



JUDICIAL COUNCIL OF CALIFORNIA

COURT EXECUTIVES
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COURT EXECUTIVES ADVISORY COMMITTEE

JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM SUBCOMMITTEE

MATERIALS FOR June 23, 2025

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COURT EXECUTIVES ADVISORY COMMITTEE JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM SUBCOMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: June 23, 2025
Time: 10:00 A.M.
Public Call-in Number: <https://jcc.granicus.com/player/event/4410>

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

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to tcpjac_ceac@jud.ca.gov.

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the November 4, 2024, Judicial Branch Statistical Information System subcommittee meeting(s).

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to tcpjac_ceac@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA , 94102, attention: Paarth Malkan. Only written comments received by

10:00 A.M. June 20, 2025 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1: Amendment to the Civil Case Cover Sheet

Review and approve the Judicial Council draft of the Amendment to the Civil Case Cover sheet proposal.

Presenter(s)/Facilitator(s): Mr. Paarth Malkan, Senior Analyst, Research, Analytics and Data

Item 2: Disposition Hearings Aging

Review and approve an option that resolves an issue with disposition hearings and their case aging in report 09a for JBSIS 4.0.

Presenter(s)/Facilitator(s): Mr. Austin Hulbert, Senior Analyst, Research, Analytics and Data

Item 3: Proposition 57 Hearings

Review and approve recommendations that resolve issues with Proposition 57 hearings in report 08a for JBSIS 4.0.

Presenter(s)/Facilitator(s): Mr. Austin Hulbert, Senior Analyst, Research, Analytics and Data

Item 4: Report 11a Before/After Hearing Classification

Review and approve an option that resolves issues with the classification of report 11a dispositions as “Before hearing” or “After hearing”.

Presenter(s)/Facilitator(s): Mr. Austin Hulbert, Senior Analyst, Research, Analytics and Data

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1: Pausing of Case Aging in Pending Family Law Cases

Consider issue of JBSIS case aging statistics in report 06a reflecting pending, undisposed family law cases.

Presenter(s)/Facilitator(s): Mr. Paarth Malkan, Senior Analyst, Research, Analytics and Data

V. ADJOURNMENT

Adjourn



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COURT EXECUTIVES ADVISORY COMMITTEE JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM SUBCOMMITTEE

MINUTES OF OPEN MEETING

November 04, 2024

9:00 A.M.

Via Conference Call

Advisory Body Members Present: Mr. Jake Chatters, Chair; Mr. Kevin Harrigan; Ms. Nocona Soboleski; Ms. Kim Turner; Mr. David Yamasaki

Advisory Body Members Absent: Mr. Chad Finke; Mr. David Slayton; Mr. Michael Roddy

Others Present: Mr. Jonatan Alzate; Ms. Savet Hong; Ms. Leah Rose-Goodwin; Mr. Austin Hulbert; Mr. Paarth Malkan; Ms. Mary Carter; JCIT

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 9:00 A.M.

Approval of Minutes

A motion was made to approve the minutes of the August 5, 2024, Judicial Branch Statistics Information System Subcommittee meeting. Motion was approved unanimously.

DISCUSSION AND ACTION ITEMS

Item 1: JBSIS 4.0 New Content (Action Required)

Mr. Malkan presented how the JBSIS Subcommittee previously approved new case types and data elements for JBSIS 4.0, that were subsequently approved by the Judicial Council, but some new content did not have definitions. Office of Court Research (OCR) staff defined the new content and requested Subcommittee approval for the definitions. The Subcommittee requested that, upon approval, OCR staff distribute the new definitions to JBSIS contacts, and correct typos. The Subcommittee voted unanimously in favor of the motion.

Presenter: Paarth Malkan, Senior Analyst, Research, Analytics, and Data
Austin Hulbert, Senior Analyst, Research, Analytics, and Data

Item 2: Juvenile Delinquency Supervision (Action Required)

Mr. Hulbert described how minors declared a ward of the court can be recorded in JBSIS in one of two ways, either at the minor level or at the petition level. The Subcommittee discussed that current reporting happens at the minor level. The Subcommittee voted unanimously in favor of recording at the minor level.

Presenter: Austin Hulbert, Senior Analyst, Research, Analytics, and Data

Item 3: Parent/Child Rows Issues – Removal of Minor from Physical Custody

Mr. Hulbert described how the parent row of Placement Entry of Judgment in the Juvenile Dependency report allows for data entry, but the child rows that sum up to that parent row do not allow for data entry. The Subcommittee discussed the value of modifying existing rows, as opposed to adding new rows. The Subcommittee voted unanimously in favor of modifying existing rows.

Presenter: Austin Hulbert, Senior Analyst, Research, Analytics, and Data

INFORMATION ONLY ITEMS

Info 1: Approval of Amendment to Standard 2.2 (No Action Required)

Mr. Malkan provided an update on the Judicial Council's approval of the proposal to amend standard 2.2. The approval will be effective January 1, 2025.

Presenter: Paarth Malkan, Senior Analyst, Research, Analytics, and Data

Info 2: Conviction to Sentencing Case Aging (No Action Required)

Mr. Hulbert provided an update on a technical change to new case aging intervals for conviction to sentencing in report 07c.

Presenter: Austin Hulbert, Senior Analyst, Research, Analytics, and Data

Info 3: Update on Implementation of JBSIS 4.0 (No Action Required)

Ms. Hong provided an update on the technical implementation of JBSIS 4.0.

Presenter: Savet Hong, Data Scientist, Research, Analytics, and Data

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:46 AM.

Approved by the advisory body on .



