

Family and Juvenile Law Advisory Committee Meeting

Call In Number: 877.820.7831

Listen Only Passcode: **3059688**

NOVEMBER 7, 2016

10:00 A.M. - 4:00 P.M.

SAN FRANCISCO, CA



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS



FAMILY AND JUVENILE LAW ADVISORY COMMITTEE MEETING



JUDICIAL COUNCIL
OF CALIFORNIA

FAMILY AND JUVENILE LAW
ADVISORY COMMITTEE

November 7, 2016
Judicial Council Boardroom, 3rd Floor
San Francisco, California

Agenda

MONDAY, NOVEMBER 7

- 10:00 – 10:15 a.m. Welcome and Introductions
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair
Audrey Fancy, Supervising Attorney and Cocounsel
Julia Weber, Supervising Attorney and Cocounsel
- 10:15 – 10:30 a.m. Overview of the Committee's Charge, Annual Agenda, and Projects:
- [Advisory Committee on Providing Access and Fairness](#)
 - [Blue Ribbon Commission on Children in Foster Care \(BRC\)](#)
 - [CJER Education Programs and Curriculum Planning](#)
 - [Commission on the Future of California's Court System](#)
 - [Domestic Violence Practice and Procedure Task Force](#)
 - [Elkins Family Law Implementation Task Force](#)
 - [Keeping Kids In School](#)
 - [Language Access Plan Implementation Task Force](#)
 - [Mental Health Issues Implementation Task Force](#)
 - Protective Orders Working Group
 - [Shriver Civil Counsel Act Implementation Committee](#)
 - [Tribal Court-State Court Forum](#)
 - [Violence Against Women Education Program \(VAWEP\)](#)
- 2016 Legislation
- 10:30 – 10:45 a.m. Mental Health Implementation Task Force Recommendations
Hon. Susan M. Gill, Judge, Superior Court of Kern County
Audrey Fancy
- 10:45 – 11:45 a.m. Discussion of Child Abuse Allegations in Family Law Matters, Family Code Section 3027, Welfare and Institutions Code Section 328–331, and Guardianship Issues
Hon. Jerilyn L. Borack
Hon. Mark A. Juhas
Audrey Fancy
Julia Weber
- 11:45 a.m. – 12:00 p.m. Public Comment
- 12:00 – 12:30 p.m. **Working Lunch:** State Bar Education Update
Sherry Peterson, FLEXCOMM
- 12:30 – 4:00 p.m. Subcommittee/Issues Meetings – Family Law in Boardroom, Juvenile in Sequoia Room

4:00 p.m. Adjourn

Family Law Issues

Boardroom

- 12:30 – 1:30 p.m. AB 1058 Discussion: Report from Joint Subcommittee and Next Steps
Hon. Sue Alexander, Commissioner, Superior Court of Alameda County
Hon. Mark A. Juhas, Cochair
Anna Maves, Supervising Attorney
Alicia Valdez-Wright, Family Law Facilitator, Superior Court of San Luis Obispo County
- 1:30 – 2:00 p.m. SB 917 Follow-up
Hon. Mark A. Juhas and Members
- 2:00 – 3:00 p.m. Domestic Violence and Family Law Education and Recent Decisions
Hon. Mark A. Juhas
- 3:00 – 3:30 p.m. Family Law Appellate Matters and Privacy
Hon. Mark A. Juhas
Julia Weber
- 3:30 – 3:45 p.m. Mental Health Issues and Family Law Cases: Follow-up
Members
- 3:45 – 4:00 p.m. Supervised Visitation and Access to Visitation Project: Next-step and Committee Involvement
Shelly La Botte, Senior Analyst, CFCC

Juvenile Law Issues

Sequoia Room

- 12:30 – 1:00 p.m. Juvenile Data Trends & Data Exchange Update
Don Will, Principal Manager, Center for Families, Children & the Courts (CFCC)
- 1:00 – 1:30 p.m. Dual-Status Youth: Formation of AB 1911 Working Group and Input on Direction
Hon. Patrick Tondreau, Judge, Superior Court of Santa Clara County
Audrey Fancy, Supervising Attorney, CFCC
- 1:30 – 2:30 p.m. Mental Health Issues and Juvenile Law Cases: Follow-up
Members

2:30 – 3:45 p.m.

Annual Agenda Juvenile Projects Review and Prioritization

- 2016 Legislation/2016 Propositions
Audrey Fancy
- Juvenile Law: Psychotropic Medication Clean-Up
Kerry Doyle, Attorney, CFCC
- Title IV-E Findings and Orders
Nicole Giacinti, Attorney, CFCC
- Competency
Hon. Patrick Tondreau
- Prop. 47/ AB 2765
Audrey Fancy
- Indian Child Welfare Act
Ann Gilmour, Attorney, CFCC
- Court Appointed Counsel Workload
Don Will
- CASA Methodology
Penny Davis, Supervising Analyst, CFCC
- Other Issues

3:45 – 4:00 p.m.

2017 Priorities & Next Steps



California Rules of Court

Rule 10.43. Family and Juvenile Law Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in all cases involving marriage, family, or children.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

- (1) Appellate court justice;
- (2) Trial court judicial officer;
- (3) Judicial administrator;
- (4) Child custody mediator;
- (5) Lawyer whose primary practice area is family law;
- (6) Lawyer from a public or private defender's office whose primary practice area is juvenile law;
- (7) Chief probation officer;
- (8) Child welfare director;
- (9) Court Appointed Special Advocate (CASA) director;
- (10) County counsel assigned to juvenile dependency cases;
- (11) Domestic violence prevention advocate;
- (12) District attorney assigned to juvenile delinquency cases;
- (13) Lawyer from the California Department of Child Support Services or a local child support agency; and
- (14) Public-interest children's rights lawyer.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2005.)

Rule 10.43 amended and renumbered effective January 1, 2007; adopted as rule 6.43 effective January 1, 1999; previously amended effective July 1, 2005.

Family and Juvenile Law Advisory Committee
Annual Agenda—2016
Approved by RUPRO: 12/10/15

1. **ADVISORY BODY INFORMATION**

Chair:	Hon. Jerilyn Borack and Hon. Mark A. Juhas, Co-chairs
Staff:	Ms. Audrey Fancy and Ms. Julia Weber, Co-counsel; Ms.Carolynn Bernabe, Senior Administrative Coordinator, Center for Families, Children & the Courts
Advisory Body’s Charge: Makes recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children. [Rule 10.43]	
Advisory Body’s Membership: 34 members with 1 appellate court justice; 18 trial court judicial officers; 1 judicial administrator; 1 child custody mediator; 3 lawyers whose primary area of practice is family law; 1 lawyer specializing in governmental child support; 1 domestic violence prevention advocate; 1 chief probation officer; 1 child welfare director; 1 court appointed special advocate director; 1 county counsel assigned to juvenile dependency; 1 district attorney assigned to juvenile delinquency; 1 public-interest children’s rights lawyer; 2 lawyer from public or private defender’s office whose primary area is juvenile law.	
<p>Subgroups/Working Groups¹:</p> <p>The following have been established with approval from, or direction by, the Judicial Council or its internal advisory bodies (Rules and Project Committee or Executive and Planning):</p> <ul style="list-style-type: none"> • Protective Order Forms Working Group (POWG) • Violence Against Women Education Program (VAWEP)² • Joint Juvenile Competency Issues Working Group • Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee • Juvenile Dependency: Court-Appointed-Counsel Funding Allocation Methodology Joint Subcommittee 	

¹ California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

² On August 22, 2014, the Judicial Council approved a recommendation from the Family and Juvenile Law Advisory Committee that VAWEP become a standing subcommittee of the Family and Juvenile Law Advisory Committee. The composition of VAWEP has been guided by grant requirements and advisory committee chair review. A copy of the council report is available here: <http://www.courts.ca.gov/documents/jc-20140822-itemE.pdf>

Advisory Body’s Key Objectives for 2016:

1. Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs.
2. Provide recommendations to the Judicial Council for changes to or new statewide rules and forms to enable the council to fulfill legislative mandates.
3. Coordinate with related advisory groups to fulfill council directives in the area of domestic violence, family law, and juvenile law.

2. ADVISORY BODY PROJECTS

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
1.	<p>As directed by the Judicial Council, the Office of Governmental Affairs provided the committee with the following legislative proposals that may have an impact on family and juvenile law issues within the advisory committee’s purview. Based on these referrals, the committee will review the legislation and propose rules and forms as may be appropriate for the council’s consideration.</p> <p><u>AB 217 (Maienschein) Juvenile law: hearings</u> <i>Chapter 36, Statutes of 2015</i> <u>Summary:</u> Requires a court to inform a minor of their right to address the court and participate in a hearing, if they so desire.</p>	1(a), (b), or (c)	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Legislative mandate.</p> <p>Resources: Legal Services</p> <p>Key Objective Supported: 2, 3</p>	July 1, 2016 or January 1, 2017	Rules and forms, incorporating information in education and training programs, or information and analysis for council on why action on the council’s part may or may not be necessary.

³ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁴ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

<p><u>AB 260 (Lopez) Foster care: parenting youth</u> <i>Chapter 36, Statutes of 2015</i> <u>Summary:</u> Among other things, requires that a minor parent's placement history shall not be the sole reason for declaring a child a dependent of the court.</p> <p><u>AB 365 (Garcia, Christina) Child custody proceedings: testimony by electronic means</u> <i>Chapter 69, Statutes of 2015</i> <u>Summary:</u> If a party's participation in a child custody proceeding is impacted by an Immigration and Customs Enforcement detention or deportation, the court shall allow the party to present evidence and testimony, or participate in a child custody mediation, by electronic means, if such means are available to the court and will not impact the due process rights of other parties.</p> <p><u>AB 424 (Gaines) Court appointed child advocates: wards</u> <i>Chapter 71, Statutes of 2015</i> <u>Summary:</u> Expands the Court Appointed Special Advocate program to allow appointment of CASAs for any minor dependent, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court.</p> <p><u>AB 439 (Bloom) Protective orders: batterer's program</u> <i>Chapter 72, Statutes of 2015</i> <u>Summary:</u> Requires a restrained party ordered to participate in a batterer's program to register for the program by a specified deadline and to, at the time of enrollment, sign all necessary program consent forms for the program to release specified documents, including proof of enrollment, to the court and the protected party or his or her attorney.</p> <p><u>AB 494 (Maienschein) Restraining orders: protection of animals</u> <i>Chapter 401, Statutes of 2015</i></p>				
--	--	--	--	--

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p><u>Summary</u>: Allows a court to include granting to a protected party the exclusive care, possession, or control of an animal in a restraining or protective order, and allows a court to order a restrained party to stay away from and neither take nor harm an animal subject to the order.</p> <p><u>AB 536 (Bloom) Domestic violence: protective orders</u> <i>Chapter 73, Statutes of 2015</i> <u>Summary</u>: Requires each party seeking protection under the Domestic Violence Protection Act to present written evidence of abuse or domestic violence on an application for relief using a mandatory Judicial Council restraining order application form, and specifies that, for these purposes, written evidence of abuse or domestic violence in a responsive pleading does not satisfy the party’s obligation to present written evidence of abuse or domestic violence.</p> <p><u>AB 610 (Jones-Sawyer) Child support: suspension of support order</u> <i>Chapter 629, Statutes of 2015</i> <u>Summary</u>: Suspends a child support order by operation of law when an obligor is incarcerated or involuntarily institutionalized, unless the obligor has the means to pay support, or the obligor was incarcerated or involuntarily institutionalized for either an offense constituting domestic violence or the failure to pay child support.</p> <p><u>AB 666 (Stone) Juveniles: sealing of records</u> <i>Chapter 368, Statutes of 2015</i> <u>Summary</u>: When a juvenile record is sealed by the court, the court shall order the Department of Justice, any law enforcement</p>				

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
	<p>agencies, and the probation department to seal any records pertaining to the case. The court shall notify the subject of the order and his or her attorney that the records have been sealed. The bill exempts from this section any WIC §707(b) offenses committed after the minor turned 14 years old.</p> <p>Further limits future access to the sealed records to:</p> <ol style="list-style-type: none"> (1) Prosecutors or probation departments for the purpose of determining eligibility for deferred entry of judgement or supervision. (2) The court to verify prior jurisdictional status of a ward seeking to resume court jurisdiction under WIC §388. (3) If a new petition has been filed against the minor for a felony, probation departments, for the purpose of determining the minor's eligibility or suitability for treatment programs or services. (4) The person whose is the subject of the sealed records. (5) When there is a subsequent adjudication against the minor, by probation, the prosecuting attorney, minor's counsel, or the court for the purpose of aiding the court in finding an appropriate disposition for the minor. <p><u>AB 703 (Bloom) Juveniles: attorney qualifications</u> <i>Chapter 369, Statutes of 2015</i> <u>Summary:</u> Among other things, requires counsel appointed in delinquency proceedings to have sufficient education or experience to satisfy minimum education requirements to be established by the Judicial Council.</p> <p><u>AB 879 (Burke) Juveniles: court proceedings: notice</u> <i>Chapter 219, Statutes of 2015</i> <u>Summary:</u> Allows service of notice of hearings in specified dependency matters to be done by electronic mail, provided that</p>				

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>the county, court, and parties are all willing to accept service electronically.</p> <p><u>AB 989 (Cooper) Juveniles: sealing of records</u> <i>Chapter 375, Statutes of 2015</i> <u>Summary:</u> When a minor's records have been sealed and a new petition has been filed, limits access to the sealed records as follows: (1) Prosecutors or probation departments for the purpose of determining eligibility for deferred entry of judgement or supervision. (2) Probation departments, for the purpose of determining the minor's eligibility or suitability for treatment programs or services. (3) The court to verify prior jurisdictional status of a ward seeking to resume court jurisdiction under WIC §388. (4) Probation departments for the purpose of meeting Federal Title IV-E compliance.</p> <p><u>AB 1081 (Quirk) Protective orders</u> <i>Chapter 411, Statutes of 2015</i> <u>Summary:</u> Amends protective and restraining order statutes to allow either party to request a continuance of a hearing, and automatically extends temporary orders to the date of the new hearing, rather than having the temporary order lapse and be reissued.</p>				

AB 1407 (Atkins) Family law: protective orders: wireless telephone numbers

Chapter 415, Statutes of 2015

Summary: Allows a court, after a noticed hearing, to issue an order directing a wireless telephone service provider to transfer the billing responsibility and rights to a wireless telephone number or numbers to a requesting party.

AB 1519 (Committee on Judiciary) Judiciary omnibus: family support

Chapter 416, Statutes of 2015

Summary: Amends Family Code section 17400(a)(3) to provide that local child support agencies (1) are required to maintain original signed pleadings only for the time period stated in Government Code section 68152(a); and (2) may maintain original signed pleadings by way of an electronic copy in the Statewide Automated Child Support System. AB 1519 requires the Judicial Council to develop implementing rules by July 1, 2016.

SB 28 (Wieckowski) Spousal support factors: domestic violence

Chapter 137, Statutes of 2015

Summary: Includes a plea of nolo contendere as evidence of a history of domestic violence for the purposes of a court determining the amount and length of a spousal support order.

SB 68 (Liu) Minor or nonminor dependent parents: reunification services

Chapter 284, Statutes of 2015

Summary: Requires a court to take into consideration the particular concerns of a minor or nonminor dependent parent in making placement decisions. Authorizes a court to order continued reunification services for six additional months in order to assist a minor or nonminor dependent parent in regaining

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
	<p>custody if "significant and consistent progress in establishing a safe home for the child's return" is being made.</p> <p><u>SB 238 (Mitchell) Foster care: psychotropic medication</u> <i>Chapter 534, Statutes of 2015</i> <u>Summary:</u> Together with SB 319 and SB 484, recasts and updates the psychotropic medications are applied for, prescribed, and supervised in minors subject to the jurisdiction of the juvenile court. Among other things, SB 238 changes the way the Department of Social Services, Department of Health Care Services, and others send information to the court, and makes sure a minor and his or her advocate have a meaningful opportunity to participate in the process.</p> <p><u>SB 307 (Pavley) Restraining orders</u> <i>Chapter 60, Statutes of 2015</i> <u>Summary:</u> Extends the authority of a court to issue an order restraining contact by an offender with the victim of a crime for up to ten years regardless of whether the offender is subject to mandatory supervision.</p> <p><u>SB 504 (Lara) Court records: sealing</u> <i>Chapter 388, Statutes of 2015</i> <u>Summary:</u> (1) Limits the requirement to reimburse the court, county, or city for the cost of sealing records to those parties who request sealing and are 26 years of age or older. (2) Does not relieve an individual from satisfying a restitution order simply because his or her record of the case that led to the order is sealed. (3) Prohibits an outstanding restitution order or other court fines or fees from being considered in determining if a petitioner has</p>				

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
	<p>been rehabilitated or from being used as a basis to not seal a record.</p> <p><u>SB 594 (Wieckowski) Child custody</u> <i>Chapter 130, Statutes of 2015</i> <u>Summary:</u> Specifies that a child custody evaluation, investigation, or assessment, and any resulting report, may only be considered by the court if the evaluation, investigation, or assessment, and any resulting report, is conducted in accordance with the minimum requirements adopted by the Judicial Council, unless any variations from the requirements are based on errors that are nonsubstantive, inconsequential, or both.</p> <p><u>SB 646 (Jackson) Uniform Interstate Family Support Act</u> <i>Chapter 493, Statutes of 2015</i> <u>Summary:</u> Revises the Uniform Interstate Family Support Act (UIFSA), and identifies the Department of Child Support Services as the agency designated by the United States central authority, to comply with federal law and maintain state eligibility to receive federal funding for child support enforcement, under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.</p>				

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
2.	<p><u>AB 1712 (Beall) Nonminor Dependents</u> <i>Chapter 846, Statutes of 2012</i> Develop rules and forms to implement the transfer provisions for nonminor dependents and to provide further guidance to youth seeking to reenter juvenile court jurisdiction as nonminor dependents consistent with the provisions of earlier legislation⁵ regarding the extension of juvenile court jurisdiction and foster care services to dependents and wards up to 21 years of age. Circulated for comment in Winter 2014 and deferred at the request of courts in Southern California.</p>	1(b)	<p>Judicial Council Direction: Legislative Mandate</p> <p>Origin of Project: Legislature</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	January 1, 2017	Rules, forms
3.	<p>Address sealing legislation from 2015, listed above, and previous legislation:</p> <p>2013</p> <p><u>AB 1006 (Yamada) Juvenile court records: sealing and destruction</u> <i>Chapter 269, Statutes of 2013</i> Directs Judicial Council to develop informational materials and a form to enable a former ward or individual for whom a petition was filed under Welfare and Institutions Code section 602, or any individual who had contact with a probation department under section 626, to petition the court for the sealing and destruction of juvenile records under section 781 and rule 5.830. Circulated for comment in Spring 2014 and deferred due to pending related legislation.</p>	1(b)	<p>Judicial Council Direction: Legislative Mandate</p> <p>Origin of Project: Legislature</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	July 1, 2016	Rules, forms

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>2014</p> <p><u>SB 1038 (Leno) Juveniles: dismissal of petition</u> <i>Chapter 249, Statutes of 2015</i> Removes the cap of 21 years old by which a court must dismiss a petition against a former ward of the court. Does not require the court to have jurisdiction over the former ward at the time of dismissal of a petition. Further requires a court to automatically seal the records of minors under specified circumstances, and grants limited access to such files without this access constituting "unsealing" of the records. Circulated for comment in Spring 2015 and deferred due to pending related legislation.</p>				
4.	<p>Juvenile Dependency: Commercially Sexually Exploited Children (CSEC) In 2014, SB 855 (Stats. 2014, ch. 29) established the new California Commercially Sexually Exploited Children (CSEC) Program within the California Department of Social Services (CDSS) to support prevention, intervention, services, and training to more effectively address CSEC in this state. The legislation also amended Welfare and Institutions Code section 300 to include section 300(b)(2), which specifically acknowledges that CSEC can come into the system through the juvenile dependency portal, recognizing CSEC as victims rather than perpetrators. This proposal would amend Form JV-121, which currently includes the allegations corresponding to section 300(b)(1), to additionally provide the basic statutory allegations from the new section 300(b)(2), which reads: "The Legislature finds and declares that a child who is sexually trafficked, as described in Section 236.1 of the Penal Code, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in Section 236.1</p>	1(b)	<p>Judicial Council Direction: Legislative Mandate</p> <p>Origin of Project: Legislature</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	July 1, 2016	Amended forms

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
	or 11165.1 of the Penal Code, and whose parent or guardian failed to, or was unable to, protect the child, is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.”				
5.	<p>SPR15-28 Special Immigrant Juvenile Status</p> <p>To enrich recommendations to the council and to avoid duplication of efforts, the committee will continue to collaborate with the Probate and Mental Health Advisory Committee and the CJER Governing Committee to implement Senate Bill 873, Assembly Bills 899 and 900 (Stats. 2015, ch 694), and any other federal and state legislation or judicial decision that affects the intersection of federal immigration law and California child welfare or child custody law. This collaboration may include development of rules and forms, educational events, informational materials, and other resources to aid judges and court staff as well as justice partners and court users.</p>	1(b)	<p>Judicial Council Direction: Legislative Mandate</p> <p>Origin of Project: Legislature SB 873</p> <p>Resources: Legal Services, CJER</p> <p>Key Objective Supported: 2, 3</p>	July 1, 2016 and ongoing	Rules, forms
6.	<p>Update Form to Reflect Federal Poverty Guidelines</p> <p>Form JV-132 <i>Financial Declaration–Juvenile Dependency</i> contains figures based on the federal poverty guidelines; update form to reflect those guidelines when published by the federal government in early 2016.</p>	1(b)	<p>Judicial Council Direction: Statutory mandate and council delegation to the committee.</p> <p>Origin of Project: Statutory mandate</p> <p>Resources:</p>	Feb. 2016	Updated form

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Key Objective Supported: 2		
7.	<p>Removal from Custodial Parent and Placement with a Nonparent (JV-421 and rule 5.710) Update form to track the Welfare and Institutions Code section 366.21(e) at item 33a. to read "...a date within six months of the date of the dispositional hearing, but no later than <i>twelve months</i> from the date the child entered foster care, as defined by section 361.49, whichever occurs earlier." Currently the item reads in pertinent part "...a date within six months from the date the child entered foster care under Welf. & Inst. Code Section 366.21(e)."</p> <p>Update rule to track statutory language or delete unnecessarily duplicative statutory language.</p>	1(b)	<p>Judicial Council Direction: Legislative Mandate</p> <p>Origin of Project: Legislature</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	July 1, 2016	Rules, forms
8.	<p>Proposition 47 Monitor implementation of proposition enacted November 5, 2014, which reduced the classification of many nonserious and nonviolent property and drug crimes from a felony to a misdemeanor. Assist juvenile courts with any required implementation.</p>	1	<p>Judicial Council Direction: Statutory mandate and council delegation to the committee.</p> <p>Origin of Project: Statutory mandate</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	Ongoing	Rules, forms, or information and analysis for council on why action on the council's part may or may not be necessary.

