



Judicial Council of California . Administrative Office of the Courts

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 26, 2013

Title	Agenda Item Type
Rules and Forms: Miscellaneous Technical Changes	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 1.6, 2.304, 2.506, 3.1702, 4.102, 5.555, 8.112, 8.454, and 10.855; revise forms APP-003, APP-151, CR-115, CR-300, DISC-003/UD-106, DISC-005, DV-200, EA-200, EJ-156, FL-117, FL-485, FL-490, FL-686, JV-226, JV-401, JV-421, JV-618, JV-642, MC-703, SC-220, SC-220-INFO, SC-221, SC-222, SV-100-INFO, WG-030, and WV-100-INFO	April 26, 2013; July 1, 201; and January 1, 2014
	Date of Report
	March 14, 2013
	Contact
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Recommended by
Administrative Office of the Courts (AOC)
Deborah Brown, Managing Attorney
Susan R. McMullan, Senior Attorney

Executive Summary

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

Recommendation

The AOC recommends that the Judicial Council revise form EJ-136, effective immediately, to correct certain dollar amounts on the form, changing the exemption amount under Code of Civil Procedure section 703.140(b)(1) from \$25,075 to \$25,575, the exemption amount under section 703.140(b)(6) from \$7,575 to \$7,625, and the exemption amount under section 704.100 from \$12,225 to 12,200. The current figures were entered on the form erroneously and do not correctly reflect the adjustment to the exemption amount mandated by Code of Civil Procedure section 703.150(d). Minor changes to the text have also been made, to reflect recent legislative amendments to the text of section 703.140(b).

The AOC recommends that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective July 1, 2013:

1. Amend rule 1.6 to correct the web address to www.courts.ca.gov¹;
2. Amend rule 2.304(d) to delete the first sentence. This statement, which derives from proofs of service, does not belong in a declaration about filing which may be performed by parties in a case;
3. Amend rule 2.506(a) to correct a reference from “GC 68150(h)” to “GC 68150(l)”;
4. Amend rule 3.1702(b)(2)(B) to correct a reference from “8.891(b)(2)” to “8.892(c)(1)”;
5. Amend rule 4.102, in the Note, to correct the web address to www.courts.ca.gov;
6. Amend rule 5.555(d)(2)(D) to correct a reference from “366.2” to 366.22”;
7. Amend rule 8.112(a)(4)(C)(i) for correct article/noun agreement (“a separate volumes”);
8. Amend rule 8.454, subd (f)(1) to correct “postdetermination” to “posttermination” in two instances, and subd (h)(2) to correct a rule reference from “8.404(a)” to “8.407(a)”;
9. Amend rule 10.855(l) to correct a form reference from “982.8A” to “REC-003”;
10. Revise form APP-003 to clarify that “Case Number” on pp. 2–4 refers to the superior court case number to clarify the information requested on the form and help avoid confusion and delays;
11. Revise form APP-151, item 5, to correct “60” to “30” days;

¹ Currently, users who access the branch web site through links to the old address, www.courtinfo.ca.gov, are redirected to the new web site, www.courts.ca.gov. This redirect will be discontinued, so in order to secure continued access to pages such as the self-help center, and to educate users to go to the new web site, it is recommended that the address be changed.

12. Revise form CR-115, item 1g, to add “(incl. city/zip)” after “Home address” to avoid confusion and delay resulting from defendants providing incomplete address information;
13. Revise form DISC-005, section 4(d), to add a checkbox and lines to add a definition;
14. Revise form DV-200 to correct a reference from “Family Code, §§ 6344 6340-6344” to “Family Code, §§ 243, 245, and 6345”;
15. Revise form FL-117, to correct “other” to “other parent/party” in the caption; and to correct the titles of several referenced and renamed forms to avoid confusion and delay. The form is used as a proof of service by mail and identifies to the respondent, and to the court clerk, all the documents mailed that comprise the initial filing in an action for dissolution, legal separation, or nullity. Form FL-117 must be revised to reflect the correct title of the forms required to be served on the respondent, and to delete references to revoked forms. These changes are urgently needed to avoid confusion to litigants and avoid delay or increased work load for filing clerks processing the form;
16. Revise form FL-485, page 1, caption, to change “ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name and Address*):” to “ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, State Bar number, and address*):” and add “E-MAIL ADDRESS (*Optional*):”; on pp. 1–2, replace references to form FL-301, which was revoked effective July 1, 2012, with “*Request for Order (form FL-300)*.” The revisions are urgently needed as they incorrectly refer users to a form that was revoked by the Judicial Council. The reference to a revoked form can cause confusion and delay access to justice for litigants who request court orders relating to child support;
17. Revise form FL-490, to add “Parent/Party” after “Other” in the caption; revise the second checkbox to read “Spousal or partner support”; add “Attachment to *Request for Order (form FL-300)*” under the title of the form; and replace all references to revoked forms “*Order to Show Cause (form FL-300)*” and “*Notice of Motion (form FL-301)*” with “*Request for Order (form FL-300)*.” The revisions are urgently needed as they incorrectly refer users to a form that was revoked by the Judicial Council. The reference to a revoked form can cause confusion and delay access to justice for litigants who request court orders relating to child support;
18. Revise form JV-226, item 3.c., to change “None” to “Medications.” This revision is needed to correct the omission of “Medications” as an option;
19. Revise form JV-642, item 16, to add a box for “through counsel” as in item 14; and
20. Revise forms SC-220, SC-220-INFO, SC-221, and SC-222 to correct a reference in the footer from “116.570” to “116.620,” and to correct the web addresses to www.courts.ca.gov.

The AOC recommends that the Judicial Council make the following changes to the Judicial Council forms, effective January 1, 2014:

1. Revise form CR-300, item 3, to delete an extra instance of “in case numbers (*specify*):”;
2. Revise form DISC-003/UD-106, item 78.0, to correct “puffy” to “party”;
3. Revise form EA-200, item 4, to add item g, “EA-250, *Proof of Service of Response by Mail* (blank form),” and renumber items g and h as h and i, respectively;
4. Revise form FL-686, item 3, to correct the title of form FL-320 to “*Responsive Declaration to Request for Order*.” The revisions are needed as they incorrectly refer users to a form that was previously revised and retitled by the Judicial Council. The reference to a retitled form can cause confusion to and delay access to justice for litigants;
5. Revise form JV-401, to delete extra instance of “between the child and the child’s sibling (*name*):” and to correct formatting;
6. Revise form JV-421, item 9b, to delete reference to item 10; item 20e to delete reference to item 21(e); and renumber item “35” as “34” and “36” as “35.” The references and incorrect numbering could cause confusion to and delay access to justice for litigants;
7. Revise form JV-618 to switch the location of the “Print name” and signature lines. The revision will make the form consistent and avoid confusion;
8. Revise form MC-703 to correct the title in the footer on page 2; and
9. Revise form SV-100-INFO to correct a form reference from “CH00-INFO” to “CH-100-INFO,” and from “SV-220” to “SV-260”;
10. Revise form WG-030 to add more room in the caption on page 1; and
11. Revise form WV-100-INFO to correct a form reference from “WV-220” to “WV-260.”

The text of the amended rules is attached at pages 6–9, and the revised forms are attached at pages 10-84.

Previous Council Action

Although the Judicial Council has acted on these rules and forms previously, this proposal recommends only minor corrections unrelated to any prior action.

Rationale for Recommendation

The changes to these rules are technical in nature and necessary to correct inadvertent omissions and incorrect references.

Comments, Alternatives Considered, and Policy Implications

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements, Costs, and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, it is not anticipated that any case management systems would need to be updated to implement them.

Attachments

1. Cal. Rules of Court, rules 1.6, 2.304, 2.506, 3.1702, 4.102, 5.555, 8.112, 8.454, and 10.855, at pages 6–9
2. Judicial Council forms APP-003, APP-151, CR-115, CR-300, DISC-003/UD-106, DISC-005, DV-200, EA-200, EJ-156, FL-117, FL-485, FL-490, FL-686, JV-226, JV-401, JV-421, JV-618, JV-642, MC-703, SC-220, SC-220-INFO, SC-221, SC-222, SV-100-INFO, WG-030, and WV-100-INFO, at pages 10–84

The California Rules of Court, rules 1.6, 2.304, 2.506, 3.1702, 4.102, 5.555, 8.112, 8.454, and 10.855, are amended, effective July 1, 2013, to read:

1 **Rule 1.6. Definitions and use of terms**

2
3 (1)–(22) * * *

4
5 (23) “California Courts Web Site” means the Web site established by the Judicial
6 Council that includes news and information, reference materials, rules and forms,
7 and a self-help center. The address is: *www.courtinfos.ca.gov*.