Judicial Council of California

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

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REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on October 24, 2025

Title

Rules and Forms: New Case Categories for
Civil Case Cover Sheet

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Revise Form CM-010

Date of Report

June 16, 2025

Recommended by

Civil and Small Claims Advisory Committee
Hon. Donald J. Proietti, Chair

Contact

Kristin Burford, 916-263-2989

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Executive Summary

The Civil and Small Claims Advisory Committee and Court Executives Advisory Committee jointly recommend adding new case categories and case types to *Civil Case Cover Sheet* (form CM-010). The addition of the comprehensive groundwater adjudication case type will ensure consistency both with Code of Civil Procedure section 838(b) and with the associated, pending amendment to rule 3.400(c). The addition of the Asbestos and Employment Development Department (EDD) case categories will fulfill new data reporting requirements in an upcoming version of the Judicial Branch Statistical Information System (JBSIS) and eliminate manual data reporting by courts.

Recommendation

The Civil and Small Claims Advisory Committee and Court Executives Advisory Committee jointly recommend that the Judicial Council, effective January 1, 2026, revise form CM-010 to

add comprehensive groundwater adjudication as a case type and add Asbestos and Employment Development Department (EDD) as case categories.

Relevant Previous Council Action

The original version of *Civil Case Cover Sheet* was titled form 982.2 and listed case types in alphabetical order with a corresponding number from 01 to 34. In that version of the form, parties were instructed to write the number corresponding to the appropriate case type in a box at the top of the section instead of checking a box next to the selected case type, as the current form instructs. In subsequent versions of the form, the case types were rearranged by subject matter into case categories, but the number corresponding to each case type was carried over from the original form. In 2003, the council adopted a new case type on Civil Case Cover Sheet for uninsured motorist cases, which was added under the Auto Tort case category.¹ This case type was given the next-in-line number, 46.²

In October 1996, the council adopted *Policies and Timeline for the Development of a Judicial Branch Statistical Information System*.³ Effective January 1, 1998, the council adopted rule 996 (renumbered as rule 10.400, effective January 1, 2007).⁴ This rule established the requirements for the Judicial Branch Statistical Information System (JBSIS), which included automatic reporting by each trial court.⁵ Effective July 1, 1998, the council adopted the first version of the JBSIS manual.⁶ Between 1998 and 2019, adjustments were made to the JBSIS manual to reflect updated reporting requirements and ensure that clarifying language and references to legislative codes remained current. Effective May 18, 2019, the council approved the updated JBSIS version 3.0 manual, which reflected new data definitions that the council had approved in 2018.⁷ In July 2022, the Judicial Council approved the proposal to update data reporting standards from JBSIS version 3.0 to the upcoming 4.0.⁸ The updates include adding Asbestos and EDD as new case types to the Civil Limited and Civil Unlimited reports.

¹ Judicial Council of Cal., Advisory Com. Rep., *Civil Case Cover Sheet* (Apr. 2, 2003).

² *Ibid.*

³ Judicial Council of Cal., Advisory Com. Rep., *Policies and Timeline for the Development of a Judicial Branch Statistical Information System* (Sept. 23, 1996).

⁴ Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch Statistical Information System (JBSIS) Reporting Requirements* (May 5, 1997).

⁵ *Ibid.*

⁶ Judicial Council of Cal., Advisory Com. Rep., *Proposed Judicial Branch Statistical Information Manual* (June 3, 1998).

⁷ Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch Administration: Judicial Branch Statistical Information System (JBSIS) Version 3.0 Manual* (Apr. 10, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7214076&GUID=6F9A30EE-17DF-431D-B952-0198DE135ADA>.

⁸ Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS)* (June 24, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11014325&GUID=42A68D4E-6A64-4BD3-9F67-268811FD21A5>.

Analysis/Rationale

The Civil and Small Claims Advisory Committee and Court Executives Advisory Committee recommend the addition of two new case categories and three new case types to *Civil Case Cover Sheet* (form CM-010). These changes will both ensure consistent data reporting standards across *Civil Case Cover Sheet* and JBSIS 4.0 and conform the cover sheet to statute. Additionally, some minor technical changes were made as indicated in highlights on the attached form CM-010.

Comprehensive groundwater adjudications

One case category on Civil Case Cover Sheet is “Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403).” The case types listed in this case category reflect the types of cases that receive a provisional designation of complex under rule 3.400(c). Code of Civil Procedure section 838 provides that comprehensive groundwater adjudications are presumed to be complex under rule 3.400. Accordingly, in a separate report, the Civil and Small Claims Advisory Committee recommends amending rule 3.400(c) to reflect this change in the law by adding comprehensive groundwater adjudication to the list of case types in that rule that are provisionally designated as complex.⁹ Consistent with that recommendation, the committees recommend revising *Civil Case Cover Sheet* to reflect the provisional designation of such cases as complex.

Asbestos and Employment Development Department

The Court Executives Advisory Committee recommends adding Asbestos and EDD as distinct case categories on *Civil Case Cover Sheet*. Currently, *Civil Case Cover Sheet* includes “Asbestos” as a case type under the “Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort” case category, and EDD cases fall under the “Other employment” case type within the “Employment” case category. However, JBSIS does not capture those specific data points because it maps to the case categories from form CM-010, not the case types. Given this limitation, Judicial Council staff manually collects this data annually from courts for use in the Resource Assessment Study and the Judicial Needs Assessment. The addition of Asbestos and EDD as distinct case categories will enable JBSIS 4.0 to collect these data points and eliminate the need for additional manual data reporting by court staff.

Adding case categories also requires adding case-type checkboxes for each new case category to maintain consistent formatting within *Civil Case Cover Sheet*. The case type for the EDD case category is “EDD decision review,” and the asbestos case type is “Asbestos.” Although the asbestos case category and case type share the same title, the form already employs this nomenclature for the “Enforcement of Judgment” case category, which shares a title with its case type. Accordingly, the committees recommend revising *Civil Case Cover Sheet* to add “Asbestos” and “Employment Development Department (EDD)” as separate case categories, add “EDD decision review” as a case types under the respective case category, and move the

⁹ See Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: Comprehensive Adjudications of Groundwater Rights*.