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
9.	<p>Assembly Bill 1058 Child Support Program Funding Provide recommendations to the council for allocation of funding pursuant to Family Code sections 4252(b) and 17712.</p>	1	<p>Judicial Council Direction: Legislative mandate and council delegation to the committee.</p> <p>Origin of Project: Legislative mandate</p> <p>Resources: Finance office</p> <p>1. Key Objective Supported: Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs.</p>	Ongoing	Council report with recommendations
10.	<p>Access to Visitation Funding and Legislative Report Provide recommendations to the council for allocation of funding pursuant to Family Code section 3200. Additionally, the</p>	1	<p>Judicial Council Direction: Legislative mandate and</p>	Ongoing	Council report with recommendations

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	committee will provide the council with the statutorily mandated legislative report on the program due every other year.		<p>council delegation to the committee.</p> <p>Resources: Judicial Council Finance office</p> <p>Origin of Project: Legislative mandate and Judicial Council direction</p> <p>Key Objective Supported: 1</p>		
11.	<p>Serve as statutorily mandated Advisory Committee to the Judicial Council for the Court Appointed Special Advocates (CASA) grants program (Welf. & Inst. Code, § 100 et seq.) Recommend annual funding to local programs pursuant to the methodology approved by the Judicial Council in August 2013.</p>	1	<p>Judicial Council Direction: Committee charge under CRC 10.43; Legislative mandate</p> <p>Origin of Project: Welf. & Inst. Code, § 100 et seq. and Judicial Council direction</p> <p>Resources: Judicial Council Finance office</p>	Ongoing	Council report with recommendations

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Key Objective Supported: 1		
12.	<p>Blue Ribbon Commission on Children in Foster Care (BRC) recommendations Review and consider for action, when resources become available, the BRC recommendations related to court reform that have been ongoing, but have not yet been fully implemented because of significant budget challenges. Those recommendations broadly include:</p> <ol style="list-style-type: none"> 1. Reducing caseloads for judicial officers, attorneys, and social workers; 2. Ensuring a voice in court and meaningful hearings for participants; 3. Ensuring adequately trained and resourced attorneys, social workers, and Court Appointed Special Advocates (CASA); and 4. Establish and monitor data exchange standards and information between the courts and child welfare agencies and those to be monitored by the Judicial Council Technology Committee, in consultation with the Family and Juvenile Advisory Committee, develop technical and operational administration standards for interfacing court case management systems and state justice partner information systems. 	1	<p>Judicial Council Direction: Refer by the Judicial Council</p> <p>Origin of Project: Judicial Council</p> <p>Resources: Key Objective Supported: 1</p>	Ongoing	
13.	<p>Domestic Violence Provide recommendations to the council on statewide judicial branch domestic violence issues in the area of family and juvenile law, including projects referred from the work of the Domestic Violence Practice and Procedure Task Force and the Violence</p>	1	Judicial Council Direction: Referral of projects from the Domestic Violence Practice	Ongoing	Coordination of activities in subject matter area to avoid duplication of resources and

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	Against Women Education Program (VAWEP). Serve as lead committee for Protective Orders Working Group (POWG).		and Procedure Task Force		potential conflict in rules, forms, and other areas
14.	Legislation Review and recommend positions on legislation related to family and juvenile law matters.	1	Judicial Council Direction: Committee charge under CRC 10.43	Ongoing	Subject matter expertise provided to PCLC so that council may take appropriate action
15.	Education Contribute to planning efforts in support of family and juvenile law judicial branch education.	1	Judicial Council Direction: Committee charge under CRC 10.43	Ongoing	Subject matter expertise provided to CFCC, Education Division, and CJER Governing Committee so that content of programs can be coordinated across the branch
16.	SPR15-16 Family Law: Revise FL-300 and companion forms Propose revisions to forms to respond to statutory changes and requests from litigants and court professionals about new FL-300 and comply with new statutory requirements in Family Code section 6345(d) regarding providing a mechanism to allow parties to modify domestic violence restraining orders.	1(b)	Judicial Council Direction: Committee charge under CRC 10.43 Origin of Project: Legislative mandate	July 1, 2016	Delayed effective date to 7/1/16 to help with implementation. Some forms moved to Winter 2016 since recent legislation

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Resources: CFCC staff and members Key Objective Supported: 1		mandates further changes to these same forms.
17.	<p>Review approval of training providers under 5.210, 5.225, 5.230, and 5.518. Training providers/courses are reviewed for compliance with these rules by Judicial Council staff, in consultation with the Family and Juvenile Law Advisory Committee.</p>	1	<p>Judicial Council Direction: Judicial Council</p> <p>Origin of Project: Judicial Council, result of name change (from AOC to JC) and review of delegations</p> <p>Resources: Judicial council Support Services, Legal Services,</p> <p>Key Objective Supported: 2</p>	Ongoing	Approve providers
18.	<p>Serve as lead/subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action. Such efforts may include providing family and juvenile law expertise and review to working groups, advisory committees, and subcommittees as needed.</p>	2	<p>Judicial Council Direction: Pursuant to the committee's charge under California Rules of Court, rule 10.43 "Makes</p>	Ongoing	Coordinated rules, forms, and legislative proposals

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children.”</p> <p>Origin of Project: Respective advisory bodies</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>		
19.	<p>Rules Modernization Project Each advisory committee has been asked to include in their annual agenda for 2015 and 2016 an item providing for the drafting of proposed amendments to the California Rules of Court related to their subject matter areas. This effort would be undertaken in coordination with ITAC, which is responsible for developing and completing the overall rules modernization project.</p>	2(b)	<p>Judicial Council Direction: Pursuant to the committee’s charge under California Rules of Court, rule 10.43 “Makes recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children.”</p>	Jan. 1, 2018	<p>Implementation of eight technical changes effective January 1, 2016. Identification of further rule or form changes or necessary legislation.</p>

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
			Origin of Project: CTAC Resources: Key Objective Supported: 2		
20.	<p>Juvenile Law: Intercounty Transfers Review requests under rule 5.610(g) to approve local collaborative agreements for alternative juvenile court transfer forms in lieu of JV-550.</p>	2(b)	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Judicial Council. Judicial Branch Administration: Judicial Council Delegations to the Administrative Director of the Courts (October 25, 2013)</p> <p>Resources:</p> <p>Key Objective Supported: 2, 3</p>	Ongoing	Judicial Council report
21.	<p>FL-950, 955, 956 and 958 Limited Scope Representation; Rule 5.425 Amend to simplify the procedure for withdrawing when scope of work has been completed. The State Bar reports that many attorneys are unwilling to make court appearance because the</p>	2	Judicial Council Direction: Save resources for local courts	January 1, 2017	Rules, forms

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>procedure that we have adopted for withdrawal is too complicated. Most states have adopted a simpler process. Proposed changes would likely reduce the number of hearings regarding withdrawal of counsel and promote more representation.</p>		<p>Origin of Project: Request from State Bar and court-based self-help centers</p> <p>Resources: Key Objective Supported: 2</p>		
22.	<p>Amend JV-365, Termination of Juvenile Court Jurisdiction— Nonminor</p> <p>JV-365 is a mandatory Judicial Council form. This means that courts are required to use this form at the hearing to terminate jurisdiction for a youth who is 18 years of age or older. As a mandatory form, it is important that the form closely follow the legislative mandates. However, the Department of Social Services has requested that the Judicial Council consider amending this form to include other important, but not mandated, information to make the nonminors transition to their eligible benefits as seamless as possible.</p>	2	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Request from Department of Social Services</p> <p>Resources: Key Objective Supported: 2</p>	January 1, 2017	Amended form
23.	<p>Juvenile Dependency Rules</p> <p>Review hearing rules to determine what language is unnecessarily duplicative of statutory language and recommend rule revisions as appropriate.</p>	1(b)	<p>Judicial Council Direction: Legislative Mandate</p> <p>Origin of Project: Legislature</p>	July 1, 2016	Amended rules

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Resources: Key Objective Supported: 2		
24.	<p>Juvenile Law: Competency issues To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Collaborative Justice Courts Advisory Committee, and former members of the Mental Health Issues Implementation Task Force serving on other advisory bodies, to consider developing recommendations to the Judicial Council to: (1) revise rule 5.645 to define appropriate evaluation tools for use with juveniles, (2) amend legislative language to clarify the presumption of competency, (3) suggest other legislative changes necessary to improve the handling of cases where competency issues are raised, and (4) identify effective practices developed by local courts to address juvenile cases in which competency is a factor.</p>	2	<p>Judicial Council Direction: Committee charge under CRC 10.43 Origin of Project: Committee members and numerous suggestions from trial court judges in recent years.</p> <p>Resources: Collaborative Justice Courts Advisory Committee</p> <p>Key Objective Supported: 2, 3</p>	January, 1 2017	Legislation
25.	<p>Juvenile Law: Private guardianships. To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Probate and Mental Health Advisory Committee to explore further statutory revisions and/or changes to rules and forms to improve the handling of private guardianship cases when</p>	2	<p>Judicial Council Direction: Origin of Project: Legislative mandate.</p>	Ongoing	

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	allegations of child abuse or neglect arise and cases may “crossover” from probate court into juvenile dependency court. The committees will evaluate and discuss the impact of recent legislation (AB 1757 (Stats. 2012, ch. 638)) relevant case law.		Resources: LSO Key Objective Supported: 3		
26.	Court Coordination and Efficiencies Review promising practices that enhance coordination and increase efficient use of resources across case types involving families and children including review of unified court implementation possibilities, court coordination protocols, and methods for addressing legal mandates for domestic violence coordination so as to provide recommendations for education content and related policy efforts.	2	Judicial Council Direction: Committee charge under CRC 10.43 Origin of Project: Committee charge Resources: Key Objective Supported: 3	Ongoing	Recommendations to groups and expertise will be offered to that request it
27.	Indian Child Welfare Act Rules and Forms In conjunction with the Tribal Court-State Court Forum and Probate and Mental Health Advisory Committee monitor pending California Supreme Court cases <i>In re Abbigail A.</i> (2014) 173 Cal.Rptr.3d 191(3rd District) and <i>In re. Isaiah W.</i> (2014) 228 Cal.App.4th 981 (2nd District) for possible amendments to rules 5.482(c) and 5.484(c)(2) and status of proposed Federal Regulations for State Courts and Agencies in Indian Child Custody Proceedings governed by the Indian Child Welfare Act published for public comment in the federal register on March 20, 2015 (Vol. 80 FR No. 54 14880) for possible further amendments to ICWA rules and revisions to ICWA forms; concurrently amend <i>Notice of Child Custody Proceeding for Indian Child</i> (ICWA-030) in light of the <i>Abbigail A.</i> decision and <i>In re S.E.</i> (2013) 217 Cal. App. 4th 610 (2nd District).	2	Judicial Council Direction: Committee charge Origin of Project: Case law change Resources: Legal Services Key Objective Supported: 2	Ongoing	

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
28.	<p>Consider Mental Health Issues Implementation Task Force Referrals Review and consider recommendations referred by the Judicial Council following the task force's final report to the council. Recommend appropriate action within the committee's purview.</p>	2	<p>Judicial Council Direction: As referred by the council</p> <p>Origin of Project:</p> <p>Judicial Council Resources: Legal Services, Criminal Justice Services office Key Objective Supported: 2, 3</p>	Ongoing	
29.	<p>Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee: To enrich recommendations to the council and avoid duplication of effort, members of the committee will continue to collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.</p>	1	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Judicial Council, April 17, 2015 meeting</p> <p>Resources: Finance, Office of Court Research, CFCC</p> <p>Key Objective Supported: 1</p>	February 2016	Report to the Judicial Council

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
30.	<p>Juvenile Dependency: Court-Appointed-Counsel Funding Allocation Methodology Joint Subcommittee: To enrich recommendations to the council and avoid duplication of effort, members of the committee will continue to collaborate with members of the Trial Court Budget Advisory Committee to review the workload model for court-appointed dependency counsel and report back no later than the April 2016 Judicial Council meeting.</p>	1	<p>Judicial Council Direction: Committee charge under rule 10.43</p> <p>Origin of Project: Judicial Council, April 17, 2015 meeting</p> <p>Resources: Finance, Office of Court Research</p> <p>Key Objective Supported: 1, 3</p>	April 1, 2016	Report to the Judicial Council
31.	<p>Family: Petition Forms Revise forms FL-100 and FL-110 to remove legally incorrect language (reference to “state” following Obergefell v. Hodges decision).</p>	1	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Legislative mandate</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	July 1, 2016	Revised forms

#	Project ³	Priority ⁴	Specifications	Completion Date/Status	Describe End Product/Outcome of Activity
32.	<p>Adoption & Permanency Month Annual recognize the month of November as “Court Adoption and Permanency Month” in recognition of the need for permanency for youth under the court’s jurisdiction.</p>	2	<p>Judicial Council Direction: Committee charge under CRC 10.43</p> <p>Origin of Project: Legislative mandate</p> <p>Resources:</p> <p>Key Objective Supported: 2</p>	Ongoing	Judicial Council resolution.

33. **STATUS OF 2015 PROJECTS:**

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1.	<p>Certification of Child Support Calculator Software Review and approve certifications of child support calculator software pursuant to Family Code section 3830 and California Rule of Court 5.275, including review of necessary changes as a result of Senate Bill 274 (parentage).</p>	Child support calculator software approved by the council in spring 2015.
2.	<p>FL-800 Joint Petition for Summary Dissolution Update to reflect change in cost of living per Family Code section 2400(b) as a technical change.</p>	Completed effective July 1, 2015.
3.	<p>Assembly Bill 1712: Minors and nonminor dependents (The Judicial Council was a cosponsor of Assembly Bill 12, the original legislation that authorized extended foster care for young adults ages 18 to 21, which was enacted in 2010, with most of its provisions effective January 1, 2012. The council has supported each of the subsequent cleanup bills to make changes to ensure smooth and effective implementation of Assembly Bill 12: Assembly Bill 212 in 2011, Assembly Bill 1712 in 2012, and Assembly Bill 787 (Stone; Stats. 2013, ch. 487) in 2013.)</p>	Completed effective January 1, 2016.
4.	<p>AB 1761 (Hall) Dependent children: placement (Ch. 765) Among other things, expands the time periods during which a County Department of Social Services must conduct a suitability assessment of a relative or nonrelative extended family member who requests temporary placement of a child who has been taken into temporary custody based on allegations of abuse or neglect, if the child is not released to a parent or guardian.</p>	Determined that RUPRO action was not needed.
5.	<p>AB 2454 (Quirk-Silva) Foster youth: nonminor dependents (Ch. 769) Allows a nonminor dependent who received either Kin-GAP aid or adoption assistance aid after turning 18 years old to petition for resumption of dependency jurisdiction.</p>	Completed effective January 1, 2016.

6.	<p>SPR15-16 Domestic Violence Law—Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law—Changes to Request for Order Rules and Forms</p>	Completed effective January 1, 2016.
7.	<p>SPR15-17 Family Law/Domestic Violence: Amendments to Domestic Violence Form, “Get Ready for the Court Hearing” (DV-520-INFO) Propose amendments to correct information on the form and improve the availability of information for litigants, including self-represented litigants, on preparing for court hearings so as to reduce confusion and delay at court hearings.</p>	Completed effective January 1, 2016.
8.	<p>SPR 15-18 Juvenile Custody Orders Both family and juvenile courts have expressed frustration at the inability of the current Custody Order—Juvenile—Final Judgment (form JV-200) and Visitation Order—Juvenile (form JV-205) to capture the juvenile court’s findings and orders to the extent needed for compliance with the terms of the orders by the parties and for the enforcement or modification of the orders by the family court. The committee will propose and recommend circulation of revisions to the forms designed to reduce the number of enforcement and modification disputes filed in family court and to promote more efficient resolution of any such disputes that do arise by increasing the level of specificity solicited by the forms and incorporating language more familiar to the family court bench and bar.</p>	Completed effective January 1, 2016.
9.	<p>SPR15-19: AB 1701 (Patterson) Family law: adoption (Ch. 763) Among other things: Clarifies who can bring an action to declare the existence or nonexistence of a presumed parents-child relationship, specifying that the child's natural mother, rather than natural parent, may do so. Allows a single consolidated petition to terminate the parental rights to multiple children. Allows a court to permit prospective adoptive parents to appear in adoption proceedings by telephone, videoconference, or other remote electronic means.</p>	Completed effective January 1, 2016.

	<p>AB 2344 (Ammiano) Family law: parentage (Ch. 636) Among other things, creates a statutory form to establish the intent to be a legal parent or not when donating genetic material, and establishes the procedure for stepparent adoptions involving a spouse or partner who gave birth during the marriage or partnership, including exempting such adoptions from home visit and home study requirements.</p>	
10.	<p>SPR15-21 Juvenile Law: Extended Foster Care Amend Cal. Rules of Court, rules 5.555, 5.707, 5.812, and 5.906; revise forms JV-367, JV-464-INFO, JV-466, JV-470, and JV-472</p>	Completed effective January 1, 2016.
11.	<p>SPR15-22 Juvenile Delinquency: Documenting Wobbler Determination (JV-665) Provide subject matter expertise to the council by providing recommendations for change to form JV-665 suggested by the recent unpublished appellate decision <i>In re S.J.</i> (H040997).</p>	Completed effective January 1, 2016.
12.	<p>SPR1-23 Juvenile Law: Proceedings Before a Referee (rule 5.538) amending subdivision (b)(3) in the Spring 2015 cycle to conform to existing law and to prevent unnecessary appellate delays.</p>	Completed effective January 1, 2016.
13.	<p>SPR15-24 Juvenile Law: Detention Amend Cal. Rules of Court, rules 5.502, 5.760, and 5.790; revise forms JV-642 and JV-667</p>	Completed effective January 1, 2016.
14.	<p>SPR15-24: AB 388 (Chesbro) Juveniles (Ch. 760) Among other things, requires that there be reasons to continue holding a dual-status minor in custody in delinquency matters other than the child welfare department's inability to find an adequate placement or the minor's status as a dependent. AB 2607 (Skinner) Juveniles: detention (Ch. 615) Among other things, limits a court's authority to decide what is a reasonable ground for continued detention of a dual-status minor or nonminor, specifically eliminating administrative delays or a</p>	Completed effective January 1, 2016.

	probation officer's inability to find an appropriate placement for the minor or nonminor. Options for relief include releasing the minor or nonminor from custody. Requires periodic review of detention by the court.	
15.	SPR15-25 SB 977 (Liu) Juveniles (Ch. 219) Among other things, authorizes a court to place a child with a parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with his or her parent.	Completed effective January 1, 2016.
16.	SPR15-26 SB 1099 (Steinberg) Dependent children: sibling visitation (Ch. 773) Among other things, requires a court to review the reasons for any suspension of sibling visitation with a minor or nonminor dependent.	Completed effective January 1, 2016.
17.	SPR15-27 SB 1460 (Committee on Human Services) Child welfare (Ch. 772) Among other things, requires a juvenile court to transfer a case file to a tribe having jurisdiction over a juvenile court case, and requires both the juvenile court and the tribe to document the finding of facts supporting jurisdiction over the child by the tribal court. Requires that a transfer order shall have precedence in scheduling, "and shall be heard by the court at the earliest possible moment after the order is filed." Further allows a child who has been removed from the custody of his or her parents to be placed with a resource family, as defined.	Completed effective January 1, 2016.

34. Subgroups/Working Groups - Detail

Subgroups/Working Groups:

Subcommittee or working group name: **Protective Orders Forms Working Group** (includes representatives from the Civil and Small Claims Advisory Committee and Criminal Law Advisory Committee)

Purpose of subcommittee or working group: This working group was established at the direction of RUPRO to coordinate advisory committees' activities concerning protective orders that prevent domestic violence, civil harassment, elder and dependent abuse, and school place violence. The group assists in ensuring that there is consistency and uniformity, to the extent appropriate, in the different protective orders used in family, juvenile, civil, probate and criminal proceedings. The working group helps advisory committees and the Judicial Council by developing and updating Judicial Council protective order forms. It also reviews pending legislation and suggests new legislation to improve protective orders. It prepares proposals changes to the rules of court on protective orders, as necessary or appropriate. The Council has indicated that this advisory committee is to serve as lead for the Protective Orders Forms Working Group.

Number of advisory group members: 8

The Family and Juvenile Law Advisory Committee has 8 members who participate in the Protective Orders Working Group.

Number and description of additional members (not on this advisory group):

In addition to the 8 members from Family and Juvenile Law Advisory Committee, there are 6 members from other advisory groups on the Protective Orders Working Group: Civil and Small Claims (5), Criminal (1), and Domestic Violence Practice and Procedure Task Force (1). There is one former member of the Civil and Small Claims Advisory Committee (a retired commissioner) who is still participating in the group. There is a vacant position for a member of the Probate and Mental Health Advisory Committee.

Date formed: In 2007, at the direction of RUPRO. The formation of an interdisciplinary group to address protective order issues was originally suggested by the Chair of RUPRO in August 2006.

Number of meetings or how often the group meets:

Approximately 6-8 telephone meetings annually, depending on extent of business. (All meetings are by telephone.)

Ongoing or date work is expected to be completed:

Some core working group activities are ongoing—such as updating Judicial Council forms and reviewing legislation. Other activities—such as developing proposed Judicial Council-sponsored legislation—are projects of a specific duration.

Subcommittee or working group name: **Violence Against Women Education Program Committee**

Purpose of subcommittee or working group: Per Judicial Council referral, VAWEF will continue to provide guidance and evaluation of the VAWEF grant-funded projects and make recommendations to improve court practice and procedure in domestic violence cases as directed by the Family and Juvenile Law Advisory Committee and as approved in the advisory committee's annual agenda.

As indicated by the Judicial Council, VAWEF will request that the chair of the Criminal Law Advisory Committee select one or more members of that advisory committee to serve on VAWEF to help address questions relating to court practice and procedure in criminal domestic violence matters.

Date formed: 2003 as a committee; designated as a subcommittee by Judicial Council action, August 22, 2014.

Number of meetings or how often the group meets: 1 in person meeting anticipated

Ongoing or date work is expected to be completed: Ongoing.

Subcommittee or working group name: **Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee**

Purpose of subcommittee or working group: To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

Date formed: designated as a subcommittee by RUPRO and E&P June 1, 2015.

Number of meetings or how often the group meets: 1 in person meeting anticipated

Ongoing or date work is expected to be completed: February 2016

Subcommittee or working group name: **Juvenile Dependency: Court-Appointed-Counsel Funding Allocation Methodology Joint Subcommittee**

Purpose of subcommittee or working group: To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Trial Court Budget Advisory Committee to review the workload model for court-appointed dependency counsel and report back no later than the April 2016 Judicial Council meeting.

Date formed: designated as a subcommittee by RUPRO and E&P June 1, 2015.

Number of meetings or how often the group meets: 1 in person meeting anticipated

Ongoing or date work is expected to be completed: April 1, 2016

Family and Juvenile Law Advisory Committee

Effective November 1, 2016

Hon. Jerilyn L. Borack, Co-Chair
Judge of the Superior Court of California,
County of Sacramento

Hon. Michael J. Convey
Judge of the Superior Court of California,
County of Los Angeles

Hon. Mark A. Juhas, Co-Chair
Judge of the Superior Court of California,
County of Los Angeles

Mr. Kevin Darrow Cunningham
Attorney
Law Office of Kevin Cunningham

Hon. Sue Alexander
Commissioner of the Superior Court of California,
County of Alameda

Ms. Mary Majich Davis
Chief Deputy Court Executive Officer
Superior Court of California,
County of San Bernardino

Hon. Craig E. Arthur
Judge of the Superior Court of California,
County of Orange

Ms. LaRon Dennis
Deputy District Attorney
Santa Clara County District Attorney's Office

Mr. Robert J. Bayer
Court Program Manager
Superior Court of California,
County of Ventura

Ms. Sylvia Deporto
Deputy Director of the Family and Children's
Services
City and County of San Francisco
Human Services Agency

Mr. Brian Briggs
Deputy County Counsel
Tehama County Counsel

Mr. G. Christopher Gardner
Assistant Public Defender
County of San Bernardino

Hon. Carolyn M. Caietti
Judge of the Superior Court of California,
County of San Diego

Hon. Michael Gassner
Commissioner of the Superior Court of California,
County of San Bernardino

Hon. Carol D. Codrington
Associate Justice of the Court of Appeal
Fourth Appellate District, Division Two

Hon. Suzanne Gazzaniga
Judge of the Superior Court of California,
County of Placer

Hon. Tari L. Cody
Judge of the Superior Court of California,
County of Ventura

Hon. Susan M. Gill
Judge of the Superior Court of California,
County of Kern

Family and Juvenile Law Advisory Committee

Effective November 1, 2016

Hon. Maureen F. Hallahan

Judge of the Superior Court of California,
County of San Diego

Mr. Brian J. Richart

Chief Probation Officer
El Dorado County Probation

Hon. Rebecca C. Hardie

Judge of the Superior Court of California,
County of Contra Costa

Ms. Sudha Shetty

Assistant Dean
Goldman School of Public Policy at
UC Berkeley

Ms. Leslie Heimov

Executive Director
Children's Law Center of California

Hon. B. Scott Thomsen

Presiding Judge of the Superior Court of
California,
County of Nevada

Mr. John Daniel Hodson

Attorney
Hodson & Mullin Attorneys at Law

Hon. Patrick E. Tondreau

Judge of the Superior Court of California,
County of Santa Clara

Ms. Kathleen L. Hrepich

Deputy Director and Chief Counsel
Department of Child Support Services

Hon. Adam Wertheimer

Judge of the Superior Court of California,
County of San Diego

Ms. Sharon M. Lawrence

Executive Director
Voices for Children, Inc.

Hon. Heidi K. Whilden

Judge of the Superior Court of California,
County of Monterey

Ms. Patricia Lee

Managing Attorney
San Francisco Public Defender's Office

Ms. Alicia Valdez Wright

Family Law Facilitator
Self-Help Center
Superior Court of California,
County of San Luis Obispo

Hon. Kimberly J. Nystrom-Geist

Judge of the Superior Court of California,
County of Fresno

Hon. Daniel Zeke Zeidler

Judge of the Superior Court of California,
County of Los Angeles

Hon. Annemarie G. Pace

Judge of the Superior Court of California,
County of San Bernardino

Family and Juvenile Law Advisory Committee

Effective November 1, 2016

CJER GOVERNING COMMITTEE

LIAISON

Hon. Janet Gaard

Assistant Presiding Judge of the
Superior Court of California,
County of Yolo

JUDICIAL COUNCIL STAFF TO THE COMMITTEE

Ms. Audrey Fancy (J), Lead Staff

Supervising Attorney
Center for Families, Children & the Courts
Judicial Council of California

Ms. Julia Weber (F), Lead Staff

Supervising Attorney
Center for Families, Children & the Courts
Judicial Council of California

Ms. Carolynn Bernabe

Administrative Coordinator
Center for Families, Children & the Courts
Judicial Council of California



ADMINISTRATIVE OFFICE
OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

September 2007

How a Proposal Becomes a Rule

The Judicial Council is authorized by the California Constitution to adopt rules for court administration, practice, and procedure that are not inconsistent with statute. (Cal. Const., art. VI, § 6.) Rules, forms, and standards of judicial administration are circulated for comment twice a year, for adoption effective January 1 and July 1. Generally, the council follows the procedure described below. (Cal. Rules of Court, rules 10.20–10.22.)

Submission of a Proposal

Many of the changes to the California Rules of Court and Judicial Council forms are made in response to changes in the law. However, any person or organization may submit a request for a new or amended rule of court, form, or standard of judicial administration. It is helpful if the proposal includes:

- The text of the proposed rule, standard, form, or amendment;
- A description of the problem to be addressed;
- The proposed solution and alternative solutions;
- Any likely implementation problems;
- Any need for urgent consideration;
- Known proponents and opponents;
- Any known fiscal impact; and
- If known, any previous action taken by the Judicial Council or an advisory committee.

Mail, fax, or e-mail proposals to Judicial Council of California, Attention: General Counsel (Rule/Form Proposal), 455 Golden Gate Avenue, San Francisco, California 94102-3688; fax: 415-865-7664; e-mail: legal-services@jud.ca.gov.

Advisory Committee Review

An advisory committee (for example, a committee of court executives or a committee on civil, criminal, or family law) analyzes the proposal and may take one of the following actions:

- Recommend to the Judicial Council's Rules and Projects Committee that the proposal be circulated for public comment, with or without modification, or that it be adopted without being circulated for comment;
- Request further analysis by the proponent; or
- Reject the proposal.

Rules and Projects Review

The Rules and Projects Committee reviews the advisory committee's request or recommendation and may take one of the following actions:

- Circulate the proposal for public comment, with or without modification;
- Recommend that the Judicial Council adopt it without circulating it for comment if the proposal presents a noncontroversial or a nonsubstantive, technical change or correction;
- Request further analysis by the advisory committee or the proponent;
- Refer the matter to another council committee, the full council, or the Chief Justice; or
- Reject the proposal if it is contrary to council policy or to statute or conflicts with other rules or standards.

Comments and Consideration

After the comment period closes, the advisory committee considers the comments and may:

- Recommend adoption of the original proposal;
- Modify the proposal and recommend adoption of the modified version;
- Study and analyze the proposal further; or
- Reject the proposal.

How a Proposal Becomes a Rule

Page 3 of 3

Final Action

If the advisory committee recommends adoption of a new or amended rule, form, or standard of judicial administration, the matter is placed on the Judicial Council's agenda. The Rules and Projects Committee reviews the advisory committee's recommendation and submits its own recommendation to the council. The council may adopt, modify, or reject the proposed rule, form, or standard—which, if adopted, usually becomes effective the following January 1 or July 1.

If compelling circumstances necessitate a different procedure from that just outlined, the Rules and Projects Committee presents its findings and a summary of the procedure, along with any recommendation to the Judicial Council.

Contact:

Camilla Kieliger, Court Services Analyst, camilla.kieliger@jud.ca.gov

To comment on proposed changes during a comment period, please visit

www.courts.ca.gov/policyadmin-invitationstocomment.htm or fax to 415-865-7664

Additional resources:

Recent rule changes, www.courts.ca.gov/3025.htm

Amendment schedule, www.courts.ca.gov/xbcr/cc/itschedule.pdf

Current California Rules of Court, www.courts.ca.gov/rules.htm

Current Judicial Council forms, www.courts.ca.gov/forms.htm



JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

November 2014

Family and Juvenile Law Advisory Committee

The Judicial Council of California's Family and Juvenile Law Advisory Committee makes recommendations to the council for improving the administration of justice in all cases involving marriage, family, or children. The committee is staffed by the Judicial Council's Center for Families, Children & the Courts, Operations and Programs Division.

Mission

The mission of the Family and Juvenile Law Advisory Committee is to:

- Identify issues and concerns confronting judicial administration regarding family and juvenile law, procedure, and practice; and
- Address issues related to domestic violence, self-represented litigants, juvenile delinquency and dependency, adoption, and general family law.

