available at www.courts.ca.gov/2567.htm under Research and Reports: Conditions in Our Courts.

Methodology and Process

Funding decisions were based on the prioritization and ranking methodologies in accordance with the *Trial Court Facility Modifications Policy*. Facility modifications are assigned one of six priority categories: Priority 1—Immediate or Potentially Critical; Priority 2—Necessary, But Not Yet Critical; Priority 3—Needed; Priority 4—Does Not Meet Current Codes or Standards; Priority 5—Beyond Rated Life, But Serviceable; and Priority 6—Hazardous Materials, Managed But Not Abated. These categories are based on methods commonly used by private-sector facility management firms. Facility modifications that are determined to be Priority 1 are to be addressed immediately and regardless of whether the court occupies a shared-use facility. With current budget constraints, the TCFMAC primarily limits approvals of facility modification projects to Priority 1 and Priority 2 projects. Delaying TCFMAC approval of these projects would cause continued court closures, operational failures, and undue risk to continued court operations.

Policy and Cost Implications

During the fourth quarter of fiscal year 2013–2014, the TCFMAC reviewed and approved a total of 216 facility modifications for a total projected cost of \$13,011,719. The Facility Modification Program's share of these projects totals \$11,805,074. These approved projects are limited to Priority 1 emergency projects and Priority 2 critical needs projects. Please see Attachment A for a detailed list of all approved projects.

During this quarter, 11 projects required additional funds in excess of \$50,000 from their original estimates. Projects that require excess costs of this magnitude are typically Priority 1 emergency

projects that do not have a full scope and cost estimate developed at the onset of the project and for which significantly more work or testing is discovered after commencement.

The committee reviewed and approved nine projects during the fourth quarter of fiscal year 2013–2014, designed to improve the overall energy efficiency of the electrical systems in our facilities, with a total potential cost of \$830,677.

During this quarter, 24 Court-Funded Facilities Requests (CFRs) were reviewed and approved by the TCFMAC, including requests from Fresno, Kern, Los Angeles, Mariposa, Merced, Orange, Sacramento, San Bernardino, San Francisco, Santa Clara, and Santa Cruz courts. As stated above, CFR submittals may include lease-related costs, allowable court operations expenditures under rule 10.810 of the California Rules of Court, and other facility improvement costs that are not allowable under rule 10.810. See Attachment B for a detailed list of CFRs approved by the TCFMAC during the fourth quarter of fiscal year 2013–2014.

Implementation Efforts

The TCFMAC participated in an out-of-cycle teleconference on April 3, 2014, and also met for in person meetings on April 11, 2014 at the Sacramento Field Office, and May 15-16, 2014 at the Orange County Central Justice Center, to review facility modification funding requests and to discuss the following topics:

- The committee conducted its regular review of facility modification projects lists: A (Emergency and Priority 1), B (FMs Less than \$15K), C (Cost Increases Over \$50K), D (Eligible for Funding), E (Shared-Cost Approval Pending) and F (Court-Funded Facilities Requests).
- Real Estate staff presented an overview of leases, licenses, and dispositions of the judicial branch portfolio.
- The committee received a report from staff regarding the newly establish vendor policy work team, tasked with standardizing policies for licensed vendor operations within Judicial Council managed facilities. These vendor operations include food vending services, ATM machines, roof top cell equipment, office tenants, and County operational departments.
- Court-Funded Facilities Requests were reviewed and approved at an out-of-cycle teleconference on April 3, 2014, to ensure year-end fiscal deadlines were met.
- The committee toured the public and non-public areas of the Orange County Central Justice Center in Santa Ana.
- The committee received a status report on the Trial Court Facility Maintenance Pilot Program from the four delegated courts (Imperial, Orange, Riverside, and San Luis Obispo).
- Staff provided an information report regarding the performance of the regional operations and maintenance service providers which serve the 54 counties that are not part of the Trial Court Facility Maintenance Pilot Program.
- The committee approved the option to extend the contracts with all three regional operations and maintenance service providers (Pride, ABM, and Enovity). The first option provides a two year term renewal to start October 2015.

- The committee discussed funding options specifically for Americans with Disabilities Act (ADA) projects.
- Staff provided an informational presentation to compare the costs of an elevator cab replacement versus the costs of a completely elevator repair.
- The committee reviewed and discussed the requirements of CRC 10.75, *Meetings of Advisory Bodies*.
- The committee received a report from staff reviewing anticipated budget allocations for facility modification funding for FY 2014-15. The Governor's budget includes a Budget Change Proposal for a 10-year appropriation authority increase of \$15 million per year from the State Court Facilities Construction Fund (SCFCF).
- The committee received a report from staff reviewing the anticipated budget allocations for operations and maintenance funding for FY 2014-15. The Budget Change Proposals to increase operations and maintenance funding were not included in the Governor's budget for FY 2014-15. This budget has not received inflationary adjustments since FY 2008-09.
- Staff provided an informational presentation on solar options, which have the potential to reduce costs for court facilities.
- The committee unanimously adopted a new guideline to be incorporated into the *Trial Court Methodology for Prioritizing and Ranking Facility Modifications*. This document is used as a directional guide for Judicial Council staff to appropriately identify and prioritize facility modification projects. This new *Guideline 16- Charging Stations for Electric Vehicles* (Attachment C) will provide direction to staff regarding their operational responsibility for the charging stations at court facilities.

Next Steps

The *Trial Court Facility Modification Quarterly Activity Report, Quarter 1 of Fiscal Year 2014–2015* will be submitted to the Judicial Council in December 2014.

Attachments

1. Attachment A: *TCFMAC Funded Project List: Quarter 4, Fiscal Year 2013–2014*
2. Attachment B: *Court-Funded Facilities Requests (CFR): Quarter 4, Fiscal Year 2013–2014*
3. Attachment C: *Guideline 16- Charging Stations for Electric Vehicles*



	FM NUMBER	LOCATION	FACILITY NAME	BUILDING ID	PRIORITY	SHORT TITLE	PRELIMINARY ESTIMATE	FACILITY MODIFICATION PROGRAM SHARE OF PRELIMINARY ESTIMATE	FACILITY MODIFICATION PROGRAM SHARE % OF COST
1	FM-0051819	Alameda	Wiley W. Manuel Courthouse	01-B3	2	Plumbing - Plumbing Leak Remediation - Locate the leak and open wall to replace failed dielectric union. Perform water extraction and dry affected building materials with dehumidifiers and fans on the first and second floors where wet from leak. Close in open fire wall in return air plenum where failed dielectric union was located with new fire rated access panel. Patch sheetrock around new (18"x18") access panel and reinstall baseboard damaged by P1 emergency water leak	\$ 3,304	\$ 2,769	83.80
2	FM-0051943	Alameda	Wiley W. Manuel Courthouse	01-B3	2	Plumbing and Interior Finishes - Replace failed and leaking wall mounted toilet gasket and replace water damaged sheetrock wall covering. Paint work affected area.	\$ 2,930	\$ 2,930	100.00
3	FM-0052077	Alameda	Wiley W. Manuel Courthouse	01-B3	2	Plumbing - Replace failed holding cell toilet which is leaking at cracked weld. Work to be performed after hours when cells are not in use.	\$ 8,067	\$ 8,067	100.00
4	FM-0051873	Alameda	Hayward Hall of Justice	01-D1	2	HVAC - Replace failed and leaking single row hot water coil and pneumatic control valve for department 501 Judges Chambers. Work to be performed afterhours.	\$ 8,442	\$ 8,442	100.00
5	FM-0051975	Alameda	Hayward Hall of Justice	01-D1	2	Interior - Fire Rated Door - Remove and replace one badly damaged fire rated door, the bottom of the door has come apart allowing much of the fire-resistant core material to fall out onto the floor. Perform bulk sample test to eliminate hazardous material concern.	\$ 5,016	\$ 4,429	88.30
6	FM-0052002	Alameda	Hayward Hall of Justice	01-D1	2	Exterior lighting - Replace failed starters and lamps in (11) building mounted high pressure sodium night-lighting fixtures. Lights sporadically come on for irregular periods of time. Work requires the use of specialized fall restraint equipment due to high location near roof-level.	\$ 10,198	\$ 9,005	88.30
7	FM-0052084	Alameda	Hayward Hall of Justice	01-D1	2	Fire protection - Replace thirty four (34) expired fire hoses and eight (8) damaged or missing sprinkler heads. These deficiencies were discovered and noted by the State Fire Marshall during the 5-year fire inspection.	\$ 12,260	\$ 10,826	88.30
8	FM-0052087	Alameda	Hayward Hall of Justice	01-D1	2	Electrical - Replace the failed emergency generator that fuels and monitors the Veder-Roott printer CPU board and code programming. Work is required by code.	\$ 3,420	\$ 3,020	88.30
9	FM-0052090	Alameda	Hayward Hall of Justice	01-D1	2	Plumbing - Replace ten feet of failed eight inch diameter cast iron roof drain pipe. Replace sheetrock ceiling where damaged by storm water leak. Plumbing work was performed as an emergency call-out.	\$ 7,457	\$ 6,585	88.30
10	FM-0051884	Alameda	Gale - Schenone Hall of Justice	01-E1	2	Electrical - Emergency electrical power system - Replace failed automatic transfer switch (ATS) and test new switch for proper operation. Work to be performed afterhours.	\$ 10,840	\$ 10,840	100.00
11	FM-0051820	Alameda	Fremont Hall of Justice	01-H1	2	Electrical - Replace one (1) circuit breaker pneumatic tube, two (2) circuit breakers, and two (2) disconnect switches that failed thermo-graphic (IR) scan. Located on the 2nd floor fan room 2B, 4th floor DHC and 1st floor DLA Switchboard Panels.	\$ 6,336	\$ 5,031	79.40
12	FM-0051821	Alameda	Fremont Hall of Justice	01-H1	2	HVAC - Air Handler Unit - Replace noisy worn out bearings and balance unit . Work will be performed on a weekend.	\$ 6,690	\$ 5,312	79.40
13	FM-0051837	Alameda	Fremont Hall of Justice	01-H1	2	Plumbing - Vandalism to bathroom fixtures - Replace two lavatory faucets in men's public restroom destroyed by a disgruntled patron.	\$ 1,042	\$ 827	79.40
14	FM-0051981	Alameda	Fremont Hall of Justice	01-H1	2	Exterior door - Replace failed public exit door power operator. Work to be performed after hours.	\$ 6,172	\$ 4,901	79.40
15	FM-0051982	Alameda	Fremont Hall of Justice	01-H1	2	Elevator - Replace failed hydraulic valve for secure in-custody elevator - The elevator carriage is not leveling with the floor at the landing creating a tripping/safety hazard - Work to be performed afterhours	\$ 34,493	\$ 34,493	100.00
16	FM-0051835	Amador	Begovich Building	03-C1	2	Holding Area - Construct a secure in-custody dock area with 1/2-walls, a door and a glass enclosure on top, in Department #2. And add a glass enclosure on top of the existing similar dock walls in Dept. 1. Currently, there is no physical separation/barrier between the detainees, the staff, and general public, when they are brought into the Courtroom in Dept 2. Dept. 1 is not secure enough as it currently exists.	\$ 23,487	\$ 23,487	100.00



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17	FM-0051918	Amador	Begovich Building	03-C1	2	Safety and Security - Renovate the OMRON and security intercom systems to restore them to a fully functioning status. The OMRON and security intercom systems work only sporadically and do not provide the level of security required by the Court.	\$ 14,978	\$ 14,978	100.00
18	FM-0052037	Amador	Begovich Building	03-C1	2	Interior Finishes - Jury Box Dept 3 - Remove one (1) row of audience seating and redistribute seats. Install bar-height wall to designate jury area to facilitate civil jury trials. Court has not been able to support access to justice for civil cases without a jury area as criminal proceedings have superseded.	\$ 9,000	\$ 9,000	100.00
19	FM-0050138	Butte	Butte County Courthouse	04-A1	2	Interior - Unsafe carpet - Remove and dispose of 678 SY of carpet, there is currently tape and a caution sign on the carpet in the aisle, the seam is extremely frayed, carpet condition has degraded to the point where it is delaminating from backing, repeated on-demand repairs over time have not resolved fundamental age and degradation issues.	\$ 67,472	\$ 67,472	100.00
20	FM-0051907	Butte	Butte County Courthouse	04-A1	2	Plumbing - Sewage Pumps - Remove two existing sewage lift pumps that are damaged beyond repair and replace with two new submersible pumps. Existing sewage pumps need to be replaced in order to prevent a future sewage back up within the building	\$ 32,642	\$ 32,642	100.00
21	FM-0049198	Contra Costa	Wakefield Taylor Courthouse	07-A2	2	HVAC - Replace failed damper Variable Air Volume motors/actuator cards (10 Each). Multiple service calls from building occupants regarding temperature problems.	\$ 11,225	\$ 11,225	100.00
22	FM-0051854	Contra Costa	Wakefield Taylor Courthouse	07-A2	2	Exterior Shell - Remove 150 feet of failed rain gutter lining; Install 150 feet of new 45mil membrane; Provide street barricade and lift; Provide pedestrian control; Replace 60 Sqft of ceiling tile. The existing coating is damaged beyond repair and water is leaking into the Jury Deliberation Room on 3rd floor, causing damage to ceiling, walls and windows.	\$ 11,352	\$ 11,352	100.00
23	FM-0052013	Contra Costa	Wakefield Taylor Courthouse	07-A2	2	Fire/Life/Safety - Remove the existing failed key cylinder and thumb turns from the doors; Furnish and install new cylinder and one new pair of panic bar assemblies. The existing hardware has failed and is no longer supported. The existing entry door hardware is not code compliant and is critical for safe egress from the courtroom. Work to be done off-hours.	\$ 5,904	\$ 5,904	100.00
24	FM-0052162	Contra Costa	Wakefield Taylor Courthouse	07-A2	2	HVAC - Heat Exchanger - Remove existing heat exchanger. Furnish and install a new equivalent shell and tube type heat exchanger, mounted to a new pre-fabricated skid. Furnish and install new steam piping and heating hot water piping, gauges, pressure relief valves (PRV), expansion tank, and associated fittings/trim.	\$ 96,452	\$ 96,452	100.00
25	FM-0052069	Contra Costa	Bray Courts	07-A3	2	Grounds and Parking Lot - Cone off 20 ft of sidewalk; Grind down 5 feet of sidewalk; Fill-in 100 feet of expansion joints with expansion filler; Work to be done after hours -Tripping hazard, juror fell on March 14, accident report filed.	\$ 4,966	\$ 4,247	85.52
26	FM-0052163	Contra Costa	Bray Courts	07-A3	2	Fire Protection - Main Fire Line Outside the Building - Temporarily remove existing marquee sign board - Excavate an area of 10' long, 4' wide, 4' deep - Temporarily remove rose plant and flower bush from excavation area - Validate leaking section of existing pipe - Replace 8" fire main pipe, approx. 5' long section in place, per AWWA Standards including 2 mechanical joint sleeve couplings - Reinstall marquee, rose plant, and flower bush.	\$ 45,168	\$ 38,628	85.52
27	FM-0051861	Contra Costa	Danville District Courthouse	07-C1	2	Exterior lighting - Install 200 feet of conduit and wire on the rear retaining wall; install 20 feet of conduit, wire and protective covering across the parking lot driveway to connect to the existing light pole; Assure operation of parking lot lights. There is a broken wire underground and the parking lot lights are non functional. This creates a safety issue in the early morning and in the evening.	\$ 6,109	\$ 6,109	100.00
28	FM-0052010	Contra Costa	Arnason Justice Center	07-E3	1	Plumbing - Unplug sewer lines - Black water is coming up from the floor drain in the second floor public restroom and leaking onto the first ceiling. Restoration work and decontamination required on the second floor and first floor ceiling	\$ 6,055	\$ 6,055	100.00



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29	FM-0047414	Del Norte	Del Norte County Superior Court	08-A1	2	HVAC - Gas heaters - Replace ten (10) obsolete gas heaters - Replacement parts no longer available - The inefficiency of the burners is causing significant gas consumption, burners do not ignite as designed causing gas buildup in the attic. Court Exclusive Space.	\$ 119,893	\$ 119,893	100.00
30	FM-0051853	Del Norte	Del Norte County Superior Court	08-A1	2	Fire System - Fire Panel - Isolated the cause of failure in the fire panel and replaced the damaged signal devices to eliminate the false alarms at the smoke detectors in the in holding janitor closet and attorney visitor room 14 as well as the duct detectors in FAH #5. Reprogram the panel to correct signal reporting smoke detectors, duct detectors, pull stations to ensure Central station monitoring is seeing all supervisory and trouble alarms.	\$ 6,435	\$ 3,943	61.27
31	FM-0051905	El Dorado	Main St. Courthouse	09-A1	2	HVAC - HVAC unit in Dept 5 is not working. Compressor time relay is not working and needs to be replaced. Compressor is not coming on and cooling Dept 5.	\$ 2,180	\$ 2,180	100.00
32	FM-0051842	El Dorado	Cameron Park	09-C1	2	Pest Control - Abate rodent stained ceiling tile from Court entry hallway. Disinfect T bar ceiling frames. Reinstall new ceiling tiles. Remove stained and smelly ceiling tiles. Pest debris from many years of incidental pest access smells when the building heating system is operated.	\$ 2,878	\$ 2,878	100.00
33	FM-0051870	El Dorado	Johnson Bldg.	09-E1	2	Interior Finishes - Witness Stand - retrofit the existing witness stand to be more accessible and provide an ADA compliant witness box on the floor. The existing witness stand does not provide adequate space to safely exit onto floor level, there have been several instances when the stand occupant has tripped or almost fallen because of the step. Work will include removing the existing witness box and adding two short wood paneled walls and desk top.	\$ 6,349	\$ 6,349	100.00
34	FM-0051882	Fresno	Fresno County Courthouse.	10-A1	2	Fire Protection - Sprinkler System - Replace nine (9) painted fire sprinkler heads, relocate seven (7) sprinkler heads to proper length, install (16) missing escutcheons, replace (16) loaded fire sprinkler heads, install one (1) module to monitor control valve in B-2 server room, install one (1) head guard, replace five (5) smoke detector heads and one (1) strobe - To correct deficiencies itemized on annual fire sprinkler and fire alarm panel inspections.	\$ 6,384	\$ 6,123	95.91
35	FM-0051869	Humboldt	Humboldt County Courthouse (Eureka)	12-A1	2	County Managed – Exterior Shell – Earthquake damage renovations, over 300 identified issues throughout the courthouse; including the basement through the 5th floor. Renovations identified include substantial structural cracks; cracked doors and frames; water damage to walls and ceilings; multiple cracked windows; ceiling tiles are bowed, damaged and have shifted; and additional modifications to include minor steel angle additions.	\$ 143,270	\$ 143,270	100.00
36	FM-0052031	Humboldt	Humboldt County Courthouse (Eureka)	12-A1	2	HVAC - Modification of pneumatic controls - calibrate pneumatic controls for room 222 and 224.	\$ 5,142	\$ 5,142	100.00
37	FM-0051896	Imperial	Imperial County Courthouse	13-A1	2	HVAC - Failed - Condenser Units Replace two (2) roof top condenser units existing condenser units have failed and require immediate attention. These units support Dept. 7 and Dept. 9	\$ 6,000	\$ 6,000	100.00
38	FM-0051814	Kern	Bakersfield Superior Court	15-A1	2	HVAC - Replace relay switches, adjust safety mechanisms and provide refrigerant if needed for Chiller. Malfunctioning relay switches were preventing chiller from engaging and cooling Courthouse.	\$ 2,951	\$ 1,849	62.64
39	FM-0051832	Kern	Bakersfield Superior Court	15-A1	2	Security - Damaged Doors - Remove and replace metal entrance doors that have separated from the inner frame causing the locking mechanism to fail at times which become a security issue.	\$ 3,916	\$ 2,453	62.64
40	FM-0051851	Kern	Bakersfield Juvenile Center	15-C1	2	Elevators - Failed Breakers - Replace two (2) 3-pole 60-amp breakers to restore Elevator # 1 to full functionality. Elevator stuck on ground floor with doors opened. Faulty breakers rendered Elevator # 1 offline.	\$ 2,620	\$ 1,749	66.76
41	FM-0051889	Kern	Shafter/Wasco Courts Bldg.	15-E1	2	Electrical - Remove and replace seven (7) parking lot pole lights and two (2) wall lights on outside of courthouse; replace with LED lights. Parking lot too dark due to multiple non illuminated light fixtures, lighting not functioning optimally; Safety hazard for court patrons and employees leaving the Courthouse after hours.	\$ 9,883	\$ 8,890	89.95



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42	FM-0051305	Kern	Arvin/ Lamont Branch	15-H1	2	Interior finishes - Replace approx. 1,100 Sqft of loose/cracking/chipping/lifting 12 x 12 floor tiles in main courthouse lobby. Work needed to resolve potential tripping hazard.	\$ 21,130	\$ 12,870	60.91
43	FM-0049123	Lake	South Civic Center	17-B1	2	Roof - Drains and downspouts (10 ea) - Replace roof (9700 SF), drains, down spouts, roof edge cap and roof hatch. Asbestos Containing Material abatement required, water penetration is impacting court operations.	\$ 188,207	\$ 139,273	74.00
44	FM-0051830	Lake	South Civic Center	17-B1	2	Interior Improvement - Abatement - Remove and dispose of approximately 1,000 SF each of carpet, floor tile and mastic via razor method. HEPA vacuum, wet wipe and encapsulate all exposed surfaces. Transport and disposal of waste. Asbestos Containing Material was exposed as part of the on going court-funded, Rule 10.810 carpet replacement project.	\$ 12,332	\$ 12,332	100.00
45	FM-0051939	Lake	South Civic Center	17-B1	2	Electrical - Renovate electrical and correct code compliance deficiencies in new court spaces - Add emergency exit lighting and signage. Install additional power and lighting to support court operations. Replace failed and leaking bathroom hardware. Correct improper county executed wiring.	\$ 12,320	\$ 12,320	100.00
46	FM-0051962	Los Angeles	San Fernando Courthouse	19-AC1	1	Plumbing - Flood mitigation - Replace failed (2) urinal seals and clear waste branch line; remove and replace 440sf of contaminated ceiling from the men's and women's public restrooms, texture and paint the ceilings. Remove and replace five(5) damaged light fixtures, one (1) access panel and one (1) speaker. work required the removal of 4.44 CY of hazardous materials. Black water leak from 3rd floor men's public restroom contaminated the ceiling and the 2nd floor men's and women's public restroom causing an environmental health issue.	\$ 43,425	\$ 36,221	83.41
47	FM-0052093	Los Angeles	San Fernando Courthouse	19-AC1	2	Fire Protection - Replace failed system devices: Two (2) tamper switches in basement sprinkler closet, Tamper switch in East and center roof elevator machine room; Flow switch in East and center roof elevator machine room; Tamper switch & Flow Switch on 4th floor; Water flow on 2"d floor; Tamper switch on I51 floor; Strobe horn on 1st floor by room # 1135. Fire alarm devices not reporting to the fire panel, should a fire occur the system will not operate as designed increasing the possible loss of property or injury to employees and the public.	\$ 4,533	\$ 3,781	83.41
48	FM-0051898	Los Angeles	Parking Lot-San Fernando Courthouse Employees	19-AC3	2	Parking Lot, Electrical - Replace card reader with updated access control system supported by the current facility access control system. Current opener is outdated and the access cards are no longer available, cards on hand are breaking with no replacements available.	\$ 3,897	\$ 3,250	83.41
49	FM-0051825	Los Angeles	Compton Courthouse	19-AG1	2	HVAC - Replace one (1) Variable Frequency Drive (VFD) for the supply fan, and one (1) VFD for the return fan on the 2nd floor. Both Return Air VFD and Supply Air VFD failed. Air Handling Unit motor running full speed caused too much air pressure to ducts and 2nd floor space.	\$ 9,367	\$ 6,194	66.13
50	FM-0051867	Los Angeles	Compton Courthouse	19-AG1	1	Fire Protection - Design and Activate Fire Alarm Control Panel - Prepare design specifications and plan documents for the restoration of the existing failed fire alarm system, install the new panel to a point that the need for continuous fire watch can be removed. This scope of work consists of designing a Notifier Fire Alarm Control Panel that would be tied into the existing field devices using the existing circuits and on going fire watch required by the State Fire Marshall. This facility modification will include project support and monitoring, and preparation of final phasing plan for the State Fire Marshalls review. Full building replacement as required by current code and the State Fire Marshall will follow as a separate project.	\$ 390,728	\$ 258,388	66.13
51	FM-0051919	Los Angeles	Compton Courthouse	19-AG1	2	Interior Finishes - Remove, abate and dispose of approx 30 Sqft of floor tiles. Install new floor tiles to match as close as possible. Floor tiles are damaged, some are loose, broken, causing a safety hazard.	\$ 5,363	\$ 3,547	66.13
52	FM-0052028	Los Angeles	Compton Courthouse	19-AG1	1	Exterior - 30' x 14' Curtain Roll-Up Door - Remove and replace one rolling aluminum grill curtain with new guides, safety edge and photo eyes. The existing barrel, head plates and operator were re-used. Main security roll up door to the employee parking was previously hit and damaged, it has now failed.	\$ 39,722	\$ 26,268	66.13