“Asbestos” case type from the “Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort” case category to the “Asbestos” case category.

Policy implications

The committees recommend revising *Civil Case Cover Sheet* to ensure consistent data reporting standards with JBSIS 4.0. This will reduce operational demands by eliminating the need for manual data reporting by court staff of asbestos and EDD cases. The revisions also will conform the form to a simultaneous rule amendment, which was made to conform the rule to statute. This policy decision was made by the Legislature.

Comments

The committees solicited public comments on this proposal from April 14, 2025, to May 23, 2025, as part of the council’s regular spring 2025 invitation-to-comment cycle. Of the four comments received, two were from courts, one was from the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee Joint Rules Subcommittee (TCPJAC/CEAC Joint Rules Subcommittee), and one was from an individual. The commenters agreed with the proposal or did not indicate a position. The substantive comments and the committees’ responses are summarized below.

TCPJAC/CEAC Joint Rules Subcommittee suggested that the form remain two pages because litigants often forget to print or address the third page. If printed double sided, although the first two pages are the only pages of the form that require responses from litigants, if a court receives only the first two pages but sees that the form has three pages, it will result in confusion and delay. For this reason, along with the fact that the third page is informational only, the committees elected to move the information on the third page to an online location and eliminate the third page of the revised form.

An individual suggested that the form’s reference to the collections case limit be changed from \$25,000 to \$35,000 because the Civil and Small Claims Advisory Committee is simultaneously proposing an increase to this limit.¹⁰ The committees agree with this comment and recommend that the revised form, which is anticipated to go into effect on the same date as the increased collections case limit (January 1, 2026), reflect this increased limit.

Alternatives considered

The committees considered the alternative of keeping the case type examples as part of the form or as a separate informational form but concluded that it was most appropriate to post this information online to make it easier to update and keep the form to two pages. Because the additions to *Civil Case Cover Sheet* are required for the form to serve its purpose of accurately reporting case types and to streamline data reporting under the new standard, the committees did not consider the alternative of no form revision.

¹⁰ See Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Amendment of the Collections Case Rule*.

Fiscal and Operational Impacts

The committees anticipate that this proposal could require training for court staff and judicial officers, but any such training would already have been required to implement the statutory requirement that comprehensive groundwater adjudications be presumed complex under rule 3.400. The addition of the asbestos and EDD case categories will eliminate the need for manual data reporting by court staff, reducing operational demands.

Additionally, revision of *Civil Case Cover Sheet* will require coordination between the Judicial Council, the courts, and case management system (CMS) vendors to ensure that the new case categories are correctly mapped in the CMS and the new case categories are configured in Judicial Council data reporting. Any changes required in the CMS for asbestos and EDD data reporting will be integrated into the implementation of JBSIS 4.0. Courts will likely incur costs to incorporate the revised forms into paper or electronic processes.

Attachments and Links

1. Form CM-010, at page 6–7
2. Chart of comments, at pages 8–10

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 2025-06-10 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

Examples of the cases that belong under each case type are provided online at ____.

1. Check **one** box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
☐ Uninsured motorist (46)

Asbestos

- ☐ Asbestos (04)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐ Business tort/Unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

- ☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Employment Development Department (EDD)

- ☐ EDD decision review (48)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Comprehensive groundwater adjudication (47)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☐ Other complaint (*not specified above*) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (*not specified above*) (43)

2. Is this case complex under rule 3.400 of the California Rules of Court? ☐ Yes ☐ No

If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 c. ☐ Substantial amount of documentary evidence
 d. ☐ Large number of witnesses
 e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (*check all that apply*):
 a. ☐ monetary
 b. ☐ nonmonetary; declaratory or injunctive relief
 c. ☐ punitive
4. Number of causes of action (*specify*):
5. Is this case a class action suit? ☐ Yes ☐ No
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 of the California Rules of Court or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on pages 1 and 2. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided online at [www.courtinfo.ca.gov/cases/civil](#). A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 of the California Rules of Court is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$35,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

ITC SPR25-04

Rules and Forms: New Case Categories for *Civil Case Cover Sheet* (Amend form CM-010)

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

	Commenter	Position	Comment	Committee Response
1.	Julia A. Goren Author/Publisher of Litigation by the Numbers	NI	Page 2 of the form defines Collections Case as having a \$25K limit, but SPR25-08 proposes to raise that to \$35K as of Jan 2026. It would be great to make that change simultaneously to avoid the need for another revision.	The committees will recommend this change.
2.	Superior Court of Los Angeles County by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "Rules and Forms: New Case Categories for Civil Case Cover Sheet," the Court agrees with the proposal and has no other comments.	The committees appreciate the information provided.
3.	Superior Court of San Bernardino County by Staff Civil Committee for the Superior Court	NI	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committees appreciate the information provided.
			Does any court or justice partner use the parenthetical number next to each case category? Not aware if the parenthetical number is being used in the case management system at time of filing, or simply identifying the case category/type is enough.	The committees appreciate the information provided.

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

ITC SPR25-04

Rules and Forms: New Case Categories for *Civil Case Cover Sheet* (Amend form CM-010)

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

	Commenter	Position	Comment	Committee Response
			Would the proposal provide cost savings? If so, please quantify No cost savings.	The committees appreciate the information provided.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Minimal change will be required. Clerk's Office, Judicial Assistants, and Judges would need to be informed of the change. This can be done by email. No additional training required. Changes in the case management system would be needed for JBSIS purposes. This is what would take time.	The committees appreciate the information provided.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Possibly 2 months may be enough time.	The committees appreciate the information provided.
			How well would this proposal work in courts of different sizes? This will work well in any size court.	The committees appreciate the information provided.