Current Activities

On an ongoing basis, the Family and Juvenile Law Advisory Committee:

- Reviews pending legislation regarding family and juvenile matters;
- Reviews suggestions from the public for improving the administration of family and juvenile cases and recommends appropriate action to the council or one of its committees; and
- Proposes to the council changes in rules, forms, and standards for family and juvenile cases.

Committee Structure

The committee is cochaired by Judge Mark Juhas, Superior Court of California, County of Los Angeles, and Judge Jerilyn L. Borack, Superior Court of California, County of Sacramento.

Under rule 10.43 of the California Rules of Court, the Family and Juvenile Law Advisory Committee includes members in the categories of appellate court justice, trial court judicial officer, judicial administrator, child custody mediator, family law attorney, juvenile law attorney, chief probation officer, child welfare director, Court Appointed Special Advocate (CASA) director, county counsel, domestic violence advocate, district attorney, child support attorney, and public interest children's rights attorney.

Contacts:

Julia F. Weber, Supervising Attorney and Cocounsel to the Family and Juvenile Law Advisory Committee, julia.weber@jud.ca.gov
Audrey Fancy, Supervising Attorney and Cocounsel to the Family and Juvenile Law Advisory Committee, audrey.fancy@jud.ca.gov

Additional resources:

<http://www.courts.ca.gov/>
<http://www.courts.ca.gov/familyjuvenilecomm.htm>



JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

July 2016

Child Support Commissioner and Family Law Facilitator Program

The Child Support Commissioner and Family Law Facilitator Program (Assem. Bill 1058) is a mandated statewide program to expedite child support cases. The Judicial Council administers it by adopting rules and forms, setting standards for the Office of the Family Law Facilitator, overseeing budget administration, and in other ways ensuring successful implementation of the program.

History

Assembly Bill 1058, signed by Governor Pete Wilson in September 1996, expedited the court process for families involved in child support cases and made the process accessible and cost-effective. The legislation also made assistance with health insurance and spousal support issues available to litigants. Most significantly, the legislation established the Child Support Commissioner and Family Law Facilitator Program.

AB 1058 originated with the Governor's Child Support Court Task Force, which included family law judges and commissioners, private and public attorneys, representatives of the Judicial Council and the California Department of Social Services, and members of groups representing fathers, mothers, and children.

Commissioners

Under the Child Support Commissioner and Family Law Facilitator Program, 71 commissioners hear child support matters that fall under title IV-D of the Social Security Act—that is, actions in which the local child support agency establishes, modifies, or enforces a child support order. Each court is responsible for the recruitment and assignment of commissioners. Smaller counties are encouraged to share commissioners and other resources.

All actions filed by the local child support agency regarding child and spousal support or paternity must be referred for hearing to a child support commissioner. The commissioner's duties include taking testimony, establishing a record, evaluating

evidence, making decisions or recommendations, and entering judgments or orders based on stipulated agreements.

Family Law Facilitators

AB 1058 requires the superior court in each of California's 58 counties to maintain an Office of the Family Law Facilitator to provide litigants with free education, information, and assistance with child support issues. Each court appoints a California-licensed attorney with mediation or litigation experience in family law to head the office. The family law facilitator does not represent any party, and there is no attorney-client relationship.

For the parents, a family law facilitator helps demystify courtroom procedures and humanize the court system. For the court personnel, commissioners, and judges, a family law facilitator increases the effectiveness of child support decisions, because with the facilitator's help parents prepare their legal papers correctly and more fully understand how to present their cases and collect support.

As an individual court's program matures and the need arises—and as additional funding is secured—the court may (within the limits established by statute) create additional duties for the facilitator, such as mediating support issues, helping parties draft agreements, and preparing formal orders consistent with the court's announced order.

Funding

A cooperative agreement between the Department of Child Support Services (DCSS) and the Judicial Council provides for full state funding by DCSS (with two-thirds of the funds originating with the federal government) for 71 commissioners (52 full-time equivalent positions), 121 facilitators (50 full-time equivalent positions), and their support staffs. Commissioner funding for fiscal year 2016–2017 is \$44,764,633 and facilitator funding for fiscal year 2016–2017 is \$15,286,662. Some courts supplement the AB 1058 facilitator funding in order to furnish additional facilitator services. The program staff of the Judicial Council Center for Families, Children & the Courts (CFCC) reevaluates local court staffing, as well as financial and other needs, to support adequate allocation of resources to achieve program goals.

Other AB 1058 Provisions

In addition, AB 1058:

- Requires uniform and simplified procedures for title IV-D child support cases;
- Improved the procedures for establishing child support by lengthening the required notice to the person from whom support payments are sought and by requiring a more expeditious method of establishing support;
- Furnishes administrative remedies for certain difficulties of local child support agencies in enforcing support orders; and
- Requires that the person requesting services become a party to an action brought by the local child support agency once a support order is made, and allows issues of custody, visitation, and restraining orders to be determined in the action.

Role of Judicial Council

The Judicial Council, through CFCC, is responsible for administering the program; adopting rules and forms; adopting minimum standards for Offices of the Family Law Facilitator; overseeing budget administration; and taking other actions to ensure the program's success, such as establishing minimum education and training requirements for commissioners and other court personnel (Fam. Code, § 4252(b)(2)), providing training and technical assistance for facilitators, and serving as a clearing-house for information. The CFCC program staff functions as a communication hub to strengthen and bridge intercounty and Judicial Council-county communication.

Based on recommendations from the Family and Juvenile Law Advisory Committee, the Judicial Council made determinations about the following issues involving child support commissioners:

- Minimum qualifications (Fam. Code, § 4252(b)(1));
 - Caseload, case processing, and staffing standards setting forth the maximum number of cases each commissioner may process (Fam. Code, § 4252(b)(3)); and
 - Technical assistance for counties with issues related to implementation and operation of the child support system, including the sharing of resources between counties (Fam. Code, § 4252(b)(5)).
- Contact:

Anna Maves, Supervising Attorney, Center for Families, Children & the Courts,
anna.maves@jud.ca.gov

Irene C. Balajadia, Administrative Coordinator, Center for Families, Children & the
Courts, irene.balajadia@jud.ca.gov

Additional resources:

Reports and publications, <http://www.courts.ca.gov/cfcc-childsupport.htm>



JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

September 2016

California's Access to Visitation Grant Program

The Judicial Council is charged with administering and distributing California's share of the federal Child Access and Visitation Grant funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub.L. No. 104-193, 110 Stat. 2258), title III, section 469B of the Social Security Act, enable states to establish and administer programs that support and facilitate access and visitation by noncustodial parents' with their children. The federal allocation to each state is based on the number of single-parent households—this is a formula grant.

Purpose of the Grant Program

The purpose of the federal Child and Visitation Grant Program is to “remove barriers and increase opportunities for biological parents who are not living in the same household as their children to become actively involved in their children's lives.” Federal grant funding is intended to allow states to develop programs and to provide services that support the goal of increasing noncustodial access to and visitation with their children.

Federal and State Program Goals

Under the federal statute, Child Access and Visitation Grant funds may be used to support and facilitate noncustodial parents' access to and visitation with their children by means of activities, including mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision, and neutral drop-off and pick-up), and development of guidelines for visitation and alternative custody arrangements.

The use of funds in California, however, is limited by state statute to three types of programs: supervised visitation and exchange services, education about protecting

children during family disruption, and group counseling services for parents and children.

The primary goals of California's Access to Visitation Grant Program are to enable parents and children to participate in supervised visitation, education, and group counseling programs—irrespective of the parents' marital status and whether the parties are currently living separately permanently or temporarily—and to promote and encourage healthy relationships between noncustodial parents and their children while ensuring the children's health, safety, and welfare. The overarching policy goal of California's Access and Visitation Grant Program has been to ensure accessible and available grant-related services statewide, consistent with the federal goal that “increased parental access and visitation not only improve parent-child relationships and outcomes for children but also have been demonstrated to result in improve child support collections, which creates a double win for children—a more engaged parent and improved financial security.” (See Public Law 113-183, section 303).

The grant program receives direction and guidance from the Judicial Council's Executive and Planning Committee, the council's Family and Juvenile Law Advisory Committee, the state Legislature, and the federal Administration for Children & Families, Office of Child Support Enforcement. The council's Family and Juvenile Law Advisory Committee provides recommendations to the council for allocation of funding for the grant program pursuant to Family Code section 3204.

Grant Funding Information

- Family courts throughout California are eligible to apply for and receive these federal Access to Visitation Grant funds. The family law divisions of the superior courts are required to administer the programs.
- Nonprofit agencies desiring to participate as the courts justice partner for the AV funded services are not allowed to apply directly to the Judicial Council for these grant funds but must do so as part of the individual superior court's Access to Visitation Grant application.
- Grant funding allocation is awarded to the superior courts through a competitive statewide request-for-proposals grant application process. Applicants are strongly encouraged to involve multiple courts and counties in their proposed programs and designate on court as the lead administering court.
- Effective fiscal year 2015–2016, the Judicial Council approved a new funding methodology regarding the administration and operation of California's Access to Visitation Grant Program. A copy of the report with the council

recommendations can be downloaded here:

<http://courts.ca.gov/documents/jc-20140220-itemB.pdf>

- The recipients of the Access to Visitation funded services are low-income separated, separating, divorced, or never parents and their children who are involved in custody and visitation proceedings under the Family Code.
- Under Family Code section 3202, supervised visitation and exchange programs funded under the grant must comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation, as set forth under Standard 5.20 of the California Standards of Judicial Administration. In addition, effective January 1, 2013, Family Code section 3200.5 was added related to supervised visitation.

Contact:

Shelly La Botte, Senior Analyst (Access to Visitation Grant Program Manager),
shelly.labotte@jud.ca.gov

Additional resources:

CFCC Access to Visitation Grant Program, www.courts.ca.gov/cfcc-accessstovisitation.htm

Standard 5.20 (Uniform standards of practice for providers of supervised visitation),

<http://www.courts.ca.gov/7260.htm?title=standards>

Family Code section 3200.5, [http://www.leginfo.ca.gov/cgi-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=03001-04000&file=3200-3204)

[bin/displaycode?section=fam&group=03001-04000&file=3200-3204](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=03001-04000&file=3200-3204)



ADMINISTRATIVE OFFICE
OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

January 2013

Court Appointed Special Advocates

A Court Appointed Special Advocate (CASA) is a trained volunteer appointed by a judicial officer to provide advocacy for a child who is under the jurisdiction of the courts due to abuse or neglect. The CASA serves as the “eyes and ears” of the judge for children in foster care. Volunteers spend time with children, monitor needed services, and provide child-focused recommendations to the court based on the best interest of the children they serve.

CASA programs train and supervise CASA volunteers at the direction their local juvenile court. In 2013, there are 44 CASA programs providing services to the local superior courts in 49 of California’s 58 counties. One Tribal CASA program also provides services to four tribal courts. Another local program is formally recognized by the local tribal council to serve and provide advocacy to children on tribal court cases.

The Judicial Council’s CASA grants program provides funding, technical assistance, evaluation, and training for CASA programs and local courts in California.

CASA Funding

The Judicial Council provides funding to all CASA programs serving the superior courts. In California, most CASA programs are non-profit organizations and receive funding from a variety of other sources. The Judicial Council’s funding for CASA programs is determined by county population as required by Welfare and Institutions Code, section 100. For year Fiscal Year 2012-2013, 44 programs in 49 counties were awarded.

CASA Program Evaluation

The Judicial Council program evaluation process is conducted in tandem with the California CASA Association (CalCASA). CFCC and CalCASA staff members conduct each evaluation site review jointly to determine compliance with rule 5.655 of the California rules of court, Welfare and Institutions Code sections 100-109, and

National CASA Association Standards. Preparation for each site review includes a review of various program documentation submitted to CFCC staff during the year prior to the evaluation. In addition to interviewing CASA staff and volunteers, the site visit team meets with judicial officers, attorneys, and social workers to understand local CASA needs and challenges. The on-site evaluations confirm necessary compliance, and identify program challenges to determine appropriate technical support needs. CFCC and CalCASA staff provide follow up technical assistance. During these site visits, CFCC staff also gather information regarding program strengths and innovative strategies to share as best practices with other programs and courts.

CASA Annual Program Report

CFCC carefully monitors the number of volunteers and children served, and demographics of the children served. The numbers that CASA serves statewide has been growing for the past three years. These findings are available in the CASA Annual Reports (<http://www.courts.ca.gov/cfcc-dependency.htm>).

CASA Technical Assistance and Training

CFCC staff members provide technical assistance to local CASA programs for issues related to grant funding, compliance, and data collection. They also organize an annual program directors' meeting and a variety of opportunities for training and networking, including the Beyond the Bench Conference.

CASA Research

In 2004, CFCC staff conducted a statewide evaluation of data collection practices in each CASA program. Following this initial assessment, CFCC implemented a standard data collection procedure for California CASA programs. CFCC also provided necessary training, equipment, and technological services for implementation of this data collection project. On-going technical support is available to ensure that each program is able to track CASA services and child welfare outcomes. CFCC staff also utilize the CASA data collection project to monitor Judicial Council grant requirements and to collect statewide data on CASA services to local courts.

CASA and the Courts: An Assessment

In 2008, CFCC staff, in partnership with the SPHERE Institute and Ceres Research, conducted a study of the services provided by CASA to dependency courts statewide. This one-time assessment focused on what CASAs do to gather and present critical information about dependent children to the court. The study included the perspectives of CASA volunteers, CASA youth, program staff, judicial officers and

community_partners. In addition to highlighting current innovative and effective CASA practices, the study will be used to guide the Judicial Council in its CASA grants program and help make decisions about how to improve and expand CASA programs. (http://www.courts.ca.gov/documents/CASA_Assessment_Research_Summary_03-16-09_Final.pdf).

Contact:

Amy Nuñez, Supervising Research Analyst, Center for Families, Children & the Courts,
amy.nunez@jud.ca.gov

Alma Balmes, Administrative Coordinator, Center for Families, Children & the Courts,
alma.balmes@jud.ca.gov

Center for Families, Children & the Courts, CFCC@jud.ca.gov

RUPRO Schedule for Rules, Standards, and Forms Proposals
Effective September 1, 2017 and January 1, 2018
(for items requiring circulation for comment)

<i>Effective date of rules, standards, forms</i>	<i>September 1, 2017 Urgent Cycle</i>	<i>January 1, 2018</i>
Advisory committee meeting/Editing and Graphics	Oct - Nov, 2016	November 2016 – Jan. 2017
Proposals to RUPRO staff (Include Action Request Form, summary, and text of rule, standard, or form.)	Tuesday, November 15, 2016	Wed., Jan. 25, 2017
Proposals mailed to RUPRO	Friday, December 2, 2016	Tues., Feb. 7, 2017
RUPRO meeting to approve proposals to circulate for comment	Thursday, December 15, 2016 <i>w JC meeting</i>	Fri, Feb. 24, 2017 <i>in-person meeting/conference</i>
Comment period	Fri., December 16, 2016– Tues., Feb. 14, 2017 (60 days)	Mon. Feb. 27, 2017– Fri. April 28, 2017 (60 days; incl. 2 holidays)
Comments to committee staff	Wed., Feb. 15, 2017	Wed., May 3, 2017
Advisory committee meeting/Editing and Graphics	Feb.- Mar. 2017	May – June , 2017
Reports to RUPRO staff (Include Action Request Form; council report with text of rules, standards, and forms; comment chart with committee responses.)	Mon., March 27, 2017	Wed., June 21, 2017
Reports mailed to RUPRO	Wed., April 5, 2017	Mon., July 10, 2017
RUPRO meeting to consider reports going to the council	Wed., April 19, 2017, 12:10 - 2:00 p.m. <i>conference call (day before E&P mtg)</i>	Thurs., July 27 or Fri., July 28, 2017 <i>in-person/JC meeting</i>
JCAR and DRAFT reports to E/P Committee staff	<i>March 27 - 31, 2017 (TBD)</i>	<i>Aug. 7 - 11, 2017 (TBD)</i>
E&P meeting to set agenda	<i>Thurs., April 20, 2017 (TBD)</i>	<i>Thurs., Aug. 31, 2017 (TBD)</i>
FINAL reports due to JCS	<i>Fri., May 5, 2017 (TBD)</i>	<i>Tues., Sept. 5, 2017 (TBD)</i>
Binders mailed to council	<i>Thurs., May 11, 2017 (TBD)</i>	<i>Thurs., Sept. 7, 2017 (TBD)</i>
Judicial Council meeting	Fri., May 19, 2017	Fri., Sept. 15, 2017

Annual Agenda review for 2016-2017 Committee year – In conjunction with 12/15-12/16/16 JC meeting
Annual Agenda review for 2017-2018 Committee year – In conjunction with 11/16-11/17/17 JC meeting

Bills with RUPRO Implications

Listed below are the bills with RUPRO implications that have been enrolled to or signed by the Governor. The full text for these bills can be found at leginfo.legislature.ca.gov. For questions on any of these bills please contact: Alan Herzfeld at (916) 323-3121 or alan.herzfeld@jud.ca.gov.

[AB 1702 \(Stone D\) Juveniles: dependent children: reunification services](#)

Chapter 124, Statutes of 2016

Summary: Provides that reunification services need not be provided when the court finds that the parent or guardian knowingly participated in, or permitted, the sexual exploitation of the child, as prescribed, except if the parent or guardian demonstrated by a preponderance of the evidence that he or she was coerced into doing so.

[AB 1735 \(Waldron R\) Dissolution of marriage: bifurcated judgement: service](#)

Chapter 67, Statutes of 2016

Summary: In bifurcated dissolution cases, allows for service of process on an attorney of a represented party to be sufficient, unless there have been no filings in the case for six months after the entry of the bifurcated judgement, in which case service must also be on the party.

[AB 1849 \(Gipson D\) Foster youth: transition to independent living: health insurance coverage](#)

Passed by the Assembly and Senate and enrolled to the Governor

Summary: Requires a 90-day transition plan to include information on a minor or nonminor's eligibility for and/or enrollment in Medi-Cal health insurance programs.

[AB 1911 \(Eggman D\) Dual status minors](#)

Passed by the Assembly and Senate and enrolled to the Governor

Summary: Requires the Judicial Council to convene a stakeholder working group to develop and report to the Legislature its recommendations to facilitate and enhance comprehensive data and outcome tracking for the state's youth involved in both the child welfare system and the juvenile justice system.

[AB 1945 \(Stone D\) Juveniles: sealing of records](#)

Passed by the Assembly and Senate and enrolled to the Governor

Summary: Allows a child welfare agency of a county responsible for the supervision and placement of a minor or nonminor dependent to access a record that has been ordered sealed for the limited purpose of determining an appropriate placement or service.

AB 2005 (Ridley-Thomas D) Juveniles: out-of-state placement

Passed by the Assembly and Senate and enrolled to the Governor

Summary: Restricts a court from placing a minor in an out of state placement, unless the court finds, in writing and by clear and convincing evidence, that the case plan demonstrates that the out-of-state placement is the most appropriate and is in the best interests of the minor and that in-state facilities or programs have been considered and are unavailable or inadequate to meet the needs and best interests of the minor.

AB 2872 (Patterson R) Children

Passed by the Assembly and Senate and enrolled to the Governor

Summary: Allows an otherwise sealed juvenile case file to be inspected by a court-appointed investigator, acting within the scope of investigative duties of an active case, for the purpose of conducting a stepparent adoption, access to juvenile case files.

SB 253 (Monning D) Juveniles: psychotropic medication

Passed by the Assembly and Senate and enrolled to the Governor

Summary: Commencing January 1, 2018, requires that an order authorizing the administration of psychotropic medications to a dependent child or a delinquent child in foster care be granted only upon the court's determination that the administration of the medication is in the best interest of the child and that specified requirements have been met, including a requirement that the prescribing physician confirms that all appropriate laboratory screenings or tests have been performed or ordered for the child, as specified. Under specified circumstances, the bill would prohibit the court from authorizing the administration of psychotropic medications to a child under those provisions, unless a preauthorization review is obtained from a child psychiatrist or behavioral pediatrician, as specified. The bill would impose additional requirements on the court to implement these provisions and to conduct review hearings, as specified. The bill would require the child's social worker to submit a report to the court prior to any review hearing, to include information from the child, the child's caregiver, the public health nurse, and the court-appointed special advocate. By increasing the duties of county social workers, the bill would impose a state-mandated local program. The bill would authorize psychotropic medication to be administered in an emergency without court authorization. The bill would require court authorization to be sought as soon as practical thereafter, but in no case more than 2 court days after emergency administration of the psychotropic medication. The bill would require the Judicial Council to adopt rules of court and develop appropriate forms to implement these provisions by January 1, 2018.

SB 1060 (Leno D) Postadoption contact: siblings of dependent children or wards

Passed by the Assembly and Senate and enrolled to the Governor

Summary: Requires a county placement agency to convene a meeting with a dependent, the dependent's sibling or siblings. The prospective adoptive parent or parents, and a facilitator, for the purpose of deciding whether to voluntarily execute a postadoption sibling contact agreement. Further requires the court to inquire about the status and results of this meeting at the first six-month review hearing.

SB 1255 (Moorloch R) Dissolution of marriage: date of separation

Chapter 114, Statutes of 2016

Summary: Define “date of separation” for purposes of the Family Code to mean the date that a complete and final break in the marital relationship has occurred, as evidenced by the spouse’s expression of his or her intent to end the marriage and conduct that is consistent with that intent. Directs a court to take into account all relevant evidence in determining the date of separation. Specifies that it is the intent of the Legislature to abrogate the decisions in *In re Marriage of Davis* (2015) 61 Cal.4th 846 and *In re Marriage of Norviel* (2002) 102 Cal.App.4th 1152.

SB 1336 (Jackson D) Dependent children: investigation: relatives

Passed by the Assembly and Senate and enrolled to the Governor

Summary: Requires a court to make a finding as to whether the social worker has exercised due diligence in conducting an investigation identify, locate, and notify a child’s relatives whenever a child is removed from a parent or guardian's custody, and specifies the factors to consider in making that determination.

Mental Health Implementation Task Force Recommendations

Annual Agenda Item:

Consider Mental Health Issues Implementation Task Force Referrals

Review and consider recommendations referred by the Judicial Council following the task force's final report to the council. Recommend appropriate action within the committee's purview.

Background:

The Task Force for Criminal Justice Collaboration on Mental Health Issues (TFCJCMHI) was established in 2008 as a Chief Justice–led initiative that was part of a national project of the Council of State Governments. The project was designed to assist state judicial leaders in their efforts to improve responses to people with mental illnesses in the criminal justice system. The TFCJCMHI was charged with exploring ways to improve practices and procedures in cases involving adult and juvenile offenders with mental illness, to ensure the fair and expeditious administration of justice, and to promote improved access to treatment for defendants with mental illness in the criminal justice system.

In January 2012, Chief Justice Tani G. Cantil-Sakauye appointed the Mental Health Issues Implementation Task Force (Implementation Task Force), chaired by Judge Richard J. Loftus, Jr., of the Superior Court of Santa Clara County, to review the recommendations of the TFCJCMHI and to develop a plan for implementing the recommendations of that report. Implementation Task Force membership included judicial officers and court executive officers from throughout the state, as noted in the roster included with this report. While developing the implementation plan, it became clear that mental health issues cut across all case types and treatment, social service, and policy issues impacting defendants and other court users were often complex and multi-faceted. While the Implementation Task Force has focused on identifying ways to improve outcomes and reduce recidivism rates in criminal cases involving mental health issues, being mindful of cost and public safety considerations in the post-recession/post-realignment environment, members recognized the need to develop protocols and practices that support improved outcomes for court users with mental illness across other case types particularly those in juvenile, probate, dependency, and family courts.

Current Status:

The Implementation Task Force sunsetted on December 31, 2015 and in April 2014 the cochairs were asked to accept the referrals shown on the attached document with yellow highlight. On behalf of the committee the cochairs noted that the committee has consistently worked on issues related to mental health in a variety of ways related in family law, juvenile dependency, and juvenile delinquency and that the committee welcomed these referrals.

Mental Health Recommendations Assignment and Categorization Chart

Juvenile Mental Health Projects

Summarized recommendations:

- (Rec 1 – CJCAC) Address community coordination in collaborative justice – juvenile
- (Rec 22 – CJCAC) Discharge planning - juvenile
- (Rec 28 – CJCAC) dedicated calendar competency – juvenile
- (Rec 88 – CJER) PJs should work with relevant stakeholders to provide appropriate services to delinquent youth with mental health issues
- (Rec 89 – CJER, F&J) Screen all youth referred to probation for 602 proceedings for mental health issue.
- (Rec 90 – F&J, CJER) Develop protocols for obtaining information regarding a child's mental health diagnosis and medical history
- (Rec 92 – CJCAC, F&J, Access, CJER) Each court should have informational and educational resources for juveniles and their families to learn about juveniles' rights, resources available, and how to qualify for services and benefits as they relate to issues of mental health. Those resources could include specially trained personnel, written materials, or any other sources of information. Each local jurisdiction should develop listings of available support and educational nonprofit organizations to assist families in need.
- (Rec 93 – CJCAC, F&J) Continue to make mental health services available to youth after completion of delinquency system. They should be extended consistent with the extension of services to dependent youth after they turn 18. This includes services provided for systemically appropriate transition age youth (18–25 years of age) who were formerly adjudicated as delinquent wards.
- (Rec 94 – CJCAC) Improve communication between delinquency and adult criminal justice system to ensure that information regarding juvenile mental health treatment is provided if they enter the adult system. Information sharing must be in compliance with HIPAA, et al. When appropriate, treatment should continue in a consistent fashion if a minor transitions into the adult criminal justice system.
- (Rec 95 – CJCAC, F&J) Experts in juvenile law, psychology, and psychiatry should further study the issue of juvenile competence
- (Rec 96 – CJCAC, F&J) Existing legislation should be modified or new legislation should be created to refine definitions of competency to stand trial for juveniles in delinquency matters and outline legal procedures and processes. EBP should be used.
- (Rec 97 – CJCAC, F&J) Youth exiting the juvenile delinquency system should receive appropriate reentry and aftercare services, including stable housing, and a discharge plan that addresses mental health, education, and other needs.
- (Rec 99 – CJCAC, F&J) The PJ should work with probation to create an MOU with local pharmacies and mental health service providers so juveniles leaving detention or placement can fill prescriptions and obtain other necessary mental health services nearby.