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53	FM-0041168	Los Angeles	Norwalk Courthouse	19-AK1	2	Roof - Replace Roof - Remove and replace approximately 38,000 SF of five ply roofing and associated flashings, square footage of roof is over two separate building levels. Asbestos Containing Material will be abated and properly disposed of as part of the scope of work. At this time, roof material is missing in several areas causing numerous leaks into building.	\$ 566,280	\$ 481,508	85.03
54	FM-0051963	Los Angeles	Norwalk Courthouse	19-AK1	1	Plumbing - Set up containment and equipment in affected areas, disinfect the floors in the 2nd floor men's public restroom, 1st for elevator lobby, and the 2nd floor elevator lobby. A toilet in the 2nd floor men's public restroom was clogged and water flooded the restroom, water leaked into the 1st and 2nd floor elevator lobbies, and the security control center. Replace water damaged fire alarm speaker, strobe and smoke detector.	\$ 43,879	\$ 37,310	85.03
55	FM-0052065	Los Angeles	Norwalk Courthouse	19-AK1	1	Plumbing - Flood remediation - Set-up containment and drying equipment in effected area, replace flushometer vacuum breaker on toilet, replace approximately (10) ceiling tiles, and remove containment. This work was completed as a P1 emergency due to a malfunctioning flushometer vacuum breaker valve that leaked causing water to penetrate through the 6th floor into the 5th floor, room 507.	\$ 5,000	\$ 5,000	100.00
56	FM-0041074	Los Angeles	Bellflower Courthouse	19-AL1	2	Interior Finishes - Remove and re-install expansion joints on the 2nd, 3rd & 4th floors public corridor due to sinking that has created a serious tripping hazard. Incident occurred where a person tripped and fell in the corridor, possibly due to the sinking in place. Work must be done to prevent further damage and to ensure public safety.	\$ 6,930	\$ 6,930	100.00
57	FM-0051857	Los Angeles	Bellflower Courthouse	19-AL1	1	Plumbing - 3" Cracked Vent Pipe - Remove and replace 20 ft of 3" cast iron vent pipe and install new access panel. The vent pipe is cracked allowing sewage odor to seep into the building.	\$ 13,970	\$ 10,888	77.94
58	FM-0051959	Los Angeles	Bellflower Courthouse	19-AL1	1	Plumbing - Sump Pumps 2 & 3 - Remove and replace two failing sump pumps, and the float assembly and a fasten flange in the sump tank. The Rain storm sump pumps 2 & 3 are not working, without these pumps working, a major flood could occur on the first floor and interrupt court operations.	\$ 29,058	\$ 22,648	77.94
59	FM-0051927	Los Angeles	Downey Courthouse	19-AM1	2	Furniture and Equipment - One Judicial workstation in Department 5 next to Judges Bench is broken and in need of replacement due to Ergonomic reasons. Consistent complaints about personal injuries have been documented and will be uploaded into SWO. Replacement of workstation will need to match existing finishes in the rest of the courtroom and made ergonomically correct.	\$ 9,500	\$ 9,500	100.00
60	FM-0051964	Los Angeles	Downey Courthouse	19-AM1	1	Elevators, Escalators, & Hoist - Renovate Judge's Elevator #5 Generator - Dip and bake Generator A/C and D/C windings, dip and bake armature, solder commutator, replace brushes, turn and undercut commutator, balance armature, refurbish one bearing housing A/C side, replace bearings and brushes, assemble and load test. The generator was malfunctioning due to internal electrical damage	\$ 59,965	\$ 59,965	100.00
61	FM-0052068	Los Angeles	Downey Courthouse	19-AM1	2	Exterior Shell - Remove two (2) trees from courtyard area, remove stumps and roots. Remove 144' Sqft of concrete slab and install 288' of concrete to fill in existing planters and areas where concrete was removed. 2 trees are too big for the courtyard are and have roots growing raising up the concrete, making it a trip hazard	\$ 4,011	\$ 3,357	83.70
62	FM-0052005	Los Angeles	Santa Monica Courthouse	19-AP1	1	Plumbing - Set up 1240 sq. ft. containment, water remediation, removed 234 sq. ft. of wet carpet padding and cleaned carpet. Remove and replace approximately 50 SF of plaster from the wall and replaced 35 sq. ft. of ceiling tiles and restored ceiling. Water leak inside judge's chamber, ceiling tiles, walls and carpet were affected. Water remediation equipment placed during P1 condition.	\$ 28,482	\$ 22,356	78.49
63	FM-0051769	Los Angeles	Beverly Hills Courthouse	19-AQ1	2	Electrical - Remove and rebuild failed fuel pump on the back-up generator. This failed fuel pump will not allow the generator to operate properly during a power outage.	\$ 11,690	\$ 9,296	79.52
64	FM-0051839	Los Angeles	Beverly Hills Courthouse	19-AQ1	2	HVAC - Replace failed Variable Frequency Drive at Supply Fan #2. It is currently non-functional and in bypass mode. Replacement is required to reduce impact to Court operations.	\$ 2,357	\$ 1,874	79.52



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65	Los Angeles	West Los Angeles Courthouse	19-AR1	2	Exterior Shell - Demo three (3) trailers (19-AR2, 19-AR3, 19-AR4) gut building interiors/dispose of contents into dumpsters. Demo 1,200 SF of concrete ramps, planters, stairs, block walls, and existing bollards. Install eight (8) new bollards around existing transformer. Relocate water, sewer, electricity, phone line utilities. Pressure wash area to prep area. Slurry coat parking area previously occupied by trailers and apply stripping. Currently the trailers are abandoned and were requested to be disposed of.	\$ 130,491	\$ 130,491	100.00
66	Los Angeles	Airport Courthouse	19-AU1	2	ELEVATOR - Elevator #8 ceiling facing is falling and must be replaced. The elevator has been taken out of service until all replacements have been completed.	\$ 9,550	\$ 7,370	77.17
67	Los Angeles	Airport Courthouse	19-AU1	1	ELEVATORS - Multiple wheelchair lifts throughout the courthouse were found failed or inoperable. This work was completed as a P1 when failed parts on these wheelchair lifts were replaced as needed. Completion of this work was to remain in compliance with ADA and health safety laws.	\$ 3,668	\$ 3,668	100.00
68	Los Angeles	Airport Courthouse	19-AU1	2	Interior Finishes - Remove current door closers and install six (6) heavy duty surface mount door closers, one (1) ADA low energy dual swing door operator, push plates, a ultra-small long range receiver and two (2) long range transmitters. Front doors do not close completely and lock after employees/staff exit the building after the court closes in the evening. There have been incidents of the front doors staying open and/or unlocked overnight and over the entire weekend. Sheriffs have been locking the doors with chains.	\$ 9,691	\$ 7,479	77.17
69	Los Angeles	Airport Courthouse	19-AU1	2	Fire Protection - Replace Dry Chemical Vent Hood tanks (3 gallon and one 1 1/2 gallon) including cartridges and fusible links, with new code compliant units. Tanks are out of date and may not control a fire if one should occur.	\$ 5,075	\$ 3,916	77.17
70	Los Angeles	Airport Courthouse	19-AU1	1	Elevators, escalators, and hoists - Public Elevator #3 and Judge's Elevator #6 - Work is to replace worn isolation pads, new ropes, brakes, new bearings on reflector sheave, new ring and worm gear (#6 only), new car rollers and new rollers for counter weights. Public Elevator #3 and Judge's Elevator #6 are leaning against the isolation pads, unsafe working condition. Elevators will be out of service.	\$ 274,497	\$ 211,829	77.17
71	Los Angeles	Airport Courthouse	19-AU1	1	Electrical - Electrical Short in Conduit - Remove and replace three (3) conductors, one (1) neutral and one (1) ground wire, and replace one (1) breaker to restore power to 100%. Reprogram elevators due to power outage, the brown phase of power has shorted out inside the conduit and caused a power outage throughout whole building,	\$ 134,205	\$ 103,566	77.17
72	Los Angeles	Airport Courthouse	19-AU1	2	Elevators, Escalators, & Hoists - Platform lifts - Restore the platform lifts in Courtroom 141, 145 and 8th Floor Department E, wiring and hydraulics are bad under platforms and the lifts cannot be certified.	\$ 6,150	\$ 4,746	77.17
73	Los Angeles	Hall of Records- County Records Center	19-AV3	2	COUNTY MANAGED - HVAC - Replace inoperative Heat Exchanger. The shell and tube bundle are rusted beyond repair.	\$ 12,000	\$ 12,000	100.00
74	Los Angeles	Van Nuys Courthouse East	19-AX1	1	Plumbing - Replace bad Magnetic Starter for Sump Pump Motor #1 and replace float in the pit that was corroded and broken; Hazardous waste cleanup of the entire mechanical room, microbial clearance. Sewage sump pump not working properly. There is sewage water throughout the entire basement floor.	\$ 8,806	\$ 8,806	100.00
75	Los Angeles	Van Nuys Courthouse East	19-AX1	2	Elevator - Remove and replace one (1) bad coil, verify controls and put the car back into operation. The elevator was traveling from the 7th floor to the basement floor only and without being called.	\$ 4,693	\$ 4,211	89.74
76	Los Angeles	Van Nuys Courthouse West	19-AX2	2	HVAC - Install new damper and pneumatic actuator. Variable Air Volume (VAV) box is not operating, existing damper and actuator are defective. Installing new damper and pneumatic actuator will allow VAV to operate and allow air into the occupied space.	\$ 3,204	\$ 3,204	100.00
77	Los Angeles	Van Nuys Courthouse West	19-AX2	2	Elevator - Door Operator - Remove and replace the door operator on the Judges elevator #9, the door is not working properly and opening very slow.	\$ 6,697	\$ 6,697	100.00



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78	FM-0051934	Los Angeles	Chatsworth Courthouse	19-AY1	1	Electrical - Restore power to the entire building due to the faulty breaker to the transfer switches of the building. This work was completed as a P1 Emergency due to the electrical systems (Building Automation System, card reader system, etc) in the building being effected to the loss of power.	\$ 3,958	\$ 3,958	100.00
79	FM-0051947	Los Angeles	Chatsworth Courthouse	19-AY1	2	Plumbing - Shut Off Valves - Remove and replace seven (7) broken and defective shut off valves. The valves are inside the access panels and cannot be shut off to isolate each restroom.	\$ 5,039	\$ 4,223	83.80
80	FM-0051952	Los Angeles	Chatsworth Courthouse	19-AY1	2	HVAC - Condenser - Replace mechanical seal, shaft sleeve, bearings and hardware kit including cap screws, roll pins and nuts. Condenser seal is leaking and bearing are going bad, could effect cooling system for the building.	\$ 5,612	\$ 4,703	83.80
81	FM-0051973	Los Angeles	Chatsworth Courthouse	19-AY1	1	Grounds and Parking Lot - Automatic Gate - Install new take up reel and new electrical Miller edge, adjust for proper operation. Judge's roll up gate stuck in open position, and is non-operational. The safety edge has failed and is not allowing the gate to properly function.	\$ 3,215	\$ 2,694	83.80
82	FM-0051933	Los Angeles	Michael D. Antonovich Antelope Valley Courthouse	19-AZ1	2	Fire Protection - Replace leaking dry valve to pre-action system, the leaking valve was setting off the fire alarm.	\$ 7,804	\$ 5,737	73.51
83	FM-0052038	Los Angeles	Michael D. Antonovich Antelope Valley Courthouse	19-AZ1	1	Parking Garage - Tack weld split on door, and restore the broken energized mortise to an operating condition. Currently the set of double doors are not locking and one of the doors is split. The doors are not closing and it is causing a security issue.	\$ 4,008	\$ 2,946	73.51
84	FM-0047040	Los Angeles	Torrance Courthouse	19-C1	2	Grounds-Replace broken curb (35 lf) and concrete (350 Sqft) causing trip hazard in parking lot, caused by tree roots which need to be addressed during construction.	\$ 9,100	\$ 9,100	100.00
85	FM-0052027	Los Angeles	Torrance Courthouse	19-C1	1	HVAC - Chiller 1 & 2 leaking refrigerant - Remove and replace the shaft seals on two chillers (4 ea.), remove the vent line on chiller 1, seal the threads and re-install. remove refrigerant and store, then recharge the system when work is complete. Add an additional 400 lbs of refrigerant. Refrigerant leak found during the PM procedures.	\$ 38,219	\$ 38,219	100.00
86	FM-0052035	Los Angeles	Torrance Courthouse	19-C1	1	Interior Finish - Replace ceiling tiles in Dept C, Judge's chambers. This work was completed as a P1 emergency due to the original ceiling tiles falling from the ceiling creating a safety hazard for the Judge and his staff.	\$ 2,320	\$ 1,975	85.14
87	FM-0052059	Los Angeles	Torrance Courthouse	19-C1	1	Elevators - Replace defective elevator fans. No air flow in elevator cabs. Work is needed to provide proper ventilation for elevator occupants.	\$ 7,420	\$ 7,420	100.00
88	FM-0045279	Los Angeles	Inglewood Courthouse	19-F1	2	Plumbing - Three (3) failing water pumps need to be replaced, two (2) of them do not work at all and the other needs to be replaced, not secure enough. Water control can be lost if not replaced.	\$ 10,500	\$ 7,829	74.56
89	FM-0052008	Los Angeles	Inglewood Courthouse	19-F1	1	Fire Protection - Fire control Panel - Remove and replace the failed Fire Pump #2 control panel, manufacturer had to fabricate a new panel.	\$ 20,934	\$ 15,608	74.56
90	FM-0052033	Los Angeles	Inglewood Courthouse	19-F1	2	Elevator - Elevator # 5 - Replace failed key hall raiser wiring. Elevator was stuck on the 4th floor and not responding.	\$ 9,297	\$ 9,297	100.00
91	FM-0051891	Los Angeles	Alhambra Courthouse	19-I1	2	Electrical - Ground fault protection on the main building circuit breaker checked and calibrated. Infrared survey was performed on all circuit breaker and motor control panels. 7-day power analysis performed on the line side of the main building circuit breaker. Main building circuit breaker tripped on ground fault protection causing power outage affecting the whole building. Ground fault caused by a grounded generator in public elevator #3, generator rebuild covered under service agreement.	\$ 8,561	\$ 7,362	86.00
92	FM-0052097	Los Angeles	Alhambra Courthouse	19-I1	1	Elevator - Elevator Phone - Install new dedicated telephone lines to each individual elevator. This work was completed as a P1 emergency due to all elevators sharing one phone line causing a safety issue. If the line is in use, the other elevators would get a busy signal until the line is available. This is a Fire/Life/Safety issue	\$ 3,800	\$ 3,800	100.00



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93	FM-0051965	Los Angeles	Pasadena Courthouse	19-J1	1	HVAC - Refrigerant leaks on Chiller 2 - Remove and replace main shaft seal, oil solenoid valve, compressor discharge flange gaskets, oil heaters, oil filters and oil seals, two (2) refrigerant filter driers, one (1) brass union. Leak check chiller with nitrogen. Install ten gallons of new refrigerant oil.	\$ 60,304	\$ 60,304	100.00
94	FM-0051968	Los Angeles	Pasadena Courthouse	19-J1	1	Plumbing - Hammer Arrestors - Remove and replace two failed hammer arrestors, extract residual water from the 1st floor and basement. This work to include installing a new 12"x12" access panel and replacement of one small pipe section. Hammer Arrestors leaking in Women's Restroom on 1st floor caused flood in 1st floor hallway and basement.	\$ 16,220	\$ 11,249	69.35
95	FM-0052022	Los Angeles	Pasadena Courthouse	19-J1	2	Plumbing - Replace 6" OS&Y control valve that is frozen and leaking in the open position. Defected control valve failed during PM test under PM 2425238	\$ 5,009	\$ 3,474	69.35
96	FM-0052023	Los Angeles	Pasadena Courthouse	19-J1	2	Plumbing - Replace 8" OS&Y control valve that is frozen and leaking in the open position. Defected control valve failed during PM test under PM SWO#2425206.	\$ 5,581	\$ 3,870	69.35
97	FM-0045803	Los Angeles	Pasadena Courthouse	19-J1	2	Roof - Replace Roof - Remove and replace approximately 56,000 SF of five ply roofing and associated flashings, square footage of roof is over three separate building levels. Asbestos Containing Material will be abated and properly disposed of as part of the scope of work. This project has been a P3 for several years and has deteriorated to the point of a P2 at this time.	\$ 935,880	\$ 649,033	69.35
98	FM-0051847	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Plumbing - Drain two 7500 gallon storage tanks, replace (3) 8 Flanged Gate Valves and (2) 6 Flanged Gate Isolation valves, refill storage tanks, replace 8 Pneumatic Water Pressure Regulator valve and actuator (over 200 parts must be assembled on site), and calibrate the float and control system. This work was completed as a P1 emergency due to the storage tank overflowing, creating a 3 inch pool of water. Three 8" and two 6" valves failed while isolating the water tank and had to be replaced	\$ 93,020	\$ 90,471	97.26
99	FM-0051893	Los Angeles	Stanley Mosk Courthouse	19-K1	2	HVAC - Supply Fan Motor - Removal and installation of new 20 HP supply fan motor and base. Air handler unit #2 supply motor seized/failure	\$ 4,215	\$ 4,100	97.26
100	FM-0051929	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Interior Finishes - Flood Remediation - Rebuild the existing failed automatic flush valve, Asbestos Containing Material abatement required between the 5th and 6th floors due to wet and falling fireproofing, extract water from several areas of the 5th floor, and remove and replace damaged ceiling tiles as needed. The 6th floor men's restroom flush valve stuck open causing the water closet to overflow, water leaking from the ceiling on the 5th floor from multiple locations.	\$ 27,253	\$ 27,253	100.00
101	FM-0051969	Los Angeles	Stanley Mosk Courthouse	19-K1	1	HVAC - Remove and replace leaking heating hot water coils on AHU07 Hot water coils are leaking on Air Handler Unit (AHU)-07. Leaking is affecting AHU 21 & 22 as they are receiving 100% make up water due to leak.	\$ 70,736	\$ 70,736	100.00
102	FM-0051970	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Elevators, Escalators, & Hoists - Elevators 5, 6, & 7, Replace 9 bad circuit board, Replace defective power supplies. Remove and replace 9 defective circuit boards burnt by shorted power supplies. Remove and replace 3 power supplies for elevators 5, 6, & 7.	\$ 27,000	\$ 27,000	100.00
103	FM-0051971	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Elevators, Escalators, & Hoists - Escalators - Renovate escalators; #2 and #4, Demarcation lights with transformers top and bottom; #5 and #8, Replace escalator handrail; #6, #8 and #9, Replace broken step treads; #7, Install guard for light fixture; #2, #4, #7, #8 and #20, Clean pits; #9, Install rubber boot where handrail enters the return and #13, Replace the key operator start switch.	\$ 65,000	\$ 65,000	100.00
104	FM-0051976	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Plumbing Set up containment and drying equipment in effected area, remove 3x3 piece of wall to access the leak, replace broken 1.25in valve in ceiling, build back 3x3 piece of wall, and remove containment area.	\$ 8,293	\$ 8,293	100.00



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105	FM-0052004	Los Angeles	Stanley Mosk Courthouse	19-K1	2	HVAC - Building Automation System (BAS) and Air Handling Unit (AHU) Renovation - Install new energy efficient AHU motors and Variable Frequency Drives to replace aged and failing motors. Convert AHU controls system to Direct Digital Control and replace obsolete BAS system with modern system to monitor and control building functionality. Replace failed air filter baffles and leaking ductwork. Clean oil and water contamination from floor level pneumatic control system.	\$ 2,132,707	\$ 2,074,271	97.26
106	FM-0052030	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Elevator, Escalators, and Hoists - Rebuild Generators and replace Circuit Breakers on elevators #6, #7, #8 Strip and rewind Stators, Dip and bake windings, Restore laminations, and brush holders, Turn commutator, Replace Babbitt bearings, 8 new brush holders and editor brushes.	\$ 101,080	\$ 98,310	97.26
107	FM-0051887	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	2	Plumbing - Failed Shutoff Valve - Remove and replace one failed shutoff valve, work will require new bolts and gaskets. Restroom needs plumbing repairs that can not be made due to a frozen shutoff valve feeding this area. Restroom is out of service until repairs are made.	\$ 5,846	\$ 4,021	68.79
108	FM-0052025	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Electrical - Automatic Transfer Switch (ATS) - Remove the failed ATS and wire in a rented transfer switch, hardware and fittings until the new ATS could be ordered and installed. The automatic transfer switch failed to transfer to building power during annual maintenance.	\$ 38,154	\$ 38,154	100.00
109	FM-0052026	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Flood Restoration - Remove 4 SF of drywall and ceramic tile to access and replace a leaking "water hammer arrester." Extract water from approximately 550 SF of the first floor cafeteria, remove and replace 60 SF of damaged ceiling tiles and paint 540 SF of drywall ceiling. This work was completed within an Asbestos Containing Material containment area and included abatement, clean up, air movers, and dehumidifiers. Deteriorated hammer arrester leaked domestic water between Men's & Women's public restroom on the 2nd floor, water leaked into the 1st floor cafeteria and basement parking.	\$ 45,395	\$ 31,227	68.79
110	FM-0052060	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Toilet clog in holding cell caused leak on the 4th floor and 3rd floor lobby areas. A clogged floor drain prevented water from draining. Water seeped thru the concrete floor and leaked into the 3rd floor. Clear blocked floor drain pipe, set up containment, replace water damaged ceiling tiles, sanitize the inside containment area, clearance testing.	\$ 20,888	\$ 20,888	100.00
111	FM-0052061	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - A hammer arrester in the 1st floor kitchen developed a crack and leaked. Installed Add a Valve valve, ball valve and copper pipe and fittings to 1" domestic water line to the kitchen to replace failed isolation valves. Replace failed and leaking hammer arrester. Placed containment areas in the kitchen and in the trash dumpster room. Restoration of the demolished portion of the wall which includes the rebuilding of the wall (tile board), retiling and installation of maintenance access hatch. The leak was traced having originated from the first floor cafeteria's kitchen area within the wall between the ice maker and the dish washer.	\$ 21,419	\$ 14,734	68.79
112	FM-0051714	Los Angeles	El Monte Courthouse	19-O1	2	Electrical - Remove, rebuild fuel injector pump, and reseal oil return line. Install a rental generator while the house generator is out of service under repair. While performing a load test during the annual maintenance on the back-up generator, leaks were found at the oil return line and the fuel injector pump while under load. This work must be performed to prevent further mechanical issues which can damage the generator and prevent backup power during a power outage.	\$ 11,801	\$ 6,859	58.12