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

ITC SPR25-04

Rules and Forms: New Case Categories for *Civil Case Cover Sheet* (Amend form CM-010)

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

	Commenter	Position	Comment	Committee Response
4.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Subcommittee (TCPJAC/CEAC Joint Rules Subcommittee)	A	JRS Position: Agree with proposed changes. The JRS notes that the proposal is required to conform to a change of law.	The committees appreciate the information provided.
			The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: <ul style="list-style-type: none">• Impact on existing automated systems<ul style="list-style-type: none">○ Update Efile and case management system.• Results in additional training, which requires the commitment of staff time and court resources.<ul style="list-style-type: none">○ Training staff and updating Self Help Center packets.• Other fiscal or operational impacts.<ul style="list-style-type: none">○ Small fiscal impact: Auto JBSIS reporting for asbestos cases.	The committees appreciate the information provided.
			Suggested modification: Court staff strongly prefers that this form remain two pages. People often forget to print or address the third page. This could increase the workload to address.	The committees appreciate the information provided and will recommend this change.

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



Judicial Council of California

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M E M O R A N D U M

Date

June 13, 2025

Action Requested

Please Review and Make Recommendation

To

Members of the Judicial Branch Statistical
Information System (JBSIS) Subcommittee

Deadline

N/A

From

Austin Hulbert, Senior Analyst
Research, Analytics, and Data

Contact

Austin Hulbert
415-865-7429 phone
austin.hulbert@jud.ca.gov

Subject

JBSIS 4.0 09a Disposition Hearings Aging

Executive Summary

While reviewing reports for JBSIS 4.0, staff noticed two issues regarding disposition hearings aging in 09a Juvenile Dependency. First, the unit of count differs between the definition for the parent hearings row and the definition for child disposition hearing rows. Second, the current aging intervals for disposition hearings do not correspond with any California statute. We are asking the JBSIS Subcommittee to review the information provided and decide how, if at all, to count disposition hearing aging in dependency cases for JBSIS 4.0.

Disposition Hearings and Current JBSIS 4.0

At the disposition hearing in juvenile dependency cases, the court hears evidence on the question of the proper disposition to be made on behalf of the child. Following the JBSIS Subcommittee Meeting on September 21, 2020, new aging rows were added to go with existing counting of disposition hearings for JBSIS 4.0. In the following definitions for those rows, note that child rows count disposition hearing aging, and thus sum up to the number of dispositions rather than the number of calendared hearings days:

Row	Label	Definition
2900	Disposition hearing (total rows 2910 and 2920)	A hearing to determine the proper placement of a minor found to be a person described in Welf. & Inst. Code, § 300 (Welf. & Inst. Code, § 358), and other issues related to the minor's circumstances.
2910	Uncontested (total rows 2911 - 2913)	The number of disposition hearings in which the recommendations of social services are not opposed. Each case falls into a specific time interval measuring the age of a case from the date of filing to the date of disposition.
2911	0 – Less than 9 months	
2912	9 – Less than 12 months	
2913	Greater than 12 months	
2920	Contested (total rows 2921-2923)	The number of disposition hearings in which the recommendations of social services are opposed. Each case falls into a specific time interval measuring the age of a case from the date of filing to the date of disposition.
2921	0 – Less than 9 months	
2922	9 – Less than 12 months	
2923	Greater than 12 months	

Issue

Currently, there are two main issues related to disposition hearing aging rows. First, disposition hearings are counted in the Hearings Workload section and thus feed into the total hearings row on 2700. Hearings in report 09a, and throughout all other reports in JBSIS, are defined to count “each hearing that actually takes place” and that “hearings that extend over more than one day are counted as separate hearings for each hearing day.” Furthermore, “if a judicial ruling made at a hearing results in the disposition of a case, count both the hearing and the disposition”. See below for the full definition for hearings in report 09a:

2700 Hearings (total rows 2750 - 2790, 2900, 2950 – 3100, 3150, and 3200) Formal proceedings held to decide issues of fact or law arising in the course of a court action.

Examples: Hearings on motions, OSCs, review hearings, etc.

Note:

- A hearing begins when one or more parties or counsel appear and oral arguments, presentations relevant to the proceedings, witness testimony, and/or documents or tangible objects are submitted to the court (i.e., “first evidence”).
- Hearings are initiated:
 - By the official placement of a case on a judicial officer’s calendar
 - by the filing of written documents such as motions and OSCs, etc.,
 - on the court’s own motion, or
 - at the request of a party to the action or other interested party; or
 - Based on impromptu oral motions presented in court and heard by the judicial officer.

What/how to report:

- Report each hearing that actually takes place. If multiple proceedings are heard at one time (regardless of whether they are initiated by one or more documents), count each proceeding.
- Hearings that extend over more than one day are counted as separate hearings for each hearing day.
- If a judicial ruling made at a hearing results in the disposition of a case, count both the hearing and the disposition.

What/how not to report:

- Do not report hearings that are not heard at all and are reset at the request of the parties or on the court’s motion. Count as continuances in the Events section.
- Do not count ex parte proceedings unless they are calendared and heard.
- Do not count impromptu oral motions that do not require a presentation and are not heard by the judicial officer.

However, rows 2910-2923 count disposition hearings via case aging from filing to disposition, resulting in one hearing count per disposition rather than one hearing count per day taken to reach disposition. For example, suppose a disposition hearing takes two days to complete, and disposition occurs on the second day. Based on the definitions for the disposition hearings, only the second day would be counted in rows 2910-2923. However, according to the overarching hearings definition, the disposition hearing should be counted twice – once for each day, regardless of disposition status at the end of the hearing for that day. This example illustrates how the definition of disposition hearings conflicts with the way hearings are defined in JBSIS more generally. Hearing rows should count all hearings, regardless of outcome or disposition.