8
9 **Rule 2.304. Direct filing**

10
11 (a)–(c) * * *

12
13 **(d) Presumption of filing**

14
15 A party filing by fax must cause the transmitting fax machine to print a
16 transmission record of each filing by fax. If the document transmitted to the court
17 by fax machine is not filed with the court because of (1) an error in the
18 transmission of the document to the court that was unknown to the sending party or
19 (2) a failure to process the document after it has been received by the court, the
20 sending party may move the court for an order filing the document nunc pro tunc.
21 The motion must be accompanied by the transmission record and a proof of
22 transmission in the following form:

23
24 ~~“At the time of transmission I was at least 18 years of age and not a party to this~~
25 ~~legal proceeding.~~ On (date) _____ at (time) _____, I transmitted to
26 the (court name) _____ the following documents (name)
27 _____ by fax machine, under California Rules of Court, rule 2.304.
28 The court’s fax telephone number that I used was (fax telephone number)
29 _____. The fax machine I used complied with rule 2.301 and no error was
30 reported by the machine. Under rule 2.304, I caused the machine to print a
31 transmission record of the transmission, a copy of which is attached to this
32 declaration.

33
34 “I declare under penalty of perjury under the laws of the State of California that the
35 foregoing is true and correct.”

36
37 (e)–(f) * * *

38
39 **Rule 2.506. Fees for electronic access**

40
41 (a) **Court may impose fees**

1 The court may impose fees for the costs of providing public access to its electronic
2 records, under Government Code section 68150(~~h~~1). On request, the court must
3 provide the public with a statement of the costs on which these fees are based.
4

5 (b) * * *

6
7 **Rule 3.1702. Claiming attorney’s fees**

8
9 (a) * * *

10
11 (b) **Attorney’s fees before trial court judgment**

12
13 (1) * * *

14
15 (2) *Stipulation for extension of time*

16 The parties may, by stipulation filed before the expiration of the time allowed
17 under (b)(1), extend the time for filing a motion for attorney’s fees:
18

19 (A) * * *

20
21 (B) If a notice of appeal is filed, until the time within which a
22 memorandum of costs must be served and filed under rule 8.278(c) in
23 an unlimited civil case or under rule ~~8.891(b)(2)~~ 8.891(c)(1) in a
24 limited civil case.
25

26 (c)–(e) * * *

27
28 **Rule 4.102. Uniform bail and penalty schedules—traffic, boating, fish and game,
29 forestry, public utilities, parks and recreation, business licensing**

30
31 * * *

32 **Note:**

33 Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting:

34 Office of the General Counsel

35 Administrative Office of the Courts

36 455 Golden Gate Avenue

37 San Francisco, CA 94102-3688

38 (415) 865-7611

39 Fax (415) 865-4317

40 www.courtinfo.ca.gov/reference
41

42 **Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a
43 nonminor—dependents or wards of the juvenile court in a foster care**

1 placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 452, 607.3,
2 16501.1(f)(16))

3
4 (a)–(c) * * *

5
6 **(d) Findings and orders**

7
8 In addition to complying with all other statutory and rule requirements applicable
9 to the hearing, the following judicial findings and orders must be made on the
10 record and included in the written, signed court documentation of the hearing:

11
12 (1) * * *

13
14 (2) *Orders*

15
16 (A)–(B) * * *

17
18 (C) For a nonminor who does not meet and does not intend to meet the
19 eligibility requirements for nonminor dependent status but who is
20 otherwise eligible to and will remain under juvenile court jurisdiction
21 in a foster care placement, the court must set a hearing under section
22 366.21, 366.22, 366.25, 366.3, 727.2, or 727.3 within six months of
23 the date of the nonminor’s most recent status review hearing.

24
25 (D)–(E) * * *

26
27 **Rule 8.112. Petition for writ of supersedeas**

28
29 **(a) Petition**

30
31 (1)–(3) * * *

32
33 (4) If the record has not been filed in the reviewing court:

34
35 (A)–(B) * * *

36
37 (C) The documents listed in (B) must comply with the following
38 requirements:

39
40 (i) They must be bound together at the end of the petition or in a
41 separate volumes not exceeding 300 pages each. The pages must
42 be consecutively numbered;

43
44 (ii)–(iii) * * *

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(5) * * *

(b)–(d) * * *

Rule 8.454. Notice of intent to file writ petition under Welfare and Institutions Code section 366.28 to review order designating specific placement of a dependent child after termination of parental rights

(a)–(e) * * *

(f) Premature or late notice of intent to file writ petition

(1) A notice of intent to file a writ petition under Welfare and Institutions Code section 366.28 is premature if filed before a date for a postdetermination placement order has been made. The reviewing court may treat the notice as filed immediately after the postdetermination order has been made.

(2) * * *

(g) * * *

(h) Preparing the record

(1) * * *

(2) Within 20 days after the notice of intent is filed, prepare a clerk’s transcript that includes the notice of intent, proof of service, and all items listed in rule 8.4047(a) 8.4047(a).

(i)–(j) * * *

Rule 10.855. Superior court records sampling program

(a)–(k) * * *

(l) Access

Each superior court must submit semiannually to the Judicial Council a *Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred* (form 982.8A REC-003), including the following information:

(1)–(3) * * *

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)	Superior Court Case Number:
RE: Appeal filed on (date):	Court of Appeal Case Number (if known):
Notice: Please read form APP-001 before completing this form. This form must be filed in the superior court, not in the Court of Appeal.	

1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I elect to use the following method of providing the Court of Appeal with a record of the documents filed in the superior (check a, b, c, d, or e and fill in any required information):

- a. A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section on page 2 of this form.)
- (1) I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2) I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have attached the following document (check (a) or (b)):
- (a) An order granting a waiver of court fees and costs under rule 3.50 et seq.; or
- (b) An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)
- b. An appendix under rule 8.124.
- c. The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, Fourth, and Fifth Appellate Districts, permit parties to stipulate to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d. An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)
- e. A settled statement under rule 8.137. (You must complete item 2b(3) below and attach to your proposed statement on appeal copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.137(b)(3).)

2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I elect to proceed:

- a. WITHOUT a record of the oral proceedings in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether an error was made in the superior court proceedings.

Case Name:	Superior Court Case Number:
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- b. WITH the following record of the oral proceedings in the superior court:
- (1) A reporter's transcript under rule 8.130. *(You must fill out the reporter's transcript section on page 3 of this form.)*
I have *(check all that apply)*:
- (a) Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).
- (b) Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
- (c) Attached the reporter's written waiver of a deposit for *(check either (i) or (ii))*:
- (i) all of the designated proceedings.
- (ii) part of the designated proceedings.
- (d) Attached a certified transcript under rule 8.130(b)(3).
- (2) An agreed statement. *(Check and complete either (a) or (b) below.)*
- (a) I have attached an agreed statement to this notice.
- (b) All the parties have agreed in writing (stipulated) to try to agree on a statement. *(You must attach a copy of this stipulation to this notice.)* I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.
- (3) A settled statement under rule 8.137. *(You must attach the motion required under rule 8.137(a) to this form.)*

3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT

- I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court *(give the title and date or dates of the administrative proceeding)*:

Title of Administrative Proceeding	Date or Dates
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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

(You must complete this section if you checked item 1a. above indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court.)

- a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.

Document Title and Description	Date of Filing
--------------------------------	----------------

- (1) Notice of appeal
- (2) Notice designating record on appeal *(this document)*
- (3) Judgment or order appealed from
- (4) Notice of entry of judgment *(if any)*
- (5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order *(if any)*
- (6) Ruling on one or more of the items listed in (5).
- (7) Register of actions or docket *(if any)*

Case Name:	Superior Court Case Number:
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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

b. **Additional documents.** *(If you want any documents from the superior court proceeding in addition to the items listed in a. above to be included in the clerk's transcript, you must identify those documents here.)*

I request that the clerk include the following documents from the superior court proceeding in the transcript. *(You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed)*

Document Title and Description	Date of Filing
--------------------------------	----------------

(8)

(9)

(10)

(11)

(12)

See additional pages.

c. **Exhibits to be included in clerk's transcript.**

I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court *(for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence):*

Exhibit Number	Description	Admitted (Yes/No)
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(1)

(2)

(3)

(4)

(5)

See additional pages.

5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT

(You must complete this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.)

a. I request that the reporters provide *(check one)*:

- (1) My copy of the reporter's transcript in paper format.
- (2) My copy of the reporter's transcript in computer-readable format.
- (3) My copy of the reporter's transcript in paper format and a second copy in computer-readable format.

(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

Case Name:	Superior Court Case Number:
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b. Proceedings.

I request that the following proceedings in the superior court be included in the reporter's transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—and, if you know it, the name of the court reporter who recorded the proceedings).*

Date	Department	Full/Partial Day	Description of Proceedings	Reporter's Name
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				

See additional pages.

c. The proceedings designated in 5b include do not include all of the testimony in the superior court.