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113	Los Angeles	El Monte Courthouse	19-Q1	1	Interior Finishes - Flood Mitigation - Emergency response to water intrusion caused by large rain and fast moving winds. This damaged the courthouse's 3rd floor and caused damaged to multiple areas requiring extraction of water in several areas, isolating three areas with zipper containment to increase the drying process, removal and replacement of approximately 200 SF of drywall, remove and replace approximately 100 SF of ceiling tiles, set up and remove approximately 40 pieces of restoration equipment (air movers, air scrubbers and dehumidifiers) sanitize approximately 1100 SF of carpet and remove and replace 300 LF of damaged duct insulation.	\$ 57,595	\$ 57,595	100.00
114	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	2	Electrical - Remove and replace 4000 amp hub electrical assembly due to the existing one having a broken handle and is a hazard if the power to the building has to be shut off.	\$ 38,082	\$ 26,654	69.99
115	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	1	Plumbing - Set up containment, water extraction of approximately 300 SF of carpet, dehumidifiers and fans were placed to remove moisture in the leak affected area. Replace 25 2'x2' ceiling tiles and restore the carpets. Replacement of broken valves. Asbestos Containing Material testing. Sprinkler valve failed open, water running into planters causing a leakage in the planters and ground floor County council area.	\$ 21,569	\$ 15,096	69.99
116	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	1	Elevators - Replace door control board. Elevator door will not open, door control board is damaged.	\$ 5,394	\$ 3,775	69.99
117	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	1	HVAC - Server Room Air Conditioner - Remove and store refrigerant from the system, replace the fan motor and thermostat, restore the coils and re-charge the system with the stored refrigerant. The HVAC split system is not working causing the room temp to be around 90 degrees, which can cause the servers to fail due to excessive heat.	\$ 8,988	\$ 8,988	100.00
118	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	2	Exterior - Remove and replace all Polyurethane expansion joints and backer rod filler on concrete slab. Expansion joint at the front entry of the court is cracked and worn, during the rain, water leaks through to the floor beneath, causing leaks from the ceiling in the basement.	\$ 5,050	\$ 3,534	69.99
119	Los Angeles	Parking Booth-Edelman Court	19-Q2	2	Parking - Stair ways-Fire/Life/Safety - Remove all old tape and install new non-slip tape on each stair tread nosing. Currently the tape on the stairs is worn and falling apart causing a trip hazard for the public.	\$ 4,719	\$ 3,303	69.99
120	Los Angeles	Metropolitan Courthouse	19-T1	2	Elevators - Renovate thirteen (13) Elevators - Complete renovation of the courts thirteen elevators; nine Passenger elevators, two in-custody elevators, one dedicated Judges elevator and one shuttle elevator. While retaining the cars themselves, the renovations will include new controls, new cables, updated electrical, new doors and operators, new roller guides, new emergency lighting system and add proper ventilation and lighting in the machine room.	\$ 3,276,500	\$ 3,097,603	94.54
121	Los Angeles	Metropolitan Courthouse	19-T1	2	Plumbing - Replace 15 ft of 3/4 inch piping from 9th fl mechanical room leading into store room 801a and replace the damaged ceiling/drywall. Leak in ceiling 801a store room coming from hot water return piping.	\$ 6,528	\$ 6,172	94.54
122	Los Angeles	Metropolitan Courthouse	19-T1	1	Fire Protection - Replace burnt-out relay in the fire panel. The burnt-out relay was causing the fire alarm to sound and disrupting the employees and visitors of the courthouse.	\$ 6,540	\$ 6,183	94.54
123	Los Angeles	Metropolitan Courthouse	19-T1	1	HVAC - Chiller #2 Leak - 23 tubes in the condenser have severe mechanical wear (up to 50% erosion) and require replacement. Additionally, mist eliminator material found in the evaporator section. Work will include all necessary access into the vessel including welding of the access once complete. All other work has progressed as far as possible until compressor gasket is obtained. The compressor gasket is being manufactured. This gasket is required to finish the compressor install.	\$ 155,631	\$ 147,134	94.54
124	Los Angeles	Metropolitan Courthouse	19-T1	1	HVAC - Chiller - Remove and replace the burnt motor actuator for #2 chiller vane assembly. The burnt motor is causing the chiller to loose oil level in the compressor.	\$ 5,000	\$ 4,727	94.54



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125	FM-0051914	Los Angeles	Metropolitan Courthouse	19-T1	2	HVAC - Hot Water Pump - Remove and replace the burnt bearings within the hot water pump motor in the 9th floor mechanical room.	\$ 4,013	\$ 3,794	94.54
126	FM-0051930	Los Angeles	Metropolitan Courthouse	19-T1	1	Interior Finishes - Ceiling leak remediation in Courtroom 74 including: critical containment, ceiling restoration, environmentalist testing, room dehumidification.	\$ 22,534	\$ 22,534	100.00
127	FM-0051953	Los Angeles	East Los Angeles Courthouse	19-V1	2	Fire Protection - Replace 30 concealed sprinkler heads and provide three (3) spare concealed sprinklers and one (1) head wrench for spare head box. During the Level IV PM (2425440), it was found that many of the sprinkler heads were inoperable and would not operate in case of a fire.	\$ 4,256	\$ 3,308	77.72
128	FM-0052012	Los Angeles	East Los Angeles Courthouse	19-V1	1	Plumbing - Remove leaking cooling pump #1, rebuild pump including the replacement of the shaft seal, 10" gasket and cap. Reinstall, test operations. Cooling tower pump #1 is leaking from the shaft seal. Water has leaked from ceiling in rooms 301V, 301W and secured employee hallway. Water has damaged 30 ceiling tiles in both offices/hallway, and 175 Sqft of carpet and furniture.	\$ 7,180	\$ 7,180	100.00
129	FM-0051476	Los Angeles	Pomona Courthouse South	19-W1	2	Elevator (Wheelchair lift) - Units 1 - 4, Replace defective parts, make adjustments, service and return units to safe operation. Currently units operate with the door open which is unsafe for public use. This work is required to maintain ADA code compliance.	\$ 33,950	\$ 30,942	91.14
130	FM-0051966	Los Angeles	West Covina Courthouse	19-X1	2	Adjust and add drawer closures of the main teller/counter top area of seven (7) workstations which involves: Mill counter tops edge for new drawer box dimension, remake and reduce box sizes of seven (7) drawers, and add (14) roller-closures that automatically close within 3 of counter top. Workman's comp claim has been filed by court employee.	\$ 2,700	\$ 2,241	83.01
131	FM-0051936	Los Angeles	Long Beach Courthouse	19-Y1	2	Elevators, Escalators & Hoist - Replace malfunctioning ADA phone that continuously dials the Elevator company to dispatch a technician for emergencies/entrapments. This work was completed due to the high importance to have this interruption corrected immediately so the false alarms would stop.	\$ 2,570	\$ 1,943	75.59
132	FM-0051948	Los Angeles	San Pedro Courthouse	19-Z1	2	Electrical - Fire/Life/Safety - Remove and replace seven (7) emergency exit signs and (10) exit path bug eye lighting fixtures. Exit signs and bug eye lights are faulty and failed testing. Replacement is required to maintain property safety codes.	\$ 4,775	\$ 4,543	95.15
133	FM-0051866	Madera	Sierra Courthouse	20-D1	2	Exterior Shell - Insufficient lighting - Remove (11) exterior wall pack units fixtures that have either failed or do not illuminate sufficient lighting, replace with (11) new high output high efficiency fixtures. Currently there is insufficient lighting around Court perimeter and in the judges and staff parking.	\$ 11,828	\$ 8,043	68.00
134	FM-0051872	Merced	Old Court	24-A1	2	Interior Finishes - Replace damaged Courtroom 9 entrance doors and hardware - Rixson floor closers can not be repaired and they must be replaced	\$ 14,773	\$ 14,773	100.00
135	FM-0051903	Merced	Old Court	24-A1	2	Furniture & Equipment - Replace the Judges door with a acoustical door with a high sound transmission class rating. You can hear everything coming from chambers and you can hear the public from the other side.	\$ 6,000	\$ 6,000	100.00
136	FM-0051704	Mono	New Mammoth Lakes Courthouse	26-B2	2	Exterior Shell - Remove the two (2) existing pairs of exterior entry/exit doors and modify the remaining storefront glazing system to accommodate a new extra-wide Uni-turn revolving door - Currently, the high winds keep blowing the existing entry doors open, which causes safety issues related to uncontrolled door swings as well as repeated false alarms for the security system.	\$ 103,800	\$ 103,800	100.00
137	FM-0052032	Monterey	Salinas Courthouse- North Wing	27-A1	2	Fire Life Safety - Replace one (1) failed power supply board for the Fire Panel and test for efficient functionality	\$ 2,448	\$ 2,448	100.00
138	FM-0052052	Monterey	Salinas Courthouse- North Wing	27-A1	2	Plumbing - Snake and clear 160 feet of sewer line drain to sewage ejector pump clogged with plastic bags, socks and food products. Flush line and to confirm flow from holding cell area; clean and sanitize sewage overflow.	\$ 4,821	\$ 4,821	100.00



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139	FM-0051894	Monterey	Monterey Courthouse	27-C1	2	COUNTY MANAGED - Elevator - Refurbish failed and out-of-service Court employee elevator will comply with all Codes and ADA accessibility, this is the only employee elevator for the building staff is currently using the public elevator which has been voiced to be a safety risk for judges.	\$ 100,280	\$ 100,280	100.00
140	FM-0051850	Napa	Criminal Court Building	28-A1	2	HVAC - Condenser - Replace failed vibration isolating flex-line, sight-glass, service valve, and replace failed fuses and condenser fan leads. Recovery and recharging of the refrigerant will need to be completed as part of this work.	\$ 14,029	\$ 14,029	100.00
141	FM-0052066	Napa	Criminal Court Building	28-A1	2	Electrical - Replace nonfunctioning batteries in thirty five (35) emergency lighting fixtures - The failed batteries were discovered while performing a level IV emergency lighting fixtures preventative maintenance task	\$ 14,834	\$ 14,834	100.00
142	FM-0052078	Napa	Criminal Court Building	28-A1	2	Interior doors - Replace two (2) worn-out and failed walking beam pivots and two (2) pivot receptors. Work to be performed after hours	\$ 2,689	\$ 2,689	100.00
143	FM-0052092	Napa	Criminal Court Building	28-A1	2	Electrical - Replace failed keypad reader for access/intrusion alarm system	\$ 4,431	\$ 4,431	100.00
144	FM-0051810	Napa	Juvenile Court	28-C1	1	Interior Finishes - Plumbing - Remove water damaged sheetrock and expose roof drain piping in walls - Extract water from 600 square feet of carpet and dry with fans and dehumidifiers - Locate roof drain line blockage with water test and camera - Auger drain line with power snake - Break out seventy square feet of plaza concrete slab at location of blocked drain and replace 15 linear feet of four inch cast iron drain line piping - Backfill and compact plumbing excavation site and place seventy square feet of six inch thick wire mesh reinforced concrete walkway - Work performed after hours	\$ 21,000	\$ 21,000	100.00
145	FM-0051860	Napa	Juvenile Court	28-C1	2	Interior Finishes - Replace water damaged interior finishes - Patch holes in drywall at entry to courtroom - Patch drywall holes in courtroom - Replace drywall damaged from leaking duct - Prime and paint walls where drywall replaced - Replace ceiling ties damaged by water - Reinstall rubber base in front entry - Reinstall oak base in back of courtroom	\$ 5,000	\$ 5,000	100.00
146	FM-0051902	Orange	Central Justice Center	30-A1	2	HVAC - Variable Frequency Drive (VFD) - Remove and replace failed 60hp ABB 400 VFD with new 60hp Johnson N3 VFD for chilled water pump #3. Pump #3 is currently running, inefficiently, in bypass mode at 100% and will not respond to command, causing cold calls in the 2nd floor administration space. Failure to replace will result in continued over cooling of the affected office space and excessive energy usage/costs.	\$ 13,388	\$ 12,206	91.17
147	FM-0051941	Orange	Central Justice Center	30-A1	2	Interior Finishes - Remediation related to P1 SWO# 1326663 - Remove and replace approximately 600 SF of damaged drywall from a P1 black water intrusion on Jan. 28 2014 on walls and ceiling located on 1st floor and basement, prime and paint to match existing walls.	\$ 23,414	\$ 21,347	91.17
148	FM-0052063	Orange	Central Justice Center	30-A1	2	Fire Protection - Fire Alarm System - Provide and install three (3) EST monitoring modules, 150ft conduit and wire, one (1) Dual output switch for water flow and replace existing switch, replace one (1) bad low pressure switch on existing system so pre-action system to bring it up to working order to report to main EST panel. The system is currently not in service and cannot be tested and certified. Notice to repair has been received from the State Fire Marshal.	\$ 4,573	\$ 4,169	91.17
149	FM-0052085	Orange	Central Justice Center	30-A1	2	Plumbing - Replace 4 copper T connections and install seismic bracing, cut into 4 inch water pipe to install new valves to isolate the leaking pipe. The pipe located in ceiling above 1st floor is leaking and repairs are needed to eliminate any damage that could be caused by line break.	\$ 8,769	\$ 7,995	91.17



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150	FM-0051897	Orange	Betty Lou Lamoreaux Justice Center	30-B1	2	HVAC - Variable Frequency Drive (VFD) - Replace the existing 30 HP VFD with a new ABB 30 HP VFD. The existing VFD is a building original that controls main pump #5 for the chilled water loop. It is extremely old and any preventative maintenance performed could cause failure and disrupt Court operations. Replacement would ensure proper function of the equipment, prolong the life of the equipment, and avoid disruption to Court operations	\$ 8,176	\$ 6,537	79.95
151	FM-0052015	Orange	North Justice Center	30-C1	2	HVAC-The chillers for Phase III are currently not tied-in to the Building Automation System (BAS). The tie-in work will include installation of 2 Schneider-Electric programmable MR Controllers, current sensors with control relays, and new BAPI temperature sensors. Currently, all adjustments to the system must be done manually at the equipment rather than being able to access via the BAS for even simple calls such as Too Hot/Too Cold.	\$ 4,895	\$ 4,421	90.31
152	FM-0052095	Orange	North Justice Center	30-C1	2	HVAC-Condenser Pump - Replace failed condenser water pump and motor #2 serving the cooling tower condenser water loop. The project will include dismantle and disposal of failed water pump and motor, installation of new Paco pump and 5hp motor, alignment of motor and pump, start up and test for proper operation.	\$ 10,899	\$ 9,843	90.31
153	FM-0044229	Orange	West Justice Center	30-D1	2	HVAC - Air Handler Units (AHU) and Building Automation System (BAS) - Retro commission the BAS. Remove and replace the original failing air handlers and a failed heat pump. Convert the phase 2 AHU-5 damper controls, the phase 1 AHU-3 and the phase 3 Zone controls to direct digital control. Work includes the installation of code required refrigerant monitoring system to phases 1 and 2. Reprogram the BAS to run all BAS controlled equipment at the most efficient levels.	\$ 544,420	\$ 493,680	90.68
154	FM-0048231	Orange	West Justice Center	30-D1	2	HVAC - Boiler Replacement - Remove and replace one 600,000 BTU failing and soon to be non compliant boiler.	\$ 63,600	\$ 57,672	90.68
155	FM-0051555	Orange	West Justice Center	30-D1	2	Exterior Shell - Safety - Remove broken loose concrete spalls at stairs, walls, columns and beams in north, west, east, and south sides of West Justice Center in approx. 165 locations and fill in spalls w/Polymer concrete grout. Epoxy pressures inject cracks until filled in 525 cracked locations on exterior shell of facility.	\$ 46,226	\$ 41,918	90.68
156	FM-0052088	Riverside	Larson Justice Center	33-C1	2	Fire Protection - WON fire door - Remove and replace faulty motor and control box. Also remove and replace damaged lead post and missing curved door drive trolley and diagonal bar. Door is inoperable and will not operate in a fire alarm situation. Work will restore door to original function.	\$ 15,885	\$ 12,837	80.81
157	FM-0048940	Riverside	Southwest Justice Center	33-M1	2	Exterior Shell - Reseal 47 of 76 windows on South and West sides of building, exterior only, in bad condition. Remove the failed vinyl seal and replace with a wet seal. Windows have previously leaked causing damage to the interior structure. Windows are on multiple floors and will require scaffolding or lifts to properly address. Due to potential noise issues, work will need to be done after hours or on weekends. Further neglect of repair will lead to more substantial damage and harm to the building leading to an increased cost of repairs.	\$ 128,227	\$ 95,939	74.82
158	FM-0051817	Sacramento	Gordon Schaber Sacramento Superior Court	34-A1	2	HVAC - Failing AHU Motors - Replace 50 year old aluminum cable and Air Handling Unit (AHU) motors throughout the mechanical rooms. There are (23) existing AHU motors in mechanical spaces fed by aged and deteriorated aluminum wiring, motors and cable have, and continue to fail. Replace electrical distribution panels with new, replace aluminum feeder wiring with copper. Replace motors with energy efficient VFD/BAS controlled models. Energy savings will result from motor / VFD replacement.	\$ 969,364	\$ 969,364	100.00
159	FM-0052096	Sacramento	Gordon Schaber Sacramento Superior Court	34-A1	1	Plumbing - Water damage - Stop water leak at drinking fountain outside of Dept 2 on the first floor. Extract water from one court room, set up air movers to dry carpet, re-glue the vinyl at the courts entry, test for environmental impact, and restore carpets.	\$ 3,097	\$ 3,097	100.00



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160	FM-0051402	Sacramento	Carol Miller	34-D1	2	Grounds and Parking Lot - Reseal and Stripe "Paid" Parking Lot - Renew all asphalt parking lots and driveways (approx 220,000 sq ft) Restore 100 sq ft of failed asphalt, fill cracks, seal cost and restripe 454 parking spaces, ADA spaces and required painted signage. Install 15 sign posts, 30 signs, 6 stickers to aid parking lot operations & public notice of lot requirements and directions.	\$ 25,000	\$ 25,000	100.00
161	FM-0051831	San Bernardino	San Bernardino Courthouse	36-A1	1	HVAC - Air Conditioner Condenser - Vandalism / Replace a critical air conditioner condenser that serves telecom equipment which was stolen during a recent vandalism and replace with new. Install security cages on the exposed replacement condenser unit as well as an additional remaining exposed condenser unit to prevent additional vandalism.	\$ 6,157	\$ 6,157	100.00
162	FM-0051960	San Bernardino	San Bernardino Courthouse - Annex	36-A2	1	Elevator - Counter Weight Bracket - Re-anchor the counter weight bracket and install new bolts and nuts to secure the bracket on Elevator #2. The counter weight bracket on the 4th floor was loose and the bolts were coming off the concrete wall which creates a safety issue with the elevator. The elevator was shut down until this work could be completed.	\$ 2,969	\$ 2,969	100.00
163	FM-0052094	San Bernardino	San Bernardino Courthouse - Annex	36-A2	2	Elevators - Key switches need to be installed in public elevators 1 and 2 to prevent the public from accessing the 4th and 5th floors. The public elevators are needed at 36-A2 in order to alleviate high traffic in the historic elevators at 36-A1.	\$ 3,948	\$ 3,948	100.00
164	FM-0051360	San Bernardino	Joshua Tree Courthouse	36-E1	2	COUNTY MANAGED - Interior Finishes- Replace approximately 7,200 SqFt. of ceiling tiles and T-Bar grid in the public lobby, corridor and hallway. Patch and seal corridor and hallway penetrations as needed. Existing ceiling tile is of age, bowing, and at times falling on to the floor creating a safety hazard to the public and staff.	\$ 30,676	\$ 30,676	100.00
165	FM-0051937	San Bernardino	Barstow Courthouse	36-J1	1	Plumbing - Pipe Leak - Isolate the leak in two areas of the 1" copper pipe above the ceiling, remove and replace one bad section of the copper hot water pipe. Remove and replace several ceiling tiles damaged by the water. Extract the residual water and dry the carpet. The water leak is above the ceiling at the vacant hallway behind the 1st floor DA's office. Leak source is from the domestic hot water return line. Several ceiling tiles have fallen. Slip trip hazard, falling material hazard.	\$ 8,629	\$ 6,725	77.93
166	FM-0051813	San Diego	County Courthouse	37-A1	1	Electrical - Replace all burned out T-8, T-12 light bulbs, if ballast is burnt replace with T-8 lights. Escalated to a P1 due to two (2) lamps flickering causing disruption to courts. Estimated a total of 35 lights are burned out.	\$ 4,898	\$ 4,898	100.00
167	FM-0051816	San Diego	County Courthouse	37-A1	2	Plumbing - Leaking Drain Line - Remove and replace 20lf of 8" cast iron pipe, one 8" 90 degree and two (2) 8" 45 degree cast iron fittings. The drain line is leaking and these fittings must be replaced along with the 20' pipe section	\$ 4,311	\$ 3,338	77.42
168	FM-0051827	San Diego	County Courthouse	37-A1	2	Electrical - Replace (35) burned out T-8 or T-12 light bulbs, replace burnt ballasts with T-8 lights, clean all lens covers. (35) lights are burned out in Dept. 33 making it too dark/dim to see.	\$ 4,819	\$ 4,819	100.00
169	FM-0051829	San Diego	County Courthouse	37-A1	2	Electrical - Replace (35) burned out T-8 or T-12 light bulbs, replace burnt ballasts with T-8 lights, clean all lens covers. (35) lights are burned out in Dept. 30 making it too dark/dim to see.	\$ 4,819	\$ 4,819	100.00
170	FM-0051852	San Diego	County Courthouse	37-A1	2	HVAC - Replace back-up feed pump for boilers 1 & 2. Pump has leaking seals and is wasting chemicals.	\$ 3,379	\$ 2,616	77.42
171	FM-0051880	San Diego	County Courthouse	37-A1	2	Plumbing - Disconnect, remove and dispose of one existing Cash, 2" pressure reducing valve. Install one (1) new Wilkens, 2" pressure reducing valve, Connect to existing piping and provide necessary fittings. Diaphragm leaking thru, pipe fittings are leaking. All isolation valves are shut. Safety issue due to water on basement floor.	\$ 2,219	\$ 1,718	77.42
172	FM-0051899	San Diego	County Courthouse	37-A1	2	Fire Protection - Replace, install 75 Fire Hoses that failed inspection. Fire and safety issue.	\$ 11,771	\$ 9,113	77.42
173	FM-0052080	San Diego	County Courthouse	37-A1	2	Electrical - Remove and replace (15) 4-foot long fluorescent light bulbs and (5) ballasts in Dept 25. Currently there are lights out in Department 25 and must be replaced due to the safety issue created by the dim lighting.	\$ 4,362	\$ 4,362	100.00



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174	San Diego	County Courthouse	37-A1	2	Fire Protection - Replace 25 feet of deteriorated section of sprinkler piping. Deteriorated section of sprinkler piping in north annex basement, caused by street leaking in to tunnel. If line starts leaking there will be basement flooding.	\$ 3,359	\$ 2,601	77.42
175	San Diego	Juvenile Court	37-E1	2	Fire Protection - Install dual egress magnetic panic exit system to allow controlled egress but allow passage with card reader. State Fire Marshall Correction; Emergency exit stair-west end of bldg not accessible w/out security badge. Once public enters stairwell, they cannot exit without a security badge.	\$ 10,617	\$ 10,617	100.00
176	San Diego	North County Regional Center - South	37-F1	2	COUNTY MANAGED - HVAC - Replace shaft seal on Chiller #1 at North County Regional Center	\$ 2,069	\$ 2,069	100.00
177	San Diego	North County Regional Center - South	37-F1	2	COUNTY MANAGED - Public Elevator - Replace elevator sheave. County of San Diego has determined the elevator sheave requires replacement.	\$ 6,772	\$ 6,772	100.00
178	San Diego	North County Regional Center - Vista Center	37-F2	2	Fire Protection - Replace all fire hoses with ten (10) 75 ft and five (5) 100 ft hoses and complete annual testing on all hoses. Currently the certification for all hoses is expired.	\$ 3,105	\$ 3,105	100.00
179	San Diego	East County Regional Center	37-I1	2	Elevators, Escalators, & Hoists - Motor Bearings - Remove and replace old worn bearings with new. Elevator #3 motor needs to have the bearings replaced. Elevator is making grinding noise when operating, motor is very loud and is getting warm.	\$ 7,666	\$ 5,191	67.71
180	San Francisco	Civic Center Courthouse	38-A1	2	Exterior Shell - Expansion Joint, Entire Building Base, Repair or Replacement to Prevent Human Waste from Entering the Building, Slipping Hazard. Janitorial on a constant basis are cleaning the floor in these areas to eliminate the waste that penetrates into the building onto the floor.	\$ 18,240	\$ 18,240	100.00
181	San Francisco	Civic Center Courthouse	38-A1	2	HVAC - Failed Chiller #2 - Remove and replace the failing contactors and liquid injection solenoid on Chiller #2, work requires the recovery of the existing refrigerant, vacuumed test and reinstall the refrigerant when the work is complete.	\$ 6,085	\$ 6,085	100.00
182	San Francisco	Civic Center Courthouse	38-A1	2	HVAC - Failing Chiller #1 - Remove and replace the failing contactors and liquid injection solenoid on Chiller #1, work requires the recovery of the existing refrigerant, vacuumed test and reinstall the refrigerant when the work is complete.	\$ 5,498	\$ 5,498	100.00
183	San Francisco	Civic Center Courthouse	38-A1	2	HVAC - Chiller - Remove and replace one (1) failed vane close switch on Chiller 02, work requires the transfer and re-transfer of the existing refrigerant. Start and put the system back into operation.	\$ 4,314	\$ 4,314	100.00
184	San Francisco	Civic Center Courthouse	38-A1	2	Security - Door Operators - The door operators for dept. 318 and 414 are failing, install four new record operators and two new power supplies. The existing wires, power and controllers will be utilized.	\$ 10,392	\$ 10,392	100.00
185	San Francisco	Hall of Justice	38-B1	2	Security - Holding Cell - Rebuild a holding cell lock in Dept 20, door on secure hallway side will not lock.	\$ 2,770	\$ 2,770	100.00
186	San Francisco	Youth Guidance Center	38-C1	2	HVAC - Condenser - Remove and replace two failed condenser fan motors.	\$ 2,896	\$ 2,896	100.00
187	San Luis Obispo	Courthouse Annex	40-A1	2	Safety - Sally Port Door - Remove and replace the damaged safety edge and take up reel. Work also required the balancing and realignment of the door.	\$ 2,500	\$ 2,500	100.00
188	San Mateo	Traffic/Small Claims Annex	41-A2	2	HVAC - Compressor and Fan - Remove and replace the failed pressure relief valve and worn compressor high/low pressure switch and the fan cycle switch. Work will require the recovery and storage of the remaining refrigerant in EPA approved cylinders, pressurizing the unit with nitrogen and leak check, then evacuate and charge unit with stored refrigerant and add refrigerant to meet factory specification. Start up and test the unit for proper operation.	\$ 7,320	\$ 7,320	100.00