Second, the current aging intervals for disposition hearings (0 to less than 9 months, 9 months to less than 12 months, and 12 months or greater) do not correspond with any California statute or

National Center for State Courts (NCSC) Model Time Standards.¹ Per the Welfare and Institution Code (WIC), Disposition hearings must occur within 30 days after the jurisdictional hearing², and the jurisdictional hearing must be held within 15 days after the petition is filed³. Continuances can be granted to extend these timelines, but only by 30 days⁴. Therefore, the maximum amount of time from filing to the disposition hearing should be 45 days to 75 days (with continuances). The current JBSIS 4.0 aging intervals for disposition hearings far exceed what is outlined in the WIC. Staff believe that the current intervals for JBSIS 4.0 were created to follow the NCSC standards for permanency hearings, in which 75% are within 270 days of removal, and 98% are within 360 days of removal.⁵ However, in California, WIC 366.21 requires permanency hearings to be held within 12 months.⁶

Options

The subcommittee should consider the type of aging information that is important to capture and understand for this case type. Absent a standard in the rules of court (as none exist for juvenile dependency cases), the subcommittee should consider whether disposition hearing aging adds value and insight to dependency processes and whether the value of that data reporting outweighs any additional costs or effort to provide that data. Two options are offered for consideration:

Remove Disposition Hearing Aging

One option for the JBSIS Subcommittee to consider is the removal of the disposition hearing aging rows (2911-2913, 2921-2923), and count dispositions directly on rows 2910 and 2920. This option has the benefit of reducing the number of data points that courts must submit for the JBSIS Juvenile Dependency report. Additionally, most aging rows in JBSIS are related to Standards 2.2⁷, which do not cover juvenile dependency cases), or court supervision. There are many other statutes relating to how quickly hearings are supposed to occur across all case types that are not measured in JBSIS 3.0 or 4.0. Therefore, if aging is kept for disposition hearings in

¹ [National Center for State Courts \(NCSC\) Model Time Standards](#)

² [Welf. & Inst. Code, § 358](#)

³ [Welf. & Inst. Code, § 334](#)

⁴ [Welf. & Inst. Code, § 352](#)

⁵ Although staff retain recordings of past JBSIS Subcommittee meetings, these records are not available for the September 21, 2020, meeting where the aging intervals were added to go with existing counting of disposition hearings for JBSIS 4.0. The minutes from that meeting reference “national standards”, but staff can only infer which standards these intervals were intended to track.

⁶ [Welf. & Inst. Code, § 366.21](#)

⁷ [California Rules of Court, Standards 2.2](#)

09a, this could set a precedent to include other aging calculations, thus adding complexity to JBSIS reporting.

Move Disposition Hearing Aging and Update Intervals

If the JBSIS Subcommittee decides to keep aging for disposition hearings, these rows will be moved to the Case Aging section for 09a, which currently tracks case aging for cases under court supervision. Furthermore, the intervals will be updated to reflect the statutes associated with dependency disposition hearings. Implementing this option in JBSIS 4.0 would allow for the tracking of time that cases take from petition filing to disposition via the disposition hearing. These definitions and intervals could be as follows:

Row	Label	Definition
2910	Uncontested (total rows 2911 - 2913)	The number of cases falling into specific time intervals measuring the age of a case from the date of filing to the date of disposition at the disposition hearing in which the recommendations of social services are not opposed.
2911	0 – Less than 30 days	
2912	30 – Less than 45 days	
2913	Greater than 45 days	
2920	Contested (total rows 2921-2923)	The number of cases falling into specific time intervals measuring the age of a case from the date of filing to the date of disposition at the disposition hearing in which the recommendations of social services are opposed.
2921	0 – Less than 30 days	
2922	30 – Less than 45 days	
2923	Greater than 45 days	



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MEMORANDUM

Date

June 13, 2025

Action Requested

Please Review and Approve

To

Members of the Judicial Branch Statistical
Information System (JBSIS) Subcommittee

Deadline

N/A

From

Austin Hulbert, Senior Analyst
Research, Analytics, and Data

Contact

Austin Hulbert
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Subject

JBSIS 4.0 08a Prop 57 Hearings

Executive Summary

While reviewing reports for JBSIS 4.0, staff noticed issues regarding transfer hearings via Proposition 57 (Prop 57)¹ in 08a Juvenile Delinquency/Justice that can lead to inconsistent data reporting. First, there is a parent/child row issue regarding valid/invalid columns within the Prop 57 hearing rows. Second, the unit of count differs between the definition for the parent Hearings (each hearing that takes place) row and the definition for the child Prop 57 hearings (hearings in which the minor remains in juvenile court). Hearing rows should count all hearings, regardless of outcome or disposition. We are asking the JBSIS Subcommittee to decide how to count Prop 57 transfer hearings and their outcomes for JBSIS 4.0.

¹ [Proposition 57](#)

Prop 57 and JBSIS 3.0

Prop 57 ended California prosecutors' ability to directly file juvenile cases in adult court, requiring judges to hold hearings to approve transfers based on rehabilitation potential and offense severity per amendments to Welfare and Institutions Code (WIC) 707². Furthermore, Senate Bill 545 strengthened these protections by mandating trauma screenings and requiring courts to prioritize community-based treatment over adult transfers for youth with trauma histories.³

In the JBSIS 3.0 report on Juvenile Delinquency/Justice (08a), the transfer hearings required by Prop 57 are tracked, as dispositions, on rows 700-900, and, as hearings, on rows 3050 – 3200:

700 Proposition 57: minor transferred to adult court (total rows 800 and 900) The petition is disposed before jurisdictional hearing as result of Welf. & Inst. Code, § 707, in which the minor is ordered transferred to a court of criminal jurisdiction.