If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal *(rule 8.130(a)(2) provides that your appeal will be limited to these points unless, on motion, the reviewing court permits otherwise).*

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF APPELLANT OR ATTORNEY)

*Clerk stamps date here when form is filed.***Petitioner***(fill in the name of the person asking for the writ)***v.****Superior Court of California, County of _____****Respondent***(fill in the name of the court whose action or ruling you are challenging)***Real Party in Interest***(fill in the name of any other parties in the trial court case)**Clerk will fill in the number below:***Appellate Division Case Number:** **Stay requested**
*(see item 12 c. on page 6)***Instructions**

- This form is only for requesting a **writ** in a misdemeanor, infraction, or limited civil case. You can get forms for other writs and for appeals at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.
- Before you fill out this form, read *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO) to know your rights and responsibilities. You can get form APP-150-INFO at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.
- Unless a special statute sets an earlier deadline, you should file this form no later than **30 days** after the date the superior court took the action or issued the ruling you are challenging in this petition (see form APP-150-INFO, page 7, for more information about the deadline for filing a writ petition). It is your responsibility to find out if a special statute sets an earlier deadline. If your petition is filed late, the appellate division may deny it.
- Fill out this form and make a copy of the completed form for your records and for the respondent (the trial court whose action or ruling you are challenging) and each of the real parties in interest (the other party or parties in the trial court case).
- Serve a copy of the completed form on the respondent and on each real party in interest and keep proof of this service. *Proof of Service (Appellate Division)* (form APP-109) can be used to make this record. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the California Courts Online Self-Help Center at www.courtinfo.ca.gov/selfhelp/lowcost/getready.htm#serving.
- Take or mail the completed form and your proof of service on the respondent and each real party in interest to the clerk's office for the appellate division of the superior court that took the action or issued the ruling you are challenging.



Appellate Division Case Name: _____

1 Your Information

a. Petitioner (the party who is asking for the writ):

Name: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: () _____ E-mail (optional): _____

b. Petitioner's lawyer (skip this if the petitioner does not have a lawyer for this petition):

Name: _____ State Bar number: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: () _____ E-mail (optional): _____

Fax (optional): () _____

The Trial Court Action or Ruling You Are Challenging

2 I am/My client is filing this petition to challenge an action taken or ruling made by the trial court in the following case:

a. Case name (fill in the trial court case name): _____

b. Case number (fill in the trial court case number): _____

3 The trial court action or ruling I am/my client is challenging is (describe the action taken or ruling made by the trial court): _____

4 The trial court took this action or made this ruling on the following date (fill in the date): _____

5 If you are filing this petition more than 30 days after the date that you listed in **4**, explain the extraordinary circumstances that caused the delay in filing this petition:



Appellate Division Case Name: _____

The Parties in the Trial Court Case

- 6 I/My client (check and fill in a or b):
- a. was a party in the case identified in 2.
 - b. was not a party in the case identified in 2 but will be directly and negatively affected in the following way by the action taken or ruling made by the trial court (describe how you/your client will be directly and negatively affected by the trial court's action or ruling):

- 7 The other party or parties in the case identified in 2 was/were (fill in the names of the parties):

Appeals or Other Petitions for Writs in This Case

- 8 Did you or anyone else file an appeal about the same trial court action or ruling you are challenging in this petition? (Check and fill in a or b):

- a. No
- b. Yes (fill in the appellate division case number of the appeal): _____

- 9 Have you filed a previous petition for a writ challenging this trial court action or ruling? (Check and fill in a or b):

- a. No
- b. Yes (Please provide the following information about this previous petition).

- (1) Petition title (fill in the title of the petition): _____
- (2) Date petition filed (fill in the date you filed this petition): _____
- (3) Case number (fill in the case number of the petition): _____

If you/your client filed more than one previous petition, attach another page providing this information for each additional petition. At the top of each page, write "APP-151, item 9."

Reasons for This Petition

- 10 The trial court made the following legal error or errors when it took the action or made the ruling described in 3 (check and fill in at least one):

- a. The trial court has not done or has refused to do something that the law says it *must* do.

- (1) Describe what you believe the law says the trial court must do: _____
- _____
- _____

- (2) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the trial court must do this: _____
- _____
- _____



Appellate Division Case Name: _____

10 (continued)

(3) Identify where in the supporting documents (the record of what was said in the trial court and the documents from the trial court) it shows that the court did not do or refused to do this:

Check here if you need more space to describe the reason for your petition and attach a separate page or pages describing it. At the top of each page, write "APP-151, item 10a."

b. The trial court has done something that the law says the court cannot or must not do.

(1) Describe what the trial court did: _____

(2) Identify where in the supporting documents (the record of what was said in the trial court and the documents from the trial court) it shows that the court did this: _____

(3) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the trial court cannot or must not do this: _____

Check here if you need more space to describe the reason for your petition and attach a separate page or pages describing it. At the top of each page, write "APP-151, item 10b."

c. The trial court has performed or said it is going to perform a judicial function (like deciding a person's rights under law in a particular situation) in a way the court does not have the legal power to do.

(1) Describe what the trial court did or said it is going to do: _____

(2) Identify where in the supporting documents (the record of what was said in the trial court and the documents from the trial court) it shows that the court did or said it was going to do this:



Appellate Division Case Name: _____

10 (continued)

(3) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the trial court does not have the power to do this:

Check here if you need more space to describe this reason for your petition and attach a separate page or pages describing it. At the top of each page, write "APP-151, item 10c."

Check here if there are more reasons for this petition and attach an additional page or pages describing these reasons. At the top of each page, write "APP-151, item 10d."

11 This petition will be granted only if there is no other adequate way to address the trial court's action or ruling other than by issuing the requested writ.

a. Explain why there is no way other than through this petition for a writ—through an appeal, for example—for your arguments to be adequately presented to the appellate division:

b. Explain how you/your client will be irreparably harmed if the appellate division does not issue the writ you are requesting: _____

Order You Are Asking the Appellate Division to Make

12 I request that this court (check and fill in all that apply):

a. order the trial court to do the following (describe what, if anything, you want the trial court to be ordered to do): _____

b. order the trial court not to do the following (describe what, if anything, you want the trial court to be ordered NOT to do): _____



Appellate Division Case Name: _____

12 (continued)

- c. issue a stay ordering the trial court not to take any further action in this case until this court decides whether to grant or deny this petition (*describe below why it is urgent that the trial court not take any further action and check the Stay requested box on page 1 of this form*):

I/My client:

- (1) asked the trial court to stay these proceedings, but the trial court denied this request (*include in your supporting documents a copy of the trial court's order denying your request for a stay*).
- (2) did not ask the trial court to stay these proceedings for the following reasons (*describe below why you did not ask the trial court to stay these proceedings*):

- d. take other action (*describe*): _____
- _____

- e. grant any additional relief that the appellate division decides is fair and appropriate.

Supporting Documents

13 Is a record of what was said in the trial court about the action or ruling you are challenging attached as required by rule 8.931(b)(1)(D) of the California Rules of Court?

- a. Yes, a transcript or an official electronic recording of what was said in the trial court is attached.
- b. No, a transcript or official electronic recording is not attached, but I have attached a declaration (a statement signed under penalty of perjury) (*Check (1) or (2)*):
- (1) stating the transcript or electronic recording has been ordered, the date it was ordered, and the date it is expected to be filed
- (2) explaining why the transcript or official electronic recording is not available and providing a fair summary of what was said in the trial court, including the petitioner's arguments and any statement by the trial court supporting its ruling.



Appellate Division Case Name: _____

- 14 Are the following documents attached as required by rule 8.931(b)(1)(A)–(C):
- The trial court ruling being challenged in this petition
 - All documents and exhibits submitted to the trial court supporting and opposing the petitioner’s position
 - Any other documents or portions of documents submitted to the trial court that are necessary for a complete understanding of the case and the ruling being challenged? (*Check a or b*):
- a. Yes, these documents are attached.
- b. No, these documents are not attached for the following reasons (*explain why these documents are not attached and give a fair summary of the substance of these documents. Note that rule 8.931 provides that, in extraordinary circumstances, the petition may be filed without these documents, but the petitioner must explain the urgency and the circumstances making the documents unavailable*):

Verification

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____  _____

Type or print your name *Signature of petitioner or attorney*

NAME OF VICTIM ON WHOSE BEHALF RESTITUTION IS ORDERED:	<i>FOR COURT USE ONLY</i>
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
DEFENDANT'S STATEMENT OF ASSETS	CASE NUMBER:

It is a misdemeanor to make any willful misstatement of material fact in completing this form (Pen. Code, § 1202.4(f)(4).)

(Attach additional sheets if the space provided below for any item is not sufficient.)

PERSONAL INFORMATION

- | | |
|----------------------------|--|
| 1. a. Name: | f. Driver license number: |
| b. AKA: | State of issuance: |
| c. Date of birth: | g. Home address (<i>incl. city/zip</i>): |
| d. Social security number: | h. Home telephone no.: |
| e. Marital status: | i. Employer's telephone no.: |

EMPLOYMENT

2. What are your sources of income and occupation? (*Provide job title and name of division or office in which you work.*)
3. a. Name and address of your business or employer (*include address of your payroll or human resources department, if different*):
- b. If not employed, names and addresses of all sources of income (*specify*):
4. How often are you paid (for example, daily, weekly, biweekly, monthly)? (*specify*):
5. What is your gross pay each pay period? \$
6. What is your take-home pay each pay period? \$
7. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office (*specify*):
8. Other sources of income (*specify*):

CASH, BANK DEPOSITS

9. How much money do you have in cash? \$
10. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly (*list*):

	<u>Name and address of financial institution</u>	<u>Account number</u>	<u>Individual or joint?</u>	<u>Balance</u>
a.				\$
b.				\$
c.				\$

PROPERTY

11. List all automobiles, other vehicles, and boats owned in your name or jointly.
- | | <u>Make and year</u> | <u>Value</u> | <u>Legal owner if different from registered owner</u> | <u>Amount owed</u> |
|----|----------------------|--------------|---|--------------------|
| a. | | \$ | | \$ |
| b. | | \$ | | \$ |
| c. | | \$ | | \$ |

(Continued on reverse)

12. List all real estate owned in your name or jointly:

	<u>Address of real estate</u>	<u>Fair market value</u>	<u>Amount owed</u>
a.		\$	\$
b.		\$	\$

OTHER PERSONAL PROPERTY (Do not list household furniture and furnishings, appliances, or clothing.)

