



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

March 10, 2022

10:00 A.M. to 1:00 P.M.

Judicial Council Office, San Francisco/Videoconference

Advisory Body Members Present: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Hon. Carin T. Fujisaki, Mr. Kevin Harrigan (videoconference), Hon. Dalila C. Lyons, Hon. Ann C. Moorman, Ms. Gretchen Nelson, Hon. David M. Rubin, and Hon. Theodore C. Zayner

Advisory Body Leadership Present: Hon. Abby Abinanti, Hon. Kevin C. Brazile, Hon. Lawrence G. Brown, Hon. Donald C. Byrd, Hon. Terry B. Friedman (Ret.), Hon. Kimberly A. Gaab, Hon. William F. Highberger, Hon. Brad R. Hill, Hon. Joyce D. Hinrichs, Hon. Luis A. Lavin, Hon. Brian L. McCabe, Hon. Paul M. Marigonda, and Hon. Charlene F. Olmedo

Staff Present: Ms. Deanna Adams, Mr. Cliff Alumno, Ms. Karene Alvarado, Mr. Nicholas Armstrong, Ms. Amber Barnett, Ms. Francine Byrne, Ms. Roma Cheadle, Ms. Shelley Curran, Mr. Douglas Denton, Mr. Edward Ellestad, Ms. Ann Gilmour, Ms. Lisa Gotch, Ms. Kristin Greenaway, Ms. Bonnie Rose Hough, Mr. Chris Magnusson, Ms. Catherine Ongiri, Mr. Robert Oyung, Mr. Grant Parks, Ms. Laura Speed, Mr. Jagan Singh, Ms. Elizabeth Tam, Ms. Millicent Tidwell, Mr. Steven G. Warner, Mr. John Wordlaw, Ms. Josely Yangco-Fronda, and Ms. Carrie Zoller

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:00 a.m., and Ms. Yangco-Fronda took roll call.

Approval of Minutes

The committee reviewed the following draft minutes:

- February 8, 2022, videoconference; and
- March 3, 2022, action by email.

Action: *The committee unanimously approved the minutes listed above.*

DISCUSSION AND ACTION ITEM

Item 1

2022 Advisory Body Annual Agendas (Action Required)

The committee reviewed the following draft annual agendas with advisory body chairs and staff in the order listed:

- Advisory Committee on Audits and Financial Accountability for the Judicial Branch
- Advisory Committee on Providing Access and Fairness
- Center for Judicial Education and Research Advisory Committee
- Collaborative Justice Courts Advisory Committee
- Court Facilities Advisory Committee
- Court Interpreters Advisory Panel
- Court Security Advisory Committee
- Sargent Shriver Civil Counsel Act Implementation Committee
- Trial Court Facility Modification Advisory Committee
- Tribal Court-State Court Forum
- Workload Assessment Advisory Committee

Action: *The committee unanimously approved the 2022 advisory body annual agendas listed above.*

Item 2

Subordinate Judicial Officer Conversion: Superior Court of Kings County (Action Required)

The committee reviewed a recommendation from the Office of Court Research staff to confirm a request by the Superior Court of Kings County for a fractional increase in the workload of a part-time subordinate judicial officer position to a 1.0 full-time equivalency (FTE).

Action: *The committee unanimously approved the recommendation to confirm the court's request for a fractional increase in the workload of a part-time subordinate judicial officer position to a 1.0 full-time equivalency (FTE).*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:19 p.m.

Approved by the advisory body on _____.



Judicial Council of California

Agenda Judicial Council

Please visit
courts website at
www.courts.ca.gov to
view May Judicial
Council meeting
materials

Meeting materials are
available through the
hyperlinks in this
document.

Tuesday, May 10, 2022

Action by E-mail: Circulating Order

Approval of Minutes

[22-108](#) Minutes of March 11, 2022, Judicial Council Meeting

CONSENT AGENDA

[22-101](#) **Child Support | AB 1058 Child Support Commissioner and Family Law Facilitator Program Funding for Fiscal Year 2022-23 (Action Required)**

Summary: The Judicial Branch Budget Committee (JBBC) recommends approval of the Trial Court Budget Advisory Committee (TCBAC) recommendation that the Judicial Council allocate funding for the Child Support Commissioner and Family Law Facilitator Program for fiscal year 2022-23. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council.