800 uncontested—Proposition 57: minor transferred to adult court The petition is disposed as a result of a Welf. & Inst. Code, § 707, hearing in which the recommendation for the minor is not opposed and in which the minor is ordered transferred to a court of criminal jurisdiction.

900 contested—Proposition 57: minor transferred to adult court The petition is disposed as a result of a Welf. & Inst. Code, § 707, in which the recommendation for the minor is opposed and in which the minor is ordered transferred to a court of criminal jurisdiction

3050 Prop 57: minor remains in Juvenile court (total rows 3100–3150) A hearing in which the court hears evidence, considers whether the minor is to be transferred to a court of criminal jurisdiction, and orders that the juvenile remain in juvenile court (Welf. & Inst. Code, § 707).

3100 uncontested—Prop 57: minor remains in Juvenile court Welf. & Inst. Code, § 707, in which the recommendation for the minor is not opposed and in which the minor remains in juvenile court.

3200 contested—Prop 57: minor remains in Juvenile court Welf. & Inst. Code, § 707, in which the recommendation for the minor is opposed and in which the minor remains in juvenile court.

² [Welf. & Inst. Code, § 707](#)

³ [Senate Bill 545](#)

Issue

Currently, there are a few issues related to Prop 57 transfer hearings that lead to inconsistent data reporting. First, the parent row 3050 has valid columns in which the child rows 3100 and 3150 columns are invalid. Parent row 3050 is valid for columns 10-50 and 70, while the child rows 3100 and 3150 are only valid for columns 20 and 40. In the Disposed Cases section of 08a, all rows for Prop 57 transfer hearings are only valid in columns 20 and 40. Row 3050 seems incorrect since Prop 57 transfer hearings are for delinquency petitions (columns 20 and 40) filed via WIC 602⁴.

Second, rows 3050-3200 are within the Hearings Workload section, thus the counts from the parent row 3050 for Prop 57 transfer hearings are added to the total Hearings row on 2900. Hearing rows should count all hearings, regardless of outcome or disposition. Hearings in report 08a, and throughout all other reports in JBSIS 3.0, are defined to count “each hearing that actually takes place”. Furthermore, “if a judicial ruling made at a hearing results in the disposition of a case, count both the hearing and the disposition”, which means to count the hearing in the Hearings section and the associated disposition in the Disposition section. See below for the full definition for hearings in report 08a:

2900 Hearings (total rows 2925, 3050, 3200, 3350 – 3550, and 3700) Formal proceedings held to decide issues of fact or law arising in the course of a court action.

Examples: Hearings on motions, OSCs, review hearings, etc.

Note:

- A hearing begins when one or more parties or counsel appear and oral arguments, presentations relevant to the proceedings, witness testimony, and/or documents or tangible objects are submitted to the court (i.e., “first evidence”).
- Hearings are initiated:
 - By the official placement of a case on a judicial officer’s calendar
 - by the filing of written documents such as motions and OSCs, etc.,
 - on the court’s own motion, or
 - at the request of a party to the action or other interested party; or
 - Based on impromptu oral motions presented in court and heard by the judicial officer.

What/how to report:

⁴ [Welf. & Inst. Code, § 602](#)

- Report each hearing that actually takes place. If multiple proceedings are heard at one time (regardless of whether they are initiated by one or more documents), count each proceeding.
- Hearings that extend over more than one day are counted as separate hearings for each hearing day.
- If a judicial ruling made at a hearing results in the disposition of a case, count both the hearing and the disposition.

What/how not to report:

- Do not report hearings that are not heard at all and are reset at the request of the parties or on the court's motion. Count as continuances in the Events section.
- Do not count ex parte proceedings unless they are calendared and heard.
- Do not count impromptu oral motions that do not require a presentation and are not heard by the judicial officer.

However, rows 3050-3200 only count Prop 57 transfer hearings "in which the minor remains in juvenile court". Thus, Prop 57 transfer hearings "in which the minor is ordered transferred to a court of criminal jurisdiction" are not being counted in the Hearings Workload section and in conflict with the Hearings definition.

Recommendations and Options

Recommendation Regarding Invalid Columns

Since Prop 57 transfer hearings are for delinquency cases pursuant to Section 602, we recommend changing the valid columns for row 3050 to be only columns 20 (Delinquency (W&I § 602) Original) and 40 (Delinquency (W&I § 602) Subsequent) for JBSIS 4.0. This change will ensure consistency among all Prop 57 transfer hearings and disposition rows and follow the appropriate Welfare and Institutions codes.

Recommendation Regarding Hearings Reporting

Since Prop 57 transfer hearing definitions conflict with the overall Hearings Workload section definition, we recommend the JBSIS Subcommittee approve changing the names and definitions for row 3050-3200 to include all Prop 57 transfer hearings in JBSIS 4.0, not just the transfer hearings that result with the minor remaining in juvenile court. Those row definitions can be changed as follows:

3050 Prop 57 transfer hearing (total rows 3100–3150) A hearing in which the court hears evidence and considers whether the minor is to be transferred to a court of criminal jurisdiction (Welf. & Inst. Code, § 707).

3100 uncontested—Prop 57 transfer hearing A hearing in which the court hears evidence and considers whether the minor is to be transferred to a court of criminal jurisdiction (Welf. & Inst. Code, § 707) and the recommendation for the minor is not opposed.

3200 contested—Prop 57 transfer hearing A hearing in which the court hears evidence and considers whether the minor is to be transferred to a court of criminal jurisdiction (Welf. & Inst. Code, § 707) and the recommendation for the minor is opposed.

If the precise count of Prop 57 hearings in which minors remain in juvenile court, we propose adding dedicated rows in the Events section of Report 08a, mirroring JBSIS 3.0's definitions (rows 3050-3200) to directly capture these outcomes. This addition ensures granular data accuracy but adds additional reporting elements for the courts. Alternatively, these counts could be approximated by subtracting transferred dispositions (row 700) from total Prop 57 hearings (row 3050), though this method may yield slight inaccuracies for multi-day hearings due to differing units of count.