13. List anything of value not listed above owned in your name or jointly (*continue on attached sheet if necessary*):

	<u>Description</u>	<u>Value</u>	<u>Address where property is located</u>
a.		\$	
b.		\$	
c.		\$	

ASSETS

14. List all other assets, including stocks, bonds, mutual funds, and other securities (*specify*):

15. Is anyone holding assets for you? Yes. No. If yes, describe the assets and give the name and address of the person or entity holding each asset (*specify*):

16. Except for attorney fees in this matter and ordinary and routine household expenses, have you disposed of or transferred any assets since your arrest on this matter? Yes. No.
 If yes, give the name and address of each person or entity who received any asset and describe each asset (*specify*):

DEBTS

17. Loans (*give details*):

18. Taxes (*give details*):

19. Support arrearages (*attach copies of orders and statements*):

20. Credit cards (*give creditor's name and address and the account number*):

21. Other debts (*specify*):

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE)
----------------------	---	-------------

I, (*name*), _____, a certified interpreter, having been duly sworn, truly translated this form to the defendant in the (*specify language*): _____ language. The defendant indicated that he/she understood the contents of the form and he/she completed the form.

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE)
----------------------	---	-------------

SUPERVISING AGENCY <i>(Name and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN THE MATTER OF <i>(name of supervised person):</i> <div style="text-align: right;">Date of birth: _____</div>	
PETITION FOR REVOCATION <input type="checkbox"/> PAROLE (Pen. Code, § 3000.08) <input type="checkbox"/> PRCS (Pen. Code, § 3455)	CDCR NUMBER, IF ANY: COURT/CASE NUMBER:
<p style="text-align: center;">INSTRUCTIONS</p> <ul style="list-style-type: none"> • Before filing this form, petitioner should consult local rules and court staff to schedule the hearing in item 1. • Petitioner must note whether the petition applies to a parole (beginning July 1, 2013) or postrelease community supervision matter by marking the appropriate check box above. 	

1. **HEARING INFORMATION:** A hearing on this petition for revocation has been scheduled as follows:

Date: _____	Time: _____	Dept.: _____
Location <i>(if different than court address above):</i> _____		

If an interpreter is needed, please specify the language:

2. **CUSTODY STATUS (Select one):** not in custody in custody *(specify location):*
Booking number *(if any):* _____

3. **CONVICTION INFORMATION:**
The supervised person was originally convicted of the following offenses:

on *(date):* _____ in case numbers *(specify):* _____
in county of *(specify):* _____

4. **SUPERVISION INFORMATION:** The supervised person was released on supervision on *(specify date):* _____

Name of current supervising agent or officer: _____
Supervision is scheduled to expire on (i.e., the controlling discharge date is) *(date):* _____

5. **SPECIFIC TERMS AND CONDITIONS:** Petitioner alleges that the supervised person has violated the following terms and conditions of supervision *(if more space is needed, please use Attachment to Judicial Council Form (MC-025)):*

6. **SUMMARY:** The supervising agency established probable cause for the alleged violation on *(date):* _____
The circumstances of the alleged violation are *(if more space is needed, please use Attachment to Judicial Council Form (MC-025)):*

7. **SPECIAL PAROLE STATUS** *(check this box only if the supervised person is subject to parole under Penal Code section 3000.1):*

The supervised person is on parole under Penal Code section 3000.1. If the court determines that the person has violated parole, the court is required to remand the person to the custody of CDCR for future parole consideration. (Pen. Code, § 3000.08(h).)

I declare under penalty of perjury and to the best of my information and belief that the foregoing is true and correct.

Date: _____ By _____
NAME AND TITLE OF PETITIONER SIGNATURE OF PETITIONER

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> ATTORNEY FOR <i>(Name):</i> SUPERIOR COURT OF CALIFORNIA, COUNTY OF: SHORT TITLE:	<p style="text-align: center;">UNLAWFUL DETAINER ASSISTANT <i>(Check one box):</i> An unlawful detainer assistant <input type="checkbox"/> did <input type="checkbox"/> did not for compensation give advice or assistance with this form. <i>(If one did, state the following):</i> ASSISTANT'S NAME: ADDRESS: TEL. NO.: COUNTY OF REGISTRATION: REGISTRATION NO.: EXPIRES <i>(DATE)</i>:</p>
<p style="text-align: center;">FORM INTERROGATORIES—UNLAWFUL DETAINER</p> <p>Asking Party: Answering Party: Set No.:</p>	CASE NUMBER:

Sec. 1. Instructions to All Parties

- (a) These are general instructions. For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010-2030.410 and the cases construing those sections.
- (b) These interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or objection.

Sec. 2. Instructions to the Asking Party

- (a) These interrogatories are designed for optional use in unlawful detainer proceedings.
- (b) There are restrictions that generally limit the number of interrogatories that may be asked and the form and use of the interrogatories. For details, read Code of Civil Procedure sections 2030.030–2030.070.
- (c) In determining whether to use these or any interrogatories, you should be aware that abuse can be punished by sanctions, including fines and attorney fees. See Code of Civil Procedure section 128.7.
- (d) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

- (a) An answer or other appropriate response must be given to each interrogatory checked by the asking party. Failure to respond to these interrogatories properly can be punished by sanctions, including contempt proceedings, fine, attorneys fees, and the loss of your case. See Code of Civil Procedure sections 128.7 and 2030.300.
- (b) As a general rule, within five days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(g) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form *at the end of your answers*:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- (a) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.
- (b) **PLAINTIFF** includes any **PERSON** who seeks recovery of the **RENTAL UNIT** whether acting as an individual or on someone else's behalf and includes all such **PERSONS** if more than one.

(c) **LANDLORD** includes any **PERSON** who offered the **RENTAL UNIT** for rent and any **PERSON** on whose behalf the **RENTAL UNIT** was offered for rent and their successors in interest. **LANDLORD** includes all **PERSONS** who managed the **PROPERTY** while defendant was in possession.

(d) **RENTAL UNIT** is the premises **PLAINTIFF** seeks to recover.

(e) **PROPERTY** is the building or parcel (including common areas) of which the **RENTAL UNIT** is a part. (For example, if **PLAINTIFF** is seeking to recover possession of apartment number 12 of a 20-unit building, the building is the **PROPERTY** and apartment 12 is the **RENTAL UNIT**. If **PLAINTIFF** seeks possession of cottage number 3 in a five-cottage court or complex, the court or complex is the **PROPERTY** and cottage 3 is the **RENTAL UNIT**.)

(f) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostating, photographing, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(g) **NOTICE TO QUIT** includes the original or copy of any notice mentioned in Code of Civil Procedure section 1161 or Civil Code section 1946, including a 3-day notice to pay rent and quit the **RENTAL UNIT**, a 3-day notice to perform conditions or covenants or quit, a 3-day notice to quit, and a 30-day notice of termination.

(h) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under section 2033.710 of the Code of Civil Procedure for use in unlawful detainer proceedings:

CONTENTS

- 70.0 General
- 71.0 Notice
- 72.0 Service
- 73.0 Malicious Holding Over
- 74.0 Rent Control and Eviction Control
- 75.0 Breach of Warranty to Provide Habitable Premises
- 76.0 Waiver, Change, Withdrawal, or Cancellation of Notice to Quit
- 77.0 Retaliation and Arbitrary Discrimination
- 78.0 Nonperformance of the Rental Agreement by Landlord
- 79.0 Offer of Rent by Defendant
- 80.0 Deduction from Rent for Necessary Repairs
- 81.0 Fair Market Rental Value

70.0 General

[Either party may ask any applicable question in this section.]

70.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

70.2 Is **PLAINTIFF** an owner of the **RENTAL UNIT**? If so, state:
 (a) the nature and percentage of ownership interest;
 (b) the date **PLAINTIFF** first acquired this ownership interest.

70.3 Does **PLAINTIFF** share ownership or lack ownership? If so, state the name, the **ADDRESS**, and the nature and percentage of ownership interest of each owner.

70.4 Does **PLAINTIFF** claim the right to possession other than as an owner of the **RENTAL UNIT**? If so, state the basis of the claim.

70.5 Has **PLAINTIFF'S** interest in the **RENTAL UNIT** changed since acquisition? If so, state the nature and dates of each change.

70.6 Are there other rental units on the **PROPERTY**? If so, state how many.

70.7 During the 12 months before this proceeding was filed, did **PLAINTIFF** possess a permit or certificate of occupancy for the **RENTAL UNIT**? If so, for each state:
 (a) the name and **ADDRESS** of each **PERSON** named on the permit or certificate;
 (b) the dates of issuance and expiration;
 (c) the permit or certificate number

70.8 Has a last month's rent, security deposit, cleaning fee, rental agency fee, credit check fee, key deposit, or any other deposit been paid on the **RENTAL UNIT**? If so, for each item state:
 (a) the purpose of the payment;
 (b) the date paid;
 (c) the amount;
 (d) the form of payment;
 (e) the name of the **PERSON** paying;
 (f) the name of the **PERSON** to whom it was paid;
 (g) any **DOCUMENT** which evidences payment and the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 (h) any adjustments or deductions including facts.