- (Rec 101 – CJCAC, F&J, CJER) The PJJ should work with local stakeholders to ensure that mental health services are available for all juveniles in the juvenile court system who need such services.
- (Rec 102 – CJCAC, F&J, CJER) The PJJ of each county should work collaboratively with relevant agencies to ensure that youth in detention receive adequate and appropriate mental health treatment.
- (Rec 103 – CJCAC, F&J, CJER) The PJJ should establish an interagency work group to identify and access local, state, and national resources for juveniles with mental health issues.
- (Rec 105 – CJCAC, F&J, CJER) Counties should uniformly apply standards of care for youth in detention who have mental illness or developmental disabilities. Local jurisdictions should collaborate to develop strategies and solutions for providing services to youth with mental health issues that meet this minimum statewide standard of care utilizing available local and state resources.
- (Rec 106 – CJCAC, F&J, CJER) The PJJ of each county should work with local stakeholders to ensure that out-of-custody youth with co-occurring disorders are obtaining community-based mental health services.
- (Rec 107 – CJCAC, F&J, CJER) Education and training related to juvenile development, mental health issues, co-occurring disorders, developmental disabilities, special education, and cultural competency related to these topics should be provided to all judicial officers, probation officers, law enforcement, prosecutors, defense attorneys, court evaluators, school personnel, and social workers.
- (Rec 108 – CJCAC, Access, F&J, CJER) Culturally competent education should be provided to judicial officers, juvenile defense attorneys and prosecutors, court evaluators, probation officers, school personnel, and family members on how to assist juveniles and their families in qualifying for appropriate mental health treatment services for youth under the jurisdiction of the juvenile delinquency court.
- (Rec 109 – CJCAC, CJER) The Judicial Council should disseminate information to the courts regarding evidence-based collaborative programs or services that target juvenile defendants with mental illness or co-occurring disorders.
- (Rec 110 – CJCAC, CJER) The California Courts website should include links to national and international research on collaborative justice and juvenile mental health issues, as well as information on juvenile mental health courts, promising case processing practices, and subject matter experts available to assist the courts.
- (Rec 111 – CJCAC, F&J) Assessments and evaluations of the current data, processes, and outcomes of juvenile competence to stand trial in California should be conducted.
- (Rec 113 – CJCAC, F&J, Access) Ongoing data should be collected about juveniles diverted from the juvenile delinquency court to other systems, including, but not limited to, the mental health system or juvenile mental health court.
- (Rec 131) (CJCAC) Funding for research initiatives outlined in this report should be sought from local, state, federal, and private sources.

Adult Non-Criminal Mental Health Projects

Summarized Recommendations:

- (Rec 13 – CJCAC) Mental health protocols/information sharing
- (Rec 15 – CJCAC) Promote collaboration between courts and mental health agencies for defendants
- (Rec 38 – CJCAC) Forensic Peer Specialist Programs should be utilized within the courts, particularly in mental health courts to assist defendants with mental illness in navigating the criminal justice system.
- (Rec 39 – Access) Self-help centers to provide information on mental health and the courts
- (Rec 114 – CJCAC) Funding for education on collaborative justice principles and mental health issues should be sought from local, state, federal, and private sources.
- (Rec 115 – CJCAC) The Judicial Council should disseminate to the courts, using advanced technology, information regarding evidence-based collaborative programs or services that target defendants with mental illness or co-occurring disorders.
- (Rec 124 – CJCAC, Access, CJER) All mental health training and education should include information on cultural issues relevant to the treatment and supervision of people with mental illness.
- (Rec 128 – CJCAC) The Administrative Director should transmit this report to California law school deans and urge them to consider strategies specified in the report
- (Rec 130 – CJCAC) The Administrative Director should transmit this report to the Law School Admissions Council (LSAC) and the Board of Governors of the State Bar of California for its information and consideration.
- (Rec 131) (CJCAC) Funding for research initiatives outlined in this report should be sought from local, state, federal, and private sources.
- (Rec 132 – CJCAC) The California Courts website should include links to national and international research on collaborative justice and mental health issues, as well as information regarding mental health court and calendar best practices and subject matter experts available to assist the courts.

Adult Criminal Mental Health Projects

Summarized Recommendations:

- (Rec 1 – CJCAC) Address community coordination in collaborative justice – adult
- (Rec 14 – CJCAC) ROC 10.952 – updated list of local agencies serving defendants with mental illness
- (Rec 16 – CJCAC) Encourage collaborative justice courts for MH issues/local protocols for MH CJ courts
- (Rec 17 – CJCAC, CJER) Develop teaching tool on how MH should guide case processing

- (Rec 18 – CJCAC, CJER) Develop Supervised release programs
- (Rec 20 – CJER, F&J) Education around and best practice for JOs to consider direct input from victims in cases involving defendants with mental illness.
- (Rec 21 – CJCAC, CLAC) Video based linkages
- (Rec 22 – CJCAC, CLAC) Discharge planning – adult
- (Rec 23 – CJCAC, CLAC) Confidentiality education
- (Rec 24 – Probate, CLAC) Coordination between conservatorship and criminal proceedings with a single court designated to handle.
- (Rec 25 – Probate, CLAC) Draft legislation to allow joinder of conservator to criminal proceedings.
- (Rec 26 – Probate, CLAC) Draft legislation to allow JOs in criminal court to order a conservatorship evaluation.
- (Rec 27 – CJCAC, CLAC) Investigation report give recommendations
- (Rec 28 – CJCAC) dedicated calendar competency – adult
- (Rec 29 – CJER) Each court to develop its own panel of experts who demonstrate training and expertise in competency evaluations
- (Rec 31 – CLAC) Amend CRC 4.130(d)(2) to include additional information in the court-appointed expert report about competency
- (Rec 32 – CJCAC, CLAC) Collaborate with partners to resolve issues of mutual concern re: IST defendants
- (Rec 35 – CJCAC, CLAC) Encourage courts to reopen a finding of incompetence to stand trial when new evidence is presented that the person is no longer incompetent. If the defendant is deemed competent he or she should not be transferred to a state hospital.
- (Rec 36 – CJCAC, CLAC) Continue legislative work to give judicial officers hearing competency matters access to a variety of alternative procedural and dispositional tools, to receive mental health treatment with supervision until competency is restored.
- (Rec 37 – CJCAC, CLAC) Courts, state hospitals, and the California State Sheriff's Association should collaborate to develop common formularies to ensure that medications administered in state hospitals are also available in jails.
- (Rec 55 – CJCAC, CLAC) The court should have jurisdiction to join to the proceedings those agencies and providers that already have legal obligations to provide services and support to probationers and parolees with mental illness.
- (Rec 56 – CJCAC, CLAC) Before the court grants a motion to transfer jurisdiction to a different county for probation, judicial officers should consider present mental stability and access to appropriate mental health treatment and services.
- (Rec 57 – CJCAC, CJER) Discharge planning education
- (Rec 58 – CJCAC, CJER) Probation and parole conditions being the least restrictive necessary and should be tailored to the probationers' or parolees' needs and capabilities
- (Rec 59 – CJCAC, CJER) Probationers/parolees with mental illness should be supervised by probation officers and parole agents with specialized mental health training and reduced caseloads
- (Rec 61 – CJCAC, CJER) Specialized mental health probation officers/parole agents should conduct their supervision within the communities and where the offender with mental illness spends most of his or her time.

- (Rec 62 – CJCAC, CJER) Specialized mental health probation officers/parole agents to work with providers to ensure that probationers and parolees with mental illness receive the treatment specified in their discharge plans and connected to a 24-hour crisis service.
- (Rec 64 – CJCAC, CJER) Probationers and parolees with mental illness or co-occurring disorders should receive mental health and substance abuse treatment that is considered an evidence based or promising practice
- (Rec 65 – CJER) JOs should avoid fixed sentences that mandate state prison for probation violations for offenders with mental illness
- (Rec 66 – CJCAC, CJER) Judicial officers hearing probation violations and Board of Parole Hearings commissioners should consider the discharge plan, seriousness of crime and MH treatment progress, using alternatives to reincarceration where appropriate.
- (Rec 67 – CJCAC, CLAC, CJER) Use specialized reentry courts based on collaborative justice principles
- (Rec 71 – CJER) Community mental health care manager to help with reentry
- (Rec 72 – CJER) Formal jail liaison with mental health department to be designated to help with discharge planning
- (Rec 76 – CJER) Discharge plans should be immediately implemented upon release
- (Rec 80 – CJER) Care manager should have timely follow up with released prisoners.
- (Rec 84 – CJCAC) Establish agreements with housing programs to establish a housing referral network for offenders with mental illness
- (Rec 116 – CJCAC, CJER) The Judicial Council, in collaboration with consumer and family groups, and professional mental health organizations, should develop and provide ongoing education for judicial officers, appropriate court staff, and collaborative partners on mental health issues and strategies for responding to people with mental illness or co- occurring disorders in the criminal justice system.
- (Rec 117 – CJCAC, CJER) Judicial officers should participate in orientation and ongoing education on mental illness and best practices for adjudicating cases involving defendants who have a mental illness or co-occurring disorder.
- (Rec 118 – CJCAC, CJER) Ongoing training should be provided to judicial officers and attorneys with assignments in collaborative justice courts on collaborative justice principles and all areas related to defendants with mental illness or co-occurring disorders.
- (Rec 119 – CJCAC, F&J, Access) Continuing Legal Education (CLE) courses focusing on mental health law and participation by mental health professionals in the criminal process should be developed.
- (Rec 122 – CJCAC, CJER) Education for Deputy Commissioners of the Board of Parole Hearings who hear parole violations on mental illness and effective methods for addressing violations of supervision conditions by parolees with mental illness.
- (Rec 131) (CJCAC) Funding for research initiatives outlined in this report should be sought from local, state, federal, and private sources.
- (Rec 134 – CJCAC, F&J, Access) Programs targeting offenders with mental illness should track outcome data. Although programmatic goals will determine the data collected, key data elements

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO

Entered (date)	By:	Hearing Date	Time	Dept	Judge
PETITIONER	<input type="checkbox"/> Present in Court	ATTORNEY	<input type="checkbox"/> Present in Court	<input type="checkbox"/> Pro Per	Clerk
RESPONDENT	<input type="checkbox"/> Present in Court	ATTORNEY	<input type="checkbox"/> Present in Court	<input type="checkbox"/> Pro Per	Reporter
CLAIMANT	<input type="checkbox"/> Present in Court	ATTORNEY	<input type="checkbox"/> Present in Court	<input type="checkbox"/> Pro Per	Case Number

Family Code 3027 Allegations of child abuse or child sexual abuse

- (a) If allegations of child abuse, including child sexual abuse, are made during a child custody proceeding and the court has concerns regarding the child's safety, the court may take any reasonable, temporary steps as the court, in its discretion, deems appropriate under the circumstances to protect the child's safety until an investigation can be completed. Nothing in this section shall affect the applicability of Section 16504 or 16506 of the Welfare and Institutions Code.
- (b) If allegations of child abuse, including child sexual abuse are made during a child custody proceeding, the court may request that the local child welfare services agency conduct an investigation of the allegations pursuant to Section 328 of the Welfare and Institutions Code. Upon completion of the investigation, the agency shall report its findings to the court.

The court finds that allegations of child abuse have been made in this case during a child custody proceeding. Pursuant to Family Code section 3027 above, the Court requests that the local child welfare services agency conduct an investigation. The Agency shall report its findings to the Court.

The issue is set for further hearing to determine the status of the investigation on _____ at _____ a.m. / p.m. in Department _____ of the Fresno Superior court located at 1130 "O" Street in Fresno, California.

- The court refers the matter to Family Court Services to send a copy of this Order along with the parties contact information to Child Protective Services to commence the investigation.

The CPS investigation report shall also include answers to the questions marked below:

- The father, mother, claimant(s), has alleged that the father, mother, claimant(s) other: _____ has sexually abused, physically abused, emotionally abused, neglected the child(ren) _____
What are the findings?

- Are charges pending or will charges be filed?
- Are any of the parties a registered sex offender?
- Has the child(ren) been made a ward of the Juvenile Court?
-
-

IT IS HEREBY SO ORDERED:

Dated: Fresno, California _____

Judge of the Superior Court

ORDER FAMILY LAW: LOCAL CHILD WELFARE AGENCY INVESTIGATION

Custody Order:

The court finds that allegations of child abuse have been made in this case during a child custody proceeding.

Pursuant to Family Code section 3027, the Court requests that the local child welfare services agency conduct an investigation. **The Agency shall report it's findings directly to the Court.**

The issue is set for further hearing to determine the status of the investigation on _____ at _____ a.m. / p.m. in Department _____ of the Fresno Superior court located at 1130 "O" Street in Fresno, California.

Report:

In the event that the Court requests that the local child welfare services agency conduct an investigation, it is recommend that the investigation report answer the following questions:

- The father, mother, claimant(s), has alleged that the father, mother, claimant(s) other:_____ has sexually abused, physically abused, emotionally abused, neglected the child(ren)_____ What are the findings?

- Are any of the parties a registered sex offender?

- Has the child(ren) been made a ward of the Juvenile Court?

- Other

- Other

State of California

FAMILY CODE

Section 3027

3027. (a) If allegations of child abuse, including child sexual abuse, are made during a child custody proceeding and the court has concerns regarding the child's safety, the court may take any reasonable, temporary steps as the court, in its discretion, deems appropriate under the circumstances to protect the child's safety until an investigation can be completed. Nothing in this section shall affect the applicability of Section 16504 or 16506 of the Welfare and Institutions Code.

(b) If allegations of child abuse, including child sexual abuse, are made during a child custody proceeding, the court may request that the local child welfare services agency conduct an investigation of the allegations pursuant to Section 328 of the Welfare and Institutions Code. Upon completion of the investigation, the agency shall report its findings to the court.

(Amended by Stats. 2010, Ch. 352, Sec. 12. (AB 939) Effective January 1, 2011.)

State of California

WELFARE AND INSTITUTIONS CODE

Section 328

328. Whenever the social worker has cause to believe that there was or is within the county, or residing therein, a person described in Section 300, the social worker shall immediately make any investigation he or she deems necessary to determine whether child welfare services should be offered to the family and whether proceedings in the juvenile court should be commenced. If the social worker determines that it is appropriate to offer child welfare services to the family, the social worker shall make a referral to these services pursuant to Chapter 5 (commencing with Section 16500) of Part 4 of Division 9. No inference regarding the credibility of the allegations or the need for child welfare services shall be drawn from the mere existence of a child custody or visitation dispute.

However, this section does not require an investigation by the social worker with respect to a child delivered or referred to any agency pursuant to Section 307.5.

The social worker shall interview any child four years of age or older who is a subject of an investigation, and who is in juvenile hall or other custodial facility, or has been removed to a foster home, to ascertain the child's view of the home environment. If proceedings are commenced, the social worker shall include the substance of the interview in any written report submitted at an adjudicatory hearing, or if no report is then received in evidence, the social worker shall include the substance of the interview in the social study required by Section 358. A referral based on allegations of child abuse from the family court pursuant to Section 3027 of the Family Code shall be investigated to the same extent as any other child abuse allegation.

(Amended by Stats. 2010, Ch. 352, Sec. 20. (AB 939) Effective January 1, 2011.)



PROBATE CODE - PROB

DIVISION 4. GUARDIANSHIP, CONSERVATORSHIP, AND OTHER PROTECTIVE PROCEEDINGS [1400 - 3925] (*Division 4 enacted by Stats. 1990, Ch. 79.*)

PART 2. GUARDIANSHIP [1500 - 1611] (*Part 2 enacted by Stats. 1990, Ch. 79.*)

CHAPTER 1. Establishment of Guardianship [1500 - 1543] (*Chapter 1 enacted by Stats. 1990, Ch. 79.*)

ARTICLE 2. Appointment of Guardian Generally [1510 - 1517] (*Article 2 enacted by Stats. 1990, Ch. 79.*)

1513. (a) Unless waived by the court, a court investigator, probation officer, or domestic relations investigator shall make an investigation and file with the court a report and recommendation concerning each proposed guardianship of the person or guardianship of the estate. Investigations where the proposed guardian is a relative shall be made by a court investigator. Investigations where the proposed guardian is a nonrelative shall be made by the county agency designated to investigate potential dependency. The report for the guardianship of the person shall include, but need not be limited to, an investigation and discussion of all of the following:

(1) A social history of the guardian.

(2) A social history of the proposed ward, including, to the extent feasible, an assessment of any identified developmental, emotional, psychological, or educational needs of the proposed ward and the capability of the petitioner to meet those needs.

(3) The relationship of the proposed ward to the guardian, including the duration and character of the relationship, where applicable, the circumstances whereby physical custody of the proposed ward was acquired by the guardian, and a statement of the proposed ward's attitude concerning the proposed guardianship, unless the statement of the attitude is affected by the proposed ward's developmental, physical, or emotional condition.

(4) The anticipated duration of the guardianship and the plans of both natural parents and the proposed guardian for the stable and permanent home for the child. The court may waive this requirement for cases involving relative guardians.

(b) If the proposed ward is or may be described by Section 300 of the Welfare and Institutions Code, the court may refer the matter to the local child welfare services agency to initiate an investigation of the referral pursuant to Sections 328 and 329 of the Welfare and Institutions Code and to report the findings of that investigation to the court. Pending completion of the investigation, the court may take any reasonable steps it deems appropriate to protect the child's safety, including, but not limited to, appointment of a temporary guardian or issuance of a temporary restraining order. If dependency proceedings are initiated, the guardianship proceedings shall be stayed in accordance with Section 304 of the Welfare and Institutions Code. Nothing in this section shall affect the applicability of Section 16504 or 16506 of the Welfare and Institutions Code. If a dependency proceeding is not initiated, the probate court shall retain jurisdiction to hear the guardianship matter.

(c) Prior to ruling on the petition for guardianship, the court shall read and consider all reports submitted pursuant to this section, which shall be reflected in the minutes or stated on the record. Any person who reports to the court pursuant to this section may be called and examined by any party to the proceeding.

(d) All reports authorized by this section are confidential and shall only be made available to persons who have been served in the proceedings or their attorneys. The clerk of the court shall make provisions to limit access to the reports exclusively to persons entitled to receipt. The reports shall be made available to all parties entitled to receipt no less than three court days before the hearing on the guardianship petition.

(e) For the purpose of writing either report authorized by this section, the person making the investigation and report shall have access to the proposed ward's school records, probation records, and public and private social services records, and to an oral or written summary of the proposed ward's medical records and psychological records prepared by any physician, psychologist, or psychiatrist who made or who is maintaining those records. The physician, psychologist, or psychiatrist shall be available to clarify information regarding these records pursuant to the investigator's responsibility to gather and provide information for the court.

(f) This section does not apply to guardianships resulting from a permanency plan for a dependent child pursuant to Section 366.26 of the Welfare and Institutions Code.

(g) For purposes of this section, a "relative" means a person who is a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of these persons, even after the marriage has been terminated by death or dissolution.

(h) In an Indian child custody proceeding, any person making an investigation and report shall consult with the Indian child's tribe and include in the report information provided by the tribe.

(Amended by Stats. 2012, Ch. 638, Sec. 14. Effective January 1, 2013.)



2016 Survey of California Domestic Violence Service Providers

Conducted by
Family Violence Appellate Project

Report issued October 2016

Executive Summary

Dear Reader,

Between March and June 2016, Family Violence Appellate Project (FVAP) conducted its first survey of California domestic violence service providers to learn about the challenges facing survivors of domestic violence in civil courts. The survey was distributed to members of the California Partnership to End Domestic Violence (the “Partnership”) via the Partnership’s seven regional listservs and its legal advocates listserv, as well as members of the Legal Aid Association of California (“LAAC”) via LAAC’s family law listserv. In addition, results of a working session of 16 domestic violence legal services providers and court staff, held during June 2015 in conjunction with LAAC’s Pathways to Justice conference, were incorporated into the results reported here.

102 people responded to the survey, including people from all seven of the Partnership’s defined regions of the state, representing 34 of California’s 58 counties.

The results show some regional differences in the legal challenges faced by survivors of domestic violence, as well as many issues on which survivors across the state face common challenges. FVAP’s analysis of the survey results indicates that the top three legal challenges facing domestic violence survivors statewide are:

1. Courts failing to conduct Domestic Violence Protection Act (DVPA) actions properly, including failing to hear requests for financial support and custody;
2. Abuse not being considered appropriately, resulting in improper and unsafe custody and visitation orders; and
3. Abusers using the legal system to continue the abuse.

FVAP hopes this survey will support the domestic violence field in two ways: First, by helping service providers in each region of the state understand shared challenges in their region and providing a tool to help them work together to try to solve local problems. Second, by providing the field with information about common challenges across the state so we can work together to find statewide solutions that will help survivors in all regions.

I hope you will read the conclusion of this report for specific suggestions for putting it to good use.

FVAP welcomes feedback on this survey and hopes it will spark a robust dialogue about how we can work together to change legal outcomes to enhance the safety of survivors of domestic violence and their children in California.

With respect,



Erin C. Smith, Esq.
Executive Director

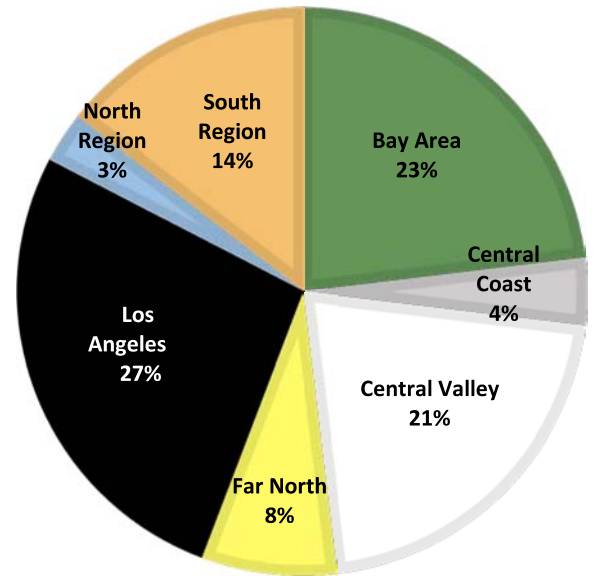
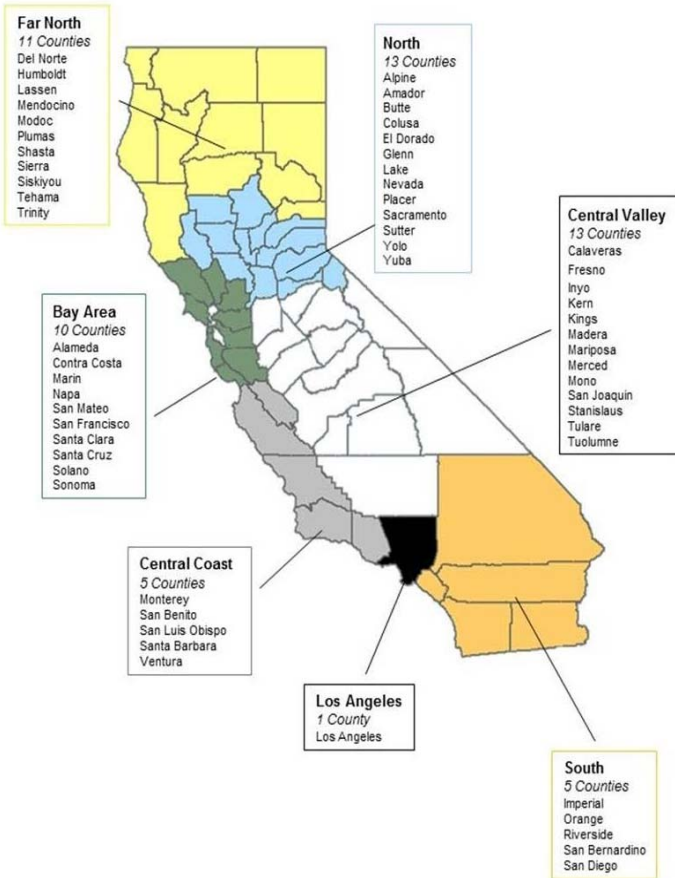
Table of Contents

Executive Summary	2
Statewide Survey Results	4
Bay Area Survey Results	9
Central Coast Survey Results	12
Central Valley Survey Results	15
Far North Survey Results	18
Los Angeles County Survey Results	21
North Region Survey Results	25
South Region Survey Results	28
Conclusion & Use of This Report	31

Statewide Survey Results

Total Number of Responses: 102

Regions served by survey respondents



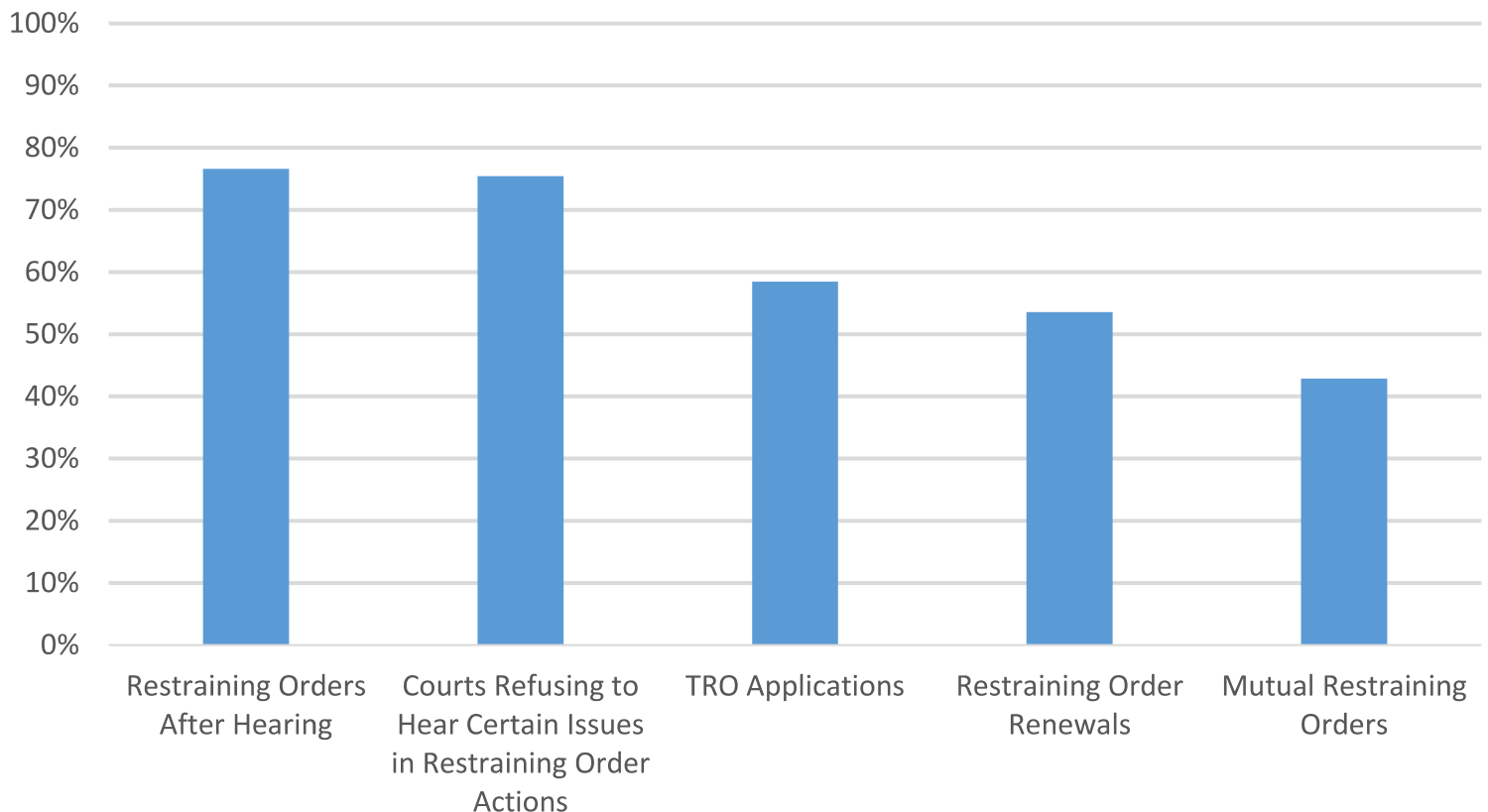
*Some respondents submitted responses for more than one region.