[22-032](#) **Jury Instructions | Civil Jury Instructions (Release 41) (Action Required)**

Summary: The Advisory Committee on Civil Jury Instructions recommends approval of new and revised civil jury instructions prepared by the committee. These changes bring the instructions up to date with developments in the law over the previous six months. Upon Judicial Council approval, the instructions will be published in the official May supplement to the 2022 edition of the *Judicial Council of California Civil Jury Instruction*.

[22-102](#)**Report to the Legislature | Review of the Statewide Uniform Child Support Guideline 2021 (Action Required)****Summary:**

The Legislation Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council approve the report entitled *Review of Statewide Uniform Child Support Guideline 2021*, including its recommendations, and direct staff to forward the report to the Legislature. The review of California's statewide uniform child support guideline is legislatively mandated by state and federal law. Family Code section 4054 states that any recommendations for revision to the guideline must be made to ensure that the guideline results in appropriate child support orders, limits deviations from the guideline, or otherwise helps to ensure that the guideline is in compliance with federal law. The review provides a basis for the Legislature to periodically reassess California's child support guideline and evaluate its impact on children and families.

[22-095](#)**Rules and Forms | Criminal Procedure: Mental Competency Proceedings (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amendments to California Rules of Court, rule 4.130, to reflect statutory changes to Penal Code section 1370 and new Welfare and Institutions Code section 4335.2 authorizing the Department of State Hospitals to conduct a reevaluation of a defendant found to be incompetent to stand trial in specified circumstances, and statutory changes to Penal Code section 1370.01 regarding defendants found incompetent to stand trial in a misdemeanor criminal proceeding.

[22-100](#)**Rules and Forms | Enforcement of Judgment Form Implementing Assembly Bill 1580 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revising *Application and Order for Appearance and Examination* (form AT-138/EJ-125) to implement statutory changes in Assembly Bill 1580 (Stats. 2021, ch. 30). The statutory amendment requires additional information for organizations on orders to appear for examination. The proposal incorporates the new required statements and suggestions from commenters on the council's existing form

[22-002](#)**Rules and Forms | Family Law: Changes to Child Custody Evaluation Rule and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising four forms relating to child custody evaluations and reports. The revisions are needed to clarify the differences in the statutory requirements for child custody evaluations that are conducted under Family Code section 3111 and Family Code section 3118. The committee recommends other technical changes to make the language in the rule and forms consistent with each other.

[22-105](#)**Rules and Forms | Juvenile Law: Nonminor Dependents (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending three rules and adopting two forms to implement recent statutory changes that authorize placing agencies to petition the court on behalf of nonminor dependents who were ineligible for federal funding as children to terminate the nonminors from juvenile dependency or transitional jurisdiction, and immediately reenter them to allow a new federal eligibility determination to be undertaken so that federal matching funds can be accessed to cover the costs of their cases.

[22-035](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)****Summary:**

Judicial Council staff have noted a minor error in *Memorandum of Garnishee* (form AT-167/EJ-152), in which a party is misidentified in item 2. Judicial Council staff recommends making a correction to that form to avoid causing confusion for court users, clerks, and judicial officers.

[22-099](#)**Rules and Forms | Protective Orders: Civil Harassment Form Adoptions and Revisions, and Rule Amendment****Summary:**

The Civil and Small Claims Advisory Committee recommends amending rule 3.1160 of the California Rules of Court, the adoption, approval, and revision of 11 forms, and the revocation of one form to implement statutory changes in Assembly Bill 1143 (Stats. 2021, ch. 27). The statutory amendment permits courts to allow an alternative method of service for civil harassment restraining order petitions, temporary restraining orders, and notices of hearing upon a showing that the petitioner has been unable to accomplish personal service after a diligent effort, and that there is reason to believe the respondent is evading service or cannot be located. The proposal incorporates this potential alternative service and the required showing into the council's forms and rules of court, and makes other minor changes to civil harassment forms.