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M E M O R A N D U M

Date

June 13, 2025

Action Requested

Please Review and Make Recommendation

To

Members of the Judicial Branch Statistical
Information System (JBSIS) Subcommittee

Deadline

N/A

From

Austin Hulbert, Senior Analyst
Research, Analytics, and Data

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Subject

JBSIS 4.0 11a Disposition at Arraignment

Executive Summary

Due to vague definitions, the "*Before Hearing*"/"*After Hearing*" classifications in JBSIS 3.0 create inconsistencies in report 11a (Misdemeanor and Infraction). It is currently open to interpretation whether arraignments and other pretrial hearings involve "first evidence," leading to inconsistent reporting practices between superior courts and among criminal jurisdictions (felony vs. misdemeanor). We propose two mutually exclusive fixes for JBSIS 4.0: (1) clarify definitions to focus strictly on evidence introduction, or (2) consolidate before hearing and after hearing disposition rows into a single "*Before Trial*" category. Either solution will standardize reporting across courts.

Issue

In JBSIS 3.0, the current "*Before/After Hearing*" classification system for 11a (Misdemeanor and Infraction) dispositions is creating reporting inconsistencies due to ambiguities in their definitions. Unlike 07c (Felony) dispositions, which use clear definitions for "*Before/After Preliminary Hearing*", the misdemeanor standards rely on vague definitions that courts are

interpreting differently. Whereas 07c uses *preliminary* hearings as the cutoff, there is no specific corresponding hearing to draw a similar distinction in the 11a report. This is leading to unreliable data comparisons across superior courts and among criminal jurisdictions.

In report 11a, “*Before Hearing*” and “*After Hearing*” dispositions are defined as follows:

950 Disposition before hearing (total rows 975 and 1350) A disposition occurs without the appearance of the defendant in court before a judicial officer or prior to the introduction of first evidence.

Note: First evidence is when one or more parties or counsel appear and oral arguments, presentations relevant to the proceedings, witness testimony, and/or documents or tangible objects are submitted to the court.

1500 Disposition after hearing (total rows 1520 - 1890) Disposition occurs after the introduction of first evidence in a hearing but before the start of a trial by declaration, court trial, or jury trial.

A primary cause of confusion stems from how dispositions at arraignment hearings are classified. At arraignment hearings, defendants appear in court (either personally or through counsel), thus dispositions at arraignment do not meet the first criteria of “*Before Hearing*.” However, some courts and a Criminal Justice Services (CJS) attorney consulted think that “first evidence” is not introduced at arraignment hearings, thus dispositions at arraignment meet the second criteria for “*Before Hearing*.” Since the “*Before Hearing*” definition includes an “or” clause, only one of the criteria need to be satisfied. Therefore, courts that don’t think “first evidence” occurs at arraignment may categorize these dispositions as “*Before Hearing*.”

Meanwhile, some courts do think that “first evidence” can be introduced at arraignment hearings. For example, per JBSIS definition, oral arguments can be considered “first evidence”. So, if a party motions to dismiss at the arraignment hearing, an accompanying argument might be provided, thus classifying those dispositions at arraignment as “*After Hearing*.” Similarly, because the defendant “appears” in court for arraignment, some court and JC staff interpret arraignment dispositions as “*After Hearing*.”

Furthermore, there are other hearing types in misdemeanor cases that potentially introduce “first evidence,” such as motions to suppress or certain pre-trial hearings. Based on the discrepancy between courts on their interpretation on “first evidence” in arraignment hearings, we can assume courts will have varying interpretations on whether “first evidence” is introduced in a multitude of other hearings before trial.

Additionally, infractions, which are included in the 11a report, can have arraignment hearings, but other pre-trial evidentiary hearings are uncommon. Therefore, the issue regarding classification of dispositions at arraignment as “*Before Hearing*” or “*After Hearing*” also applies to infraction cases.

Options

To ensure consistent data entry and valid comparisons across superior courts and criminal jurisdictions, the JBSIS Subcommittee should review the current “*Before/After Hearing*” definitions for 11a (Misdemeanor and Infraction). The JBSIS Subcommittee may consider the following options to address this issue for JBSIS 4.0:

Option 1: Update Definitions for Clarity Regarding First Evidence

One option is to update the definitions for “*Before Hearing*” and “*After Hearing*” to focus exclusively on the introduction of “first evidence” rather than the defendant’s appearance in court. The definition for “*Before Hearing*” (row 950) can be changed from:

“A disposition occurs without the appearance of the defendant in court before a judicial officer or prior to the introduction of first evidence.”

to:

“A disposition occurs prior to the introduction of first evidence.”

To further reduce ambiguity surrounding what constitutes ‘first evidence,’ we can change the definition from:

“First evidence is when one or more parties or counsel appear and oral arguments, presentations relevant to the proceedings, witness testimony, and/or documents or tangible objects are submitted to the court.”

to:

“First evidence occurs when any of the following is formally presented to the court for the first time in a case: (1) witness testimony under oath or affirmation, (2) physical exhibits like documents, photos, or videos, or (3) oral arguments specifically about admitting or challenging evidence.

This does not include routine court appearances such as arraignments, where only pleas are entered, or scheduling hearings, where no testimony or exhibits are shown. First evidence must involve actual submission of proof to support or challenge the case, not just statements that evidence exists.”