Job roles of survey respondents



Legal Problems Affecting Domestic Violence Survivors throughout California

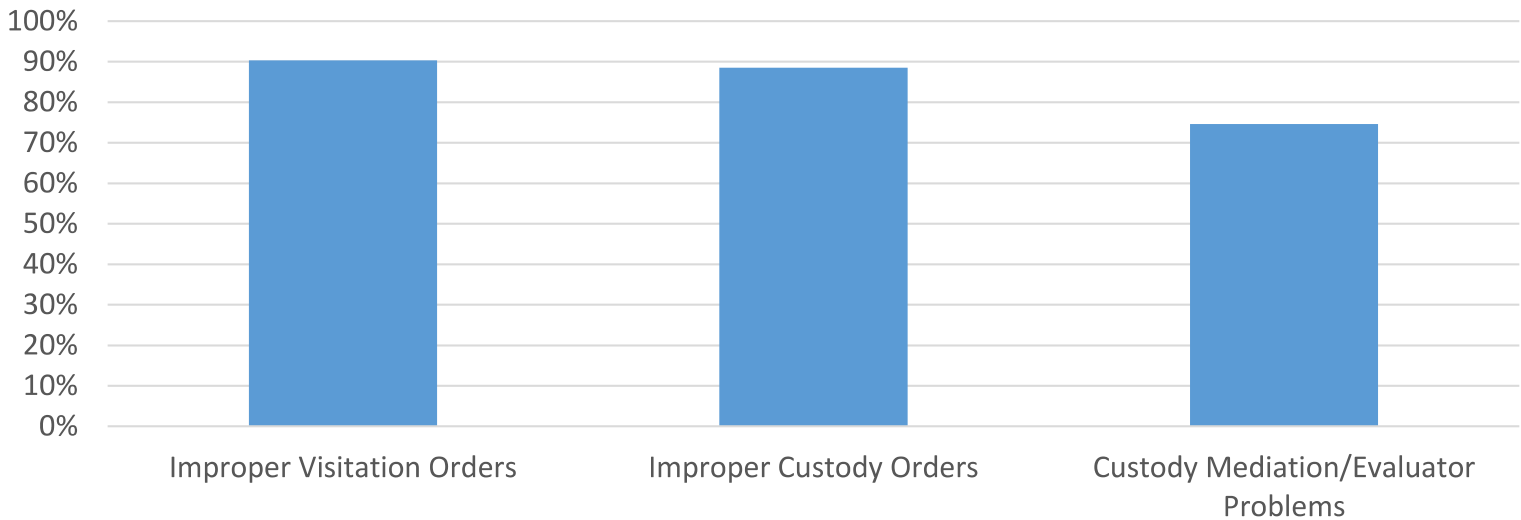
Restraining Orders: Percentage of respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Most common restraining order issues identified

- An overwhelming number of advocates identified **problems with obtaining Restraining Orders After Hearings**. Multiple continuances, repeated court dates, and reluctance to apply and enforce the Domestic Violence Prevention Act (DVPA) were repeated themes.
- Relatedly, courts that **refuse to entertain or rule on requests for custody and support** in DVPA actions were identified as problematic for domestic violence (DV) survivors in all phases of the domestic violence restraining order process.
- Throughout the state, advocates identified similar **barriers to obtaining temporary restraining orders (TROs)**. The most significant barrier was courts that require notice of the request to the abuser before issuing TROs.

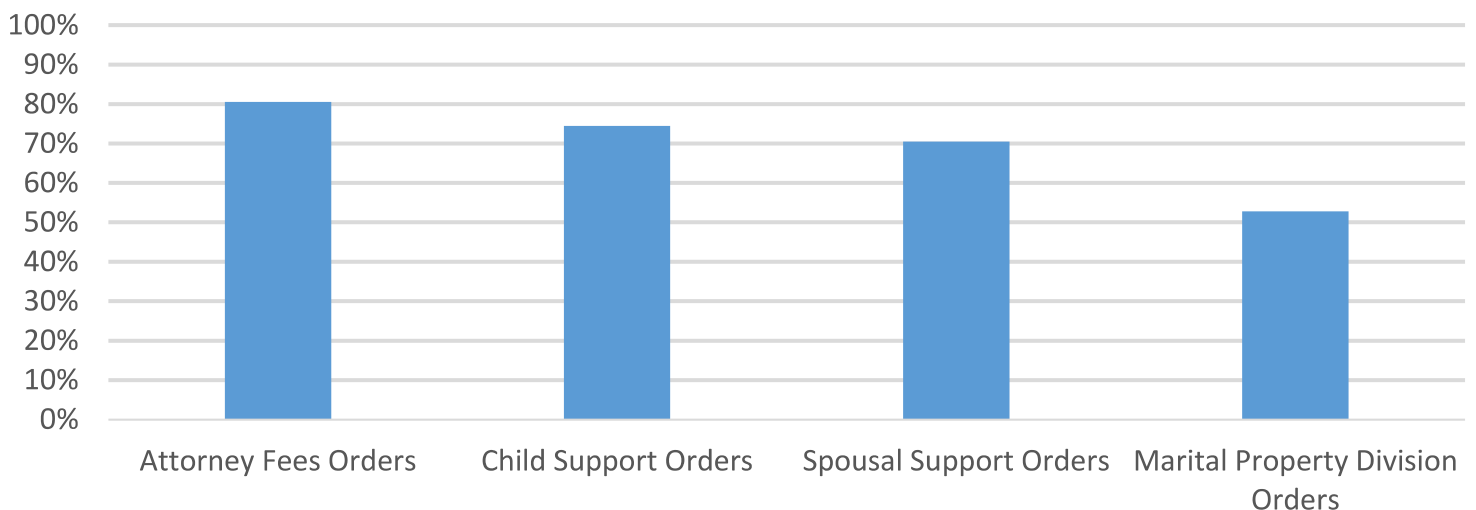
Custody & Visitation: Percentage of respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Most common custody & visitation issues identified

- **Improper custody and visitation orders were overwhelmingly identified as problems in all areas of the state.** This included failure to hear the requests, refusal to apply the correct standards, and a general misunderstanding of the dynamics of DV and its ramifications for parenting.
- In that same vein, problems with custody evaluators and mediators were reported, especially a **failure to properly consider DV** or account for it in the mediation process.

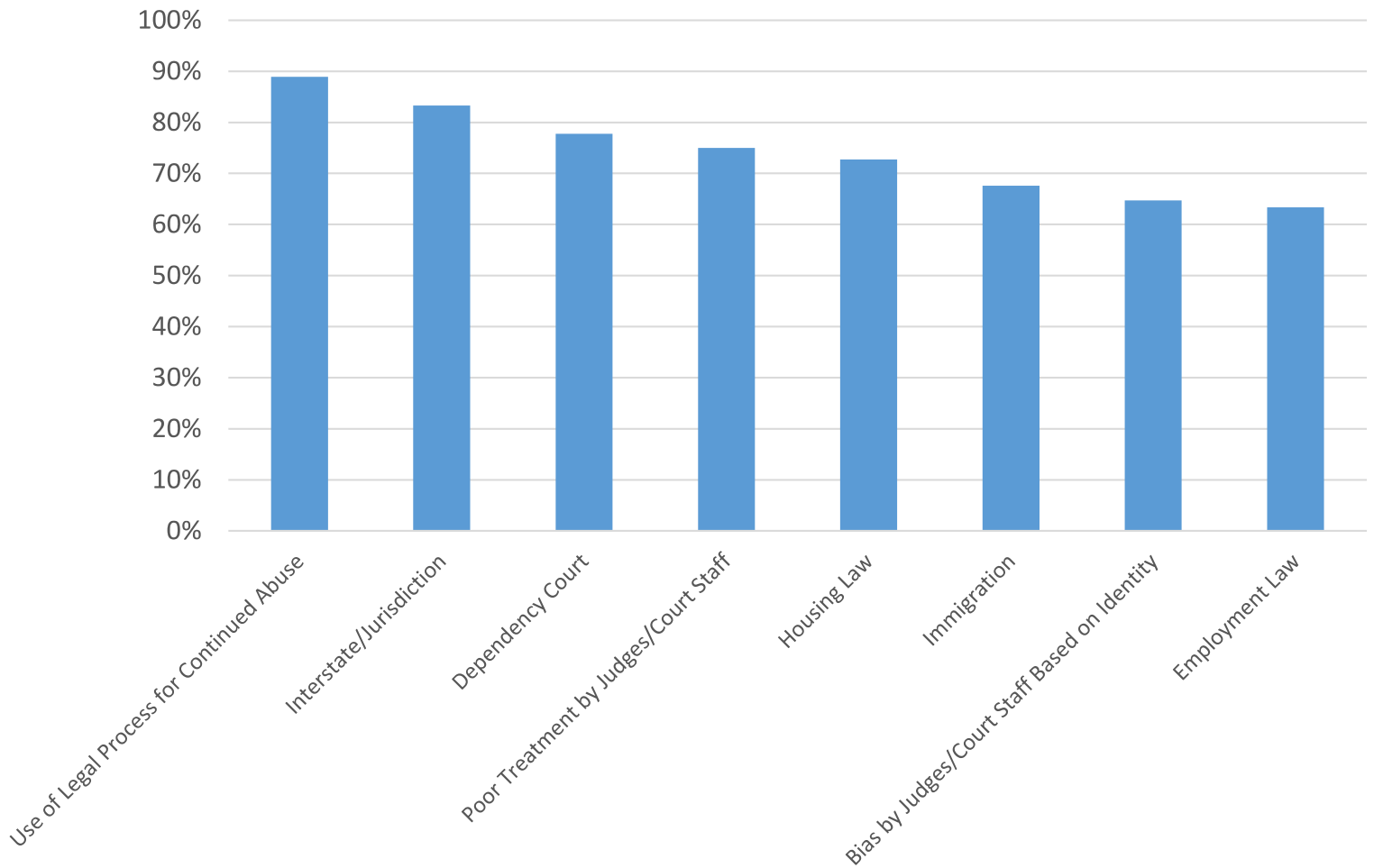
Financial Support: Percentage of respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Most common financial issues identified

- These issues were of most concern to the DV community in the North, Far North, Los Angeles, and South regions. A continuing theme was the **inability to get orders** in a timely fashion or to enforce orders.
- Throughout the state, **inability or difficulty obtaining attorneys’ fees orders** was reported. Many regions report this leads to a **power imbalance in the courtroom.**

Additional Problems: Percentage of respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court ¹



Most common “other” issues identified

- The most significant “other” problem reported throughout the state was **litigation abuse**. Reports are that the problem takes many forms, including granting repeated continuances and hearings in DVPA actions, frequently and/or improperly allowing litigation of changed circumstances in dependency and custody actions, and allowing the filing of multiple meritless motions in family court or DVPA actions.
- **Interstate and jurisdictional issues** were also frequently reported as problematic. Many narratives relaying the problem focused on a **disbelief or reluctance to give fleeing victims relief in California courts**.

¹ The survey did not define the specific problems within each area, leaving it open for respondents to identify the problems they are seeing. The survey did give a few examples, as follows:

- Immigration issues (e.g., refusing to enforce an immigration affidavit of support, bias against immigrant survivors);
- Housing law issues (e.g., failing to enforce housing protections for DV survivors);
- Employment law issues (e.g., failing to enforce employment law protections for DV survivors);
- Use of the legal process to continue abuse against DV survivors (e.g., litigation or paper abuse); and
- Bias/prejudice against DV survivors by judges/court staff based on identity (e.g., ethnicity, sexual orientation).

Most Common Legal Problems in California

The top problem identified in the state was a **failure to properly conduct and hear Domestic Violence Protection Act (DVPA) actions**.

- At the TRO stage, there were significant reports of failure to allow ex parte proceedings, as well as refusal to hear requests for custody and financial support that would allow for a safer separation.
- At the domestic violence restraining order hearing stage, frequent continuances and permitting litigation abuse were identified as pervasive problems. There were also significant reports of refusal to hear — or hear in a timely manner — custody and financial support requests, such as child support and spousal support.
- Once abuse was found, an overwhelming number of advocates report that courts, evaluators, and mediators still fail to consider the abuse appropriately, resulting in improper custody and visitation orders.
- Failure to grant attorneys' fees was identified as a problem that creates an unequal playing field in the courtroom and leads to improper denials and improper orders.

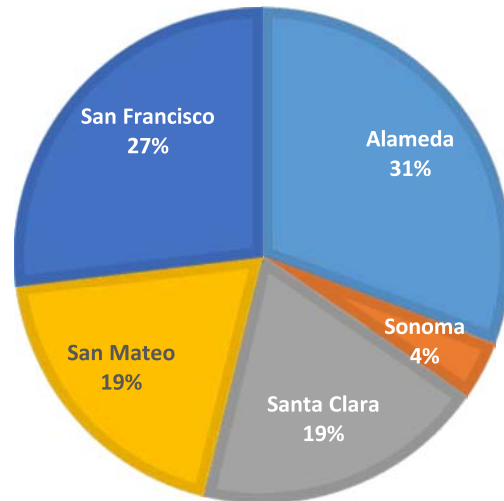
The second most significant problem identified was **use of the legal process to continue the abuse** – referred to herein as “**litigation abuse**” – both during DVPA litigation and post-judgment. The problem takes many forms, including granting repeated continuances and hearings in DVPA actions, frequently and/or improperly allowing litigation of changed circumstances in dependency and custody actions, and allowing the filing of multiple meritless motions in family court or DVPA actions.

Pervading these concerns were reports that **myths and misunderstandings about domestic violence** infect the decision-making processes of all courts: family, juvenile, dependency, and others.

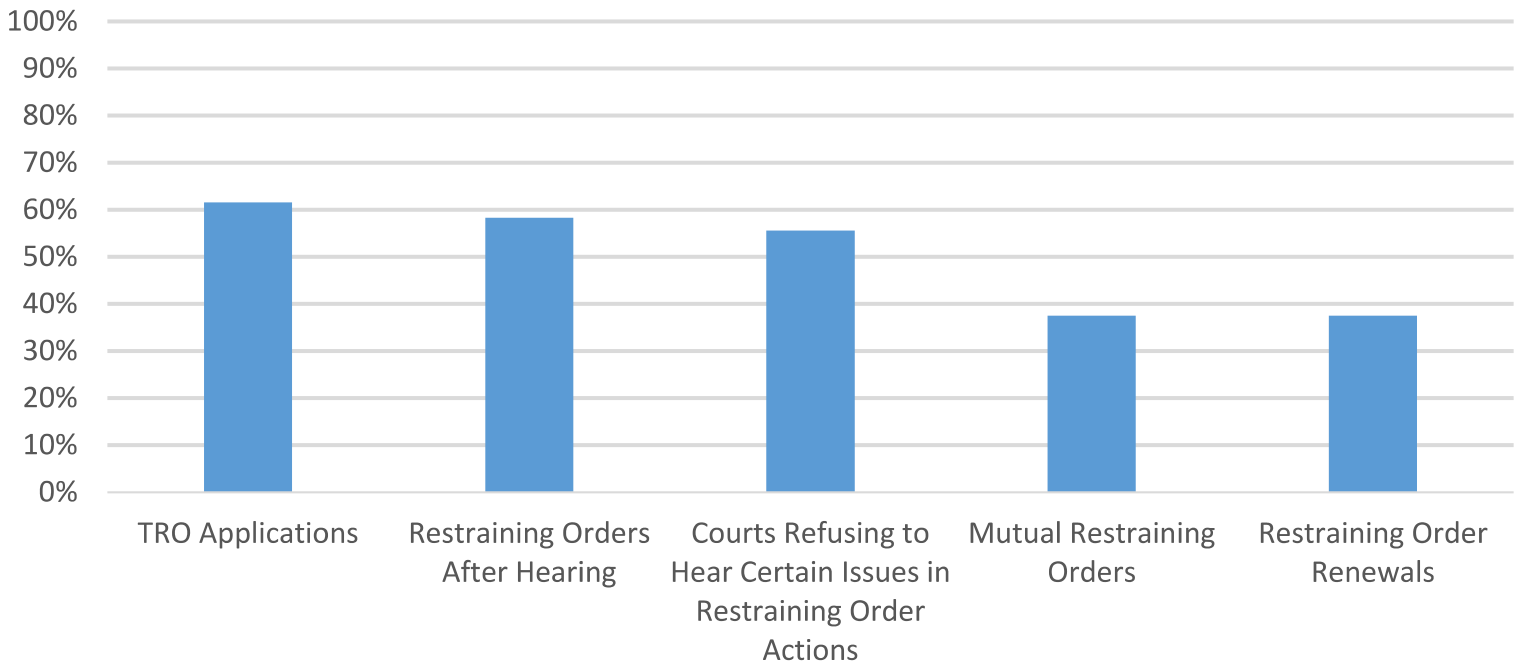
Bay Area Survey Results

Total Number of Responses: 24

Counties represented in survey



Restraining Orders: Percentage of Bay Area respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- Obtaining Restraining Orders After Hearing and other types of orders is restraining order actions is somewhat less of a problem in the Bay Area than the rest of the state, though over 60% of respondents still reported problems in this area. By a slight margin, **obtaining temporary restraining orders is the top restraining order-related problem** in this region.
- “Orders will be denied with no explanation given. Same-sex couples are often given mutual orders.”
- “A lot of TRO applications getting denied, judges not wanting to make ‘final decision’ re: custody, ‘not enough violence’ when no physical harm”; “Refusing to address financial issues.”

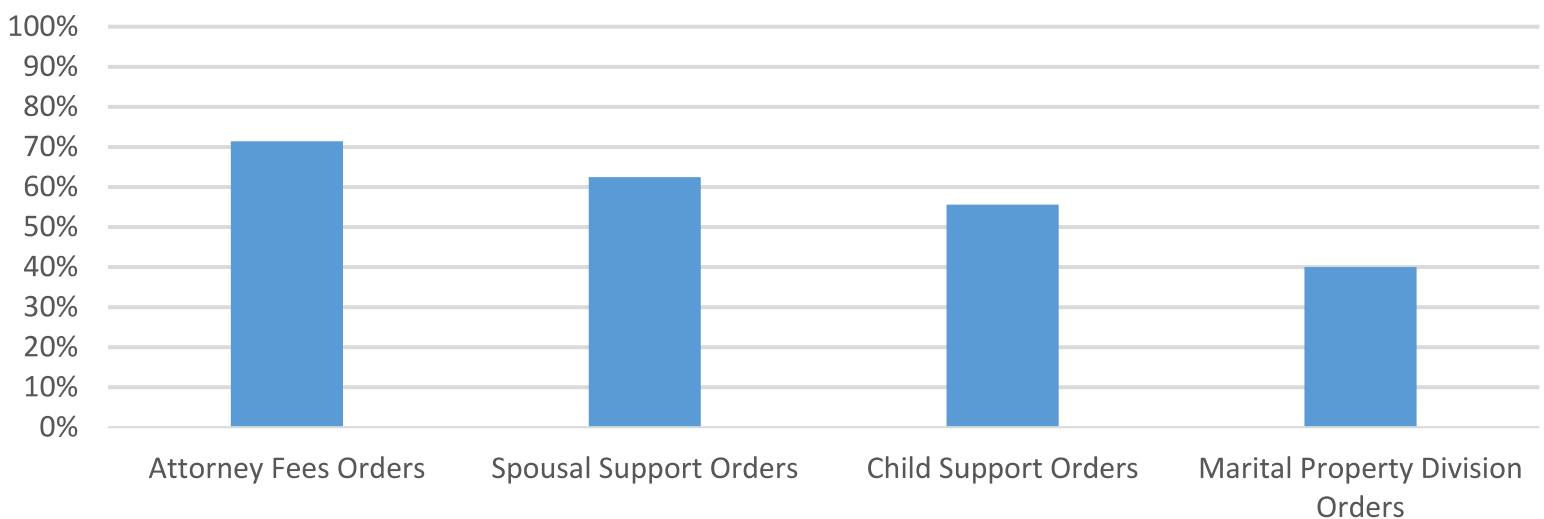
Custody & Visitation: Percentage of Bay Area respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- **100% of respondents** report problems with custody and visitation orders, more than the statewide percentage.
- “[M]ediators and court tending to focus on **fairness to the parties rather than best interest of the children.**”
- “[C]**ustody to abusers** because of ‘mental health issues of vic[tim]’ because vic[tim] has been abused/traumatized by abuser...!”
- “[T]aking the side of/being charmed by the person who had been abusive.”

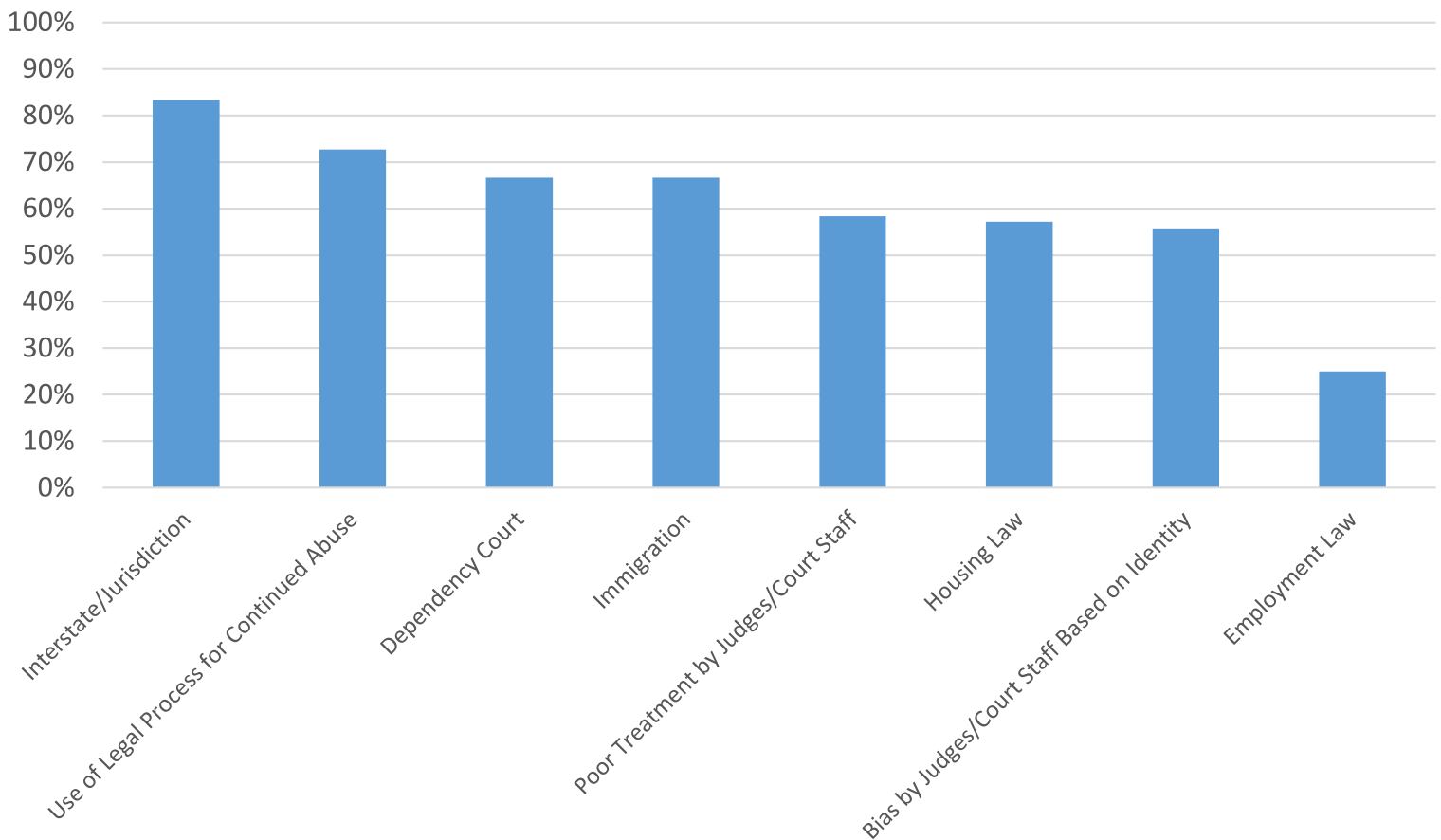
Financial Support: Percentage of Bay Area respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- Somewhat fewer survey respondents reported problems obtaining financial support orders than statewide, though it is still a problem for the majority of people. Problems obtaining **attorney fees** topped the list.
- “Many clients want attorney fees because **they can’t afford an attorney** and they end up just not moving forward with a case.”
- “Child support is very poorly enforced in the county”; failing to consider all spousal support factors. 10

Additional Problems: Percentage of Bay Area respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- As in the rest of the state, **interstate/jurisdiction issues** and **litigation abuse** are the biggest problems.
- “[J]udges have allowed abusers to **continue restraining order hearings multiple times** (upwards of 3) where Respondent has not taken steps to move the case forward, is changing attorneys at every court date, sets a matter for a long cause hearing where one is not warranted based on the materials filed with the court. When survivors object, the judges usually tell them that there is no prejudice to them in continuing the matter since they are still protected by the TRO. This ignores the reality that **many survivors are taking time off work, losing income and being re-traumatized each time they are forced to come back to court.**”

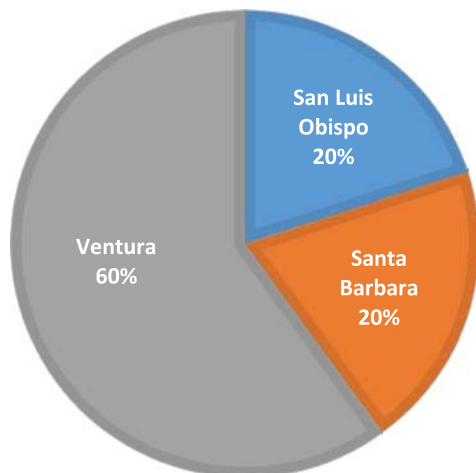
Number One Legal Problem for DV Survivors in the Bay Area

- The number one issue reported by DV service providers in the Bay Area was **improper custody and visitation orders**.
 - The problem is multi-faceted, beginning with courts failing to address custody and visitation requests at the TRO stage; continuing with mediators and court personnel failing to account for domestic violence when conducting evaluations and proceedings; and concluding with custody and visitation orders that do not reflect the domestic violence and leave adult survivors and their children at risk of future harm.
- These issues are compounded by the **lack of affordable legal representation** and the **lack of interpretation services** for people with limited English proficiency.