70.9 State the date defendant first took possession of the **RENTAL UNIT**.

70.10 State the date and all the terms of any rental agreement between defendant and the **PERSON** who rented to defendant.

70.11 For each agreement alleged in the pleadings:
 (a) identify all **DOCUMENTS** that are part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
 (c) identify all **DOCUMENTS** that evidence each part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 (d) identify all **DOCUMENTS** that are part of each modification to the agreement, and for each state

the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT** (see also §71.5);

- (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of the **PERSON** agreeing to the modification, and the date the modification was made (see also §71.5).
- (f) identify all **DOCUMENTS** that evidence each modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT** (see also §71.5).

- 70.12 Has any **PERSON** acting on the **PLAINTIFF'S** behalf been responsible for any aspect of managing or maintaining the **RENTAL UNIT** or **PROPERTY**? If so, for each **PERSON** state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the dates the **PERSON** managed or maintained the **RENTAL UNIT** or **PROPERTY**;
 - (c) the **PERSON'S** responsibilities.

- 70.13 For each **PERSON** who occupies any part of the **RENTAL UNIT** (except occupants named in the complaint and occupants' children under 17) state:
- (a) the name, **ADDRESS**, telephone number, and birthdate;
 - (b) the inclusive dates of occupancy;
 - (c) a description of the portion of the **RENTAL UNIT** occupied;
 - (d) the amount paid, the term for which it was paid, and the person to whom it was paid;
 - (e) the nature of the use of the **RENTAL UNIT**;
 - (f) the name, **ADDRESS**, and telephone number of the person who authorized occupancy;
 - (g) how occupancy was authorized, including failure of the **LANDLORD** or **PLAINTIFF** to protest after discovering the occupancy.

- 70.14 Have you or anyone acting on your behalf obtained any **DOCUMENT** concerning the tenancy between any occupant of the **RENTAL UNIT** and any **PERSON** with an ownership interest or managerial responsibility for the **RENTAL UNIT**? If so, for each **DOCUMENT** state:
- (a) the name, **ADDRESS**, and telephone number of each individual from whom the **DOCUMENT** was obtained;
 - (b) the name, **ADDRESS**, and telephone number of each individual who obtained the **DOCUMENT**;
 - (c) the date the **DOCUMENT** was obtained;
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT** (original or copy).

71.0 Notice

[If a defense is based on allegations that the 3-day notice or 30-day NOTICE TO QUIT is defective in form or content, then either party may ask any applicable question in this section.]

- 71.1 Was the **NOTICE TO QUIT** on which **PLAINTIFF** bases this proceeding attached to the complaint? If not, state the contents of this notice.
- 71.2 State all reasons that the **NOTICE TO QUIT** was served and for each reason:
- (a) state all facts supporting **PLAINTIFF'S** decision to terminate defendant's tenancy;

- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts;
- (c) identify all **DOCUMENTS** that support the facts and state the name, **ADDRESS**, and telephone number of each **PERSON** who has each **DOCUMENT**.

- 71.3 List all rent payments and rent credits made or claimed by or on behalf of defendant beginning 12 months before the **NOTICE TO QUIT** was served. For each payment or credit state:
- (a) the amount;
 - (b) the date received;
 - (c) the form in which any payment was made;
 - (d) the services performed or other basis for which a credit is claimed;
 - (e) the period covered;
 - (f) the name of each **PERSON** making the payment or earning the credit;
 - (g) the identity of all **DOCUMENTS** evidencing the payment or credit and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

- 71.4 Did defendant ever fail to pay the rent on time? If so, for each late payment state:
- (a) the date;
 - (b) the amount of any late charge;
 - (c) the identity of all **DOCUMENTS** recording the payment and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

- 71.5 Since the beginning of defendant's tenancy, has **PLAINTIFF** ever raised the rent? If so, for each rent increase state:
- (a) the date the increase became effective;
 - (b) the amount;
 - (c) the reasons for the rent increase;
 - (d) how and when defendant was notified of the increase;
 - (e) the identity of all **DOCUMENTS** evidencing the increase and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

[See also section 70.11 (d) - (f).]

- 71.6 During the 12 months before the **NOTICE TO QUIT** was served was there a period during which there was no permit or certificate of occupancy for the **RENTAL UNIT**? If so, for each period state:
- (a) the inclusive dates;
 - (b) the reasons.
- 71.7 Has any **PERSON** ever reported any nuisance or disturbance at or destruction of the **RENTAL UNIT** or **PROPERTY** caused by defendant or other occupant of the **RENTAL UNIT** or their guests? If so, for each report state:
- (a) a description of the disturbance or destruction;
 - (b) the date of the report;
 - (c) the name of the **PERSON** who reported;
 - (d) the name of the **PERSON** to whom the report was made;
 - (e) what action was taken as a result of the report;
 - (f) the identity of all **DOCUMENTS** evidencing the report and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has each **DOCUMENT**.

- 71.8 Does the complaint allege violation of a term of a rental agreement or lease (other than nonpayment of rent)? If so, for each covenant:
 - (a) identify the covenant breached;
 - (b) state the facts supporting the allegation of a breach;
 - (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts;
 - (d) identify all **DOCUMENTS** that support the facts and state the name, **ADDRESS**, and telephone number of each **PERSON** who has each **DOCUMENT**.

- 71.9 Does the complaint allege that the defendant has been using the **RENTAL UNIT** for an illegal purpose? If so, for each purpose:
 - (a) identify the illegal purpose;
 - (b) state the facts supporting the allegations of illegal use;
 - (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts;
 - (d) identify all **DOCUMENTS** that support the facts and state the name, **ADDRESS**, and telephone number of each **PERSON** who has each **DOCUMENT**.

[Additional interrogatories on this subject may be found in sections 75.0, 78.0, 79.0, and 80.0.]

72.0 Service

*[If a defense is based on allegations that the **NOTICE TO QUIT** was defectively served, then either party may ask any applicable question in this section.]*

- 72.1 Does defendant contend (or base a defense or make any allegations) that the **NOTICE TO QUIT** was defectively served? If the answer is "no", do not answer interrogatories 72.2 through 72.3.
- 72.2 Does **PLAINTIFF** contend that the **NOTICE TO QUIT** referred to in the complaint was served? If so, state:
 - (a) the kind of notice;
 - (b) the date and time of service;
 - (c) the manner of service;
 - (d) the name and **ADDRESS** of the person who served it;
 - (e) a description of any **DOCUMENT** or conversation between defendant and the person who served the notice.
- 72.3 Did any person receive the **NOTICE TO QUIT** referred to in the complaint? If so, for each copy of each notice state:
 - (a) the name of the person who received it;
 - (b) the kind of notice;
 - (c) how it was delivered;
 - (d) the date received;
 - (e) where it was delivered;
 - (f) the identity of all **DOCUMENTS** evidencing the notice and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

73.0 Malicious Holding Over

[If a defendant denies allegations that defendant's continued possession is malicious, then either party may ask any applicable question in this section. Additional questions in section 75.0 may also be applicable.]

- 73.1 If any rent called for by the rental agreement is unpaid, state the reasons and the facts upon which the reasons are based.
- 73.2 Has defendant made attempts to secure other premises since the service of the **NOTICE TO QUIT** or since the service of the summons and complaint? If so, for each attempt:
 - (a) state all facts indicating the attempt to secure other premises;
 - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts;
 - (c) identify all **DOCUMENTS** that support the facts and state the name, **ADDRESS**, and telephone number of each **PERSON** who has each **DOCUMENT**.

- 73.3 State the facts upon which **PLAINTIFF** bases the allegation of malice.

74.0 Rent Control and Eviction Control

- 74.1 Is there an ordinance or other local law in this jurisdiction which limits the right to evict tenants? If your answer is no, you need not answer sections 74.2 through 74.6.
- 74.2 For the ordinance or other local law limiting the right to evict tenants, state:
 - (a) the title or number of the law;
 - (b) the locality.
- 74.3 Do you contend that the **RENTAL UNIT** is exempt from the eviction provisions of the ordinance or other local law identified in section 74.2? If so, state the facts upon which you base your contention.
- 74.4 Is this proceeding based on allegations of a need to recover the **RENTAL UNIT** for use of the **LANDLORD** or the landlord's relative? If so, for each intended occupant state:
 - (a) the name;
 - (b) the residence **ADDRESSES** from three years ago to the present;
 - (c) the relationship to the **LANDLORD**;
 - (d) all the intended occupant's reasons for occupancy;
 - (e) all rental units on the **PROPERTY** that were vacated within 60 days before and after the date the **NOTICE TO QUIT** was served.
- 74.5 Is the proceeding based on an allegation that the **LANDLORD** wishes to remove the **RENTAL UNIT** from residential use temporarily or permanently (for example, to rehabilitate, demolish, renovate, or convert)? If so, state:
 - (a) each reason for removing the **RENTAL UNIT** from residential use;
 - (b) what physical changes and renovation will be made to the **RENTAL UNIT**;
 - (c) the date the work is to begin and end;
 - (d) the number, date, and type of each permit for the change or work;

- (e) the identity of each **DOCUMENT** evidencing the intended activity (for example, blueprints, plans, applications for financing, construction contracts) and the name, **ADDRESS**, and telephone number of each **PERSON** who has each **DOCUMENT**.