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189	FM-0051871	Santa Barbara	Santa Barbara Figueroa Division	42-B1	2	Fire Protection - (50) Sprinkler heads have been recalled and must be replaced, they will be removed/replaced after hours as to not affect the in custodies during working hours. The corrections are required for code compliancy.	\$ 6,854	\$ 6,854	100.00
190	FM-0051911	Santa Barbara	Santa Barbara Figueroa Division	42-B1	2	HVAC - Leaking Chiller - Isolate the tower from the chiller, recover and store the refrigerant, replace the leaking valve and recharge the system with the stored refrigerant. Additional refrigerant required, Chiller #2 circuit#1 has a Freon leak on the Schrader valve on the discharge line going into the cooling tower.	\$ 4,335	\$ 4,335	100.00
191	FM-0052047	Santa Barbara	Santa Barbara Figueroa Division	42-B1	2	HVAC - Chiller #1 - Remove and replace the leaking refrigerant circuit on Chiller #1, provide and install 150 lbs of R22 Refrigerant once the circuit work has been completed. The refrigerant Circuit (#1) on the Air Cooled Chiller #1 is leaking refrigerant. Potential to strain both Chiller #1 and Chiller #2 if this work is not completed in a timely fashion.	\$ 7,056	\$ 7,056	100.00
192	FM-0051916	Santa Barbara	Solvang Superior Court	42-E1	2	HVAC - Demo, disposal and replacement of failed 3.5 ton condenser with replacement energy efficient model (Trane 3.5 Ton 13 SEER R22 dry). HVAC Compressor malfunction due to age and condition of unit. Replacement unit needs to be installed.	\$ 4,093	\$ 4,093	100.00
193	FM-0051841	Santa Barbara	Santa Maria Courts Building G	42-F5	2	Security - Sally Port Gate - Replace wind locks, damaged rails and slats for the Sally Port door. Sally Port door/gate not functioning as designed, wind locks broken and rail damaged along with several slats damaged. Transport bus may have damaged the gate.	\$ 2,554	\$ 2,464	96.49
194	FM-0051862	Santa Clara	Hall of Justice (East)	43-A1	2	Parking Lot Safety- Replace (11) failed low pressure sodium lamps and ballasts on Light Poles, Bucket truck needed for access, disposal/recycling of material included, issue was reported by staff as a safety issue.	\$ 5,612	\$ 5,612	100.00
195	FM-0051940	Santa Clara	Hall of Justice (East)	43-A1	2	Plumbing - Replace 1 each failed 100 gallon domestic water heater and 4 each 3" outside screw and yoke valves - replace 6' of 3" copper piping - water heater failed - tank is rotted and leaking valves are clogged and do not close properly to isolate the water heater	\$ 21,849	\$ 21,849	100.00
196	FM-0052064	Santa Clara	Hall of Justice (East)	43-A1	2	Generator - Replace one (1) failed diesel fuel pump to resolve leak when generator is running - Connect load banks - run generator and adjust fuel pump - leak test	\$ 8,028	\$ 8,028	100.00
197	FM-0051877	Santa Clara	Hall of Justice (West)	43-A2	2	Plumbing - Lift Pumps - Remove and replace four (4) failing liquid level float ball type switches for the lift pumps. Remove solid debris from sump and remove from site. Pressure wash sump walls and pumps. Remove any remaining debris from the pressure wash. Test pump operation under normal conditions.	\$ 3,596	\$ 3,596	100.00
198	FM-0052062	Santa Clara	Hall of Justice (West)	43-A2	2	HVAC - Replace one (1) failed 10 ton compressor, two (2) liquid line dryers, recharge with new refrigerant, test for leaks - Unit has no cooling capability	\$ 8,325	\$ 8,325	100.00
199	FM-0051849	Santa Clara	Downtown Superior Court	43-B1	2	Plumbing - Emergency Restoration service to remediate clogged drain that flooded the basement file room. Snaked 60 ft out and found tree roots clogging the pipes.	\$ 2,609	\$ 2,609	100.00
200	FM-0051883	Santa Clara	Old Courthouse	43-B2	2	Interior Finishes - Remediate 5 square feet of leak damaged peeling sheet rock and paint to match existing in Department 21. Scaffolding needed for access	\$ 5,513	\$ 5,513	100.00
201	FM-0051838	Santa Clara	Terraine Courthouse	43-C1	2	Elevator - Replace failed safety latching for four (4) elevator doors. Doors are opening before the cabs hit the floor causing a tripping safety hazard.	\$ 4,475	\$ 4,475	100.00
202	FM-0051885	Santa Clara	Palo Alto Courthouse	43-D1	2	Fire Life Safety - 5 Year Inspection Corrections - Replace failed - (14) sprinkler heads throughout building, (4) pressure gauges, (27) expired wet stand pipe fire hoses - This will update the building's 5-year certification.	\$ 12,823	\$ 8,468	66.04
203	FM-0052034	Santa Clara	Palo Alto Courthouse	43-D1	2	HVAC - Boiler - Replace one (1) failed transducer and one (1) boiler controller. Reload program, run and test operations.	\$ 4,334	\$ 4,334	100.00
204	FM-0051848	Santa Clara	Morgan Hill Courthouse	43-N1	2	Plumbing - Cleared 10 square feet of drain line due to shirt stuffed in drain by in-custody, replace failed sewage ejector pump assembly; one (1) impeller, two (2) cutter bar plates, and seals.	\$ 14,904	\$ 14,904	100.00



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205	FM-0049259	Santa Cruz	Main Courthouse	44-A1	2	HVAC - Rooftop fan unit - Replace unit - Unit no longer providing cooling, creating indoor temperature control issues.	\$ 21,250	\$ 21,061	99.11
206	FM-0052009	Santa Cruz	Main Courthouse	44-A1	2	HVAC - Replace single point station condensing unit reversing valve; Refrigerant recovery/recharge; brazing new valve to existing tubing; new refrigerant filter. Existing reversing valve has failed causing system overload.	\$ 2,870	\$ 2,870	100.00
207	FM-0051855	Solano	Hall of Justice	48-A1	2	Fire sprinkler system - Replace failed alarm bell water motor assembly - Replace eight painted mismatched sprinkler heads, escutcheons, recharge and retest system to correct deficiencies found while performing sprinkler system preventative maintenance	\$ 7,403	\$ 5,391	72.82
208	FM-0051868	Solano	Hall of Justice	48-A1	2	Lighting - Replace failed obsolete dimmer control and proprietary matching ballasts at four ceiling fixtures in Judges Chambers room 222 - Work to be performed afterhours	\$ 6,928	\$ 6,928	100.00
209	FM-0051972	Solano	Hall of Justice	48-A1	2	Exterior - Pest control - Install netting to prevent bats from roosting within the seismic joint between the north and south wings eliminating the health issue associated with their droppings Work to be performed after dark when the bats are foraging away from their roost	\$ 5,529	\$ 4,026	72.82
210	FM-0052079	Solano	Hall of Justice	48-A1	2	Grounds and parking lots - Information Sign - Replace the broken safely glass and damaged sign components. The sign has been vandalized.	\$ 1,180	\$ 1,180	100.00
211	FM-0051812	Solano	Law And Justice Center	48-A2	2	Lockset - Replace failed attorney interview room door lockset in holding - The remote controlled electro-mechanical lock will be installed after hours	\$ 3,388	\$ 3,388	100.00
212	FM-0051828	Solano	Solano Justice Building	48-B1	2	Electrical - Replace failed access card system power supply for Court exclusive space - Temporary rewiring of a secondary system to share its power supply until ordered replacement power supply arrives.	\$ 4,055	\$ 4,055	100.00
213	FM-0052089	Sonoma	3055 Cleveland Avenue	49-B2	2	HVAC - Replace one leaking and failed Thermal Expansion Valve, install a new refrigerant drier, add refrigerant, add refrigerant oil, rebuild with humidifier kit, start, test and unit operation and advise.	\$ 13,155	\$ 13,155	100.00
214	FM-0051942	Stanislaus	Modesto Main Courthouse	50-A1	2	HVAC - Replace failed motor starter coils and heaters by using 2 new motor starter contactors. Lost air control leaving facility heating and air.	\$ 2,762	\$ 2,762	100.00
215	FM-0052045	Stanislaus	Modesto Main Courthouse	50-A1	2	HVAC - Heating Hot Water Boiler - Provide all labor and materials to remove and renovate damaged inner-workings of the boiler. Replace failed tube bundle, refractory, and burner to restore boiler to reliable operation. Boiler is currently leaking and will need internals restored before heating season.	\$ 45,400	\$ 35,330	77.82
							\$ 13,002,719	\$ 11,797,532	



JUDICIAL COUNCIL
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TRIAL COURT FACILITY MODIFICATION
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Attachment B

Court-Funded Facilities Requests (CFR)
Quarter 4, Fiscal Year 2013-2014

ITEM #	CFR NUMBER	COUNTY	BUILDING ID	FACILITY NAME	LEASE, LICENSE, OR FM	REQUEST TYPE	CFR DESCRIPTION	CFR TERM	FUND SOURCE	CURRENT YEAR COSTS (Includes existing costs prior to CFR term)	BUDGET YEAR COSTS	TOTAL CFR COMMITMENT (CFR Term)	REVIEW NOTES - OREFM, JBCPO, & FSO
1	10-CFR006	Fresno	10-A1	Fresno Main Courthouse	FM	Security Facility Modification	All labor, material, and relative taxes necessary to increase and modernize the amount of video surveillance and video storage within our Main Criminal Courthouse. Because of the change in operations due to the closing of the outlying courts in Fresno, our Main Courthouse is now almost entirely utilized for criminal cases. This facility currently has only 38 video cameras for 215,000 square feet of space, covering 10 floors. This installation will provide 225 cameras providing additional security by providing real time response to our Court Security Unit as well as a archived video for investigational and evidence purposes.	NA	Fund Balance	\$ 300,000	\$ -	\$ 300,000	Complete
2	10-CFR007	Fresno	10-R1	M Street Courthouse	FM	Heath and Safety Facility Modifications	All labor, material, and taxes to provide and install a pedestrian canopy above the entrance sidewalk at this facility. Canopy will provide shelter from weather elements as court users wait in line. Lines of 100-200 people wait for hours to get access to the courthouse. With nine other court facilities closed in Fresno, the need to facilitate the increased foot traffic has become urgent.	NA	Fund Balance	\$ 65,000	\$ -	\$ 65,000	Complete
3	10-CFR008	Fresno	10-A1 10-O1	Fresno Main Courthouse and B.F. Sisk	FM	Security and Health and Safety Facility Modifications	Fresno Main (10-A1): Provide all labor, materials, taxes, etc. for the fabrication and installation of security gates at the North and South stairwells. Estimate from Pride at \$10,921.00. Fresno Main (10-A1): Repair lighting and relamp the Court Storage Room on the B-2 level of the parking garage. Please see attached estimate from Pride at \$2,332.56. Fresno Main (10-A1): Provide all labor, materials, taxes, etc. for the fabrication and installation of a Sunscreen on the 10-B1 level at the outside walk up windows. This project is estimated at NTE \$5,000.00. B. F. Sisk (10-01): Provide all labor, materials, taxes, etc. for the installation of one (1) fiber optic cable, thirty-six (36) Cat 6 data cables, four to six (4 to 6) 120 volt electrical circuits for the conversion of jury deliberation room 2A to a computer training room. This project is estimated at \$25,000.00. The court deems these facility modifications urgent because these projects will increase needed security, address safety hazards, and improve court operations.	NA	Fund Balance	\$ 60,000	\$ -	\$ 60,000	Complete



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4	15-CFR004	Kern	15-TBD	Delano Police Department	Lease & TI	New Lease and Tenant Improvements	New Lease with Tenant Improvements (7/1/2014-6/30/2019). The court deems this request urgent because the Delano Police Station lease will address the need for additional holding cells and additional security due to the federal mandate to reduce prison overcrowding.	5 years	Operating Budget and Fund Balance	\$ 2,047,200	\$ 159,342	\$ 2,843,910	Complete
5	19-CFR008	Los Angeles	19-11	Alhambra	FM	Security and Health and Safety Facility Modifications	Remodel filing window and adjacent office cubicles with a raised desk and work stations so that employees do not have to stand while attending to the public. The office is now a small claims hub and requires a minimum of three filing windows. It is ergonomically inefficient and the space is small for litigants in the lobby. This is due to the court's restructuring plan. The court deems this facility modifications urgent because it will address safety hazards and improve court operations.	NA	Fund Balance	\$ 82,550	\$ -	\$ 82,550	Complete
6	19-CFR010	Los Angeles	19-L1	Clara Shortridge Foltz Criminal Justice Center	FM	Health and Safety Facility Modifications	The Court deems this request urgent as it relates to Health and Safety. Seal and cap off building water fountains inside the courtrooms. The majority of these drinking fountains do not work and occasionally leak and cause water damage. Water is not potable and this is a health issue.	NA	Fund Balance	\$ 30,000	\$ -	\$ 30,000	Complete
7	19-CFR016	Los Angeles	19-T1	Metropolitan Courthouse	FM	Health and Safety Facility Modification	Proper electrical is needed to accommodate 30 new work stations on the 2nd Floor Clerk's Office. Current work stations are old, falling apart, and replacement parts are no longer available. Wires are exposed and sharp jagged corners. This is a safety concern. The court deems this facility modifications urgent because it will address safety hazards and improve court operations.	NA	Fund Balance	\$ 37,500	\$ -	\$ 37,500	Complete
8	19-CFR017	Los Angeles	19-Y5	George Deukmejian	FM	Security Facility Modification	Install new security work stations and 4 security monitors. This is needed for security improvement within the main lock up and 1st floor control room. Re-pin core cylinders for all courtroom doors leading into lock up to receive an A-2 key. This is needed for security purposes. Install 4 microphones in 2 arraignment courtrooms, departments S01 and S02. This will assist in court proceedings.	NA	Fund Balance	\$ 82,866	\$ -	\$ 82,866	Complete



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9	19-CFR018	Los Angeles	19-V1	East Los Angeles Courthouse	FM	Court Operations Facility Modification	Department 1 will now hold jury trials due to the court's resonsolidation. Current jury box is a holding cell which needs to be converted into a jury box for jurors.	NA	Fund Balance	\$ 11,750	\$ -	\$ 11,750	Complete
10	19-CFR019	Los Angeles	19-F1	Inglewood Courthouse	FM	Court Operations Facility Modification	Investigate & trace existing electrical feeds serving 39 work stations in West LA Court that will be moved to Inglewood Court. Remove and cap existing electrical as per work station layout provided by court vendor at West LA Court. Remove and modify existing exectrical to re-use for work stations. If needed, provide and install new circuits in existing panel with new conduit and wire for additional power required as per workstation layout.	NA	Fund Balance	\$ 40,000	\$ -	\$ 40,000	Complete
11	19-CFR020	Los Angeles	19-W1	Pomona South Courthouse	FM	Court Operations Facility Modification	Add elctrical for 17 new work stations located in the 1st floor previous law library. New breaker upgrade and approximate 200 feet of conduit run. Purchase order has already been issued for furniture. Electrical needs to be completed as part of this project.	NA	Fund Balance	\$ 29,750	\$ -	\$ 29,750	Complete
12	19-CFR021	Los Angeles	19-N1	Monrovia Training Center	FM	Court Operations Facility Modification	Two existing courtrooms, room 104 and 100 need to have demolition to allow areas to be utilized as complete functional training rooms.	NA	Fund Balance	\$ 28,890	\$ -	\$ 28,890	Complete
13	19-CFR022	Los Angeles	19-AG1	Compton Courthouse	FM	Security Facility Modification	Install metal enclosure with an exit door on each of the 5 exterior stairwells surrounding the courthouse. Stairwells being used by homeless/teenagers as hiding places and or to commit illegal acts. This project is deemed urgen to address safety and security.	NA	Fund Balance	\$ 11,264	\$ -	\$ 11,264	Complete
14	19-CFR023	Los Angeles	19-AZ1	Antonovich Courthouse	FM	Security Facility Modification	12 departments are in need of installing a clear tempered glass panel between the baliff's area and audience seating to prevent access to baliff or their weapon. Installation of panel must be structurally secured.	NA	Fund Balance	\$ 72,000	\$ -	\$ 72,000	Complete
15	22-CFR008	Mariposa	22-C1	Court Administration - Main Building	Lease	Lease Extension	Lease Extension (5/1/14 - 4/30/17). Due to space constraints at the 1854 Historic Courthouse, the Mariposa Court Administration Office has been leasing space through the AOC at 5092 Jones Street, since 2009. This request is considered urgent because the Court Administration Offices, training, team meeting, negotiations and private offices would be displaced without this lease.	3 years	Operating Budget and Fund Balance	\$ 18,000	\$ 18,000	\$ 54,000	Complete



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16	22-CFR009	Mariposa	22-C2	Self Help Center	Lease	Lease Extension	Lease Extension (5/1/14 - 4/30/17). Due to space constraints at the 1854 Historic Courthouse, the Self Help Center has been leasing space through the AOC at 5092 Jones Street, since 2009. This request is considered urgent because without it the Self Help Center would be displaced.	3 years	Grant Funds (AB1058)	\$ 4,500	\$ 4,500	\$ 13,500	Complete
17	24-CFR011	Merced	24-A2	Adobe Building (West Wing)	Lease	Lease Renewal	Lease Renewal - (7/1/2013-6/30/2015) with one year option to extend. The Court wishes to enter into a 2 year renewal effective July 1, 2014, for continued use of office space for Judicial and Court support. The 2,003 square feet of leased space is in county exclusive space of the transferred facility. This request is considered urgent because the offices would be displaced without this lease.	2 years	Trial Court Trust Funds	\$ 35,961	\$ 37,400	\$ 76,295	Complete
18	30-CFR019	Orange	30-C1	North Justice Center (Self-Help Svs)	Lease	Lease Renewal	Lease Renewal (7/1/14-6/30/16). Orange Superior Court wishes to exercise the one-year renewal for the self-help center at the North Justice Center. Housing the self-help center in the courthouse allows the court to provide services to self-litigants. The renewal term initiates July 1, 2014.	2 years	Operating Budget	\$ 42,898	\$ 43,756	\$ 86,654	Complete
19	30-CFR020	Orange	30-E3	Harbor Justice Center (Parking)	Lease	Lease Renewal	Lease Renewal (7/1/14-5/31/15). Orange Superior Court wishes to fund a one-year extension the existing parking license for the Newport Beach facility. This 50 space parking lease addresses the parking shortage at the court facility. The license auto-renews annually, unless terminated. The effective renewal date is June 1, 2014.	1 year	Operating Budget	\$ 35,097	\$ 33,055	\$ 36,060	Complete
20	34-CFR004	Sacramento	34-B1	Records Retention Center	Lease & TI	Lease Renewal and Tenant Improvements	Lease Extension and one-time tenant improvement costs (7/1/2014 - 6/30/2019). Sacramento Superior Court has submitted a CFR to fund a renewal , effective July 1, 2014 and tenant improvements for the Sacramento Records Center. The Court has held this lease to meet its needs for offsite storage. The tenant improvements will address ADA, and, safety and work conditions for employees.	5 years	Operating Budget and Fund Balance	\$ 433,690	\$ 220,249	\$ 1,543,353	Complete



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21	36-CFR024	San Bernardino	36-C1	Fontana Courthouse	FM	Facility Modification	Interior- 1st and 2nd Floor Work Space Renovation - Demo individual offices to create 1 open work area on each floor, approx. 1954 SF of walls, rerouting electrical, relocating lights as needed, Demo 4563 SF carpet, Demo 1663 SF T-Bar/ceiling tile, install 672 SF VCT, install 529 SF carpet, patch & paint 6020 SF. This request is urgent because additional court staff is needed in Fontana to support court operations due to the closure of the San Bernardino Courthouse Annex and, in particular, to support the increased public traffic due to a reorganization of individual Court functions. This coming May 2014, the Fontana courthouse will become the Traffic and Small Claims district for the entire San Bernardino Valley. Additional traffic and small claim windows will be needed to accommodate the increased number of transactions and public that will approximately triple in volume.	NA	Fund Balance	\$ 232,459	\$ -	\$ 232,459	Complete
22	38-CFR003	San Francisco	38-A1, A2, B1	Multiple	FM	Facility Modification	Multiple Projects - Includes (38-A1) cooling system for server room, (38-B1) installing electrical into lobby, (38-B1) installation of monitors in jury assembly room, (38-A2) trenching electrical and data, and (38-A1) expanding/reconfiguring self help center.	NA	Fund Balance	\$ 193,500	\$ -	\$ 193,500	Complete
23	43-CFR006	Santa Clara	43-TBD	New Santa Clara Family Justice Center	Agreement	Parking Agreement	Annual Parking fees associated with short term parking agreement (7/1/2013-12/31/2015) Until electronic gates are installed, contractor will provide validation stamps or tickets. Santa Clara Superior Court currently holds a parking agreement, used by court employees and jurors who need to park in or around the court facilities in the Market Street complexes. The AOC is expected to take assignment following approval of the court's CFR.	18 months	Operating Budget	\$ 75,000	\$ 37,500	\$ 112,500	Complete



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24	44-CFR004	Santa Cruz	44-A2	Court Admin Building	FM	Tenant Improvements	Disassemble and remove 12 cubicle partitions. Remove and locate office furniture to storage on same floor. Demolish approximately 47 LF of existing wall, including two doors and frames. Demolish existing carpet and rubber base. Patch all drywall demolition scars. Repaint entire office. Install new carpet and rubber base. Install one power pole near copier machine location. Reconfiguration of existing floor monument power for connection to new partiion furniture at five locations. Court deems the request urgent because current work space is insufficient and does not meet the needs of the fiscal department located there.	NA	Fund Balance	\$ 80,760	\$ -	\$ 80,760	Complete

DRAFT

Guideline 16

Charging Stations For Electric Vehicles

As use of electric-powered passenger vehicles increases in California, requests have been made by various Judges and Commissioners for installation of charging stations or the use of existing outlets for the charging of personally owned vehicles. This raises at least two questions: (1) should judicial officers, court employees or other court users be allowed to use existing outlets to charge their personal vehicles, and (2) should the judicial branch install formal electric car charging stations, which might be operated on a pay-per-use basis.

Use Of Existing Outlets. In general, the use of public resources by public employees in the workplace for personal benefit is not acceptable pursuant to California Government Code section 8134. Therefore, while de minimis use of electricity by employees may be legitimate in emergency or other special circumstances, court employees should not take advantage of the court's electric power to charge personal vehicles on a regular basis. The Trial Court Facilities Modifications Advisory Committee and the AOC personnel responsible on a regional basis for courthouse maintenance are not in a position to monitor the use of existing outlets by judicial officers, court employees and other courthouse users for abuse of public resources. Therefore, responsibility for the proper use of public resources (e.g. electric power) must remain primarily with local court managers and responsible judicial leaders on site.

Addition Of New Charging Stations As Facility Modification. While it would be wonderful if the judicial branch could afford to add electric charging stations to existing courthouses or to new courthouses, this is not a service which is in any way central to the mission of the courts. Since there is a continuing shortfall in resources needed to keep existing courthouses in habitable, usable condition for public service, the installation of new electric charging stations is a capital improvement which falls below Priority 6 (the lowest Priority on the existing scale). For this reason, a new category of Priority 7¹ has been created for the category "Desirable For Reasons Not Related To Court Operations." This will distinguish this kind of improvement from Priority 3, which includes improvements to existing courthouses which "improve the functionality, usability, and accessibility of a court facility" and which "will improve court operations."

Local Option To Arrange For Charging Stations. Since there are many different ways in which new electric charging stations can be installed (e.g. Blinknetwork.com, Plugshare.com, Chargepoint.com), the judicial branch will allow local courts to experiment with the installation of charging stations if suitable locations are available. As a policy matter, the Trial Court Facilities Modifications Advisory Committee strongly recommends against installations which

¹ The Facility Modification Policy as currently approved by the Judicial Council does not provide this priority. Until such time as this priority is formally adopted by the Council, the work meeting this definition shall be categorized as Priority 5 work.

will serve only secured parking areas for judicial officers. Any such new facilities should be available to at least court employees generally, not just for judicial officers.

The local court or an outside provider needs to invest the capital needed to make a code-compliant installation which does not overload existing circuits, switches and transformers. All such work must be approved in advance by the responsible AOC regional facilities manager, even for courthouses which are locally managed through the delegation pilot program. All such requests must be submitted for pre-approval to the TCFMAC as a Court-Funded Request; see also Guideline 8 “Installation and Support for Court Owned Equipment/Furniture Guidelines” for additional provisions applicable to such improvements.

Users should pay some fee consistent with comparable public charging stations and the cost of electricity consumed, and the provider must make arrangements in writing with AOC facilities management to reimburse the judicial branch for the power used unless it is supplied via a separate meter charged directly to the provider.