Central Coast Survey Results

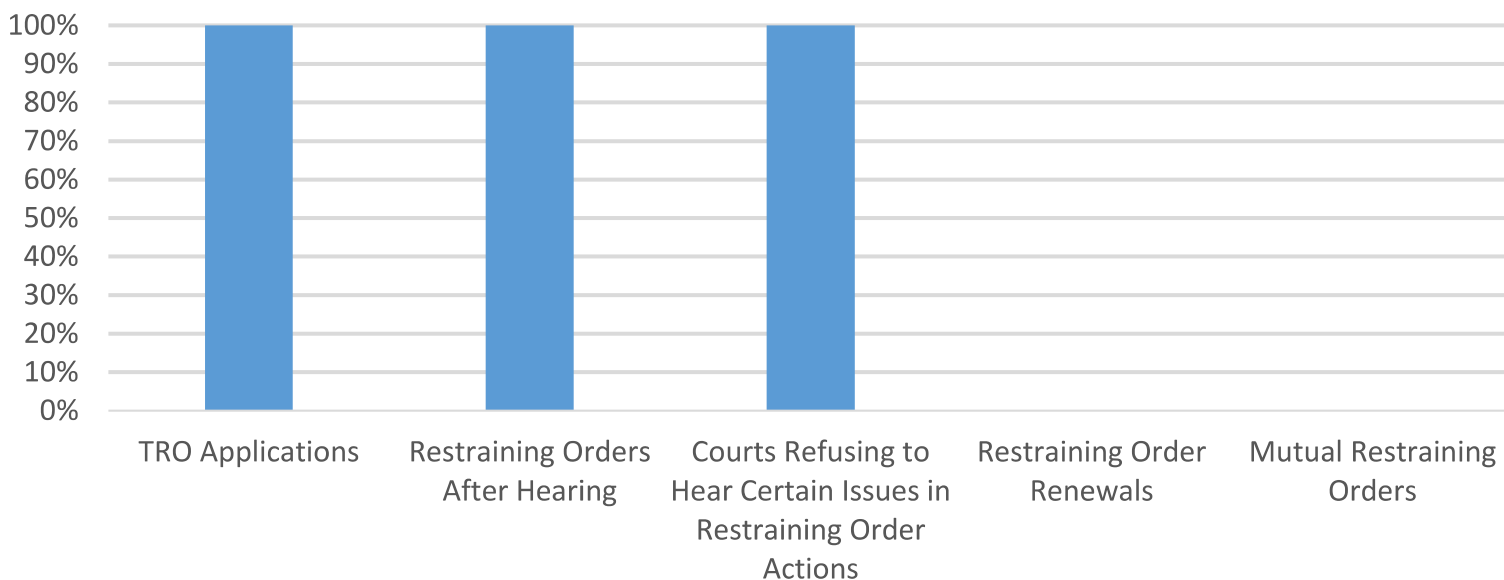
Total Number of Responses: 4

Counties represented in survey



*Some respondents submitted responses for more than one county.

Restraining Orders: Percentage of Central Coast respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- **100% of respondents reported problems obtaining Restraining Orders After Hearing and TROs**, more than the statewide average, though none experience problems with restraining order (RO) renewals or mutual ROs.
- “TRO applications – in most instances Ventura County **requires notice of the Request for Temporary Restraining Order.**”
- “Restraining Order After Hearing – the requesting party was 10 minutes late to the hearing and was denied entry into the courtroom. Her orders were denied, which necessitated filing a new TRO request.”

Custody & Visitation: Percentage of Central Coast respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



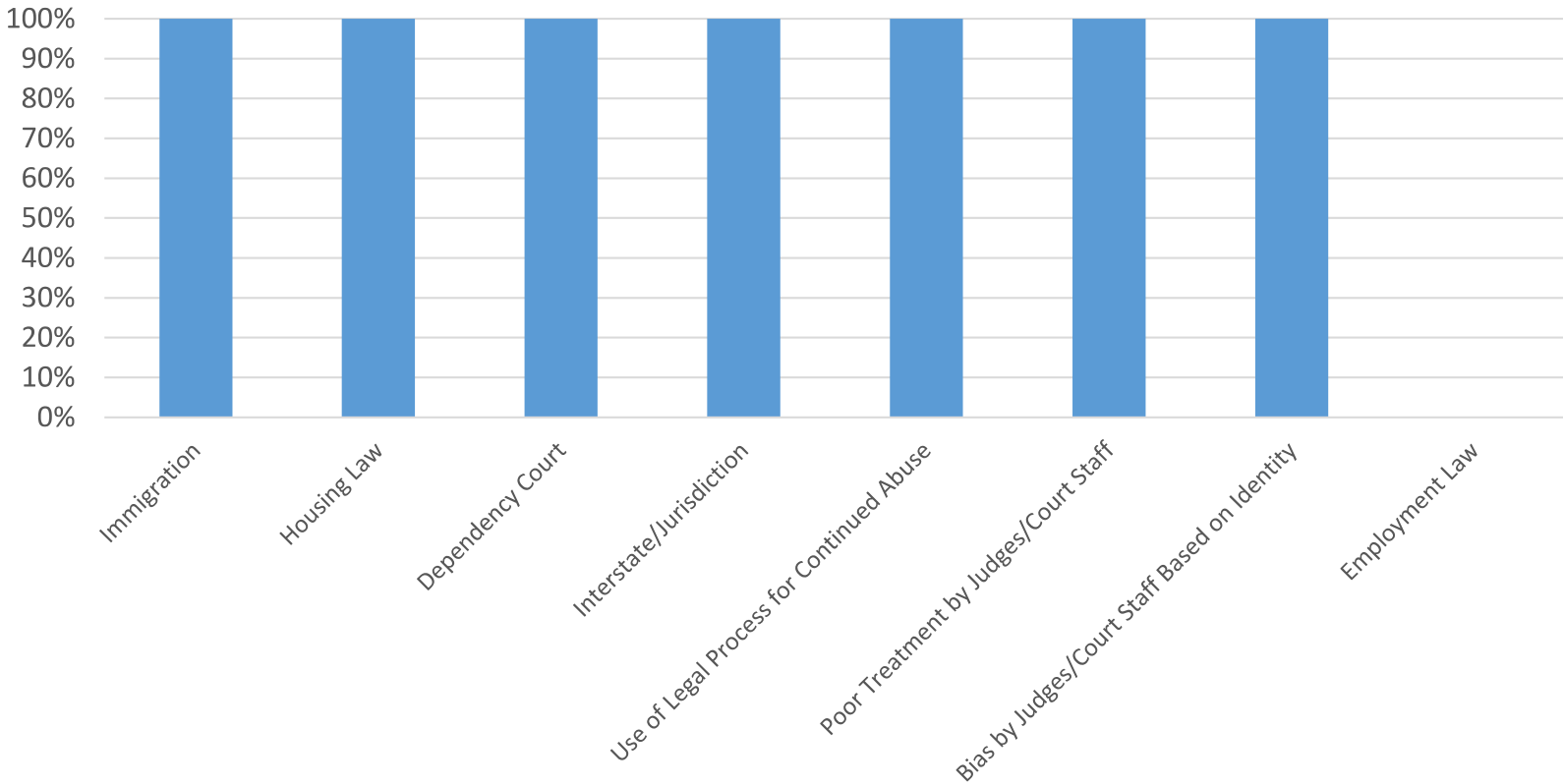
Examples of custody/visitation issues identified

- **100% of respondents reported problems with custody and visitation orders**, more than the statewide average, though none reported problems with custody mediation or evaluation.
- Respondents reported that **courts will award joint legal and physical custody with liberal visitation** to the abuser, believing that if the parents are separated, the abuse stops and the children are safe in the abuser’s custody. One respondent pointed out that **social science in fact supports the opposite**.

Financial Support: No survey respondents from the Central Coast reported the following financial support/property issues as “a problem” or “somewhat a problem”

- Spousal Support Orders
- Child Support Orders
- Attorney Fees Orders
- Marital Property Division Orders

Additional Problems: Percentage of Central Coast respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- **100% of respondents reported problems with most of the “other” legal problems identified in the survey, more than the statewide average, though none reported problems with employment law issues.**

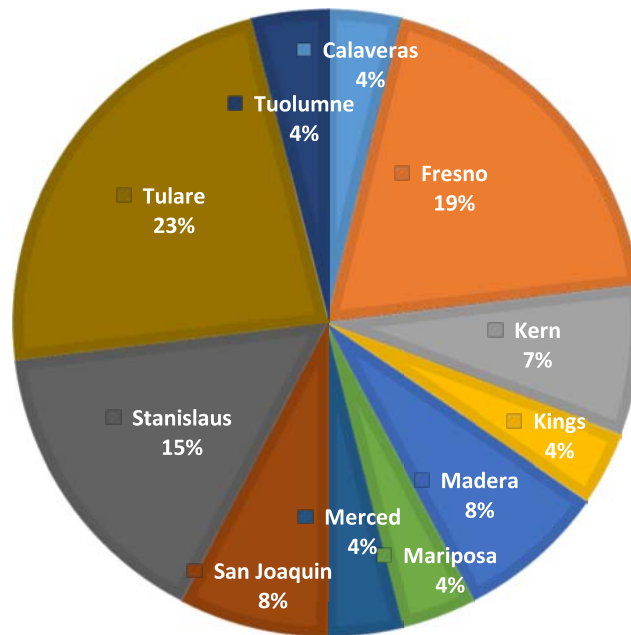
Number One Legal Problem for Domestic Violence Survivors in the Central Coast Region

- This region reports significant problems with domestic violence survivors **obtaining court orders for protection, custody and visitation.**
 - The problem begins with requiring notice to abusers of requests for ex parte temporary restraining and/or custody orders. Problems continue with courts in domestic violence actions refusing to rule on custody and visitation, and are significantly increased by hyper-technical application of court rules, resulting in survivors being denied protection and other orders.
- This region also reports that judicial misconceptions about domestic violence — especially that it does not affect children — and failure to acknowledge the heightened risk of separation violence (including child abuse), result in **inappropriate child custody and visitation orders.**
- Significantly, the region also reports overwhelming issues faced by DV survivors in other civil law areas including **immigration, housing law, dependency court, and with litigation abuse.**

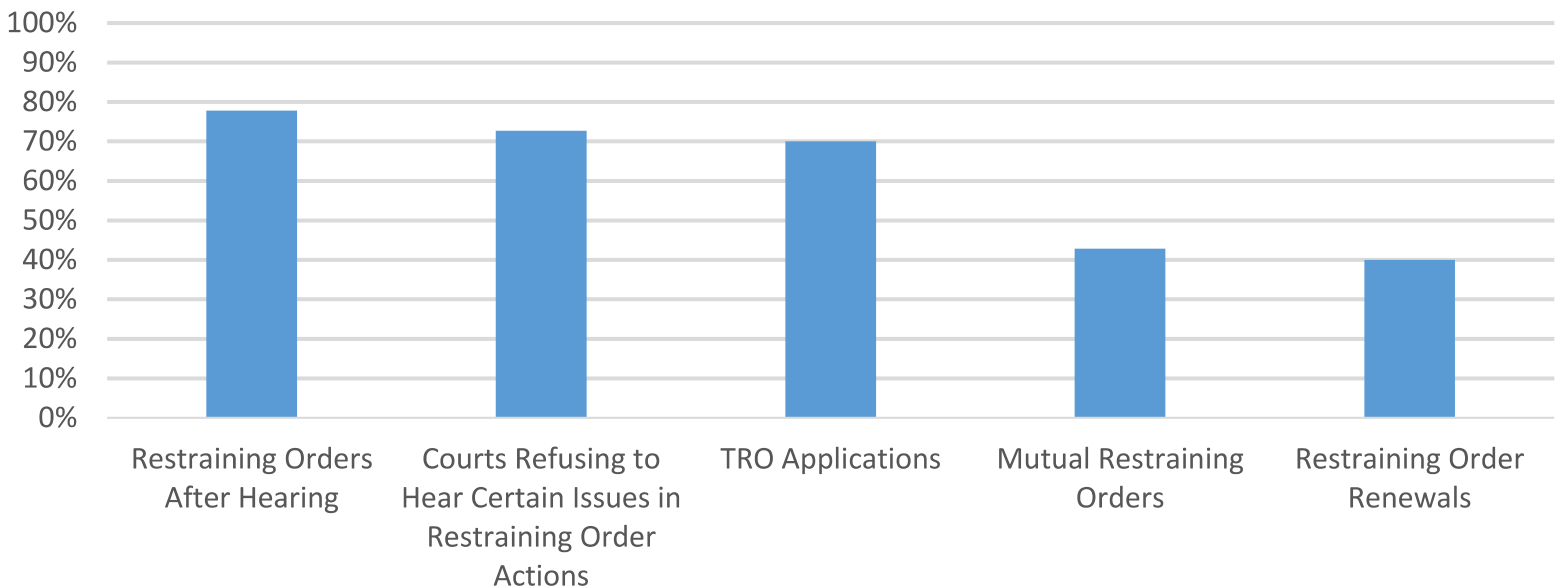
Central Valley Survey Results

Total Number of Responses: 22

Counties represented in survey



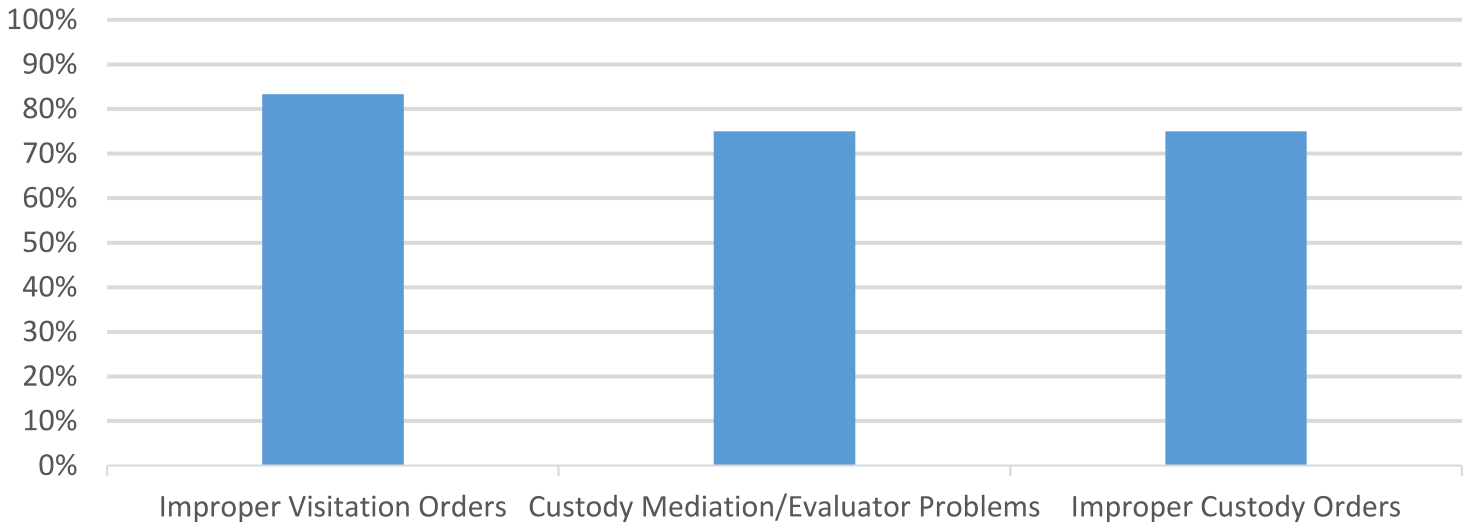
Restraining Orders: Percentage of Central Coast respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- Central Valley advocates reported problems related to restraining orders at generally the same rates as the statewide averages, with **over 70% of advocates reporting problems with Restraining Orders After Hearing.**
- “One of our judges will ‘grant all’ on the TRO app[lication] but then **deny some of the orders with no explanation**; another of our judges is like pulling teeth to get a permanent order[;] instead he **continues the TRO indefinitely**, sometimes for years, rather than issuing a permanent [restraining order].”

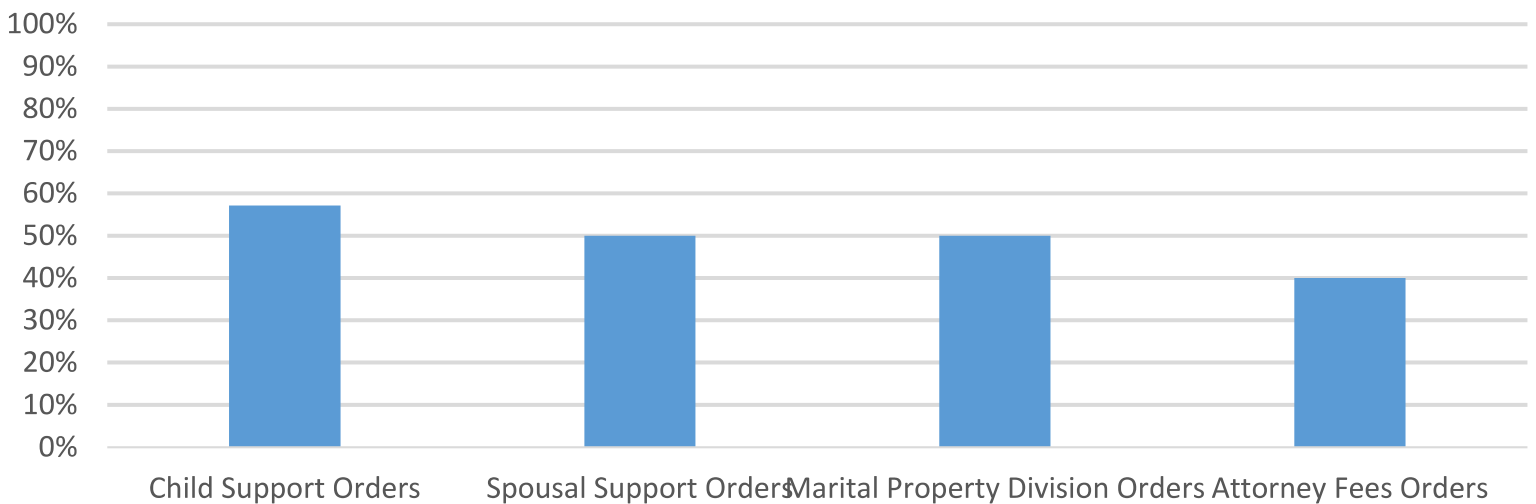
Custody & Visitation: Percentage of Central Valley respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- “We have one judge who insists that DV is not detrimental to the children in and of itself for purposes of custody hearings. Another **allows abuser unsupervised visitation** and will even **expand visitation in defiance of mediator’s recommendations.**”
- “I feel there [are] **safety issues** with custody, visitation and mediation for the women seeking these orders... If she is in a rural location and mediation is set up at night, she can be followed by him.”
- “Response depends on the mediator. While we do have an avenue to make complaints, **we are a recommending county and that gives mediators a lot of autonomy.**”

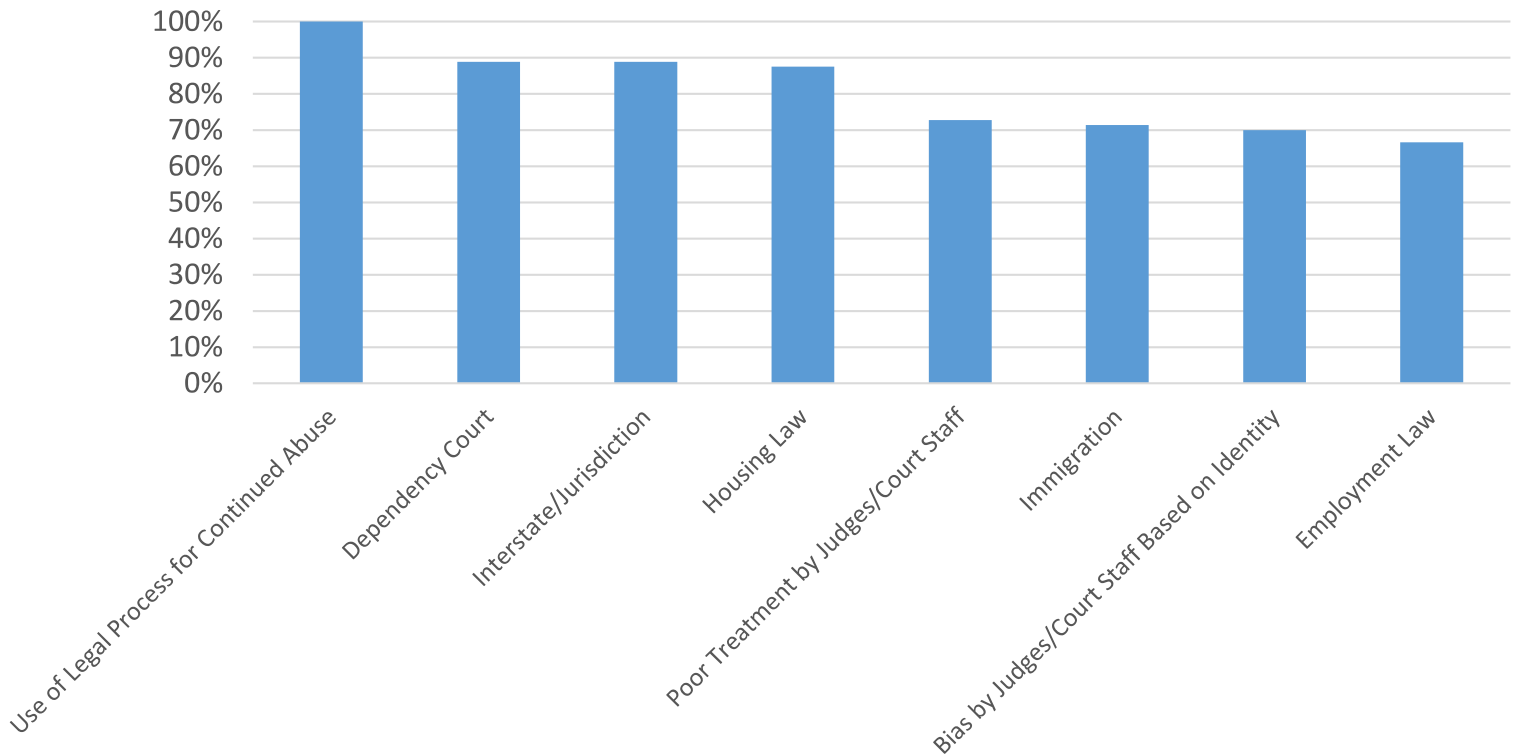
Financial Support: Percentage of Central Valley respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- Financial issues in court were reported to be **less of a problem in the Central Valley than statewide**, most notably obtaining attorney fees orders, with 40% of respondents reporting problems, compared to 80% of statewide respondents.
- “Allowing abusers to take the only family vehicle even when custody awarded to survivor.”

Additional Problems: Percentage of Central Coast respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- “Ongoing Court proceedings for clients due to the other parties attempting to harass using the Courts to bring clients back into Court to continue to relive their past abuse.”
- “One judge will continue TROs for years at a time when the abuser’s immigration status is at risk. It’s incredibly unfair – As one victim told me, ‘why should I worry about him being deported, he was not worried about it when he was raping me!’”

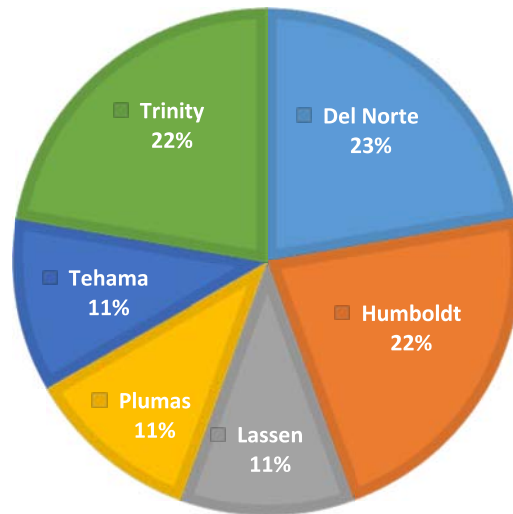
Number One Legal Problem for Domestic Violence Survivors in the Central Valley

- Central Valley respondents overwhelmingly identified **abusers’ use of the legal process to continue abuse** as the biggest problem facing DV survivors in their region.
 - Upon elaboration, the problem involves judicial officers who grant frequent and numerous continuances and continue temporary restraining orders for months or years — requiring multiple hearings — rather than enter a restraining order.
 - There were also concerns about a mediation system that **routinely requires parties with DV in their history to mediate together.**
 - Also identified as contributing to the problem is **a community culture that normalizes abuse** resulting in victim-blaming, silencing and stigmatizing victims of family violence.
- Another area of great concern was **improper visitation orders** that do not account for the safety of rural residents (e.g., evening exchanges where a victim can easily be followed), or fail to provide for supervised visitation.
- To a slightly lesser extent, **improper custody orders** and **mediator/evaluator problems** were identified as concerns in this region. Again, professional norms that “victim blame” were identified as a cause of these problems.