22-111

Traffic | Remote Video Proceedings and Related Forms (Action Required)**Summary:**

Placeholder JCAR

[22-083](#)**Trial Court Budget | Court Interpreter Employee Incentive Grant: Grant Award Recommendations (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends grant awards to nine superior courts that applied for grants to implement Senate Bill 170, which amended the Budget Act of 2021 and provides \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant. This grant provides funding for one year of salary and training costs to establish new, full-time court interpreter employee positions. The committee also recommends that a future grant application cycle take place for fiscal year 2022-23, since remaining grant

funding is available until June 30, 2024.

[22-033](#)**Trial Court Budget | Minimum Operating and Emergency Fund Balance Policy (Action Required)****Summary:**

The Judicial Council's suspension of the minimum operating and emergency fund balance policy expires as of June 30, 2022. The minimum operating and emergency fund balance policy, established by the Judicial Council in October 2006, requires trial courts to set aside a percentage of funds for use in emergency situations or when revenue shortages or budgetary imbalances may exist. This policy has been suspended by the Judicial Council since August 31, 2012 due to changes in statute and to provide for the opportunity to seek further statutory amendments. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension of the suspension of the minimum operating and emergency fund balance policy.

[22-027](#)**Trial Court Budget | Funds Held on Behalf of the Trial Courts Reporting Frequency (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends adopting a revision to the current *Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts* policy which requires courts to, on completion of an approved project or planned expenditure, report to the Trial Court Budget Advisory Committee within 90 days on the project or planned expenditure and how the funds were expended.

[22-029](#)**Trial Courts | Trial Court Financial Policies and Procedures Manual (12th ed.) (Action Required)****Summary:**

Judicial Council staff recommends adoption of the Trial Court Financial Policies and Procedures Manual (TCFPPM), twelfth edition. The manual was last updated in 2020. The TCFPPM requires both substantive and non-substantive revisions to maintain clarity and update and improve the existing system of internal fiscal controls in accordance with California Rules of Court, rule 10.804.

[22-026](#)**Trial Courts | Updates to Performance Measures and Benchmarks for Collections Program (Action Required)****Summary:**

The Judicial Branch Budget Committee recommends seven proposed performance metrics for use by the court and county collection programs in compliance with Penal Code section 1463.010 and Government Codes section 68514. Penal Code section 1463.010(c) requires the Judicial Council to develop performance measures and benchmarks "to review the effectiveness of the cooperative superior court and county collections program."

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[22-103](#)**Child Support | Midyear Funding Reallocation for 2021-22****Summary:**

Effective January 17, 2020, the Judicial Council approved the Family and Juvenile Law Advisory Committee's recommendation to combine the previous two AB 1058 midyear funding reallocation processes into one administrative process to maximize program efficiencies. This administrative process for midyear reallocation delegates on-going authority to the Administrative Director on an annual basis. This report details the midyear reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for 2021-22.

[22-098](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 3 of Fiscal Year 2021-22****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the third quarter (January through March) of fiscal year 2021-22. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[22-112](#)**Judicial Branch Administration | Release of Demographic Data on California Justices and Judge****Summary:**

This informational report to the Judicial Council is of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually. In general, findings indicate that the California bench has become more diverse over time.

[22-106](#)**Report to the Legislature | Allocation of Funding in 2021-22 for Federally Funded Dependency Representation Program Shortfall****Summary:**

On or before April 1, 2022, staff for the Judicial Council's Center for Families, Children & the Courts submitted to the Legislature *Report on Allocation of Funding in 2021-22 for Federally Funded Dependency Representation Program Shortfall*, in accordance with the requirement in the Budget Act of 2021.

[22-097](#)**Report to the Legislature | Court Realignment Data (Calendar Year 2021)****Summary:**

Penal Code section 13155 requires Judicial Council staff, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and make the data available annually to the California Department of Finance (DOF), Board of State and Community Corrections (BSCC), and Joint Legislative Budget Committee (JLBC) by September

1. This is the tenth annual court realignment data report. It will be distributed to the DOF, BSCC, and JLBC.