These rules do not apply to county managed courthouses and parking lots because responsibility for these issues is with the relevant county.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title

Trial Courts: Annual Investment Report for
Fiscal Year 2013–2014

Agenda Item Type

Information Only

Date of Report

September 22, 2014

Submitted by

Zlatko Theodorovic, Chief Financial Officer
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Executive Summary

This *Trial Court Annual Investment Report* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2013, through June 30, 2014.

Previous Council Action

On February 27, 2004, the Judicial Council approved several resolutions on investment activities for the trial courts. The resolutions direct that the Judicial Council develop an investment program for the trial courts, name the director of the Judicial Council's Finance Division¹ as the treasurer of invested trial court funds, and authorize the investment of trial court funds into the State of California's Local Agency Investment Fund (LAIF); Bank of America, N.A., investment funds; or other investments as approved by the Administrative Director of the Judicial Council.

¹ Effective October 1, 2012, the Judicial Council's Finance Division was renamed the Fiscal Services Office and was part of the Judicial and Court Administrative Services Division. The office has since been renamed as Finance and remains in the (renamed) Administrative Division.

They also provide for quarterly reporting of investment results by the director of the Judicial Council’s Finance Office to the Judicial Council, the Administrative Director, and the senior manager of the Judicial Council’s Audit Services.²

On June 1, 2009, the Judicial Council’s Executive and Planning Committee, acting on behalf of the council, approved the investment of trial court monies in any share class of the two previously approved money market funds—the Bank of America Cash Reserves Fund (CRF; formerly Columbia Cash Reserves Fund) and the Bank of America Treasury Reserves Fund (formerly Columbia Treasury Reserves Fund)—and the addition of another money market fund, the Bank of America Government Reserves Fund (formerly Columbia Government Reserves Fund).

Summary of Findings

In table 1, CRF is the capital share class of the Bank of America Cash Reserves money market fund, LAIF is the Local Agency Investment Fund, and PFIC represents the Bank of America Public Funds Interest Checking accounts.

Funds held in the judicial branch treasury: total investment portfolio

As of the close of business on June 30, 2014, total investment balances held by the trial courts purchased from bank accounts—directly managed by the Judicial Council’s Trust and Treasury Services unit of Finance—were as specified in table 1.

Table 1. Trial Court Investment Balances Managed by the Finance Office

Investment Description	CRF	LAIF	PFIC	Total
	All dollar amounts are reported in thousands (\$000)			
Section A, Book Values				
Beginning Balance—07/01/13	\$136,486	\$211,221	\$143,441	\$491,148
Net Purchases/(Sales) ³	(1,790)	(67,053)	2,936	(65,907)
Interest Paid ⁴	48	814	361	1,223
Total Change	(1,742)	(66,239)	3,297	(64,684)
Ending Balance—06/30/14	\$134,744	\$144,982	\$146,738	\$426,464

² As of February 2013, the Judicial Council’s Audit Services is no longer part of Finance and is now a separate office in the Leadership Services Division.

³ “Net Purchases/(Sales)” is the net amount of court investment principal purchases and sales completed during the annual period.

⁴ “Interest Paid” is the total amount of interest paid to the investment account during the annual period and is included in the Ending Balance.

Investment Description (cont.)	CRF	LAIF	PFIC	Total
Section B, Fair Values				
Ending Balance–06/30/14	\$134,744	\$145,025	\$146,738	\$426,507
Net Unrealized Gain/(Loss) ⁵ in Fair Value–03/31/14	0	43	0	43
Ending Balance Plus Unpaid Interest Earned ⁶ –06/30/14	\$134,744	\$145,143	\$146,739	\$426,626
Section C, Earnings and Statistics				
Interest Earned ⁷	\$48	\$792	\$362	\$1,202
Unpaid Interest Earned ⁸	\$0	\$118	\$1	\$119
Average Yield ⁹	0.03%	0.24%	0.25% ¹⁰	0.18%
Dollar-Weighted Maturity (Days)	45	246	N/A	98
Credit Quality	First Tier ¹¹	GC 16430 ¹²	N/A	
Percentage of Investment Portfolio ¹³	31.60%	34.00%	34.40%	100.00%

The ratio of each investment’s fair value to its book value (Fair Value Factor) as of June 30, 2014, was as follows:

- CRF 1.000000000
- LAIF 1.000298750
- PFIC 1.000000000

⁵ “Net Unrealized Gain/(Loss)” is the difference between the investment balance’s book value and its fair value at the end of the period. The net gain or loss is “unrealized” because the valuation at fair value is only for assets held by the fund at the end of the period. This Net Unrealized Gain/(Loss) would be “realized” or become an actual gain or loss only in the event that all participants’ holdings in each portfolio were liquidated by the end of the period. *Realized* gains and losses are included in the Average Yield of the investment for the period.

⁶ “Ending Balance Plus Unpaid Interest Earned” is the ending balance at fair value plus interest earned that is unpaid as of the end of the period. This figure represents the liquidation value including unpaid interest earned only in the event all participants’ holdings in each portfolio were liquidated at the end of the period.

⁷ “Interest Earned” is the total amount of interest earned during the annual reporting period.

⁸ “Unpaid Interest Earned” is the amount of interest earned during the period that is unpaid as of the end of the annual reporting period.

⁹ “Average Yield” is the simple average of the 30-day yields for each calendar month during the period, including any realized gains and losses, net of the investment’s operating expenses. The total Average Yield is a dollar-weighted average of the investment components.

¹⁰ The interest rate earned on the Public Funds Interest Checking accounts is 0.25 percent per annum. Since PFIC account balances are FDIC insured, they are subject to FDIC insurance assessments of 0.13 percent per annum. As a result PFIC balances earn a net rate return after FDIC assessments of 0.12 percent per annum.

¹¹ “First Tier” money market debt securities are money market debt securities that receive a short-term rating from a nationally recognized statistical rating organization in the highest short-term rating category for debt obligations.

¹² LAIF may invest the money of the fund only in debt obligations as prescribed in Government Code section 16430.

¹³ The portfolio balance percentages are calculated using the book values at the end of the annual period.

The Fair Value Factor is 1.000 for CRF because all holdings in CRF are valued at fair value daily, and fair value is the price for all daily redemptions and reinvestment transactions. Because LAIF's operating rules permit the redemption, at any time, of all or a portion of any participating court's LAIF balance at its original purchase price, the court's redemption price is not affected by unrealized gains or losses.

Section A of table 1 provides the investment balances and activity for the period at book value or at original cost plus or minus the straight-line amortization of any applicable discount or premium.

Section B provides the investment balances at their fair value at the end of the period. *Fair Value* is defined as the value at which an asset could be bought or sold in a current transaction between willing parties, other than in a liquidation.

Section C provides the investment earnings, the dollar-weighted average maturity, the credit quality, and each investment's percentage of the total investment portfolio.

The investment balances presented in the table include the combined balances of both trial court operating funds and agency funds.¹⁴

Investment portfolio components

CRF. The CRF is an overnight money market mutual fund registered with the Securities and Exchange Commission under the federal Investment Company Act of 1940 and operated in accordance with Commodity and Securities Exchanges, Title 17 *Code of Federal Regulations*, Pt. 270.2a–7. Investment purchases and redemptions of capital shares are transacted when Bank of America's system reviews the account balance daily at 1:30 p.m. PST and invests or returns funds as appropriate to maintain the bank account's established target balance. A purchase transaction takes place if the cash balance in the account exceeds the target balance, and a redemption transaction takes place when the cash balance is less than the target balance.

In accordance with the aforementioned Code of Federal Regulations, the CRF must maintain a dollar-weighted average maturity consistent with its objective of maintaining a stable net asset value per share, not to exceed 60 days (formerly 90 days), and must contain only "First Tier" money market debt obligations receiving a short-term rating from a nationally recognized statistical rating organization in the highest short-term rating category for debt obligations.

The CRF invests only in high-quality money market instruments, which include bank obligations (including certificates of deposit and time deposits issued by domestic and foreign banks or their

¹⁴ "Agency funds" are balances held in trust pending resolution of civil or criminal court proceedings as well as funds held on behalf of state and local agencies before their statutory distribution. Agency funds include the following categories: civil trust, criminal bail trust, Uniform Civil Fees, and criminal fines, fees, and penalties.

subsidiaries or branches), commercial paper, corporate bonds, extendible commercial notes, asset-backed securities, funding agreements, municipal securities, repurchase agreements, and other high-quality, short-term obligations. As of June 30, 2014, the CRF portfolio composition was as shown in table 2.

Table 2. CRF Portfolio Composition as of June 30, 2014

High-Quality Instruments	Percentage of Portfolio
Repurchase obligations	27.52
Commercial paper	18.18
U.S. CDs	17.64
Asset-backed commercial paper	14.05
Time deposits	8.02
Domestic CDs	3.26
Other	2.97
Euro CDs	2.84
Floating rate notes	2.74
Variable-rate demand notes	2.00
U.S. government and agency floating rate demand notes	0.78

Bank of America has determined that iMoneyNet's Prime Category Average (iMoneyNet) money market mutual fund is a good proxy of the CRF portfolio composition and performance.¹⁵

LAIF. LAIF is a money market fund held and managed by the State Treasurer's Office and is part of the Pooled Money Investment Account (PMIA; see Attachment A). The PMIA is the short-term investment pool for the state General Fund; special funds held by state agencies; and monies deposited by cities, counties, and other entities into the LAIF. LAIF is a voluntary program created by statute; it began in 1977 as an investment alternative for California's local governments and special districts. The enabling statute for the LAIF is section 16429.1 et seq. of the Government Code.

By law, PMIA moneys can be invested only in the following categories: U.S. government securities; securities of federally sponsored agencies; domestic corporate bonds; interest-bearing time deposits in California banks, savings and loan associations, and credit unions; prime-rated commercial paper; repurchase and reverse repurchase agreements; security loans; bankers' acceptances; negotiable certificates of deposit; and loans to various bond funds.

¹⁵ The most recent monthly fact sheet for the Bank of America Cash Reserves Capital Fund is available at the following URL at Bank of America's website:

www.bofacapital.com/Publish/Content/application/pdf/GWMOL/CashReserves_Cap_Factsheet.pdf.

LAIF's primary objectives are to maintain the safety of principal and provide daily liquidity. These objectives are met by investing in high credit-quality debt instruments, maintaining an average maturity between 120 days and 18 months, and providing daily availability of the entire invested balance. LAIF's investment yield is consistent with these very conservative objectives.

The *LAIF Performance Report*—including the portfolio's composition as of March 31, 2014, as reported by the State Treasurer's Office—is included as Attachment A. The State Treasurer's Office has not identified a money market fund suitable for benchmark comparison to LAIF.

PFIC. Public Funds Interest Checking accounts are Bank of America interest-bearing checking accounts that earn interest at a rate of 0.25 percent per annum. PFIC accounts are insured by the Federal Deposit Insurance Corporation (FDIC) and are fully collateralized at 110 percent of PFIC balances with securities (per Government Code section 53651), purchased by Bank of America, and held in a collateral pool pledged to public deposits. Since PFIC accounts are FDIC insured, they are subject to FDIC insurance assessments of 0.13 percent per annum.¹⁶

Attachments

1. Attachment A: *PMIA and LAIF Performance Report*

¹⁶ The FDIC assessment fee is the direct result of maintaining PFIC balances on deposit with Bank of America. FDIC fees are assessed on the average PFIC balance for the period.



**BILL LOCKYER
TREASURER
STATE OF CALIFORNIA**



PMIA Performance Report

LAIF Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
07/01/14	0.24	0.24	246
07/02/14	0.24	0.24	246
07/03/14	0.24	0.24	244
07/04/14	0.24	0.24	244
07/05/14	0.24	0.24	244
07/06/14	0.24	0.24	244
07/07/14	0.24	0.24	241
07/08/14	0.24	0.24	240
07/09/14	0.24	0.24	239
07/10/14	0.24	0.24	238
07/11/14	0.24	0.24	238
07/12/14	0.24	0.24	238
07/13/14	0.24	0.24	238
07/14/14	0.25	0.24	249

Quarter Ending 06/30/14

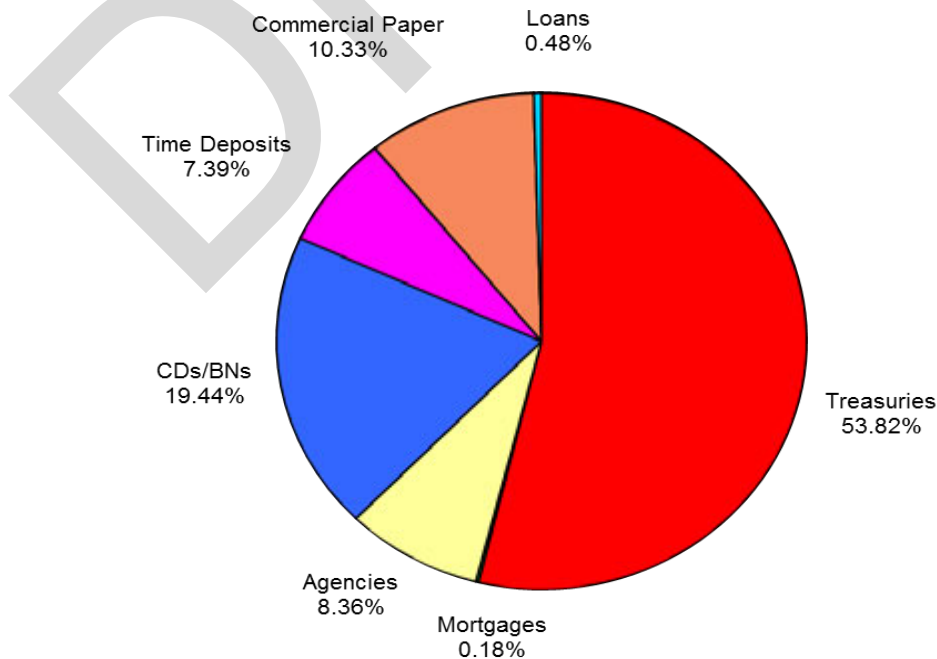
Apportionment Rate: 0.22%
 Earnings Ratio: .00000606145493377
 Fair Value Factor: 1.00029875
 Daily: 0.23%
 Quarter To Date: 0.23%
 Average Life: 232

PMIA Average Monthly Effective Yields

JUN 2014 0.228%
 MAY 2014 0.228%
 APR 2014 0.233%

*Daily yield does not reflect capital gains or losses

Pooled Money Investment Account
 Portfolio Composition
 \$64.8 Billion
 06/30/14



DRAFT



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: -CO-14-05

Title

Judicial Council Report to the Legislature:
Evaluation of the Superior Court of Orange
County's Mandatory E-Filing Pilot Project

Action Requested

VOTING MEMBERS ONLY: Vote and
return by fax. Additionally, return original
signature page.


Rules, Forms, Standards, or Statutes Affected

None

Please Respond By


5 p.m. on September 29, 2014

Recommended by

Hon. James E. Herman, Chair 
Judicial Council Technology Committee

Date of Memorandum

September 23, 2014

Jody Patel 
Chief of Staff
Judicial Council

Contact

Patrick O'Donnell, 415-865-7665
patrick.o'donnell@jud.ca.gov

Executive Summary

The Judicial Council Technology Committee (JCTC) recommends that the Judicial Council approve and submit to the Legislature the attached report evaluating the Superior Court of Orange County's mandatory electronic filing pilot project under Code of Civil Procedure section 1010.6(d)(2). This report was due to the Legislature on or before December 31, 2013; however, delays in receiving the information on which the evaluation is based have caused the report to be late. To expedite the council's review and submission of the report to the Legislature, voting is being conducted via circulating order memorandum.

Recommendation

The JCTC recommends that the Judicial Council:

1. Approve for submission to the Legislature the *Report on the Superior Court of Orange County's Mandatory E-Filing Pilot Project: Report to the Legislature as Required by Code of Civil Procedure Section 1010.6(d)(2)*; and
2. Direct Judicial Council staff to transmit the report to the Legislature.

The proposed report to the Legislature is attached to this memorandum.

Previous Council Action

The Judicial Council has a long history of supporting electronic filing and service of documents. To promote e-filing and e-service, the council has sponsored legislation and adopted rules and forms.¹ Until recently, electronic filing and service in civil cases has been either by consensus or by court order in more complex or complicated cases. However, by enacting Assembly Bill 2073 in 2012, the Legislature amended Code of Civil Procedure section 1010.6 to authorize courts to require electronic filing in all civil cases. Section 1010.6(d), as amended, also authorized the Superior Court of Orange County to establish a mandatory electronic filing pilot project by local rule. And it authorized the Judicial Council to adopt rules permitting mandatory electronic filing in all types of civil cases.²

Rationale for Recommendation

The Superior Court of Orange County established a mandatory electronic filing pilot project by adopting Local Rule 352, which became effective January 1, 2013. This rule requires electronic filing in all limited, unlimited, and complex civil actions, unless the parties are excused by the court. Because the court established a pilot project for mandatory electronic filing in civil cases, the Judicial Council is required to evaluate the project and submit its findings to the Legislature.

Specifically, Code of Civil Procedure section 1010.6(d)(2) provides that the Judicial Council must conduct an evaluation of the pilot project and report its findings to the Legislature. This provision also specifies that the council must review the cost-effectiveness of the program for the

¹ See, for example, Judicial Council report for the December 15, 2009 meeting recommending council sponsorship of amendments to Code of Civil Procedure section 1010.6 to make the statute more flexible and effective (available at http://www.courts.ca.gov/documents/121_509item4.pdf) and three reports for the October 23, 2009 meeting recommending the adoption of rules and forms to assist the public with electronic filing and service (available at <http://www.courts.ca.gov/documents/102309itema18.pdf>; <http://www.courts.ca.gov/documents/102309itema19.pdf>; <http://www.courts.ca.gov/documents/102309itema20.pdf>).

² To implement the legislation, the council amended the rules of court, effective July 1, 2013, to allow all superior courts by local rule to require parties to file and serve documents electronically, subject to certain conditions in the statute and rules. The report for the June 28, 2013 council meeting is available at <http://www.courts.ca.gov/documents/jc-20130628-itemC.pdf>.

court, the cost of the program to participants, the effect on unrepresented parties and parties with fee waivers, and the ease of use for participants.

To assist the council in conducting its evaluation, the Superior Court of Orange County prepared a report, *Preliminary Evaluation of the E-Filing Pilot Project of the Superior Court in and for the County of Orange*.³ The court based its findings on information gathered from surveys it conducted of litigants and electronic filing service providers, interviews with court staff, and data collected by the court about electronic filings. The court's information and evaluation of the pilot project was not received by the Judicial Council until July 2014.

The JCTC reviewed the information and preliminary evaluation provided by the court about the pilot project. Based on the court's information and evaluation and the committee's own discussions, JCTC recommends that the council approve the *Report on the Superior Court of Orange County's Mandatory E-Filing Pilot Project* evaluating the project that is attached to this circulating order and direct that the report be submitted to the Legislature. Because of the delays in preparing this report and the interest of the Legislature in the subject, the submission of the report is urgent and it is appropriate for the Judicial Council to approve the report by circulating order.

Comments, Alternatives Considered, and Policy Implications

The report was not circulated for comment. Because the Judicial Council is required by statute to evaluate the Superior Court of Orange County's pilot project and submit a report to the Legislature, no alternative recommendations were considered.

Implementation Requirements, Costs, and Operational Impacts

This report, originally due to the Legislature by December 31, 2013, is now ready for submission. There are no significant related costs. Only minimal resources will be expended in submitting the report to the Legislature.

Attachments

1. Draft transmittal letter to the Legislature
2. Draft report summary
3. *Report on the Superior Court of Orange County's Mandatory E-Filing Pilot Project: Report to the Legislature as Required by Code of Civil Procedure Section 1010.6(d)(2)* (with attachment, *Preliminary Evaluation of the E-Filing Pilot Project of the Superior Court in and for the County of Orange*)
4. Voting instructions
Vote and signature pages

³ A copy of the court's preliminary evaluation is attached to the report to the Legislature.



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Chief Justice of California
Chair of the Judicial Council

HON. DOUGLAS P. MILLER
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN
Chair, Litigation Management Committee

HON. KENNETH K. SO
*Chair, Policy Coordination and
Liaison Committee*

HON. HARRY E. HULL, JR.
Chair, Rules and Projects Committee

HON. JAMES E. HERMAN
Chair, Technology Committee

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Hon. Marsha Slough
Ms. Mary Beth Todd
Hon. Charles D. Wachob
Hon. Joan P. Weber

HON. STEVEN JAHR
Administrative Director,
Judicial Council

September 30, 2014

Ms. Diane F. Boyer-Vine
Legislative Counsel
State Capitol, Room 3021
Sacramento, California 95814

Mr. Gregory P. Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: Report on the Superior Court of Orange County's Mandatory E-Filing Pilot Project, as required under Code of Civil Procedure section 1010.6(d)(2)

Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

Attached is the Judicial Council report on the Superior Court of Orange County's mandatory e-filing pilot project, as required under Code of Civil Procedure section 1010.6(d)(2).

If you have any questions related to this report, please contact Patrick O'Donnell at 415-865-7665, patrick.o'donnell@jud.ca.gov.

Very truly yours,

Steven Jahr
Administrative Director
Judicial Council of California

SJ/PO/xx
Attachment

Ms. Diane F. Boyer-Vine
Mr. Gregory P. Schmidt
Mr. E. Dotson Wilson
September 30, 2014
Page 2

cc: Members of the Judicial Council
Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Darrell
Steinberg
Fredericka McGee, Deputy Chief of Staff, Office of Assembly Speaker Toni G. Atkins
Anita Lee, Fiscal and Policy Analyst, Legislative Analyst's Office
Tina McGee, Executive Secretary, Legislative Analyst's Office
Benjamin Palmer, Chief Counsel, Senate Judiciary Committee
Mike Petersen, Consultant, Senate Republican Policy Office
Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Policy Office
Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council
Peter Allen, Senior Manager, Communications, Judicial Council
Yvette Casillas-Sarcos, Administrative Coordinator, Governmental Affairs,
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HON. STEVEN JAHR
Administrative Director,
Judicial Council

Report title: *Report on the Superior Court of Orange County's
Mandatory E-Filing Pilot Project: Report to the
Legislature as Required by Code of Civil Procedure
Section 1010.6(d)(2)*

Statutory citation: Stats. 2012, ch. 320, § 1

Code section: Code of Civil Procedure section 1010.6(d)(2)

Date of report: September 29, 2014

The Judicial Council has submitted a report to the Legislature in accordance with Code of Civil Procedure section 1010.6(d)(2).

The following summary of the report is provided under the requirements of Government Code section 9795.

In 2012, the Legislature enacted Assembly Bill 2073, which amended Code of Civil Procedure section 1010.6 to allow electronic filing of court documents in all civil cases. The Superior Court of Orange County subsequently adopted Local Rule 352, effective January 1, 2013, which mandated electronic filing, in all limited, unlimited, and complex civil actions, unless excused by the court.

The attached report provides the Judicial Council's evaluation of the court's pilot project based on the statute's criteria: (1) cost-effectiveness for the court, (2) cost to participants, (3) effect on unrepresented parties and parties with fee waivers, and (4) ease of use for participants. The council based its evaluation on data provided by the Superior Court of Orange County; this preliminary analysis by the court is included as an attachment to this report to the Legislature.

Overall, the data gathered by the Superior Court of Orange County (1) showed that the pilot project resulted in significant cost savings for the court and was generally less or equally expensive for litigants and (2) demonstrated the project's relative ease of use and convenience for represented and self-represented litigants. There were limitations in the

data collection regarding the effect on self-represented litigants; however, any potential issues were likely addressed by the subsequent amendments to the rules of court exempting all self-represented litigants from mandatory electronic filing.

The Judicial Council is encouraged by the pilot project's success thus far. The Superior Court of Orange County's experience with mandatory electronic filing, including lessons learned, will help inform the council's efforts as mandatory electronic filing expands to other courts throughout California.

The full report can be accessed here: www.courts.ca.gov/7466.htm

A printed copy of the report may be obtained by calling 415-865-7684.

Report on the Superior Court of Orange County's Mandatory E-Filing Pilot Project

REPORT TO THE LEGISLATURE AS
REQUIRED BY CODE OF CIVIL
PROCEDURE SECTION 1010.6(d)(2)

SEPTEMBER 23, 2014

DRAFT - NOT APPROVED BY THE
JUDICIAL COUNCIL



JUDICIAL COUNCIL
OF CALIFORNIA

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Tani G. Cantil-Sakauye
*Chief Justice of California and
Chair of the Judicial Council*

Hon. Steven Jahr
*Administrative Director,
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Hon. James E. Herman
*Chair,
Judicial Council Technology Committee*

LEGAL SERVICES

Ms. Deborah Brown
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*Attorney
Primary Author of Report*

Report on the Superior Court of Orange County's
Mandatory E-Filing Pilot Project:
Report to the Legislature as Required by
Code of Civil Procedure Section 1010.6(d)(2)

September 23, 2014

Introduction

The Judicial Council submits this report to the Legislature under Code of Civil Procedure section 1010.6(d)(2) to provide its evaluation of the Superior Court of Orange County's mandatory electronic filing pilot project.