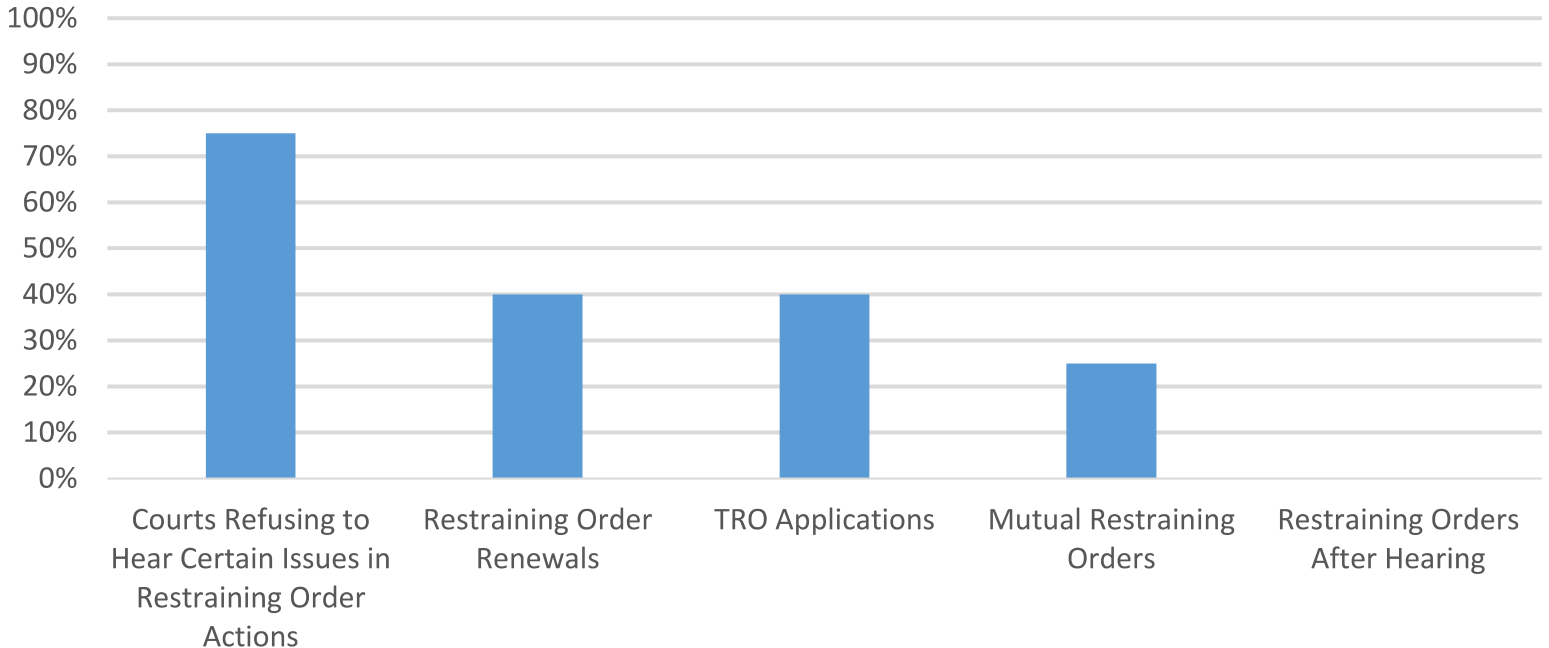
Far North Survey Results

Total Number of Responses: 8

Counties represented in survey



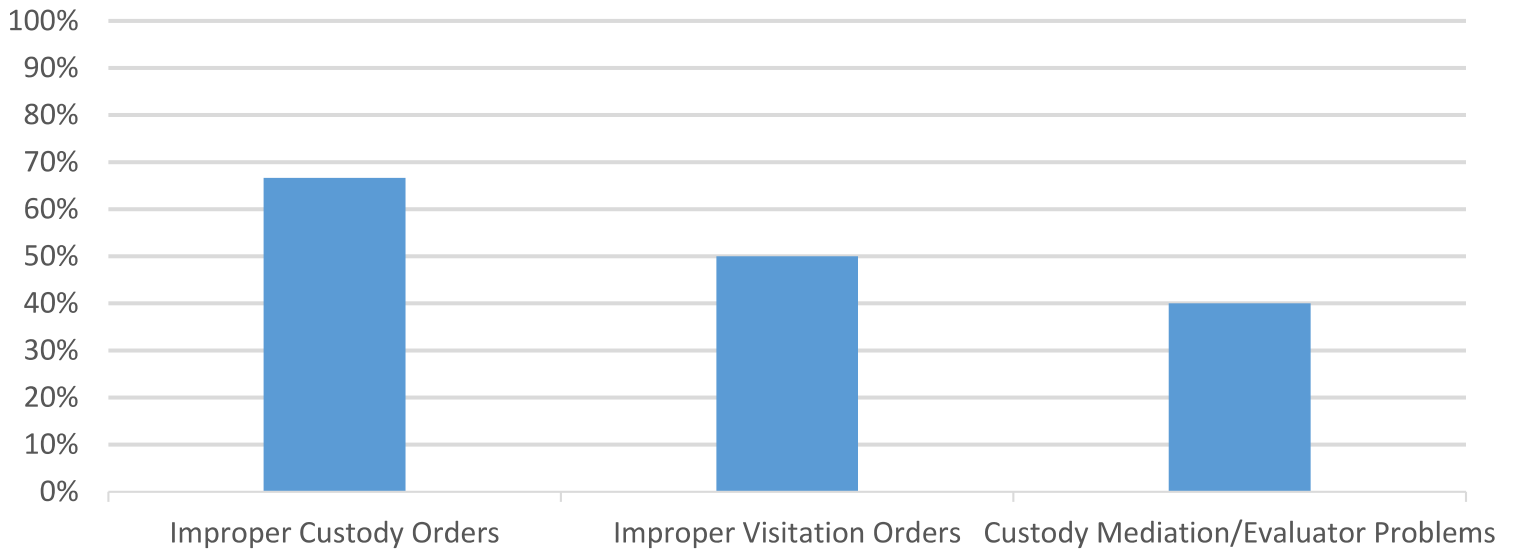
Restraining Orders: Percentage of Far North Region respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- Far North respondents mirrored statewide respondents in that **over 70% identified courts refusing to hear certain issues in restraining order actions as a problem**; surprisingly, respondents did not identify any other problems with obtaining Restraining Orders After Hearing.
- “There is **no consistency** on how we are to do our [temporary restraining orders] between the two judges”; “one [judge] accepts our [TROs] while another does not.”

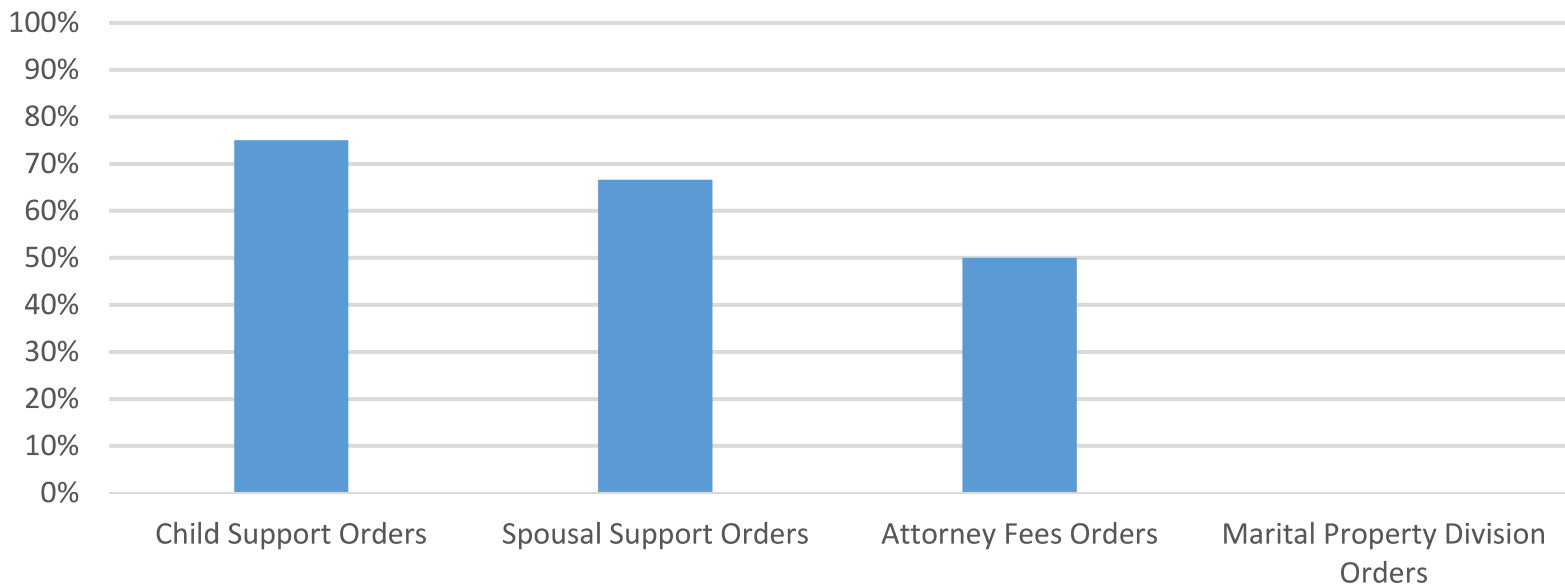
Custody & Visitation: Percentage of Far North Region respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- Far North respondents reported fewer custody and visitation problems than the statewide average, though still **more than half said such issues were “a problem” or “somewhat a problem.”**
- One respondent identified “Politics between the two judges” as another issue in the Far North.

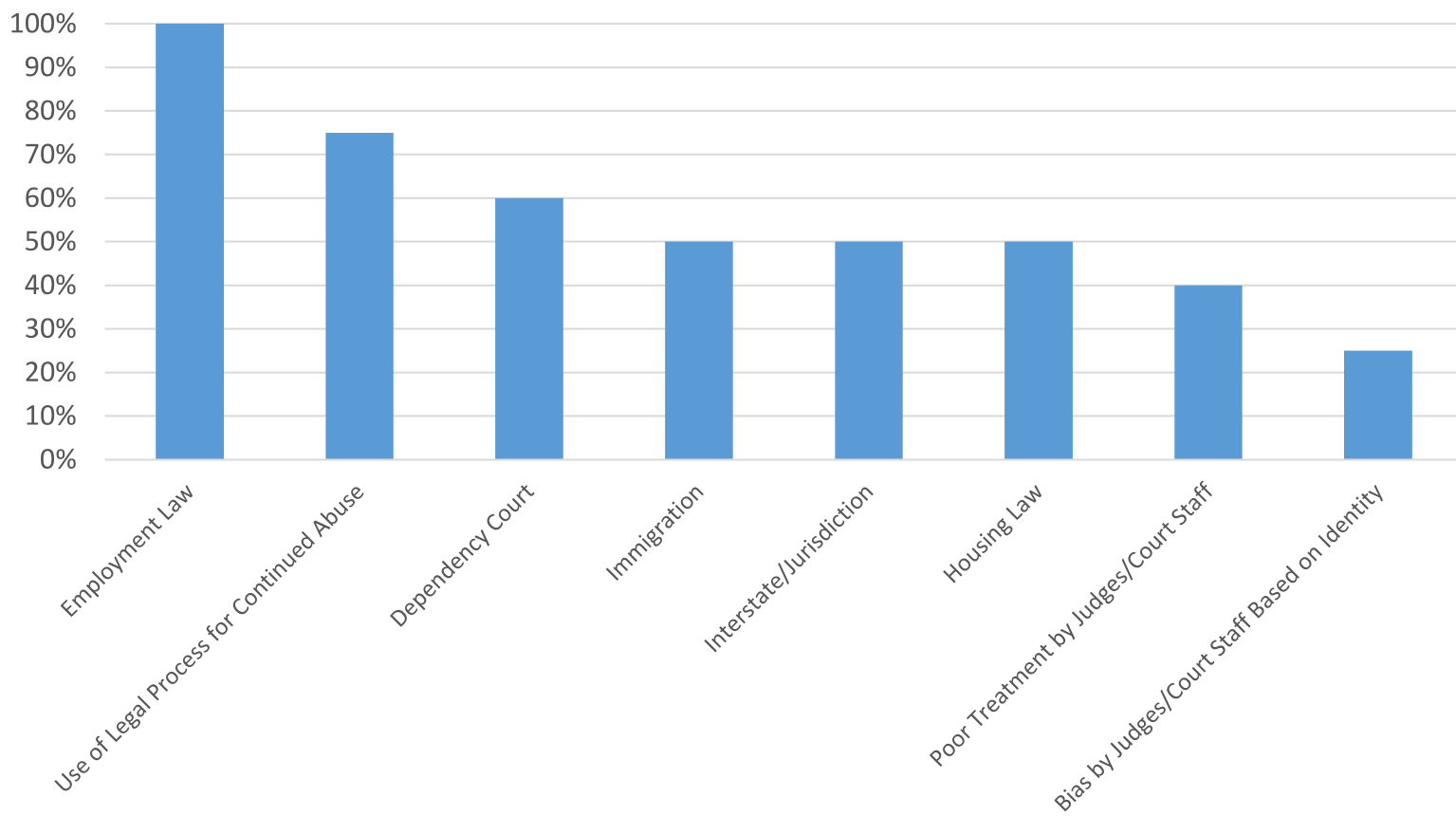
Financial Support: Percentage of Far North Region respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- **Child support orders were reported to be the top financial concern in this region,** with attorney fees orders being somewhat less of a problem than statewide.
- “Judges refer petitioners to the Del Norte Child Support Services office.”

Additional Problems: Percentage of Far North respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- **Employment was the most common “other” issue identified by Far North respondents**, while that issue was identified as the least problematic statewide. Consistent with the rest of the state, **litigation abuse** was the second biggest problem.
- “We have dealt with abusive partners who have taken a client to court on numerous occasions with no merit to their reasoning. We have had to try and assure our client that it would be ok but are frustrated that the abuser seems to be able to make any accusations and our client has to prove that they are false. We have gone so far as having the [judge’s] decision re: custody appealed in the [T]hird [District] [C]ourt of [A]ppeal[.]. It just seemed so clear that this was a tactic to retain control of the survivor and he was using the courts to do it for him.”

Number One Legal Problem for Domestic Violence Survivors in the Far North Region

- The most significant problem reported in this region was **employment law**, but it is not clear if this is related to discrimination against DV survivors, or the effects of domestic violence — including the need to attend court hearings — on employment.
- Another significant problem is **courts refusing to hear certain issues in DVPA actions**. Perhaps relatedly, there are reports of **problems getting proper child support and custody orders**.
- **Litigation abuse** was also reported as a significant concern, with the focus on abusers who are repeatedly able to force their victims to come to court.

Los Angeles County Survey Results

Total Number of Responses: 28

Includes Los Angeles County only

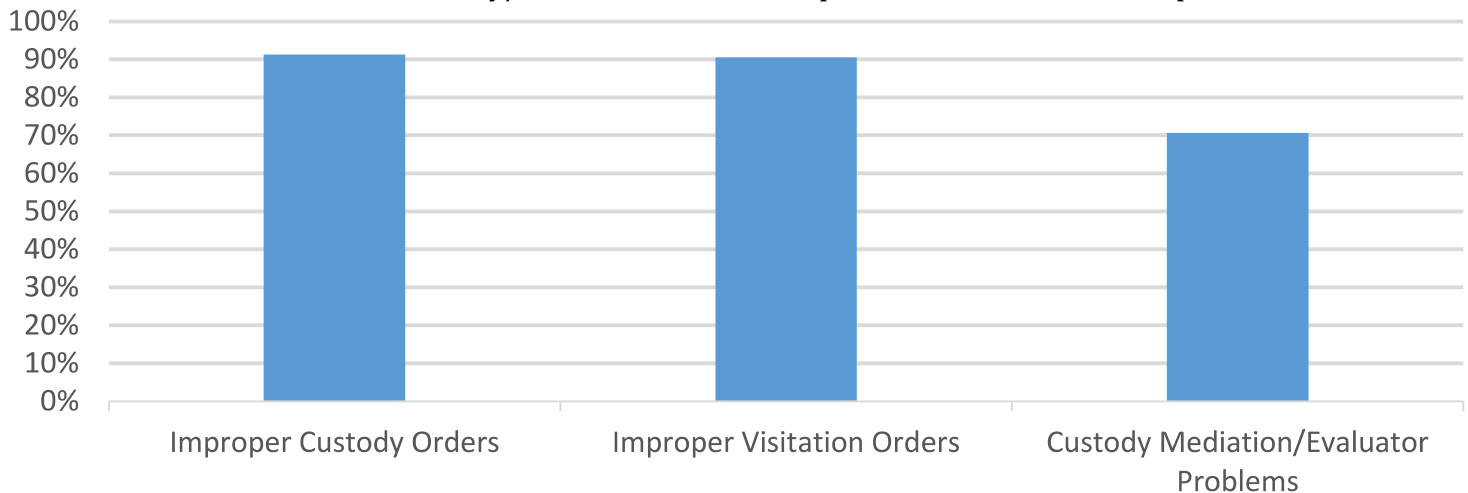
Restraining Orders: Percentage of Los Angeles County respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- Consistent with statewide results, **problems with Restraining Orders After Hearing and refusing to hear issues other than protecting the petitioner during such hearings** top the list in LA.
- “Court sometimes only apply restraining orders to **protect the victim and not the children.**”
- “Often times, **victims are . . . advised to drop [the temporary restraining order]** because a criminal protective order issued (thus placing victim in jeopardy should [the criminal protective order] be terminated).
- “Court did not want to take evidence on **financial abuse.**”
- “Courts usually **will not make any orders regarding property control or restraint or spousal support**, finding that that issue is more appropriate in a divorce case. I have not seen the orders made in the [restraining order] hearing.”
- “**Restraining orders being granted to perpetrators**, making them look innocent.”
- “**Restraining orders are rarely renewed** and I have never seen a permanent order from a renewal.”

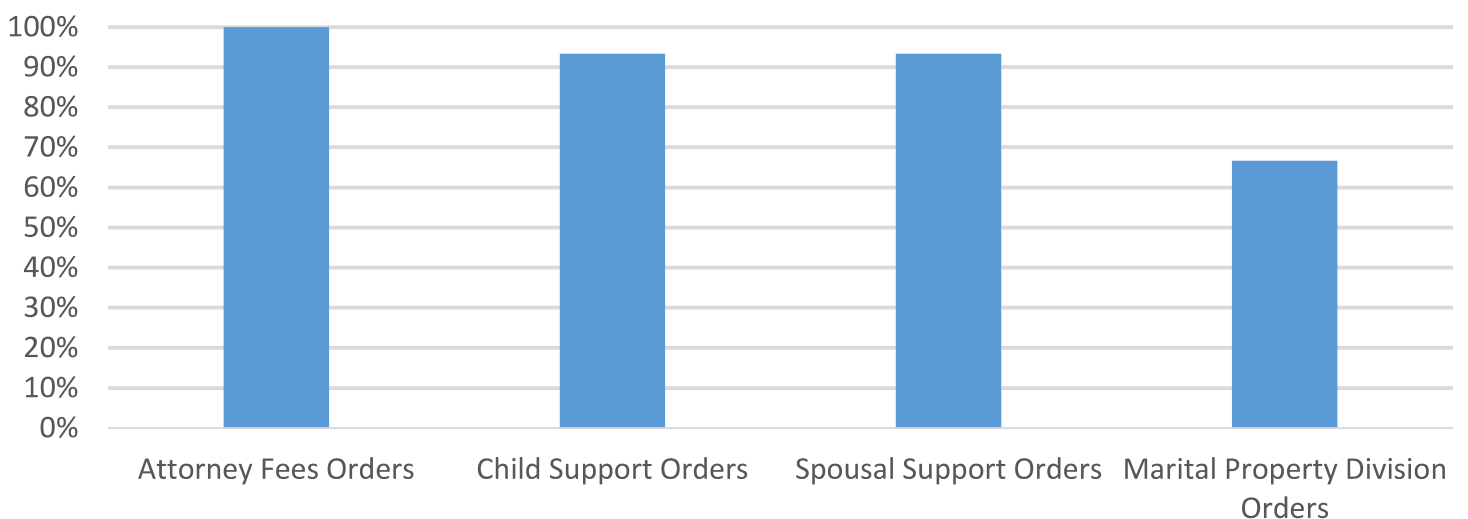
Custody & Visitation: Percentage of Los Angeles County respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- **Over 90%** of LA respondents identified custody and visitation orders as a problem.
- “We are seeing an **increase in abusers getting custody** and spousal support from the victim.”
- “The standard ‘best interest of the child’ used too often by courts to mean that, no matter what, it is in the best interest of the child to have **visitation, sometimes without supervision, with abusive father**. And the opposite not looked at: that [it] may be in the best interest of the child to have no contact with father.”
- “When the custody is shared, sometimes the **abuser will use their children as an excuse to control/harass the victim**. There are numerous cases of improper visitation orders where **monitored visits are not put in place.**”
- “**Evaluators consider DV and then ignore it.**”; “I have often encountered cases where a **mediator has pushed a victim into agreeing** to certain orders by telling the victims that they will not prevail at trial and that the mediator knows that judge and knows the victim will lose their case.”

Financial Support: Percentage of Los Angeles County respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

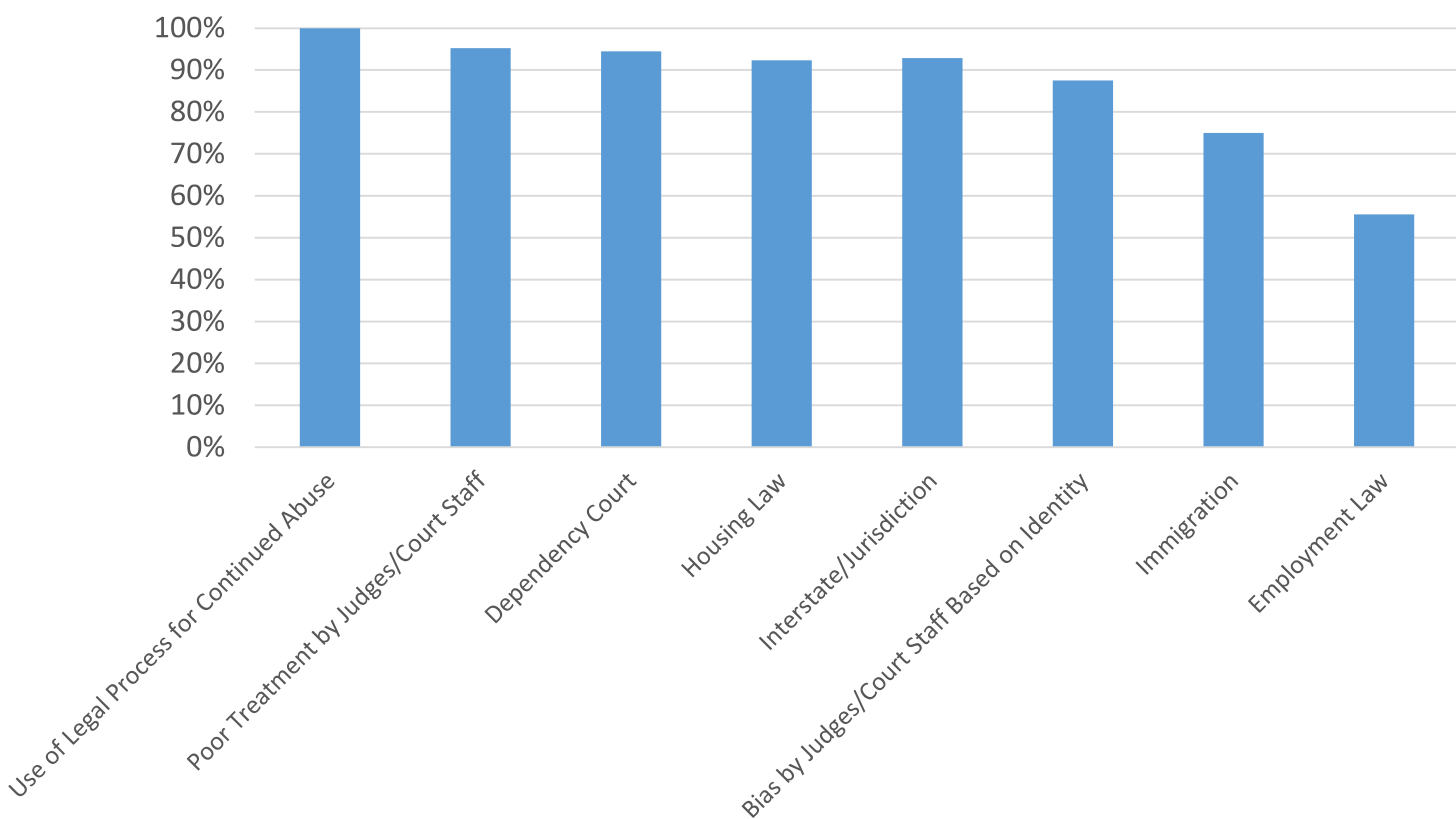
- “Courts in LA **hardly ever make any support orders** even when requested, however, it is the practice of most DV clinics to not even ask for support orders as it requires more forms to fill out and never enough time ... we

Examples of financial issues identified, continued

... also **never ask for attorney fees** because takes ... resources to make request and **success of request is too low.**"

- "Los Angeles County requires CalWORKs recipients to travel to **one central courthouse** to have their child support cases heard. That means someone in the Antelope Valley seeking child support must travel some 70 miles—close to **four hours by bus**—in order to have their day in court. **This is a terrible burden for domestic violence survivors**, who are already facing so many obstacles."
- "I have yet to see an attorney ask for or receive **legal fees** in a DV case. **Our clients go broke trying to defend themselves against the constant legal attacks.**"

Additional Problems: Percentage of Los Angeles County respondents who reported the following other areas as "a problem" or "somewhat a problem" when DV survivors are in court



Examples of other issues identified

- **Litigation abuse** is the biggest "other" problem, followed by **poor treatment of DV survivors** by the court.
- "I have had several cases in which the opposing parties have filed multiple ex partes regularly based on only hearsay and inadmissible evidence. Client and I are **dragged into court over and over** again every month or every few weeks with no consequence to the batterer other than denial of the requests."
- "There are several judges who engage in **victim blaming** and who fail to see certain behaviors or actions of the victims for what they are, which is a result of the trauma they have suffered. This results in **judges sometimes berating survivors** for things that are a clear ... consequence of suffering abuse."
- "In dependency cases, [allegations of] **failure to protect** [children] is a common issue with my clients."
- "In the **Korean community**, there is **lack of awareness [of] employment and hous[ing] laws** surrounding DV survivors."

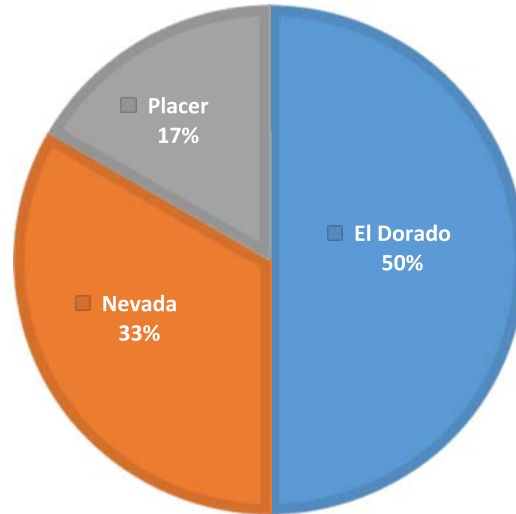
Number One Legal Problem for Domestic Violence Survivors in Los Angeles County

- Advocates and attorneys in the LA area report overwhelming issues with **obtaining property control/restraint, spousal support, child support, and attorney fees orders in restraining order hearings**. It is reported that most clinics will not even fill out this portion of the request on the restraining order forms, advising clients that it will only drag out their request for a protective order.
- An overwhelming number of responses indicate that **improper custody and visitation orders** are an issue in LA County. There was a pervasive theme of **courts and evaluators often ignoring DV**, and being biased toward a model where all parenting is shared equally, in violation of California's statutory and case law.
- All Los Angeles survey participants reported **litigation abuse** is a critical issue facing their clients, followed closely by issues at dependency court, poor treatment of survivors by judges and court staff, problems with housing law, and problems with interstate jurisdictional issues.