With this change, dispositions at arraignment hearings are explicitly considered “*Before Hearing*”. However, a disposition child row of “*plea of guilty/nolo contendere*” would be added to handle plea of guilty dispositions that occur at arraignment. Furthermore, Option 1 will require additional “*Before Hearing*” child rows for “*dismissal after diversion*” and “*dismissal after drug court*”. These child rows would account for cases when defendants pled guilty, were granted deferred entry of judgment and dismissed following successful completion of the program. They would also include cases in which defendants who completed a program of diversion prior to making a plea. In each of these situations, the disposition by diversion dismissal can occur before “first evidence” is introduced, such as following arraignment. See attached for detailed row matrix.

Additionally, the parent row names “*Before Hearing*” and “*After Hearing*” should be changed to “*Before Evidentiary Hearing*” and “*After Evidentiary Hearing*” to make it clear what kind of hearing qualifies.

Overall, these definition and name changes will help clarify what counts as first evidence, thus improving data cohesion among the courts for reporting “*Before/After Hearing*” dispositions. Furthermore, the added child rows of “*plea of guilty/nolo contendere*”, “*dismissal after diversion*”, and “*dismissal after drug court*” will mirror the 07c(Felony), report, in which these dispositions are possible under “*Before Preliminary Hearing*”.

Option 2: Combine Before/After Hearing into Before Trial Dispositions

The second option is to consolidate the “*Before Hearing*” and “*After Hearing*” disposition sections into a single “*Before Trial*” disposition section. This would remove any interpretation by courts on what is considered “first evidence” and remove discrepancies of disposition classifications into “*Before Hearing*” or “*After Hearing*”. See attached row matrix for full details.

Although this change will remove some fine-scale details on dispositions, those counts are already unreliable due to courts’ interpretations of “*Before/After Hearing*”. Furthermore, the distinction between dispositions “*Before/After Hearing*” is not reported in the Court Statistics Report (CSR). In the Superior Court section of the CSR, felony, misdemeanor, and infraction dispositions are all split into “*Before Trial*” and “*After Trial*”.



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M E M O R A N D U M

Date

June 13, 2025

Action Requested

Please Review

To

JBSIS Subcommittee Members

Deadline

N/A

From

Paarth Malkan, Senior Analyst

Contact

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Subject

Pausing of Case Aging in Pending Family
Law Cases

Executive Summary

Research, Analytics, and Data (RAD) has received inquiries from courts regarding case aging in pending family law cases. These cases often involve temporary orders and non-engaged parties, and therefore linger in a prolonged, undisposed state until parties re-engage or the case qualifies for dismissal. In periods of prolonged inactivity on pending cases, case aging statistics reported to the Judicial Branch Statistical Information System (JBSIS) may not accurately reflect that the court is appropriately managing the case. Courts have requested JBSIS reporting methods to reflect the pausing of case aging due to periods of inactivity. The JBSIS Subcommittee is asked to consider this issue and share perspectives to guide future research and potential action.

Context

In March 2025, a court contacted RAD to inquire about how to treat case aging in family law cases involving temporary orders where neither side has remained engaged through to disposition. These cases often cannot be dismissed until they reach the statutory timeframe pursuant to section 583.161 of the Code of Civil Procedure (CCP), which states, “A petition filed

pursuant to Section 299, 2250, 2330, or 7600 of the Family Code shall not be dismissed pursuant to this chapter if any of the following conditions exist:

- (a) An order for child support or an order regarding child custody or visitation...and the order has not been terminated by the court or terminated by operation of law
- (b) An order for spousal support has been issued in connection with the proceeding and the order has not been terminated by the court...”¹

Additionally, unless the case qualifies under section 2.2(m)(1) of the Standards of Judicial Administration, it cannot be removed from the court’s control, a common mechanism which pauses case aging. Note that, as written, standard 2.2(m)(1) sets forth the requirements for removing *civil* cases from the court’s control. However, family law cases could qualify for removal pursuant to CRC 5.2(d), which states “...all provisions of law applicable to civil actions generally apply to a proceeding under the Family Code if they would otherwise apply to such proceeding without reference to this rule.”²

Depending on the context of the case, courts may have mechanisms to pause case aging locally. Section 5.83(c)(3) of the California Rules of Court (CRC) states, “If, after 18 months from the date the petition was filed, both parties have failed to participate in the case resolution process as determined by the court, the court’s obligation for further review of the case is relieved until the case qualifies for dismissal under Code of Civil Procedure section 583.210 or 583.310, or until the parties reactivate participation in the case, and the case is not counted toward the goals for disposition set out in (c)(5).”³ Subsection (c)(5) establishes the disposition time goals of the family centered case resolution process. While CRC 5.83 does not allow for removal of a case from court’s control, section 128(a)(8) of the CCP states, “Every court shall have the power...[t]o amend and control its process and orders so as to make them conform to law and justice.”⁴ Courts may therefore reference this provision to issue a stay and pause case aging.

RAD consulted an attorney from the Center for Families, Children and the Courts to identify other types of family law cases where case aging may be paused. Based on this consultation, there does not appear to be a legislative code that explicitly permits pausing case aging in these pending family law cases. Rather, it is generally up to the courts to determine if case aging can be paused given the context of the case, and to have internal procedures for re-engaging inactive parties.

¹ [Code of Civil Procedure 583.161](#)

² [California Rules of Court 5.2\(d\)](#)

³ [California Rules of Court 5.83](#)

⁴ [Code of Civil Procedure 128\(a\)\(8\)](#)

Proposed Actions

JBSIS was established to survey the condition and business of the California courts. However, the absence of a mechanism to pause case aging, or reflect the pausing of case aging, in pending family law cases means that JBSIS may not fully capture that courts are appropriately managing these cases. RAD requests that the JBSIS Subcommittee consider this issue and share perspectives to guide future research and potential action. Potential action might include:

- 1) Developing a court rule that explicitly facilitates the pausing of case aging in certain pending family law cases.
- 2) Developing JBSIS data elements to reflect the pausing of case aging in these cases.