- 74.6 Is the proceeding based on any ground other than those stated in sections 74.4 and 74.5? If so, for each:
- state each fact supporting or opposing the ground;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts;
 - identify all **DOCUMENTS** evidencing the facts and state the name, **ADDRESS**, and telephone number of each **PERSON** who has each **DOCUMENT**.

75.0 Breach of Warranty to Provide Habitable Premises

[If plaintiff alleges nonpayment of rent and defendant bases his defense on allegations of implied or express breach of warranty to provide habitable residential premises, then either party may ask any applicable question in this section.]

- 75.1 Do you know of any conditions in violation of state or local building codes, housing codes, or health codes, conditions of dilapidation, or other conditions in need of repair in the **RENTAL UNIT** or on the **PROPERTY** that affected the **RENTAL UNIT** at any time defendant has been in possession? If so, state:
- the type of condition;
 - the kind of corrections or repairs needed;
 - how and when you learned of these conditions;
 - how these conditions were caused;
 - the name, **ADDRESS**, and telephone number of each **PERSON** who has caused these conditions.
- 75.2 Have any corrections, repairs, or improvements been made to the **RENTAL UNIT** since the **RENTAL UNIT** was rented to defendant? If so, for each correction, repair, or improvement state:
- a description giving the nature and location;
 - the date;
 - the name, **ADDRESS**, and telephone number of each **PERSON** who made the repairs or improvements;
 - the cost;
 - the identity of any **DOCUMENT** evidencing the repairs or improvements;
 - if a building permit was issued, state the issuing agencies and the permit number of your copy.
- 75.3 Did defendant or any other **PERSON** during 36 months before the **NOTICE TO QUIT** was served or during defendant's possession of the **RENTAL UNIT** notify the **LANDLORD** or his agent or employee about the condition of the **RENTAL UNIT** or **PROPERTY**? If so, for each written or oral notice state:
- the substance;
 - who made it;
 - when and how it was made;
 - the name and **ADDRESS** of each **PERSON** to whom it was made;
 - the name and **ADDRESS** of each person who knows about it;
 - the identity of each **DOCUMENT** evidencing the notice and the name, **ADDRESS**, and telephone number of each **PERSON** who has it;

- the response made to the notice;
- the efforts made to correct the conditions;
- whether the **PERSON** who gave notice was an occupant of the **PROPERTY** at the time of the complaint.

- 75.4 During the period beginning 36 months before the **NOTICE TO QUIT** was served to the present, was the **RENTAL UNIT** or **PROPERTY** (including other rental units) inspected for dilapidations or defective conditions by a representative of any governmental agency? If so, for each inspection state:
- the date;
 - the reason;
 - the name of the governmental agency;
 - the name, **ADDRESS**, and telephone number of each inspector;
 - the identity of each **DOCUMENT** evidencing each inspection and the name, **ADDRESS**, and telephone number of each **PERSON** who has it.
- 75.5 During the period beginning 36 months before the **NOTICE TO QUIT** was served to the present, did **PLAINTIFF** or **LANDLORD** receive a notice or other communication regarding the condition of the **RENTAL UNIT** or **PROPERTY** (including other rental units) from a governmental agency? If so, for each notice or communication state:
- the date received;
 - the identity of all parties;
 - the substance of the notice or communication;
 - the identity of each **DOCUMENT** evidencing the notice or communication and the name, **ADDRESS**, and telephone number of each **PERSON** who has it.
- 75.6 Was there any corrective action taken in response to the inspection or notice or communication identified in sections 75.4 and 75.5? If so, for each:
- identify the notice or communication;
 - identify the condition;
 - describe the corrective action;
 - identify each **DOCUMENT** evidencing the corrective action and the name, **ADDRESS**, and telephone number of each **PERSON** who has it.
- 75.7 Has the **PROPERTY** been appraised for sale or loan during the period beginning 36 months before the **NOTICE TO QUIT** was served to the present? If so, for each appraisal state:
- the date;
 - the name, **ADDRESS**, and telephone number of the appraiser;
 - the purpose of the appraisal;
 - the identity of each **DOCUMENT** evidencing the appraisal and the name, **ADDRESS**, and telephone number of each **PERSON** who has it.
- 75.8 Was any condition requiring repair or correction at the **PROPERTY** or **RENTAL UNIT** caused by defendant or other occupant of the **RENTAL UNIT** or their guests? If so, state:
- the type and location of condition;
 - the kind of corrections or repairs needed;
 - how and when you learned of these conditions;
 - how and when these conditions were caused;
 - the name, **ADDRESS**, and telephone number of each **PERSON** who caused these conditions;

- (f) the identity of each **DOCUMENT** evidencing the repair (or correction) and the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

[See also section 71.0 for additional questions.]

76.0 Waiver, Change, Withdrawal, or Cancellation of Notice to Quit

[If a defense is based on waiver, change, withdrawal, or cancellation of the **NOTICE TO QUIT**, then either party may ask any applicable question in this section.]

- 76.1 Did the **PLAINTIFF** or **LANDLORD** or anyone acting on his or her behalf do anything which is alleged to have been a waiver, change, withdrawal, or cancellation of the **NOTICE TO QUIT**? If so:
 - (a) state the facts supporting this allegation;
 - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of these facts;
 - (c) identify each **DOCUMENT** that supports the facts and state the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

- 76.2 Did the **PLAINTIFF** or **LANDLORD** accept rent which covered a period after the date for vacating the **RENTAL UNIT** as specified in the **NOTICE TO QUIT**? If so:
 - (a) state the facts;
 - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts;
 - (c) identify each **DOCUMENT** that supports the facts and state the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

77.0 Retaliation and Arbitrary Discrimination

[If a defense is based on retaliation or arbitrary discrimination, then either party may ask any applicable question in this section.]

- 77.1 State all reasons that the **NOTICE TO QUIT** was served or that defendant's tenancy was not renewed and for each reason:
 - (a) state all facts supporting **PLAINTIFF'S** decision to terminate or not renew defendant's tenancy;
 - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts;
 - (c) identify all **DOCUMENTS** that support the facts and state the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

78.0 Nonperformance of the Rental Agreement by Landlord

[If a defense is based on nonperformance of the rental agreement by the **LANDLORD** or someone acting on the **LANDLORD'S** behalf, then either party may ask any applicable question in this section.]

- 78.1 Did the **LANDLORD** or anyone acting on the **LANDLORD'S** behalf agree to make repairs, alterations, or improvements at any time or provide services to the **PROPERTY** or **RENTAL UNIT**? If so, for each agreement state:
 - (a) the substance of the agreement;

- (b) when it was made;
- (c) whether it was written or oral;
- (d) by whom and to whom;
- (e) the name and **ADDRESS** of each person who knows about it;
- (f) whether all promised repairs, alterations, or improvements were completed or services provided;
- (g) the reasons for any failure to perform;
- (h) the identity of each **DOCUMENT** evidencing the agreement or promise and the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

- 78.2 Has **PLAINTIFF** or **LANDLORD** or any resident of the **PROPERTY** ever committed disturbances or interfered with the quiet enjoyment of the **RENTAL UNIT** (including, for example, noise, acts which threaten the loss of title to the property or loss of financing, etc.)? If so, for each disturbance or interference, state:
 - (a) a description of each act;
 - (b) the date of each act;
 - (c) the name, **ADDRESS**, and telephone number of each **PERSON** who acted;
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who witnessed each act and any **DOCUMENTS** evidencing the person's knowledge;
 - (e) what action was taken by the **PLAINTIFF** or **LANDLORD** to end or lessen the disturbance or interference.

79.0 Offer of Rent by Defendant

[If a defense is based on an offer of rent by a defendant which was refused, then either party may ask any applicable question in this section.]

- 79.1 Has defendant or anyone acting on the defendant's behalf offered any payments to **PLAINTIFF** which **PLAINTIFF** refused to accept? If so, for each offer state:
 - (a) the amount;
 - (b) the date;
 - (c) purpose of offer;
 - (d) the manner of the offer;
 - (e) the identity of the person making the offer;
 - (f) the identity of the person refusing the offer;
 - (g) the date of the refusal;
 - (h) the reasons for the refusal.

80.0 Deduction from Rent for Necessary Repairs

[If a defense to payment of rent or damages is based on claim of retaliatory eviction, then either party may ask any applicable question in this section. Additional questions in section 75.0 may also be applicable.]