North Region Survey Results

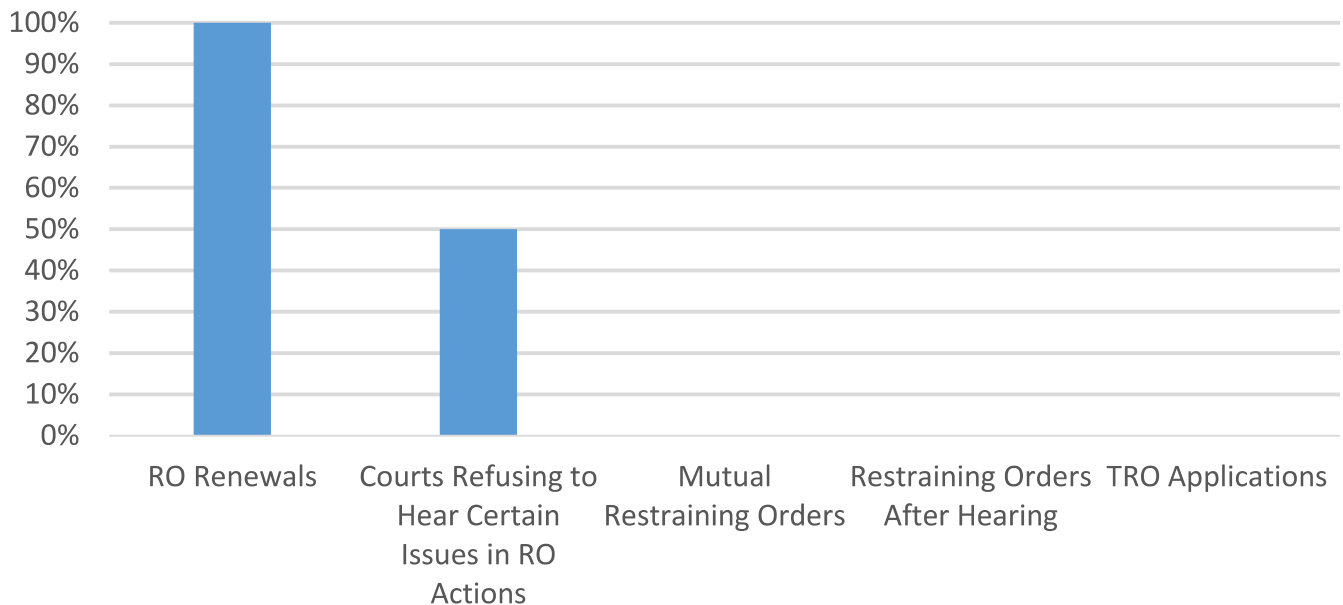
Total Number of Responses: 3

Counties represented in survey



*Some respondents submitted responses for more than one county.

Restraining Orders: Percentage of North Region respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- **Restraining order renewals** were reported to be the most common restraining order-related problem in this region.
- “[N]onphysical DV” has been an issue for clients to prove.”
- “**Custody and Support require a motion** to move forward even if requested on [a temporary restraining order].”

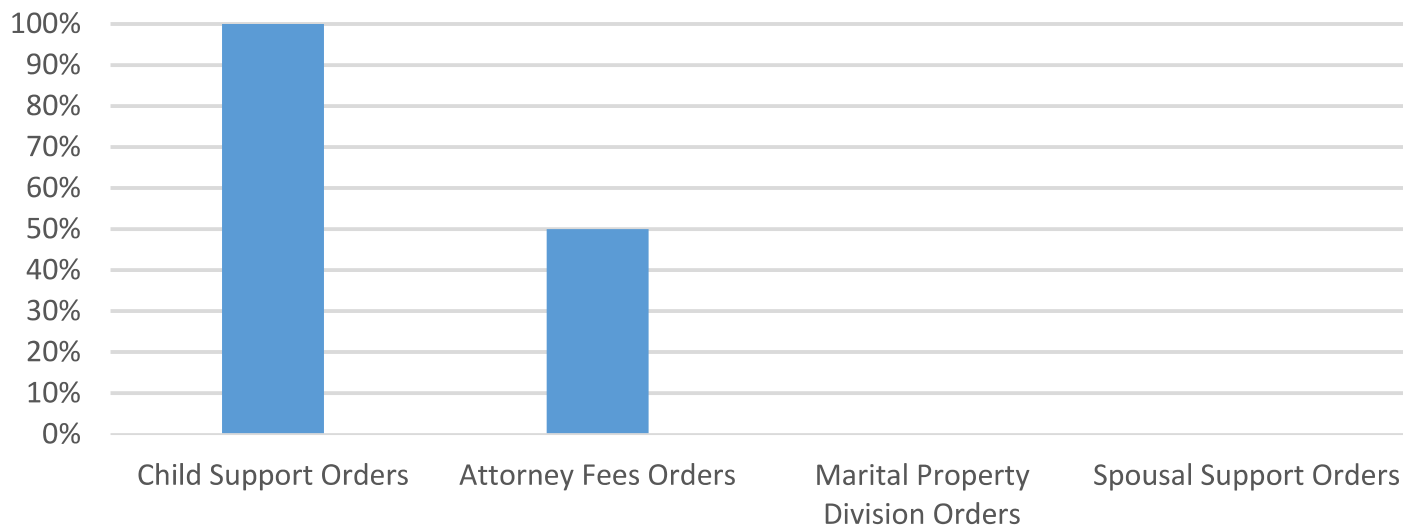
Custody & Visitation: Percentage of North Region respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- **100%** of North Region respondents identified **problems with custody and visitation orders, as well as custody mediation and evaluation.**
- “We don't see many issues with any of the above, but I do believe . . . some of our mediators are biased and should be evaluated to continue. **Each mediator seems to have their own rules** and [regulations,] some taking evidence, some requiring it to be through court, some not considering it at all... which then ripples into the custody and visitation rights of the abuser.”

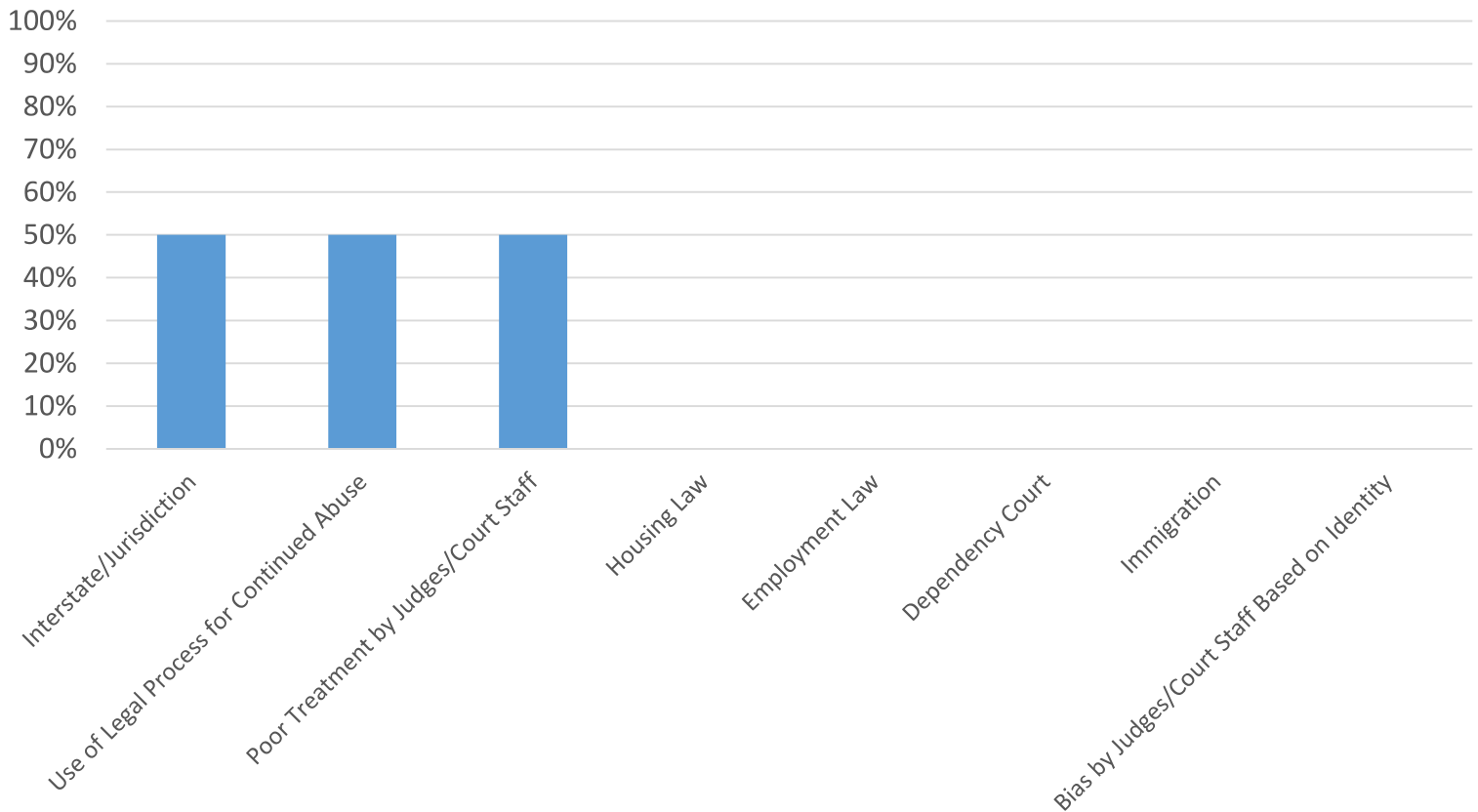
Financial Support: Percentage of North Region respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- The most common issue reported was problems with **child support orders**, followed by **attorney fees orders.**
- “[O]ur clients must ask to get lawyers fees on the [temporary restraining order] as well as in person. There are times **our clients don't have proper representation** and the respondent does.”

Additional Problems: Percentage of North Region respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- This region overall reported fewer “other” issues faced by DV survivors in civil courts, but the survey comments spotlighted several significant challenges regarding **identification of human trafficking victims, jurisdiction, and bias.**
- “[H]uman trafficking victims being represented as [victims of] human trafficking. [C]rimes are reported as pimping and pandering and not human trafficking, leaving our victims classified as prostitutes... not victims of human trafficking.”
- “[J]urisdiction seems to be an issue if the client has fled from far locations.”
- “I believe some mediators and some commissioners are **biased.**”

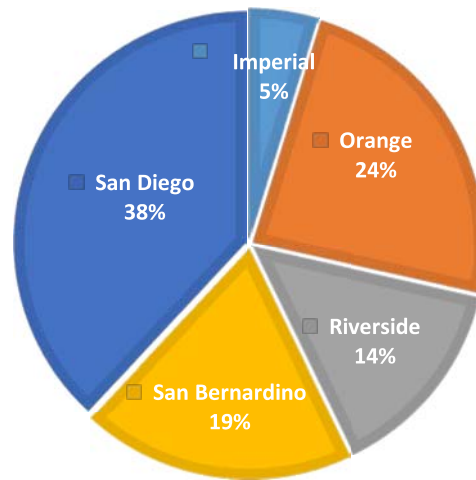
Number One Legal Problem for Domestic Violence Survivors in the North Region

- Reports from the North Region are that **courts fail to hear custody and support matters brought as part of a DVPA action unless the petitioner files a separate motion, with 100% of respondents identifying problems obtaining child support orders.**
 - Even in those cases where custody and support matters are heard, **all survey participants said improper custody and visitation orders are problematic, and all identified problems with mediators and child custody evaluators.**
- There was also consensus in the North Regional that **obtaining a restraining order renewal is problematic.**

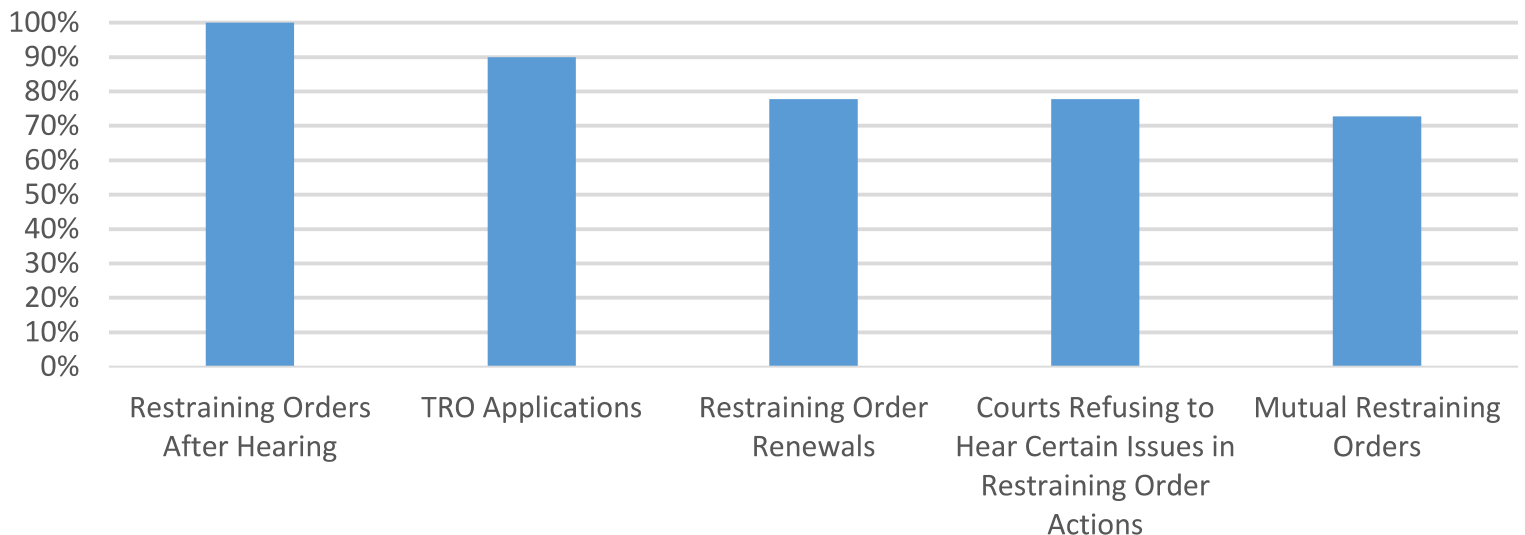
South Region Survey Results

Total Number of Responses: 15

Counties represented in survey



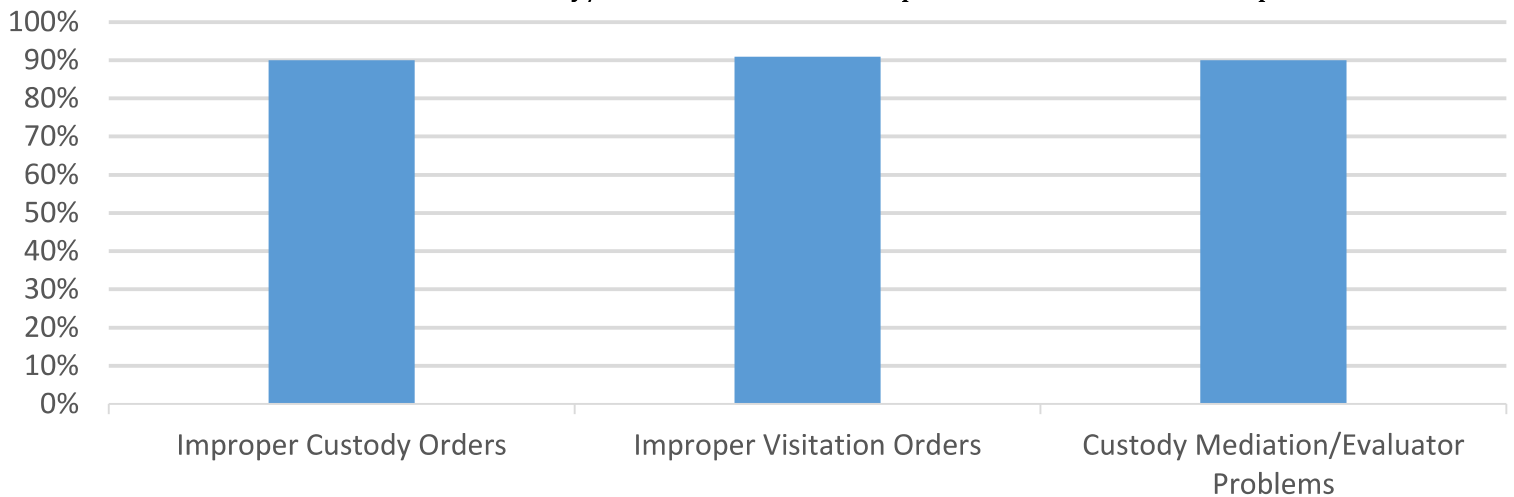
Restraining Orders: Percentage of South Region respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- The South Region reported **higher rates of problems with restraining orders** than the statewide average, in every category surveyed.
- “Court frequently denying [Restraining Orders After Hearing] for **lack of proof or victim testimony not sufficient proof.**”; “**Mutual Restraining Order file[d] from Perpetrator against victim** without any police reports or other documents vs Victim needing one to support her during her court hearing.”
- “The **continuance in the TRO** can become a problem because are extended for a period of up to 6 to 8 months.”
- “Strong preference [for] related **custody issues being filed in separate request. Not hearing support requests.**”; “[C]an affect Victim in other areas such as housing because of non financial or child support order to support family in difficult time.”

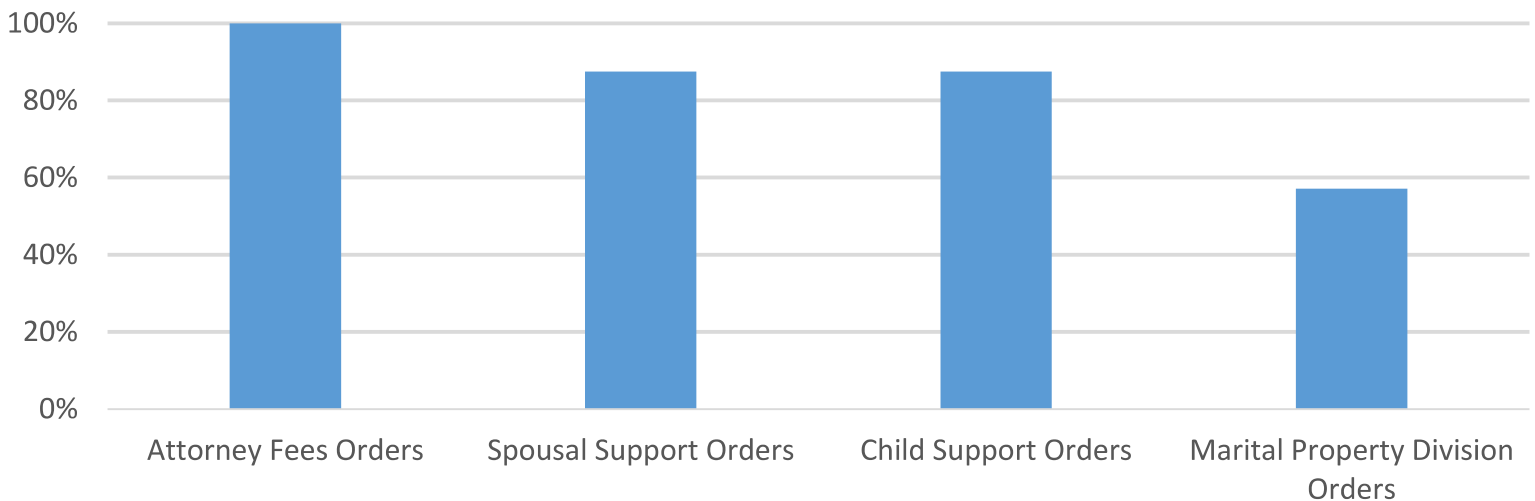
Custody & Visitation: Percentage of South Region respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- This region reported **problems with custody/visitation orders and custody mediation/evaluation** at or above the statewide averages, with **90%** of respondents reporting problems in each of these areas.
- **“Supervised visitation or supervised exchanges not used** as often as circumstances appear to justify.”; “Improper visitation orders can be . . . a **safety concern** to family and opportunity for perp[e]trator to find information about whereabouts[s] through children or attempt to follow.”
- **“Custody orders made without** having heard both parties in a family court case and **reviewing case regarding safety of children and victim.**”
- “My clients don't feel the mediators understand DV, especially my clients in their 20's. They don't understand why the **mediators don't want to hear what they and the kids have been subjected to.** When I have a client with **emotional abuse the court system makes it hard** for the client to explain their stories.”

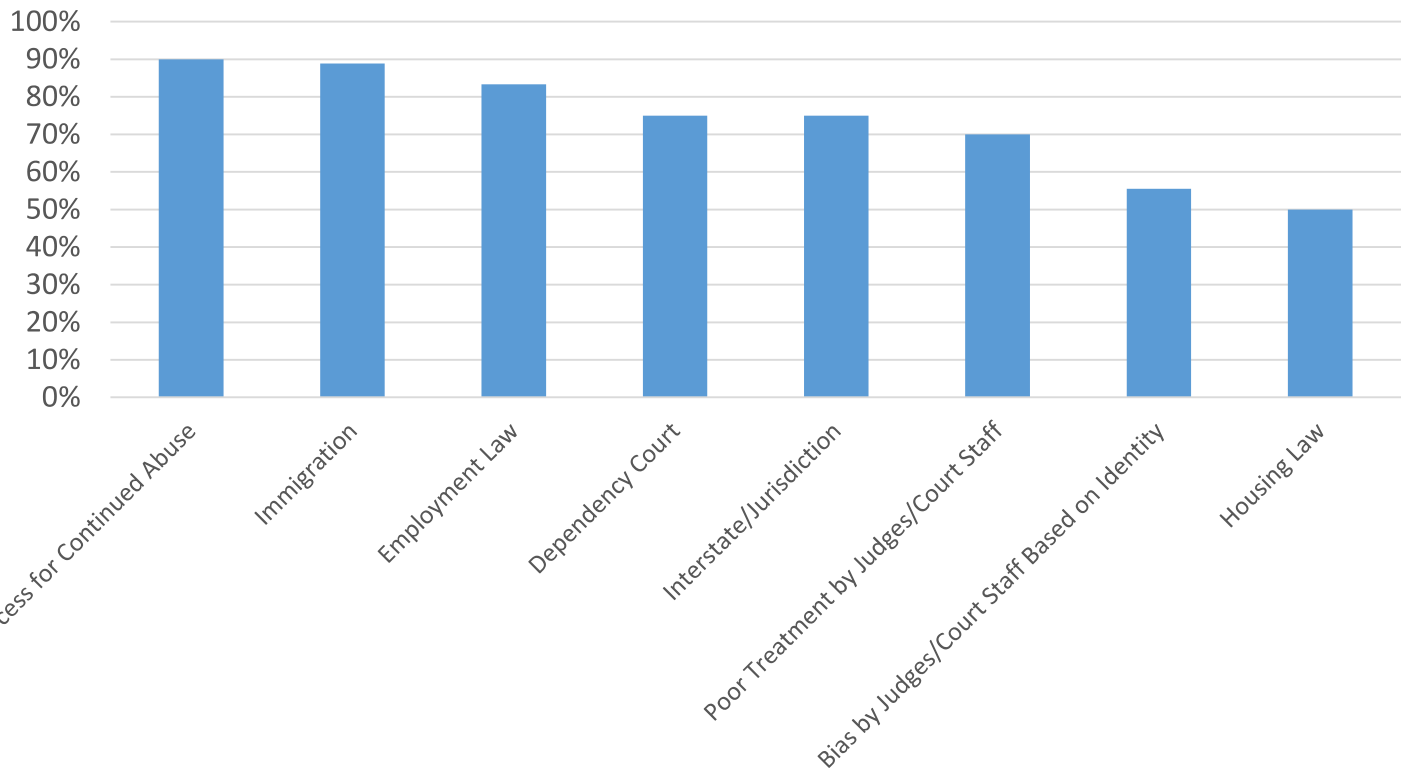
Financial Support: Percentage of South Region respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- **All** respondents reported problems with obtaining **attorney fees orders**, including such comments as: “Attorneys fees are never ordered up front.”; “Attorney fees in my experience have never been available . . . ”
- **“Spousal Support orders . . . can take over 6 to 12 months** to have a court order the support for the family that include child support as well.”; **“Child support is dealt with inconsistently** (sometimes at hearing, sometimes sent to self help or [Department of Child Support Services]).”

Additional Problems: Percentage of South Region respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- Consistent with the rest of the state, **litigation abuse** is the biggest “other” problem in the South Region, which also experiences higher-than-average problems with **immigration and employment law** issues.
- “**Consider dependent immigration status when determining custody orders** – parent has no option but to choose between remaining in the US after a divorce without status or going back to their country and effectively giving up custody/visitation with child.”
- “**Immigration Matters are . . . a concern** and in my experience I have seen police departments that refuse to sign the U visa for families that experience DV.”
- “**Housing laws** for example the move out orders can be lengthy and are of a **safety concern for families.**”
- “**Lack of bilingual services** and other language forms can be a barrier for many families . . .”

Number One Legal Problem for Domestic Violence Survivors in the South Region

- Reports from the Southern Region overwhelmingly identify problems in **obtaining Restraining Orders After Hearing.**
 - The major problems identified include multiple continuances before making orders; improper custody and visitation orders; problematic mediation and evaluation processes; and courts refusing to hear or make timely rulings on child and spousal support requests.
- Equally significant problems were reported with **obtaining attorneys’ fees orders.**
- Southern Region survey results also show problems with **litigation abuse** and **immigration-related legal issues.**

Conclusion & Use of This Report

Family Violence Appellate Project conducted this survey for two main reasons: To understand the legal challenges faced by domestic violence survivors in California's civil court system, so we can try to address and ultimately solve those problems; and to provide information to DV service providers who work tirelessly each day so they can use this information to enhance the safety and well-being of their clients and their families. We encourage DV service providers and advocates, and legal aid service providers, in California and elsewhere, to use this report by:

1. **Discussing** your region's findings with other DV advocates, legal aid providers, court personnel, and judges in your region, to raise awareness and spark a dialogue about how to improve local court practices and outcomes to protect domestic violence survivors and their children;
2. **Learning** about challenges faced by DV survivors in other regions and on a statewide level, to increase your awareness of challenges your own clients may be facing;
3. **Reaching out** to service providers in regions where certain problems seem to be better addressed to learn about solutions that have worked in other parts of the state;
4. **Informing** Family Violence Appellate Project of any cases that exemplify the issues identified in this report, or any other relevant issues; and
5. **Contacting** Family Violence Appellate Project for legal help with an appeal, as well as free training, technical assistance, and written informational materials on civil legal issues affecting domestic violence survivors and their children.

Please let us know how this report is helpful in your work. We sincerely hope it is useful in moving us all toward a future without domestic violence.

Contact information

For information about this report and survey results, or to submit relevant information about a matter discussed here, contact Family Violence Appellate Project at:

1814 Franklin Street
Suite 805
Oakland CA, 94612
info@fvaplaw.org
(510) 858-7358

Copyright © Family Violence Appellate Project 2016. References to this report or survey results **must be attributed to "Family Violence Appellate Project"** and should also reference the name of the report: "2016 Survey of California Domestic Violence Service Providers." Thank you for your cooperation.