In enacting Assembly Bill No. 2073 in 2012, the Legislature amended Code of Civil Procedure section 1010.6, the statute governing the electronic filing and service of court documents. Relevant to the present report, the Legislature authorized the Superior Court of Orange County to establish a pilot project mandating the electronic filing of court documents in all civil cases. Because the Superior Court of Orange County subsequently established the pilot project by local rule, the Judicial Council is required by section 1010.6(d)(2), to evaluate the project and report its findings to the Legislature.

Scope of the Evaluation

Code of Civil Procedure section 1010.6(d)(2), provides that "the Judicial Council shall conduct an evaluation of the pilot project and report to the Legislature, on or before December 31, 2013, on the results of the evaluation."¹ The Legislature identified the following areas of inquiry for the Judicial Council to review in its evaluation of the pilot project: (1) cost-effectiveness for the court, (2) the cost of the program to participants, (3) effect on unrepresented parties and parties with fee waivers, and (4) ease of use for participants.²

Background

Before the enactment of AB 2073, Code of Civil Procedure section 1010.6 allowed for electronic filing of court documents by consent of the parties or by court order in certain types of civil cases. AB 2073 expanded the scope of electronic filing by permitting courts to mandate e-filing in civil cases. Specifically, AB 2073 amended Code of Civil Procedure section 1010.6 to allow courts to require electronic filing in all civil cases under certain conditions.

¹ Code Civ. Proc., § 1010.6(d)(2).

² *Ibid.*

The legislation directed the Judicial Council to adopt uniform rules to permit mandatory electronic filing and service.³ At its June 28, 2013 meeting, the council adopted rules to implement the legislation, effective July 1, 2013.⁴ In addition, AB 2073 added a subdivision to Code of Civil Procedure section 1010.6 authorizing the Superior Court of Orange County to establish by local rule “a pilot project to require parties to specified civil actions to electronically file and serve documents.”⁵

Under section 1010.6(d), the Superior Court of Orange County established a pilot project by adopting Local Rule 352, effective January 1, 2013. The local rule mandates electronic filing in “all limited, unlimited, and complex civil actions,” unless the parties are excused by the court.⁶ It permits after-hours filing, with all documents received electronically before midnight deemed filed as of that day.⁷ All electronic filings must use a court-certified electronic filing service provider (EFSP).⁸ Because the court established a pilot project, the Judicial Council must evaluate the project and submit a report to the Legislature.⁹

The impact of the pilot project on civil filings has been significant. During the first 18 months of the project, parties filed a total of 1,168,709 documents with the court. Ninety-one percent of these documents were filed electronically; the parties filing the remainder were either exempted or excused from electronic filing under the local rule. Since implementing the pilot project, the court has certified 14 EFSPs, including one nonprofit.

To assist the Judicial Council in evaluating the pilot project, the Superior Court of Orange County conducted a review of its experience with mandatory electronic filing and drafted the report summarizing its findings: *Preliminary Evaluation of the E-Filing Pilot Project in the Superior Court in and for the County of Orange*.¹⁰ In preparing its report, the court conducted surveys of represented and self-represented litigants and EFSPs in the spring of 2013, shortly after the pilot project was initiated. The court sent an invitation to complete the survey to over 9,000 e-mail addresses of attorneys and litigants, and paper versions of the survey were available in the court’s self-help centers. Both represented and self-represented litigants had a response rate of approximately 14 percent: of the 7,200 represented litigants who were e-mailed invitations, 1,004 completed the survey; and of the 2,100 self-represented litigants (SRLs), 303 did. The surveys of represented litigants were completed by an attorney or paralegal, and most were filled out online. Information was also gathered from court staff involved in implementing and maintaining the electronic filing system.

³ Code Civ. Proc., § 1010.6(f).

⁴ The Judicial Council report on the mandatory e-filing rules considered at the June 28, 2013 council meeting is available at <http://www.courts.ca.gov/documents/jc-20130628-itemC.pdf>.

⁵ Code Civ. Proc., § 1010.6(d)(1).

⁶ Super. Ct. Orange County, Local Rules, rule 352.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Code Civ. Proc., § 1010.6(d)(2).

¹⁰ The court’s preliminary evaluation is attached to this report.

Cost-Effectiveness for the Court

The court's review of its pilot project shows that implementing mandatory electronic filing in all civil cases has resulted in clear cost savings for the court. The court reported that it realized significant savings by eliminating staff time spent entering data into the case management system, screening documents to determine if they needed expedited or special handling, scanning and filing documents, and processing mail. Additional savings were gained by streamlining document review.

The court made projections of the pilot project's impact. Based on the average number of staff minutes required to file each document, the court estimated that by instituting mandatory e-filing it could reduce the size of the staff specifically devoted to filing documents. The evaluation by the court demonstrates that, by reducing the time needed to complete filings, e-filing has in fact meant that fewer staff members have been required to work at the counter and in the back office. The Judicial Council notes that this change in duties means that more staff can assist the court in areas outside the area of filing documents and so they are available to provide improved services and greater access to the public in this time of scarce resources.

Other savings resulted from the decrease in foot traffic to the courthouse due to the reductions in in-person filings and mail and delivery services. With fewer people visiting the court on a daily basis, the court saw a decline in its security needs and wear and tear on court facilities.

The court also reported on the cost-effectiveness of using multiple EFSPs in lieu of developing and implementing its own electronic filing system.¹¹ On balance, the court concluded that multiple EFSPs resulted in cost savings because it was relieved of funding the development of an electronic filing system, establishing and maintaining a training program for users, providing customer support, and responding to complaints. However, the court recognized that it did bear some additional costs related solely to using the EFSP model, including the significant IT and operations staffing resources needed to certify multiple EFSPs, the staffing resources needed to establish internal processes for coordinating and managing multiple EFSPs, and the time that accounting staff spent daily reconciling fee payments.

Based on the information gathered by the court, it is clear that the court realized significant cost savings through the pilot project. Any additional costs from implementing the pilot project were offset by the gains received by reducing staff hours spent filing documents and processing mail.

Cost of the Program to the Parties

The survey results also demonstrated that electronic filing was generally cost-effective for both represented and self-represented litigants. Depending on the prior filing method, saved costs for litigants could include travel expenses, parking fees, and postage, as well as the time required to print out documents, make copies, assemble the filing or mailing, travel to the court during

¹¹ The court did not have the option of using only one EFSP during the pilot project. Code of Civil Procedure section 1010.6(d)(1)(B) requires that the court either use multiple EFSPs or provide electronic filing access directly.

business hours, and wait in line at security and the counter. New costs resulting from electronic filing include the EFSP's fee and the time spent inputting data about each case and filing.

Thirty-four percent of represented parties responded that lower cost was a benefit of electronic filing. When specifically asked about the cost of the vendor filing fee compared with the travel, parking, and other expenses associated with physically filing court documents, 55 percent thought that electronic filing was less expensive or somewhat less expensive, whereas 27 percent thought it was more expensive.

Only 19 percent of SRLs indicated that lower cost was a benefit of electronic filing. Yet, when asked specifically about the cost of the vendor filing fee compared with the travel, parking, and other expenses associated with physically filing court documents, 34 percent thought it was less expensive, 24 percent thought it was more expensive, 34 percent were uncertain, and 8 percent perceived no difference. Additionally, 9 percent of SRLs said they were discouraged from filing electronically because of the costs, although the survey did not reveal whether those costs were directly related to electronic filing.

Based on the information obtained by the court, it appears that electronic filing was generally less costly than paper filing for represented and self-represented litigants. Distinct from its measures of cost savings gained by the court, however, the court did not attempt to quantify the relative costs of electronic versus paper filing for represented and self-represented litigants. And the data gathered in the surveys does not lend itself to quantification. In the future, the Judicial Council may further explore the costs of electronic filing for litigants and any potential barriers it could impose on them, especially SRLs.

Effect on Unrepresented Parties and Parties with Fee Waivers

The survey reflected that SRLs and parties who received fee waivers were generally satisfied with electronic filing. Among the benefits of electronic filing, SRLs found that it was more convenient (75 percent), was less time-consuming (51 percent), and allowed late-night filing (50 percent). Other benefits included that electronically filed documents were received more quickly (40 percent), processed more quickly (34 percent), available online sooner (25 percent), and rejected less frequently (8 percent).

Roughly half of SRLs did experience issues with electronic filing, although some may not have been directly related to electronic filing. Twenty-seven percent indicated that their filings were rejected, and 17 percent said they had issues receiving confirmation that their filing was received. Difficulties experienced by a relatively small number of SRLs included problems paying (6 percent), finding a suitable EFSP (5 percent), accessing a computer with an Internet connection (4 percent), submitting documents by the deadlines (4 percent), and submitting a fee waiver (3 percent).

Twenty-four percent of SRLs indicated that they were discouraged because of the electronic filing requirement, even though all had electronically filed at least once. Of those, 63 percent felt discouraged because the process was unclear or confusing, although it was unclear from the

survey results what caused the process to be unclear or confusing for these SRLs. In its preliminary evaluation the court observed that the surveys were distributed in the spring of 2013 (i.e., shortly after mandatory e-filing was instituted) and that earlier experiences would be likely to expose a greater lack of familiarity, possible frustration, and less appreciation for benefits than a survey conducted after more extensive use. To clarify this matter, the Judicial Council may revisit this issue in the future to identify the sources of confusion and update the survey information.

In addition, the court's preliminary evaluation shows that 36 percent of those SRLs who were discouraged felt this way because of cost, 23 percent because of problems associated with the payment process, 19 percent due to difficulties accessing the Internet, and 18 percent due to selecting an EFSP. Issues described by the 12 percent who submitted open-ended responses included how the electronic filing process was too complicated, the EFSP service was too expensive, and document submission took too long.

Even though two-thirds of SRLs were aware of the fee waiver option and 49 percent described the process of applying for a fee waiver as easy or very easy, just 16 percent applied. Eighty-one percent of those who did apply received a fee waiver. Fewer SRLs were aware there was a hardship exemption to the electronic filing requirement. Only 41 percent knew the exemption existed. Of those who knew of the exemption, only 10 percent applied. Exemptions were granted to more than 60 percent of applicants.

Limitations in the data collection restrict our ability to draw firm conclusions from these survey results. In addition to e-mailing 2,100 survey invitations to SRLs who had provided an e-mail address as part of the electronic filing process, the court made paper versions available at its self-help centers. However, it was unable to estimate how many paper versions were distributed. Of the 303 SRLs who completed the survey, it is unclear how many completed the survey online in response to the e-mail invitation versus on paper after visiting a self-help center. It stands to reason that those who have an e-mail address are more likely to have access to a computer with an Internet connection and to have a greater familiarity with computers and the Internet. Moreover, only those who had already electronically filed a document with the court were e-mailed an invitation to complete the survey. The survey may have been unable to measure whether any potential litigants had been completely deterred from filing by the mandatory electronic filing requirement. Thus, the survey results, while encouraging, should be viewed in light of these potential limitations.

Although the Judicial Council may desire to explore such access questions further, the most significant issues have probably been addressed by changes in the California Rules of Court, effective July 1, 2013. Subsequent to conducting the survey of SRLs, the Judicial Council amended the rules of court to provide that all SRLs are exempt from any mandatory electronic filing requirements adopted by the courts.¹² Additionally, while the Superior Court of Orange County's Local Rule 352 provided for a hardship exemption at the time of the survey, the rules

¹² Cal. Rules of Court, rule 2.253(b)(2).

of court were also amended to provide an exemption to those parties required to electronically file documents under the rule who are able to show undue hardship or significant prejudice.¹³

Ease of Use

Overall, electronic filing proved relatively easy to use for the parties and the court. Seventy-four percent of represented parties indicated that electronic filing was more convenient, and 53 percent thought it took less time. Two-thirds appreciated being able to file at any time, even though only 21 percent of all electronic filings were actually filed after hours.

In contrast to physical filing, the burden is on the litigant to input data about the case and filing prior to submitting documents electronically. Nevertheless, close to 80 percent of represented parties reported electronic filing to be at least as fast as paper filing, and 59 percent thought it was less time-consuming.

Represented parties were also generally satisfied with document review times, even though they did not immediately learn if a document had been rejected for filing or the reason for the rejection. For the first six months of 2014, staff reviewed documents within 24 hours of filing 65 percent of the time. The court noted that it had not been able to increase the speed of document review in light of severe budget reductions.

Two-thirds of represented litigants did not perceive any appreciable difference in the rate of rejections. They did lose the benefit of an in-person explanation and clarification of any deficiencies in their filings. From survey responses, the court learned that when staff rejected electronic filings, they were only specifying one basis for the rejection instead of identifying all reasons. Litigants expressed frustration if their filing was again rejected after fixing the issue that had caused the initial rejection. The court took measures to correct this oversight through staff training.

Given the electronic filing limit of 35 megabytes per document or 60 megabytes per transaction, another concern is the potential for filings to be rejected due to their size. Although only 10 percent of represented litigants had issues with oversized documents, those issues proved difficult or very difficult to resolve for 26 percent of them; 13 percent found it was easy or very easy to resolve these issues.

The use of multiple EFSPs also proved beneficial to litigants because the EFSPs were able to offer customer support service 24 hours a day, 7 days a week, in addition to providing a greater variety of services. Among the various training options offered by EFSPs were manuals, webinars, live training sessions for law firms and professional organizations, video tutorials, public workshops, dedicated phone support, MCLE classes, and self-teaching user interfaces. In addition, one-third of the reporting EFSPs specialized by client type and served niche markets. They were able to tailor their services to fit their clients' particular needs by developing new features through applications and providing other enhancements. Half of the reporting EFSPs

¹³ *Id.*, rule 2.253(b)(4).

offered language resources to non-English-speaking filers by translating documents and providing agents fluent in other languages. Three EFSPs provided services in Spanish, one did in Tagalog, and another in Vietnamese. EFSPs were also able to offer a greater variety of payment options than the court could have.

Mandatory electronic filing provided nonmonetary benefits to the court, including greater quality assurance in the filing process and management flexibility in staffing. Because electronic documents can be viewed anywhere, the court was better able to monitor the volume, flow, timing, and accuracy of filings. Consistency in file review practices increased across courthouses by implementing specialized and centralized review processes. Employee morale improved as staff members were offered alternate work schedules.

Having the filer input information about the case and filing eliminated the need for staff to review the filing to assess whether it needed expedited review. Mistakes made during data entry, including the misidentification of documents, did adversely affect the processing priority assigned to documents. The court made efforts to address this issue by communicating with EFSPs and filers and by adding a “pick box” to allow users to identify documents that required expedited handling. Problems diminished after these measures were implemented.

On balance, the pilot project’s electronic filing system did not present any significant challenges to users and imparted benefits that the court could not otherwise provide. Although there were some issues with conveying the reasons for rejecting filings and identifying priority filings, the court took action to address them.

Conclusion

The pilot project in the Superior Court of Orange County was a success. Mandatory electronic filing resulted in significant cost savings for the court and was generally less expensive for represented and self-represented litigants. Electronic filing also offered ease of use and convenience for litigants. And when issues arose, the court responded to address those issues. Similarly, changes to the California Rules of Court ameliorated any latent access issues by exempting SRLs from the mandatory electronic filing requirement.

The Judicial Council is encouraged by the pilot project’s success thus far. The Superior Court of Orange County’s experience with mandatory electronic filing, including lessons learned, will help inform the council’s efforts as mandatory electronic filing expands to other courts throughout California. Further review may help explain why some SRLs were discouraged by the electronic filing process and found it unclear and confusing. Although SRLs are now exempt from mandatory electronic filing, this information could be used to improve the electronic filing process for SRLs who might otherwise want to participate.

Attachment

**PRELIMINARY EVALUATION OF THE E-FILING PILOT PROJECT
IN THE SUPERIOR COURT IN AND FOR THE COUNTY OF ORANGE
July 12, 2014**

SCOPE OF REPORT

In 2012, AB 2073 amended Code of Civil Procedure section 1010.6 by adding a new subsection (d)(2). The new subsection required the Judicial Council to prepare a report evaluating Orange County Superior Court's e-filing pilot project that was implemented pursuant to the amended statute. The subsection described the scope of the evaluation report as follows:

If a pilot project is established pursuant to paragraph (1), the Judicial Council shall conduct an evaluation of the pilot project and report to the Legislature, on or before December 31, 2013, on the results of the evaluation. The evaluation shall review, among other things, the cost of the program to participants, cost-effectiveness for the court, effect on unrepresented parties and parties with fee waivers, and ease of use for participants.

The purpose of this report is to provide information to the Judicial Council to aid them in preparing their evaluation.

DEFINING E-FILING

The term "e-filing", as used in this report, focuses on the business processes whereby a litigant files a document electronically with the court as opposed to delivering a document to the court in paper form. Specifically, e-filing means the document being delivered is electronic and is accompanied by metadata (information about the document) and authorization to pay any court filing fees, which allows the court to 1) update its case management system, 2) store the document in a document management system with a link to the case management system, and 3) update its fee accounting system with little, if any, data entry by court staff.

The report does not address the creation of an electronic version of a document. The document can be prepared electronically by the filer or converted into electronic form by the filer. However produced, the document must be in electronic form to be e-filed.

In addition, the report does not discuss electronic service. Documents e-filed with the court can be served in the traditional manner or via e-service. The manner of service by a party does not impact the benefits of e-filing to the court, lawyers, or litigants. Additional savings could be realized by parties and the court if documents were e-served, but e-service by the parties or the court was not considered an essential element of e-filing for purposes of this report.

Finally, e-filing, as discussed in this report, is not the only way to obtain electronic versions of documents to establish an all-electronic court record. Documents can be filed by litigants in paper form and scanned by court staff to an electronic form that becomes the official record. Documents in electronic form can also be e-delivered to the court, for example, as an attachment to an email, or faxed

to the court, and the fax image captured as an electronic document. While all of these methods provide the court with an electronic version of a document, court staff must still make data entries into the case management system about the document, upload the document to the document management system, link it to the case in the case management system, and collect and account for any required filing fee.

SOURCES OF INFORMATION FOR THE REPORT

Information contained in this report came from two sources. One source was information gathered by staff who implemented or now maintain the court's e-filing system. The second source was surveys of lawyers and litigants who had e-filed in the Orange County Superior Court after it became mandatory. In order to assess user's experiences and satisfaction with e-filing, three separate surveys were developed and distributed. Two surveys were developed to assess litigants' experiences related to ease of use, convenience/hardship of e-filing, satisfaction with e-filing costs, and the speed of acceptance of e-filed documents. One survey was drafted for litigants represented by an attorney and the second for self-represented litigants (SRLs). The survey questions were designed to compare the user's experience with the e-filing process to the traditional paper filing procedures. A third survey was developed specifically for the e-filing service providers (EFSPs). The EFSP survey asked about topics such as billing and accounting issues, e-filing training, enhanced and/or specialized services, and customer service and feedback. The key findings from these surveys are discussed below.

The user surveys were distributed by two different methods. If a SRL or lawyer had provided an email address, an email was sent with a link to an electronic version of the survey. A paper version (in English, Spanish, and Vietnamese) was made available at the court's Self-Help Centers where SRLs obtain assistance in filling out forms and preparing their cases. Invitations to complete the survey were sent electronically to more than 9,000 unique email addresses of litigants and attorneys (7,200 represented litigants and 2,100 SRLs). A total of 1,004 of the represented litigants and 303 of the SRLs completed the survey, resulting in a response rate for each group of 14%.

The surveys were distributed in the Spring of 2013. Since mandatory e-filing had only begun in January of 2013, the responses of those who had not taken advantage of optional e-filing before that date would reflect only early experiences with e-filing. Early experiences would likely expose a greater lack of familiarity, possible frustration, and less appreciation for benefits than a survey conducted after more extensive use.

KEY FINDINGS – BENEFITS AND IMPACTS

SUPERIOR COURT

- E-filing is clearly cost effective for the court. Significant cost savings were achieved from reductions in staff, due to elimination of data entry, scanning, and filing of documents, and due to streamlined document review.
- Document review happens sooner for a larger proportion of documents.
- Use of multiple EFSPs is cost effective for the court. It shortens the time for implementation and provides more options and benefits to lawyers and litigants.
- There is less foot traffic into courthouses, reducing security needs and wear and tear on court facilities.

ATTORNEYS AND REPRESENTED LITIGANTS

- Attorneys quickly adapted to the e-filing requirement and now prefer it; mandating e-filing is OK.
- E-filing is clearly cost effective for attorneys and represented litigants.
- Litigants and lawyers appreciate being able to e-file document any time, day or night.
- The quick and efficient review process eliminates the need for attorneys to routinely provide courtesy copies to judges.

SELF-REPRESENTED LITIGANTS (SRLs)

- SRLs were as satisfied with e-filing as lawyers were.
- There is an added, but not insurmountable, burden to the small population that does not have ready access to a computer connected to the internet.

GENERAL PUBLIC

- Civil documents are available to the public sooner, in particular for remote viewing, because court processing takes less time for e-filed document than paper filed documents.
- E-filing reduces the public cost of courts to process filings.
- E-filing reduces paper consumption.
- E-filing reduces trips to the courthouse.

INTRODUCTION

HISTORY LEADING UP TO MANDATORY E-FILING PILOT PROJECT

The pilot project to mandate e-filing for all civil cases in the Orange County Superior Court was the logical next step in the court's progression from the traditional practice of filing paper documents and maintaining paper files to an all-electronic court record. The conversion began with the court scanning paper documents when they were filed and storing them in a document management system for use by judges, court staff, and litigants. New probate filings were the first category of cases to be scanned, beginning in 1990. In December 2000, document imaging was implemented for new family law cases and in 2001 the court started imaging traffic citations. In August 2001, the court implemented document imaging for civil unlimited and complex cases. Imaging small claims case documents began in 2007, and in April 2008 the Court began document imaging for new juvenile cases. The court began imaging all pending criminal cases, misdemeanors and felonies, in December of 2013. While imaging allowed the court to shift to use of an electronic court record, the delivery of documents to the court was still primarily paper based.

The progression to electronic delivery of documents began in 2003 when the court developed an "eDelivery" process for the delivery of documents to the clerk's office in complex civil cases. The eDelivery process was a simple and convenient filing process whereby attorneys sent an email to the court with electronic documents attached. The advantage to the court was that the process eliminated the need to scan the often lengthy papers associated with complex civil matters. However, the court still had to enter information about the filing into the case management system and store the document in the document management system. EDelivery was successful and, based on surveys of lawyers, so well received that eDelivery of documents was made mandatory in all complex civil cases. This was done initially through an Electronic Filing Order signed by the Supervising Judge of Complex, followed by the adoption of a local rule mandating eDelivery in all complex civil cases as of January 1, 2008.

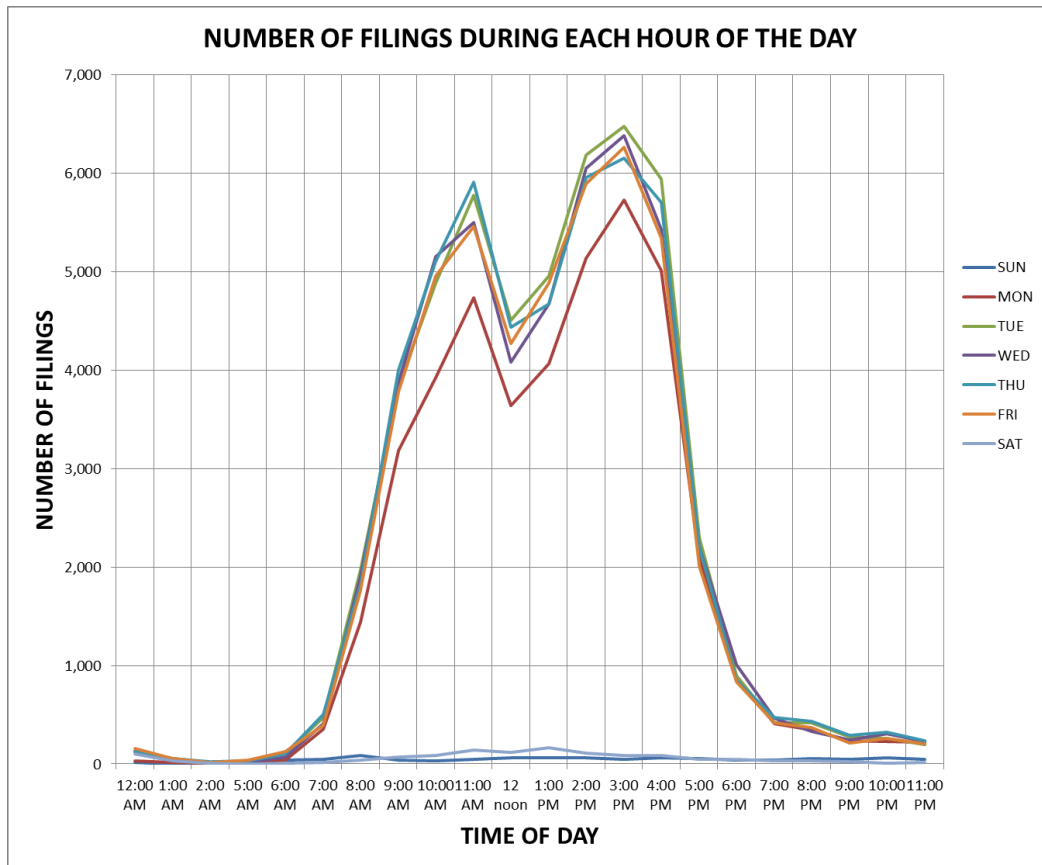
Mandatory e-filing of documents in all consolidated cases became effective July 5, 2011 (Administrative Order 11/03). Mandatory e-filing in breach of contract cases (limited and unlimited) became effective on November 2, 2011 (Administrative Order 11/04). On October 1, 2012, mandatory e-filing was instituted in limited and unlimited cases designated "Tort – Auto" and "Tort – Other (Personal Injury/Property Damage/Wrongful Death)" (Administrative Order 12/06).