- 80.1 Does defendant claim to have deducted from rent any amount which was withheld to make repairs after communication to the **LANDLORD** of the need for the repairs? If the answer is "no", do not answer interrogatories 80.2 through 80.6.
- 80.2 For each condition in need of repair for which a deduction was made, state:
 - (a) the nature of the condition;
 - (b) the location;
 - (c) the date the condition was discovered by defendant;
 - (d) the date the condition was first known by **LANDLORD** or **PLAINTIFF**;

- (e) the dates and methods of each notice to the **LANDLORD** or **PLAINTIFF** of the condition;
- (f) the response or action taken by the **LANDLORD** or **PLAINTIFF** to each notification;
- (g) the cost to remedy the condition and how the cost was determined;
- (h) the identity of any bids obtained for the repairs and any **DOCUMENTS** evidencing the bids.

80.3 Did **LANDLORD** or **PLAINTIFF** fail to respond within a reasonable time after receiving a communication of a need for repair? If so, for each communication state:

- (a) the date it was made;
- (b) how it was made;
- (c) the response and date;
- (d) why the delay was unreasonable.

80.4 Was there an insufficient period specified or actually allowed between the time of notification and the time repairs were begun by defendant to allow **LANDLORD** or **PLAINTIFF** to make the repairs? If so, state all facts on which the claim of insufficiency is based.

80.5 Does **PLAINTIFF** contend that any of the items for which rent deductions were taken were not allowable under law? If so, for each item state all reasons and facts on which you base your contention.

80.6 Has defendant vacated or does defendant anticipate vacating the **RENTAL UNIT** because repairs were requested and not made within a reasonable time? If so, state all facts on which defendant justifies having vacated the **RENTAL UNIT** or anticipates vacating the rental unit.

81.0 Fair Market Rental Value

*[If defendant denies **PLAINTIFF** allegation on the fair market rental value of the **RENTAL UNIT**, then either party may ask any applicable question in this section. If defendant claims that the fair market rental value is less because of a breach of warranty to provide habitable premises, then either party may also ask any applicable question in section 75.0.]*

81.1 Do you have an opinion on the fair market rental value of the **RENTAL UNIT**? If so, state:

- (a) the substance of your opinion;
- (b) the factors upon which the fair market rental value is based;
- (c) the method used to calculate the fair market rental value.

81.2 Has any other **PERSON** ever expressed to you an opinion on the fair market rental value of the **RENTAL UNIT**? If so, for each **PERSON**:

- (a) state the name, **ADDRESS**, and telephone number;
- (b) state the substance of the **PERSON'S** opinion;
- (c) describe the conversation or identify all **DOCUMENTS** in which the **PERSON** expressed an opinion and state the name, **ADDRESS**, and telephone number of each **PERSON** who has each **DOCUMENT**.

81.3 Do you know of any current violations of state or local building codes, housing codes, or health codes, conditions of delapidation or other conditions in need of repair in the **RENTAL UNIT** or common areas that have affected the **RENTAL UNIT** at any time defendant has been in possession? If so, state:

- (a) the conditions in need of repair;
- (b) the kind of repairs needed;
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who caused these conditions.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	
TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name):	FAX NO. :
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
SHORT TITLE OF CASE:	
<p style="text-align: center;">FORM INTERROGATORIES - CONSTRUCTION LITIGATION</p> <p>Asking Party:</p> <p>Answering Party:</p> <p>Set No.:</p>	CASE NUMBER:
<p>These interrogatories are not intended for use in residential cases involving six or more single-family homes or housing units. In cases that have been deemed complex under rule 3.400 et seq. of the California Rules of Court, these interrogatories must not be used until the asking party has obtained the court's approval on a showing of good cause.</p>	

Section 1. Instructions to All Parties

- (a) *Interrogatories* are written questions prepared by a party to an action and sent to another party in the action to be answered under oath in writing. The interrogatories in this form are approved for use in residential or commercial construction litigation cases, except as limited in section 2.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010 -2030.410 and cases construing those statutes.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection, including but not limited to any objection recognized by statute or case law.
- (d) These form interrogatories are not to be interpreted as requiring any information that would invade the attorney-client privilege or be protected under the doctrines of attorney work product or mediation confidentiality. Nor do these interrogatories require identification of any witnesses or documents protected under such privileges or doctrines or otherwise covered by Evidence Code section 1115 et seq. (regarding mediation) or Code of Civil Procedure section 2034.010 et seq. (regarding expert witnesses).

Section 2. Instructions to the Asking Party

- (a) These interrogatories are designed for optional use by parties in construction litigation. An asking party who uses this form may not use other form interrogatories—such as *Form Interrogatories—General* (form DISC-001) or *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004)) in the same action.
- (b) These interrogatories are not intended to be used in

- residential cases involving six or more single-family homes or housing units. In a case deemed complex under rule 3.400 et seq. of the California Rules of Court, these interrogatories must not be used until the asking party has obtained judicial approval on a showing of good cause.
- (c) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing only those interrogatories that are applicable to the case.
- (d) You may insert your own definition of **construction claim** or **construction defect claim** in section 4, but only where the action arises from a course of conduct or series of events occurring over a period of time.
- (e) The interrogatories under 325.0, Defendant's Contentions, should not be used until the defendant/cross-defendant has had a reasonable opportunity to conduct an investigation or discovery of the other parties' damages.
- (f) Additional non-form interrogatories may be attached.

Section 3. Instructions to the Answering Party

- (a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.
- (b) Within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action that have appeared. See Code of Civil Procedure sections 2030.260 -2030.270 for details.
- (c) Each answer must be as complete and straightforward as the information reasonably available to you permits, including the information possessed by your attorneys or agents. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable

and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer can be found.

If you have provided a document depository with documents from which answers to these interrogatories may be derived and to which the asking party has access, you may answer an interrogatory by identifying specific deposited documents (for example, by Bates stamp number) and the index associated with the specific produced documents.

- (f) When an address and telephone number for the same person are requested in more than one interrogatory, you need furnish that information only in your response to the first interrogatory that asks for it.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Section 4. Definitions

Words in **boldface** in these interrogatories are defined as follows:

- (a) **Address** means a full street address, including any unit number, and the city, state, and zip code.
- (b) **Association** means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development, as more fully set forth in Civil Code section 1350 and following.
- (c) **Builder** means any **person**—including without limitation an **owner**, developer, or subdivider—who is or was involved in the construction, development, design, marketing, or sale of the **subject property**.
- (d) **Construction claim** means any allegation (other than a **construction defect claim**) relating to residential, industrial, or commercial construction, including without limitation any allegations of fraud or deceit, that all or a part of the construction has been delayed, that more or less money is due, or that some legal or contractual obligation has been breached relating to the construction or sale of the **subject property**.

Construction claim means (*asking party may insert a definition in the space below or on an attached sheet labeled "Sec. 4(d)—Definition of Construction Claim"*):

- (e) **Construction defect claim** means an allegation that all or a part of some construction or design, including without limitation residential, industrial, or commercial construction, does not comply with the requirements of an applicable contract, design, plan, installation instruction, specification, statute, code, or standard or is otherwise defective or deficient, including any allegations of related property damage.

Construction defect claim means (*asking party may insert a definition here or on an attached sheet labeled "Sec. 4(e)—Definition of Construction Defect Claim"*):

- (f) **Construction manager** means a licensed or unlicensed **person** who manages the construction as to the **subject property** on behalf of the **builder** or **owner** and who did not enter into a contract with a general **contractor**, **subcontractor**, or **design professional**.
- (g) **Contract** means an oral, written, or implied agreement to provide equipment, supplies, materials, work, or services for construction as to the **subject property**, including without limitation change orders, work orders and purchase orders.
- (h) **Contractor** as used herein means any licensed or unlicensed **person** who contracts with a **builder** or **owner** to perform construction as to the **subject property** or to enter into a **contract** with a **subcontractor** or **design professional** as to such construction.
- (i) **Design professional** means any licensed or unlicensed **person**, including without limitation any soils engineers, geotechnical engineers, civil engineers, structural engineers, landscape or environmental engineers, HVAC engineers, and architects and landscape architects who has provided any design or design services, including plans, specifications, or calculations for construction, to the **subject property**.
- (j) **Document** means a writing as defined in Evidence Code section 250 and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, magnetically and electronically stored information, and every other means of recording on any tangible medium and in any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.
- (m) **Insurance policy** means any contract of insurance, whether primary, pro rata, fronting, umbrella, excess, or otherwise, issued by any admitted or nonadmitted insurer, including without limitation any policy or covering agreement issued by any insurance company, risk retention group, captive group, or joint powers authority.
- (n) **Owner** means any **person** who owns or owned legal or equitable title to the **subject property**.
- (o) **Person** includes a natural person, firm, association, organization, general or limited or professional joint venture, partnership, business, trust, limited **liability** company, corporation, or public entity.

- (p) **Pleading** mean the original or most recent amended version of any complaint, cross-complaint, or complaint in intervention, and answer to same.
- (q) **Product** means any goods produced or manufactured by natural means or by hand or with tools, machinery, chemicals, or the like, and which is the subject of a **construction defect claim** in this action.
- (r) **Subcontractor** means any licensed or unlicensed **person** who entered into a **contract** with a **contractor** for any of the construction on the **subject property**.
- (s) **Subject property** means any real property that is the subject of the **construction claim** or **construction defect claim** made in this action.
- (t) **Supervising employee** is an employee responsible for the supervision and direction of one or more employees involved in construction on the **subject property**. **Supervising employee** also includes the Responsible Managing Officer and Responsible Managing Employee (as those terms are used in Business and Professions Code sections 7065, 7068, and 7068.1) for each **builder**, general **contractor**, and **subcontractor** involved in the **subject property**.
- (u) **Supplier** means any **person** who enters into a **contract** to provide equipment, supplies, or materials for the construction as to the **subject property**.
- (v) **You** (including the possessive **your**) and **anyone acting on your behalf** refers to you, your agents, your employees, your insurance carriers, your attorneys, your accountants, your investigators and their agents and employees, and anyone else acting on your behalf other than your nondisclosed expert consultants.