Prior to the pilot project, the statute authorizing e-filing did not authorize a court to mandate e-filing in all civil cases. A court was allowed to mandate e-filing in a group of cases, which led to the incremental approach described above. In order to authorize mandatory e-filing in all civil cases, a statutory change was sought from the Legislature. AB2073 was introduced and adopted, amending CCP 1010.6 to authorize broad mandatory e-filing. Pursuant to the amendments, the Orange County Superior Court amended its e-filing local rule to mandate e-filing in all civil limited, unlimited, and complex cases effective January 1, 2013 (Orange County Superior Court Local Rule 352).

EXPERIENCES OF THE PILOT PROJECT

In the first 18 months of mandatory e-filing, a total of 1,168,709 documents were e-filed. The monthly average was 68,748 documents e-filed, of which 32,466 were in unlimited civil cases and 36,282 in limited civil cases. E-filed documents represented 91% of all filings. The remainder was paper documents where the parties were either exempted or excused from e-filing, or the document type was exempted.

After the initial phase of e-filing, the court permitted filers to file any time of the day, any day of the week, as authorized by CCP section 1010.6(d)(1)(D) and Local Rule 352 (Administrative Order 12/10, effective January 14, 2013). Looking at the actual times of filings, and the survey results discussed below, it appeared that this option was appreciated, but not extensively used. The chart below shows when filings arrived at the court for review by hour of the day for the first six months of 2014. The peaks were between 11 AM and noon and 3 PM and 4 PM (the clerk's office closes at 4 PM). Only 21% of filings occurred after 4 PM. Several attorneys commented that they appreciated having the option to file until midnight, but did not plan on using it regularly.



FILING OF DOCUMENTS – COMPARISON OF PAPER VERSUS ELECTRONIC DELIVERY

In order to simplify discussion of the impact of the pilot project, the following table provides a side-by-side comparison of the steps from preparation of a document, through filing, to incorporation of the document and information about it in the court record and court case management system. The objectives of the table are to: 1) identify the key steps in the filing of a document; and 2) compare how each step was handled in the paper world with how it is now handled in the e-filing pilot in Orange. The table addresses the 'typical' document filed. Not all documents and circumstances are 'typical', but this provides a framework for evaluation.

Color coding is used in the table to indicate the benefits (in green) of one methodology over the other, and to indicate the disadvantages (in red) such as slower or more resource intensive processes. The benefits and disadvantages can be either to the court or to parties filing documents.

ACTIVITY	PAPER FILING	ELECTRONIC FILING
Preparation of document to be filed	Litigant or attorney prepares document and any attachments for filing using either a forms package (Judicial Council or a private vendor) or a word processor.	Unchanged.
Preparation of document for filing	If the document is prepared electronically, it must be printed out, signed (if required), copies made, tabs inserted to separate exhibits (if required), and sets of documents assembled for filing with the court and service on all parties.	If the document is prepared electronically, it may need to be converted to the form required by the court. The EFSP may take care of any conversion required. If the document is in paper form (for example, forms completed by hand or existing paper document(s) to be attached to the filing), the paper documents must be scanned to a form acceptable to the court for e-filing.
Filing of document with court	Attorney or litigant must arrange for the package of documents to be delivered to the court during the hours the court is open either by: a) Mail, using USPS; OR b) Delivering to, or having it picked up by, a private delivery service (for example, FedEx, UPS, or attorney messenger service); OR	Attorney or litigant gets on the internet, goes to home page of their chosen EFSP, and: a) Enters data about the filing; b) Uploads the document(s). Filing can be done 24/7.

	c) Delivered to the court by someone from the attorney's office or a non-party person.	
Payment of filing fee	Attorney or party must estimate amount of filing fee, if any, and include either a check or a money order for the estimated amount or a 'not to exceed' amount. If the document is taken to the court, there is also the option to use a credit card or cash.	Based on information provided by the filer about the document, the fee is determined by the e-filing system and charged to the EFSPs account. Payment is made by EFSP to court and EFSP is reimbursed by the filer according to the arrangement between filer and EFSP made when the filer 'signs up' with the EFSP.
Service on other parties by the filer	Manual delivery of documents either by process server, delivery service, or USPS.	Same, plus option of e-service by EFSP.
Confirmation of delivery of documents to delivery service	Where attorney or litigant physically delivers the document to a service or leaves for pick-up in a delivery service's 'drop box', written or electronic notice of pick-up may or may not be part of delivery service.	Electronic confirmation sent by EFSP to filer immediately upon receipt of document at the EFSP's system.
Confirmation of delivery of documents to the court	If delivered is via USPS, there is no confirmation of delivery unless proof of receipt is requested by attorney or litigant. If delivery to the court is via a paid service, there is no confirmation unless the service informs attorney or litigant by phone, email, or personal notice of delivery.	Electronic confirmation sent to EFSP by court as soon as it is received by the court's server.
Review of document and filing by the court	a) If mailed, court staff opens mail, sorts documents based on type of filing, tallies and bundles all money received for audit and tracking purposes, and delivers documents to appropriate desk for processing. Staff at desks review documents, and file if complete and proper fee is included.	As documents arrive at the court's server, they are automatically sorted into work queues based on the type of document as indicated by the filer at the time submitted to EFSP for filing. Court staff reviews the document, and either accepts or rejects.

	<p>If accepted for filing, the document is file stamped, and the conformed copies are stamped and returned to the filer by mail. Information about the document is entered into the case management system, and information about the fee paid is posted to the fee accounting system.</p> <p>If a paper file is the court's official record, staff must find the case file, pull the case file, insert the new document, and return the case file to the proper place in the filing system.</p> <p>If the court has decided to use electronic records, instead of, or in addition to, maintaining a paper file, the document is scanned, stored in the document management system, and linked to the case management system.</p> <p>If the filing is rejected, notation is made of the defect, and documents are returned to the filer by mail.</p> <p>b) <u>If the document is offered for filing at the filing counter,</u> counter staff reviews the documents and filing fee.</p> <p>If accepted, the document is file stamped, and conformed copies are given to the person at the window.</p> <p>Depending on the business practices of the court, either the counter staff or 'back office staff' enter information about the document into the case management system and fees</p>	<p>If accepted, the system electronically file stamps the document, updates the case management system and document management system, posts fees to the fee accounting system, and sends conformed copies to the filer through their EFSP.</p> <p>If the filing is rejected, the reason for rejection is typed in a message by court staff which is sent to the filer immediately through their EFSP.</p>
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	<p>are posted to the fee accounting system.</p> <p>If a paper file is the court's official record, staff must find the case file, pull the case file, insert the new document, and return the case file to the proper place in the filing system.</p> <p>If the court has decided to use electronic records, instead of, or in addition to, maintaining a paper file, the document is scanned, stored in the document management system, and linked to the case management system.</p> <p>If the filing is rejected, notation is made of defect, and documents are returned to the filer at the window.</p>	
<p>Confirmation of filing by the court</p>	<p>Confirmed when conformed copies are received by attorney or litigant by return mail or handed to person at filing window for delivery to the litigant or attorney.</p>	<p>As soon as document is accepted by the court, confirmation and conformed copies are sent electronically to the EFSP and the filer.</p>

POLICY CHOICES IN IMPLEMENTATION

A number of key policy decisions were made in the planning and implementation of mandatory e-filing in the Orange County Superior Court. The following discussion identifies the more critical policy decisions that are relevant to assessing the pilot program.

E-FILING STANDARD(S)

There are currently two standards in use for e-filing. One is the 2GEFS (Second Generation Electronic Filing Specification), and the other, newer, standard is the ECF (Electronic Court Filing) standard. When the court began e-filing in complex cases, the case management system being used for civil cases, V3 CMS, incorporated the 2GEFS standard. Consequently, the court used the 2GEFS e-filing standard for the pilot project.

USE OF E-FILING SERVICE PROVIDER (EFSP)

There are at least three possible business models for structuring the delivery of electronic documents to the court. One approach is for the court to develop the portal through which documents are filed and all the technical infrastructure, software, business practices, and training needed to accept documents electronically, and incorporate them into a case management system and a document management system. This is the approach adopted by the Federal District Courts. A second approach is to engage a single e-filing service provider (EFSP) to build the interface and portal and serve as an intermediary between the filers and the court. Several Superior Courts in California have adopted this approach for complex cases or other categories of cases. A third alternative is to have multiple EFSPs, each developing their own services to filers and interacting with the court through one portal. For the reasons outlined below, the court chose the third alternative.

In the pilot project, the role of each EFSP is to serve as the interface between the filer and the court. The EFSP is responsible for developing the web portal, software, and technical infrastructure through which a filer files a document. The EFSP's system must be compliant with the court's requirements about format and content of information delivered to the court about a document, as well as the document itself. The requirements are spelled out in a "policy file" maintained by the court (the policy file can be accessed at: <http://www.occourts.org/online-services/e-filing/policy.html>). The EFSP is also responsible for training filers how to use their system, for customer support during the filing process, and for trouble shooting problems associated with getting the filing to the court's portal. Finally, the EFSP is responsible for collecting any court filing fee.

When the e-filing pilot began, a decision was made to start with just one EFSP in order to set up the functionality. The first EFSP was selected through an RFP process. Once the e-filing process was operating smoothly, other entities were invited to become certified. A total of 14 EFSPs have been certified, including one non-profit. Each of the subsequent for-profit entities who wanted to become certified paid the court for the court staff time required to become certified.

The EFSPs are the gateway to the e-filing process and thus a critical partner to the overall customer experience. They provide the web interface, handle fees, provide customer service, and provide other value added services. There are both advantages and disadvantages to using a multiple EFSP model. The major findings of the pilot project in this regard are as follows.

Advantages of Multiple EFSPs

- EFSPs build the interface with which the lawyers will interact. Not only does this relieve the court of having to build the interface, it allows the interface to evolve at the speed and resources available to the EFSP, as opposed to the court. The implementation phase e-filing can be shortened to the extent the court and EFSP can simultaneously develop their piece of the structure, rather than the court having to develop the entire structure. The EFSPs can also fund the cost of their development out of future fees, relieving the court of funding this development.
- The EFSPs train the filers (lawyers, law office staff, and self-represented litigants) and provide customer support for the initial steps of the e-filing process. The court does not have to establish or maintain a training program for filers. All six EFSPs surveyed reported that they offer multiple e-filing training resources to their customers. Over half of the EFSPs offer training manuals and/or webinars. The majority of EFSPs are also providing live training to law firms and professional organizations. Some of the other methods of training noted in the survey are video tutorials, public workshops, dedicated phone support, MCLE courses, and self-teaching user interfaces. There did not seem to be any consensus in the survey results on which training method was most effective. However, as one EFSP noted, this may be indicative of the need to fit a variety of training resources and materials to the different needs of their customers.
- The EFSPs are the ‘first responders’ to complaints and help desk calls from filers; court staff does not have to do this.
- When the court wants to modify or improve its e-filing processes, it is much easier to promulgate changes in practices and procedures. The court need only tell the EFSPs, and does not have to communicate with thousands of filers – that is the EFSP’s role.
- The EFSPs can offer and charge for establishing services and for different or additional services that the court might not be able to afford to offer. Because there are multiple EFSPs, the pricing of these services is competitive.
- Having the option of multiple EFSPs allows filers to choose the EFSP that best meets their needs at a price point that is reasonable to the filer.
- Value added services – multiple EFSPs have the potential to offer the filers a much richer feature set than would likely be provided by the court. EFSPs, being closer to a smaller group of clients, are in touch with problems and desired features and can develop apps and other enhancements that their clients request. This relieves the court of the burden of setting up a process of identifying what services clients might want, choosing between options desired by filers, or denying enhancements as not within the court’s purview, budgeted resources, or capacity to build. An obvious example is that EFSPs specialize in a particular case or client type, providing a suite of services that may be particularly beneficial to these subgroups. To determine if this is

actually occurring, the EFSPs were asked if they specialize in any case/client type and what these specializations are. Two of the six EFSPs reported specializing in case types, with one in family law and small claims and the other in unlawful detainer and collections cases.

- EFSPs can serve niches in the market, for example, small firms, collections firms, unlawful detainer cases, etc., which the court cannot afford to do. An EFSP can develop interfaces directly linking a specialized product, such as a law firm's case management system, with the Court's portal, avoiding the need to 'download' information from the firm's system into documents that are then uploaded to the court. Another example would be building a forms completion package whose output can be electronic documents ready to be e-filed to the court.
- One of the benefits of using EFSPs, as opposed to using a single, court controlled and operated portal, was that the EFSPs could share in the responsibilities in providing these accessibility resources. The EFSP survey captured what kind of additional resources the EFSPs may be offering in this arena. Half of the reporting EFSPs said that they offered additional language resources for non-English speakers. While 3 EFSPs offered Spanish services, one also offers Vietnamese and another offers Tagalog. The language resources themselves were reported to be in the form of translated documents and/or agents fluent in the language.
- Each EFSP can offer 24/7 customer service to filers, relieving the court from having to staff this capability.
- If other courts adopt a similar business model and certify the same EFSPs, a law firm would only need to work with one EFSP and be able to file in multiple courts with different case management systems and document management systems.
- EFSPs are responsible for financial transactions related to fees. As a non-governmental agency, an EFSP can offer more options regarding payment methods and plans than a government entity could offer, for example, billing a firm at the end of the month for all filings that month.
- EFSPs offer redundancy as against equipment and communication failures. Multiple EFSPs means that if one EFSP goes down, filers can file through another EFSP. Similarly, if the court's system goes down, the EFSPs can still accept filings and send them to the court when it is operating again.

Disadvantages of Multiple EFSPs

- Each EFSP must be certified by the court to be compliant with the court's business practices and policy file. Certification involves significant IT and operations staff resources, and the staff and work associated with certifying an EFSP are very different from staff and work associated with the traditional paper document processes.
- The court must establish processes for coordinating and managing multiple EFSPs, including:
 - (a) Identifying and certifying EFSPs;
 - (b) Maintaining the policy file, coordinating changes with EFSPs, and validating that each EFSP has made appropriate changes to remain compliant with the court's system and policy file;
 - (c) Developing policies on EFSP vendor contracts and amendments to the contract;

- (d) Regularly meeting with EFSPs to resolve issues, hear about needed changes, and promulgate changes;
 - (e) Providing information to EFSPs about the court's performance – response time, rejection rate, reasons for rejection, etc., that can be shared with filers.
- There is a significant amount of activity for the court's accounting staff to work with multiple EFSPs to reconcile fee payments on a daily basis. It is more complicated to reconcile multiple transactions from each EFSP than individual transactions from filers.
 - There can be conflicts about whether an outage or inability to e-file is the fault of the EFSP or the court.

To gauge the EFSP perspective on the e-filing experience, the vendors were surveyed on issues regarding customer needs and partnering with the courts. Six of the 7 EFSPs that were providing e-filing services to the public at the time the surveys were sent out completed the surveys. The EFSP survey responses indicated that they provided some important benefits to the e-filing process. They appeared to quickly resolve user problems (that is, within 24 hours), provided language assistance, provided a wide variety of training resources, and provided additional specialized services to specific market segments. Notably, this was with little added burden to the court's resources, as all of this was EFSP driven. The EFSPs themselves seemed satisfied overall with the process integrating with the court's e-filing environment.

The e-filing environment in the Court is highly standardized and all EFSPs must go through a rigorous certification process to ensure that their interface was fully compatible with the court's systems. As the partnership with EFSPs were essential to e-filing, the EFSPs were asked about their own experiences with the certification process and if it could be improved upon in any way. Half of the EFSPs reported being satisfied with the process and the other half being very satisfied. There was only one comment and that was that the certification requirements changed midstream. This was not especially surprising, as this was the first batch of vendors to join the e-filing transition and the early requirements were revised as the pilot project evolved.

REVIEW OF DOCUMENT BEFORE FILING

In the paper world, all documents are reviewed by a clerk before being file stamped. When shifting to electronic filing, there are two options regarding the process for reviewing documents offered for filing. One option is to have the e-filing system automatically file stamp documents when they are received by the court and a clerk reviews the documents later. The other option is for a clerk to review each document before it is filed. The Federal District Court e-filing system chose the first option. The court chose the second. Since there are only a few bases to reject a filing, and experience indicates very few documents are rejected, the difference basically comes down to when the filer learns of a rejection. The court's approach requires the filer to wait until the document is reviewed before learning whether it is rejected. Generally this occurs within 24 hours of filing, but for less critical documents, or those requiring a review by a judge, it may take longer. For the direct filing option, the filer has an initial indication of filing being accepted, but may receive a rejection one or two court days later. There is no reason for the rate of rejection to be any different based on the approach, so there is no clear advantage to either approach.

Although many documents offered for filing require review before filing, others do not. These documents do not trigger activity by the court staff (for example, the need to calendar a requested hearing), and generally do not involve filing fees. The types of filings that are amenable to 'no review needed' filing include case management statements, some types of notices (such as notice of entry of judgment or dismissal), proofs of service, mandatory settlement conference statements, declarations, opposition, replies, memorandum of points and authorities, etc. If sufficient detail about the nature of a filing is included in the e-filing package, the e-filing system can be programmed to file stamp these documents, add to the docket, and file in the document management system without clerk review, thereby saving additional clerk's office resources.

DOCUMENT REVIEW PROCESS

In the paper world, documents arrive at the courthouse either by delivery at the filing window or delivery by the Post Office or other delivery service. In order to expedite getting documents to courtrooms for a pending hearing, procedures have to be set up to identify time critical documents and route them as needed. For documents delivered by the Post Office or a delivery service, clerk staff must look at every document and assess the need for expedited or special handling. Once sorted, the documents are delivered to clerks for processing. At the filing window, the clerks look at documents to identify the need for expedited or special handling.

The pilot project decided to automate this process, to the extent possible, to skip the step of someone screening every document before processing could begin. The business practice chosen was to have the filer identify the documents being filed in a way that allowed the e-filing system to automatically queue the documents for processing based on the urgency or special handling needs of that type of document. Because it is automated, it was possible to develop very fine grained sorting of documents for processing. However, the weak point in the process was that it relied on the filer to properly identify a document when filing it. If the filer misidentified a document, it could adversely affect the processing priority. For example, if a filer identified a document as a "Motion for Discovery", with a hearing date 60 days away, instead of identifying it as "Opposition to Discovery", where the hearing might only be a few days away, the document might not be processed in time for adequate review by the court prior to the hearing. As problems with this became apparent, the EFSPs and filers were informed of the need to be as specific as possible in identifying the document when filing (a "pick list" is used). In addition, there is a box in the e-filing process wherein a filer can indicate the need for special or urgent processing. Although the problem still occurs, the frequency has diminished substantially.

The nature of the review process and the choice to review documents before filing highlights the significance of the review time. In the paper world, someone who filed a document at the counter knew immediately if the document was accepted, or, if not, what the reason for rejection was. If the document was mailed or delivered by a service, there was no particular expectation about how soon the document would be reviewed. However, with e-filing, the instantaneous filing of the document created an expectation of instantaneous review. Since the arrival of documents is not evenly spread across the day, and the review time varies with the nature of the document (does it have a fee? does it relate to a hearing in the next week?, etc.), it would be fiscally inefficient to always have sufficient staff at any point

in time to provide instant review no matter how many cases were e-filed in a given time period. Moreover, instant review would be a far higher service level than was provided in the paper world, as a document mailed might take a few days to arrive at the courthouse (especially if a weekend or court holiday occurred after mailing) and not necessarily be processed the day it arrived. As noted below, filers are generally satisfied with review times. For the first six months of 2014, the Court was able to review 65% of documents within 24 hours of receipt of the filing. However, the severe funding reductions experienced by the court have made it difficult to provide faster review times, even though the review times were already faster than existed in the paper world.

One of the significant advantages of the review process adopted and the relatively quick review cycle is that the court does not require filers to provide courtesy copies of documents to judges on a routine basis. Courtesy copies are required for in limine motions and other activity immediately preceding trial (see Local Rule 317) and, at the request of some judges, for very long documents or attachments, particularly in complex cases.

IMPACT AND COST-EFFECTIVENESS FOR THE COURT

DIRECT COST SAVINGS TO THE COURT

The pilot project contemplated mandatory filing of both limited and unlimited civil cases. In order to project the potential impact of e-filing, staffing studies were made of the typical amount of time required to accept, review, data enter, scan, and accept fees with paper documents. The following table provides the average time spent for five categories of activities associated with the filing of documents. Not every document required each activity, for example, if there were no fee associated with a document, no time would be spent cashiering.

ESTIMATED TIME SAVINGS FROM E-FILING

Activity	Average Savings in minutes, per document	
	Unlimited Civil	Limited Civil
Data entry into case management system	2	2
Imaging Document	0.5	0.5
Adding Parties*	1.5	0.5
Cashiering*	0.5	0.5
Checking Hearing Date*	0.5	0.5

* Not needed in every case.

Multiplying the savings per activity in the above table by the estimated number of documents requiring each activity was used to generate an estimate of the staff savings from e-filing. Based on the number of documents then currently being filed and the typical distribution of activities for these documents, the estimates of staff savings ranged from 20 staff at 75% e-filing to 26 staff at 100% e-filing. Since 100% compliance was not possible (for example, because of exemptions from the e-filing requirement) the higher number represented a high estimate of savings. The actual savings were at least as great as estimated. Because new filing review was spread across several units and courthouses, it is not possible to identify the savings attributable only to e-filing. However, the overall staffing level for processing civil cases clearly shows substantial savings. The following chart compares the number of staff for processing civil work in 2011, before the start of mandatory e-filing, but after e-filing was required in some case types, to current staffing levels in 2014. "Back-office" work included processing mail delivered filings as well as other activities.

CHANGE IN STAFFING LEVELS FOR CIVIL CASE PROCESSING

ACTIVITY	2011	2014	CHANGE	PERCENTAGE CHANGE
Counter	33	8	-25	-76%
e-filing	5	33.5	+28.5	+570%
Back-office	63.5	23	-35.5	-56%
TOTAL	103.5	64.5	-39	-38%

The Estimated Time Savings table above only captured activities directly associated with the review, acceptance, and scanning of a document. There were savings in other areas as well. When sacks of mail were delivered by the Post Office, the mail needed to be opened, documents needed to be sorted according to the priority of processing (for example, papers associated with pending motions were processed ahead of others), checks needed to be accounted for, and documents needed to be physically moved to desks where they would be processed. When there were still paper files for cases, there was also the need to locate the file, insert the newly filed documents, and reshelve the file. If the document was going to be scanned, there was a need to prep the document for scanning, including adding bookmarks, and verifying the scanned images. All of these activities disappeared when e-filing was implemented.

A few other changes were also implemented during this same time period, for example, improved work flows for the review process and allowing parties to select motion dates on the internet rather than over the phone, but the great bulk of the reduction in staff was attributable to e-filing.

OTHER BENEFITS TO THE OPERATION OF THE CLERK OF COURT OPERATIONS

In addition to direct cost savings, there are other significant benefits in the document filing function of the Clerk of Court operations realized from e-filing. Benefits include improved quality assurance in the filing process and greater management flexibility in staffing filing activities. In part, the benefits arise because electronic documents can be viewed from any location, whereas with paper documents reviewing staff must be located where the physical documents are located, or staff need to move documents to where reviewing staff are located. Additional benefits arise because, being electronic, it is possible to monitor the volume, flow, timing, and accuracy of actions taken regarding documents with a detail that is not feasible with paper documents. More specifically, operational benefits include:

- Increased consistency of filing review practices across all courthouses and increased procedural fairness, since fewer people are needed for review and it is easier to monitor review activities.
- Review activities can be centralized, allowing better oversight and reduced need for supervision.
- Review activities can be specialized. For example, a court may be required in a paper world to have a clerk in every court location where filings are accepted that knows the nuances of unlawful detainer (UD) filings. With e-filing, a single clerk can handle all UD filings for the entire county. Such specialization will likely reduce overall turnaround time and improve accuracy and consistency of filing review.
- Remote processing of documents (from any location) is possible, allowing for greater flexibility in managing staff and workload.
- Verification of basic case information by the e-filing system prior to a filing being accepted eliminates documents being misfiled because of errors in case information provided by the filer.

- The case management system allows for a detailed oversight of the document review processes, including audits of staff work, thereby allowing management to more easily identify and work with staff to correct any quality assurance concerns.
- Document rejections have been reduced, thereby avoiding resubmission of filings.

BENEFITS TO OTHER ASPECTS OF COURT OPERATIONS

E-filing has impacts on other aspects of court operations. Since there is no longer a need for anyone to bring paper documents to the courthouse, there are fewer people physically entering the courthouse. Fewer people entering the court house means fewer resources are needed to provide security screening, and lines are shorter at screening entry points. It also means less wear and tear on courthouse facilities, especially older courthouses. No more paper filing also significantly reduces postal and other messenger service deliveries to the courthouse. Fewer trips to the courthouse also mean fewer people driving to the courthouse, reducing traffic and parking congestion – a benefit to community as well as the court.

OTHER IMPACTS ON COURT OPERATIONS

The change to electronic filings has other impacts which have beneficial aspects as well as changes that require some adjustments. For example, the nature of the review process for documents changed. Before, clerks who reviewed documents offered for filing at the window needed to have people skills, as well as knowledge of filing laws and policies and cashiering. With electronic filing, there is little human contact with filers, and much more sitting in front of a computer screen reviewing documents. This change in work practices shifts the skill set and training needed for document reviewers. Some staff who preferred interacting with people, who were uncomfortable working at a computer, or were uncomfortable with an all electronic record, were moved to other positions involving more contact with people or less computer time.

Another benefit is that e-filing allows clerk's office staff to work an alternative schedule. Prior to e-filing, clerk's office staff typically worked from 8:00 a.m. to 5:00 p.m. Offering alternative shifts increased morale, as the flexibility allowed staff to avoid rush hour traffic, better utilize public transportation, reduce child care cost, and increase availability to take care of elderly relatives and/or continue their education. The variety of shifts also provides better support for the judges, as staff come in at 6:00 a.m. and are able to process urgent last minute filings, for example, filings received after 5 p.m. the previous day.

Reduction in public contact at the counter also allows operations to increase joint team meetings, releasing staff for classes that enhance career development, and hold group training sessions, all of which contribute to increased procedural fairness and accuracy.

EXPERIENCES OF REPRESENTED PARTIES

The primary source for information about the e-filing experiences in cases in which the party was represented by an attorney was an online survey. The survey was completed by an attorney in 41% of those returned. The remainder of the surveys were completed by a legal assistant or paralegal. Respondents were asked about their e-filing practices since January 1, 2013, when the pilot project began. Specifically, they were asked about the frequency of e-filing. About 38% of the respondents had filed 10 or fewer times at the time they completed the survey. Almost 62% had e-filed more than 10 times, with 21% had e-filed more than 50 times.

As mentioned in the introduction of this report, the court had e-filing capability for a number of years prior to mandating it in all civil cases, thus many attorneys were already accustomed to e-filing. In fact, during 2012, the year prior to mandated e-filing, roughly one-third of new unlimited civil cases were initiated via e-filing, excluding complex civil cases where e-filing was already mandatory. By November 2012, over half of all documents filed in unlimited civil cases were being e-filed.

OVERALL EXPERIENCE

To capture a single overall measure of the e-filing experience, attorneys were asked how their actual experiences with the e-filing process matched up with their expectations. The results were largely positive with almost 60% of the respondents reporting that e-filing either met or exceeded expectations. Another 26% indicated the experience was about the same as expected. The remaining said the experience was worse (14%) or much worse (under 4%) than expected.

GENERAL BENEFITS

One survey question asked: *“From your perspective, which of the following items do you see as benefits of e-filing?”* Multiple responses were allowed as the question asked to select all that applied. The responses are indicated in the following table, ranked from greatest to least beneficial. Represented parties found e-filing to be more convenient on a number of dimensions. Almost three-quarters found e-filing more convenient and over half found it to take less time. Two-thirds found the ability to file after-hours to be a benefit. Note that it cannot be inferred from these percentages the level of dissatisfaction, discussed below. For example, 74% found e-filing to be more convenient generally. The remaining 25% found that e-filing was either just convenient, less convenient, or had no opinion.

BENEFITS OF E-FILING FOR REPRESENTED PARTIES

<u>Benefits of e-filing</u>	<u>Response Percent</u>
e-filing is more convenient	74%
e-filing allows late night filing	66%
e-filing is less time-consuming	53%
e-filed documents are received more quickly	53%
e-filed documents are processed more quickly	44%

e-filed documents are available online sooner	37%
e-filing is less expensive	34%
e-filed documents are rejected less frequently	14%

Number of responses: 975

COST OF E-FILING

Comparing the cost of e-filing with the cost of physically delivering a document to the courthouse for filing is not as simple as it seems. Partly it depends on the means of physical delivery. If a document was mailed to the court, someone’s time was required to print out the documents and make copies, assemble the mailing, determine and include applicable filing fees, attach proper postage, and put it in the mail. To physically file a document at the courthouse, someone (either the lawyer, a law firm staff person, or the delivery service) has to drive or use public transit to get to the courthouse during hours it was open, go through security screening, wait in line at the filing window, and, possibly, pay for parking when finished. This consumes a finite amount of someone’s time and involves actual costs, for example, parking and the cost of gas. For comparison, the added costs for e-filing are the time required to enter data, to upload the document, and the EFSP fee.

As the table above indicates, only about 34% of respondents indicated the cost of e-filing was lower. However, another survey question asked: *“Is the vendor fee for e-filing more or less than what you would have spent taking the documents to the courthouse in person? (e.g., travel cost, parking fees, time from work, etc.)”* In response to the more specific question, 55% of the respondents said that e-filing was somewhat less or much less expensive. An additional 12% of respondents said that e-filing cost was about the same as the cost of paper filing. Approximately 27% answered it was more expensive and 7% were not sure of the comparative cost.

METHOD OF PAYMENT OF FILING FEES

Several forms of payment were accepted to pay filing fees, from cash to credit card to electronic exchange of funds (ACH). Some EFSPs ‘fronted’ the fees and billed the party and some represented parties also had fee waivers. When setting up an account with an EFSP, a filer indicates which form of payment they will use. The survey indicates that the majority of represented parties, 78%, used a credit card to pay fees for at least one filing. The next most common form of payment was payment by the EFSP, who then billed the party (20%). The balance was by ACH (6%), cash (1%), and fee waivers (4%).

TIME REQUIRED TO SUBMIT AN E-FILING

Another impact was the amount of time required to complete and submit a document. This was of special interest since filers must now enter data about the case and document before e-filing, whereas there was no data entry with paper filing. Despite the extra work, nearly 80% of respondents reported e-filing to be at least as fast as paper filing, with 59% stating that e-filing was less time consuming, and another 18% indicating e-filing takes about the same amount of time. Only 20% indicated e-filing was more time-consuming than paper filing.

Some respondents complained about the new burden of data entry required for e-filing. The complaints were about the amount of time required, a comment that they were doing the work the clerk had previously done, or that it was sometimes difficult to find the document category from the pick list. The data entry time concerns have been partially addressed by pre-populating data based on the attorney and case number. While selecting the correct document type can take time, the resulting benefit was that the code was used to queue arriving documents, allowing Court staff to more promptly review documents with deadlines or other urgency, thereby avoiding the need for courtesy copies.

SPEED OF CONFIRMATION OF FILING

One of the survey questions asked how satisfied the respondent was with the speed at which an e-filing was accepted, measured from submission of the document to confirmation of filing. Over 68% of the respondents were satisfied or very satisfied. Another 17% were neutral. Less than 15% indicated they were dissatisfied or very dissatisfied. Generally, comments about dissatisfaction with speed of confirmation were associated with concerns about filings near the statute of limitations or a deadline, or apparent inconsistencies in how fast confirmation of filing was received.

REJECTION OF DOCUMENTS

As one of the concerns expressed about e-filing was rejected documents, there were specific questions for represented parties about this. Difficulties using the new e-filing portal could result in an increase in rejected filings. The survey included items asking if the respondent had filings rejected since mandatory e-filing began, how many filings were rejected, and the level of satisfaction with the reasons provided for rejections. An additional question asked how the rate of e-filing rejections compares to the rate with paper filings.

It was not unusual for filings to be rejected. Approximately 56% of the respondents indicated they had at least one filing rejected since the start of mandatory e-filing. When asked if they had a paper filing rejected prior to January 1st, a nearly identical percentage, 57%, indicated they had at least one paper filing rejected. Since the time frame for the e-filing survey was much shorter (between January 1, 2013 and the close of the survey on July 18th, 2013) than the experience with paper filing, it's possible that the rates of rejection were not strictly comparable. On the other hand, it is likely that there will be fewer rejections with e-filing as users become more familiar with the procedures, so the long term rejections rate could be lower.

A separate question asked litigants to estimate which filing method resulted in more rejections. Two-thirds indicated there was no difference in the frequency of rejections between e-filing and paper filing. While 17% responded that e-filing had more rejections, 16% responded that e-filing had fewer rejections. Based on these survey responses, it appears that when filers become accustomed to the electronic environment, they are able to complete and submit their documents completely and accurately without any increase in rejections.

REASONS FOR REJECTION

Previously, when a paper filing was rejected by a clerk at the counter, the filer would often have the benefit of an immediate explanation for the rejection and would have the opportunity for further clarification. With e-filing and with paper filings mailed or delivered by someone other than the law firms, this person-to-person interaction was lost and the reasons for rejection were returned in writing. An incomplete or unclear explanation can lead to confusion or further rejections.

Respondents were asked to rate their level of satisfaction with the reasons provided by the court for rejected documents, with options ranging from “Very satisfied” to “Very dissatisfied”. The majority of attorneys (57%) reported being “Satisfied” or “Very satisfied” with the reasons provided for rejected documents. Only 14% of attorneys were “Dissatisfied” and 7% reported being “Very dissatisfied”. The balance was neither satisfied nor dissatisfied.

In response to open-ended questions litigants indicated that, in some instances, the reasons for rejection were not always comprehensive, that is, covering all errors in the document. When litigants corrected the document based on the reason provided by the court, the documents were sometimes rejected again for a different reason. Based on these survey results, court clerks have been instructed to review the entire document and identify all items that will result in a rejection.

One possible basis for rejection in e-filing, but not in the paper world, is the size of the data file. While the e-filing limit (35 megabytes per document or 60 megabytes per transaction) far exceeds the size of typical civil documents, some very large documents, such as those occasionally filed in complex civil or those that were scanned, as opposed to converted word processor files, can exceed the limit. The size limit is estimated to allow a 2,300 page document converted from Word to PDF. However, a *scanned* document exceeds the limit at roughly 200 pages. Survey results indicate that file size limit was a relatively infrequent issue with represented party filers; just 10% indicating they encountered a problem submitting oversized documents. While oversized documents were uncommon, attorneys indicated that it was often difficult to resolve. For the few filers who had documents rejected because of size, 26% indicated that it was “Difficult” or “Very difficult” to submit oversized documents, but 13% stated it was easy or very easy to resolve. Reported resolutions to file size limitations include breaking the file into several smaller documents, using software to compress the file, requesting the EFSP to submit the filing, removing exhibits, and arranging for an attorney service to hand deliver the document.

EXPERIENCES OF SELF-REPRESENTED LITIGANTS AND PARTIES WITH FEE WAIVERS

As their experiences and survey responses were different, each category of party is discussed separately below.

SELF-REPRESENTED LITIGANTS (SRL)

The court conducted a survey of SRLs who had e-filed documents approximately three months after e-filing became mandatory. If the SRL had provided an email address as part of the e-filing process, an email was sent with a link to an electronic version of the survey. A paper version (in English, Spanish, and Vietnamese) was also made available at the court’s Self-Help Centers where many self-represented litigants obtained assistance. Invitations to complete the survey were sent electronically to 2,100 SRLs. A total of 303 SRLs completed the survey.

When looking at the survey responses as a whole, e-filing does not appear to present difficulties to SRLs. Most have access to a computer with internet access; only 5% had difficulty finding a computer. The costs associated with e-filing also do not appear to reduce access to justice, as the majority believed the e-filing was actually less expensive than filing by paper at the courthouse. While a relatively small group of SRLs indicated that costs discouraged them from filing, it was not certain that these concerns were necessarily associated to e-filing costs specifically, that is, vendor fees, or costs related to filing fees in general. Moreover, two-thirds of SRLs were aware of the fee waiver option, but only a small percentage (5%) actually applied, despite it being considered “Not difficult” to do so.

Benefits of E-filing Generally

One survey question asked: “From your perspective, which of the following items do you see as benefits of e-filing?” Multiple responses were allowed as the question asked to select all that apply. The responses are indicated in the following table, ranked from greatest to least beneficial. Clearly, SRLs found e-filing to be more convenient on a number of dimensions. On other dimensions, which were more outside their control or knowledge, they did not report as strong a benefit, for example, how fast documents were processed or copies were received by them. Note that it cannot be inferred from these percentages the level of dissatisfaction. For example, 75% of SRLs found e-filing to be more convenient. The remaining 25% found that e-filing was either just convenient, less convenient, or had no opinion.

BENEFITS OF E-FILING FOR SELF-REPRESENTED PARTIES

<u>Benefits of e-filing</u>	<u>Response Percent</u>
e-filing is more convenient	75%
e-filing is less time-consuming	51%
e-filing allows late night filing	50%
e-filed documents are received more quickly	40%

e-filed documents are processed more quickly	34%
e-filed documents are available online sooner	25%
e-filing is less expensive	19%
e-filed documents are rejected less frequently	8%

Number of responses: 288

The survey also included an open-ended question that allowed respondents an opportunity to describe any issues they may have had with their e-filing experience thus far. The open-ended responses were categorized by type of complaint. As some comments discussed more than one issue, some comments were assigned into multiple categories. About 12% of survey respondents gave a response to the open-ended question about difficulties. The three highest frequency complaints were: 1) process was too complicated, 2) service was too expensive, and 3) document submission took too long. None of the open-ended responses covered new issues not already brought up in other survey questions.

Cost of E-filing

Comparing the cost of e-filing with the cost of physically delivering a document to the courthouse for filing is not as simple as it seems. Partly it depends on the means of physical delivery. If a document was mailed to the court, someone’s time was required to print out the documents and make copies, assemble the mailing, determine and include applicable filing fees, attach proper postage, and put it in the mail. To physically file a document at the courthouse, someone had to drive or use public transit to get to the courthouse when it was open, go through security screening, wait in line at the filing window, and, possibly, pay for parking when finished. This consumed a finite amount of someone’s time, possibly including taking time off from work, and actual costs, for example, the cost of gas and parking. By comparison, the added costs for e-filing were the time required to enter data and upload the document and the EFSP fee.

As the table above indicated, 19% of SRLs indicated the lower cost of e-filing was a benefit. Another survey question asked more specifically: “*Is the vendor fee for e-filing more or less than what you would have spent taking the documents to the courthouse in person? (e.g., travel cost, parking fees, time from work, etc.)*” The table below indicates the responses. Of those who had an opinion, a greater proportion thought that e-filing was less expensive than physical delivery. However, a third were not sure of the comparative cost. Excluding the “Not sure” responses, over half (52%) of the responses indicated e-filing was less expensive.

COMPARATIVE COST OF FILING METHODS

<u>Cost of e-filing compared to cost of physical delivery</u>	<u>Response Percent</u>
More	24%
Less	34%
Not sure	34%
No difference	8%

Number of responses: 284

Method of Payment of filing fees

Several forms of payment were accepted to pay any fees, from cash to credit card to electronic exchange of funds (ACH). In addition, some SRLs had fee waivers. When setting up an account with an EFSP, a filer indicated which form of payment they would use. The survey indicated that the vast majority of SRLs, over 90%, used a credit card to pay fees for at least one filing. The next most common form of payment was ACH, at 5%, and about 1% paid in cash. Nine percent of SRLs had fee waivers.

Speed of Confirmation of Filing

One of the survey questions asked how satisfied the SRL filer was with the speed at which an e-filing was accepted, measured from submission of the document to confirmation of filing. Over 68% of the respondents were satisfied or very satisfied and. Another 11% were neutral. Less than 20% indicated they were dissatisfied or very dissatisfied.

Difficulties Using E-filing

During the first few months of mandatory e-filing, users reported a number of problems with e-filing. In order to capture the extent of these problems, one of the survey questions listed the problems and asked whether the respondent had experienced any of them. Almost half of the respondents had not experienced any of the problems listed. The following table lists the problems reported, and the frequency of SRLs experiencing them. The most common problem reported was rejection of a filing. Because paper documents offered for filing were also rejected, it was difficult to determine whether this percentage was higher or lower than would be the case with paper documents.

The next most common problem reported related to receiving confirmation of the filing. Since the process established was to have confirmations go from the court back to the EFSP that would, in turn, notify the filer, this seems to be an issue of communication and establishing expectations. Filers need to know their documents were filed, suggesting more effort needs to be devoted to make sure they know where to look for confirmation.

PROBLEMS EXPERIENCED WITH E-FILING

<u>Nature of Problem</u>	<u>Response Percent</u>
I've experienced none of the problems listed	50%
Filings were rejected	27%
Receiving a confirmation that my filing was received	17%
Problems with payment process to complete your transaction	6%
Finding a suitable e-filing service provider	5%
Difficulty accessing a computer with internet	4%
Submitting documents by deadlines	4%
Submitting a fee waiver	3%
Other (please explain)	22%

Number of responses: 282

Dissatisfaction with E-filing

A critical problem with e-filing would be if it further discouraged litigants from filing. SRLs were often already discouraged from filing by the variety of forms and procedures they were unfamiliar with, lack of knowledge about the law, and uncertainty about where to obtain help. To measure the potential extent of this problem, SRLs were asked if the requirement to e-file had ever discouraged them from e-filing. Approximately 24% indicated that they had been discouraged, even though they had all e-filed at least once.

If they indicated they had been discouraged, they were asked the reason. The following table indicates the share of SRLs citing each of the multiple choice reasons proposed. Note that they were able to check more than one reason. Percentages are given both for the proportion of those indicating they were discouraged, and the proportion of all respondents to the question of whether they were ever discouraged. Thus, almost 20% of discouraged respondents indicated problems with accessing a computer with internet connection, but these respondents represented less than 5% of all respondents (consistent with the figure in the preceding table). Many of the issues cited can be dealt with by the court providing more information or simplifying business practices.

REASONS FOR BEING DISCOURAGED FROM E-FILING

<u>Reason For Being Discouraged</u>	<u>Percent of Those Discouraged</u>	<u>Percent of All Respondents</u>
Unclear or confusing process	63%	16%
Cost	36%	9%
Problems with payment process to complete transaction	23%	6%
Difficulty accessing a computer with internet	19%	5%
Selecting an e-filing service provider	18%	5%
Other	49%	13%

Number of discouraged respondents: 73; total number of all respondents: 285

Difficulty Accessing an Internet-Connected Computer

E-filing requires access to and the ability to use a computer with an internet connection to complete the e-filing process. Responses to questions regarding access to computers suggested that nearly all SRLs have access to a computer with internet, as only a small percentage indicated computer access problems. This finding was further supported by two additional survey questions. One item specifically asked how difficult it was to find a computer with internet access. In answering this question more than three-quarters responded that finding an internet-connected computer was “Very easy” or that they “Already have a computer with access”. Only 14 respondents, 5%, indicated that locating a computer was “Difficult” or “Very Difficult”. These respondents indicated that they eventually filed from a family or friend’s home (4 respondents), a Self-Help Center (3 respondents), a business center that charges for access (3 respondents), a free public location (e.g., library, community center) (2 respondents), or some other location (2 respondents).

Difficulty Choosing an E-filing Provider

One of the reasons the multiple EFSP business model was chosen was to provide options to filers and to use market competition to keep vendor fees reasonable. However, there was the possibility that too many choices may confuse customers, for example, when trying to compare the benefits of one EFSP versus another. Nearly 38% of SRLs reported that they don't know which EFSP service they used when e-filing, as opposed to 7% for the attorneys. Yet, when asked directly to select any issues that impeded their e-filing experience, only 5% of the SRL respondents reported 'finding a suitable e-filing vendor' as one of the issues. This may suggest that the EFSPs, and their particular value added services, were not especially memorable or important for SRLs, outside of the basic function of being able to file with the court.

PARTIES WITH FEE WAIVERS AND HARDSHIP EXEMPTIONS

Fee Waivers

When a filer has obtained a fee waiver from the court, the court had requested and the EFSPs had agreed to waive all fees related to the filing, including the EFSP's fees, whether the fee is an e-filing fee, a convenience fee based on the method of payment, or any other fee.

Litigants can apply for a fee waiver of e-filing vendor fees as well as court filing fees. Survey results showed that two-thirds of SRL respondents were aware that they could apply for a fee waiver. While a majority of litigants were aware of the option, only 16% of respondents actually applied for a fee waiver, suggesting that fees were not an obstacle for the vast majority of SRLs. Further, the application process for a fee waiver did not appear to present problems for a majority of applicants. Based on the survey results, only 16% of applicants described the application process as "Difficult" or "Very difficult", while 49% indicated that it was "Easy" or "Very easy". If "neutral" responses were included as not having a particular issue with the waiver application process, then 84% felt that applying for a fee waiver was not difficult. Of those who applied for a waiver, 81% did receive the waiver.

Hardship Exemptions

Amendments to the California Rules of Court (CRC) in response to the AB2073 amendments to CCP 1010.6 provided that self-represented parties are exempt from e-filing requirements (CRC, Rule 2.253(b)(2)). It also required e-filing courts to adopt a procedure whereby parties can request to be excused from e-filing requirements upon a showing of "undue hardship or significant prejudice" (CRC, Rule 2.253(b)(4)). These amendments became effective on July 1, 2013, six months after the court began mandatory e-filing and three months after the survey of users. Prior to the amendments to the Rules of Court, the court's local rules already provided for a request for exemption based on hardship.

Based on survey responses, knowledge of hardship exemptions by SRLs was not as extensive as knowledge of fee waivers, but a significant portion of respondents, 41% indicated that they were aware of the option. As discussed above, the survey responses indicated that mandatory e-filing does not present much of a hardship. Overall, very few, 5%, of the survey respondents actually applied for a

hardship exemption. When looking only at those respondents who indicated that they were aware of the hardship exemption, only 10% responded that they had applied for a waiver. The waivers were granted to over 60% of those who applied. The reason why a waiver was not granted is not known, but it may have been due to the application being incomplete or filled out incorrectly, as well as the court ruling that the applicant was not eligible. In any event, hardship exemptions were not present in very many cases and, more likely than not, were granted when requested.

Instructions for Review and Action by Circulating Order

Voting members

- Please indicate your **vote, sign, and return by 5pm, September 29, 2014**, if possible by one of these methods:
 1. Fax the signature pages to the attention of Judicial Council Support, Leadership Services Division at 415-865-4391
 2. Reply to the e-mail message with “I approve,” “I disapprove,” or “I abstain.”
- If you are unable to reply by September 29, 2014, please do so as soon as possible thereafter.
- Additionally, **return the original** signature page to the Judicial Council Support, Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California, 94102-3688. **Please keep a copy for your records.**

Advisory members

The circulating order is being faxed to you for your information only. There is no need to sign or return any documents.

CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages

Effective immediately, the Judicial Council approves for submission to the Legislation the *Report on the Superior Court of Orange County's Mandatory E-Filing Pilot Project* and directs Judicial Council staff to transmit the report to the Legislature.

My vote is as follows:

Approve Disapprove Abstain

Tani G. Cantil-Sakauye, Chair

Marla O. Anderson

/s/
Judith Ashmann-Gerst

/s/
Brian John Back

/s/
Marvin R. Baxter

Richard Bloom

Mark G. Bonino

/s/
James R. Brandlin

/s/
David De Alba

Emilie H. Elias

Noreen Evans

/s/
James P. Fox

/s/
Harry E. Hull, Jr.

/s/
Donna D'Angelo Melby

My vote is as follows:

Approve Disapprove Abstain

/s/
Douglas P. Miller

Gary Nadler

/s/
Debra Elaine Pole

/s/
David Rosenberg

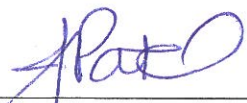
David M. Rubin

/s/
Dean T. Stout

Martin J. Tangeman

Date: September 30, 2014

Attest:



Chief of Staff