Section 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

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301.0 Identity of Persons Answering These Interrogatories

- 301.1 State the name, **address**, telephone number and relationship to **you** of each **person** who prepared, or assisted in the preparation of, the responses to these interrogatories. (*Do not identify anyone who simply typed or reproduced the responses.*)

302.0 General Background Information - Individual

- 302.1 State:
- your** name;
 - every name **you** have used in the past; and
 - the dates **you** used each name.
- 302.2 State the date and place of **your** birth:
- 302.3 State:
- your** present residence **address**
 - your** residence **addresses** for the past 15 years;
 - the dates you lived at each **address**; and
 - your** telephone number at **your** present **address**.
- 302.4 State:
- the name, **address**, and telephone number of **your** present employer or place of self-employment, and **your** current job title; and
 - the name, **address**, dates of employment or self-employment, and job title, for any employment or self-employment **you** have had from five years before the material facts on which the **construction claim** or the **construction defect claim** is based until today.
- 302.5 State:
- the name and **address** of each school or other academic or vocational institution **you** have attended, beginning with high school;
 - the dates **you** attended;
 - the highest grade level **you** completed; and
 - the degrees received.
- 302.6 Have **you** ever been convicted of a felony? If so, for each conviction, state:
- the city and state where **you** were convicted;
 - the date of conviction;
 - the offense; and
 - the court and case number.
- 302.7 Can **you** speak English with ease? If not, what language and dialect do **you** normally use?
- 302.8 Can **you** read and write English with ease? If not, what language and dialect do **you** normally use?
- ### 303.0 General Background Information - Business Entity
- 303.1 Are **you** a corporation? If so, state:
- the name in **your** current articles of incorporation;

- (b) all other names used by the corporation during the past 15 years and the dates each name was used;
- (c) the date and place of incorporation;
- (d) the **address** of the principal place of incorporation;
- (e) whether **you** are qualified to do business in California; and
- (f) any other state in which **you** are qualified to do business.

303.2 Are **you** a partnership? If so, state:

- (a) the current name of **the** partnership;
- (b) all other names used by the partnership during the past 15 years and the dates each name was used;
- (c) whether **you** are a limited partnership and, if so, under the laws of what jurisdiction;
- (d) the name and **address** of each general partner; and
- (e) the **address** of the principal place of business

303.3 Are **you** a limited liability company? If so, state:

- (a) the company name stated in **your** current articles of organization;
- (b) all other names used by the company during the past 15 years and the date each was used;
- (c) the date and place of filing of the articles of organization;
- (d) the **address** of the principal place of business;
- (e) whether **you** are qualified to do business in California; and
- (f) any other state in which **you** are qualified to do business.

303.4 Are **you** a joint venture? If so, state:

- (a) the current name of **your** joint venture;
- (b) all other names used by the joint venture during the past 15 years and the dates each name was used;
- (c) the name and **address** of each joint venture; and
- (d) the **address** of the principal place of business

303.5 Are **you** an unincorporated association? If so, state:

- (a) the current name of **your** unincorporated association;
- (b) all other names used by the unincorporated association during the past 15 years and the dates each name was used;
- (c) the **address** of the principal place of business; and
- (d) list the names, **addresses**, and phone numbers of all **your** board members for the past 10 years, in order of the date each took office.

303.6 Have **you** done business under a fictitious name during the past 10 years? If so, for each fictitious name state:

- (a) the fictitious business name;
- (b) the dates each name was used;
- (c) the state and county of each fictitious name filing; and
- (d) the **address** of the principal place of business.

303.7 During the time that **you** performed any work at or relating to the **subject property**, did **you** possess a valid California contractor's license or other professional license for the work being performed? If so, state

- (a) the type of license;
- (b) the name, **address**, and telephone number of the holder of the license;
- (c) the class or type of license;
- (d) the license number;
- (e) any lapse of the license while **you** performed any work at or relating to the **subject property** and the dates of those lapses;
- (f) any suspension of the license while **you** performed any work at or relating to the **subject property** and the dates of those suspensions; and
- (g) any inactive status of the license while **you** performed any work at or relating to the **subject property** and the dates of the inactivity.

304.0 Insurance

304.1 At or since the time of the material facts on which the **construction claim** or the **construction defect claim** is based, was there in effect any **insurance policy** through which **you** are or may be entitled to coverage for losses or expenses that have been or may be incurred related to the **construction claims** or **construction defect claims** asserted against **you**, including but not limited to defense costs, indemnity for settlements or damages awarded against **you**, or loss and adjustment expenses? If so, for each policy state:

- (a) the policy number or other unique number used by the issuer to identify the **insurance policy**, and the effective dates of coverage;
- (b) the kind of insurance or coverage (including without limitation commercial general liability, professional liability, directors and officers, homeowners, property, course of construction, builder's risk, automobile, or public entity liability protection);
- (c) the policy level and description of any underlying insurance or self insurance that must be exhausted prior to its application (for example, for umbrella or excess insurance, please state the amount of underlying insurance or self-insurance that must be exceeded before the policy applies);
- (d) the name of any **person** who is or may become a party to this action who may qualify as an insured, an additional insured, or a protected or covered **person**;
- (e) whether the **insurance policy** contains a blanket additional insured provision or other provision whereby the **person** insured (or **person** protected by the **insurance policy**) includes any **person** or entity for whom one Insured or protected **person** is obligated to provide additional insured coverage in some kind of **contract** or agreement;
- (f) the aggregate and per-occurrence or per-claim limit of liability for each potentially applicable coverage contained in the **insurance policy**, including the limit the insurer claims is potentially applicable (if less than the limit stated in the policy declarations);
- (g) the limit of any retained amount payable by any insured relative to a claim otherwise covered by the policy, whether by means of a deductible, self-insured retention, deductible indemnity agreement, or retrospective premium provision, and whether the payment of loss and adjustment or defense expense reduces such retention obligation;
- (h) whether the **insurance policy** contains an exclusion

barring coverage for damage known to any insured prior to the policy period or barring coverage for damage that first occurred prior to the coverage period;

- (i) whether the indemnity limit of the **insurance policy** is diminished by the cost of defense;
- (j) whether any controversy or coverage dispute exists between **you** and the insurer;
- (k) whether the insurer issuing the **insurance policy** has issued a written reservation of rights; and
- (l) the name, **address**, and telephone number of the custodian of the policy.

*(Instead of responding to items (a) -(i) above, you may attach a complete and accurate copy of each **insurance policy** responsive to this interrogatory. Even if you attach such copies, you must still give written answers to items (j) -(l) for each policy.)*

- 304.2 Are **you** self-insured under any statute for the damages, claims, or actions that have arisen out of the **construction claim** or the **construction defect claim**? If so, specify the statute.
- 304.3 Has any **subcontractor** who is or might be a party to this action named **you** as an additional insured on an insurance certificate or endorsement? If so, for each such **subcontractor**, state:
 - (a) its name, **address**, and telephone number;
 - (b) whether **you** or the insured have made any tender under that **subcontractor's insurance policy**;
 - (c) the response to **your** tender; and
 - (d) whether the **contract** between the **subcontractor** and **you** required the **subcontractor** to carry an **insurance policy** naming **you** as an additional insured.

305.0 Subject Property Damages

- 305.1 Do **you** attribute any loss of or damage to **subject property** to the facts on which the **construction claim** or the **construction defect claim** is based? If so, for each **subject property**,
 - (a) identify the **subject property**;
 - (b) describe the nature and location of the loss or damage to the **subject property**;
 - (c) state when **you** became aware of the loss or damage;
 - (d) state the amount of damage **you** are claiming for each piece of **subject property** and how the amount was calculated.
- 305.2 Has the **subject property** been sold during the past 10 years? If so, state:
 - (a) the name, **address**, and telephone number of seller;
 - (b) the date of sale; and
 - (c) the sale price.

*(This interrogatory does not apply to sales of individual units when the answering party is an **association**.)*
- 305.3 Has a written estimate or evaluation been made for any item of loss or damage identified in **your** answer to 305.1? If so, for each estimate or evaluation state:
 - (a) the name, **address**, and telephone number of the **person** who prepared it and the date prepared;
 - (b) the name, **address**, and telephone number of each

- person** who has a copy of it;
- (c) the amount of damage stated; and
- (d) the basis of the estimate or evaluation.

- 305.4 State the exact manner in which title is held to each piece of **subject property** for which **you** are claiming damages in this litigation.
- 305.5 For each piece of **subject property**, or improvements on **subject property**, in which **you** have an ownership interest, state:
 - (a) the date **you** received an ownership interest in the **subject property** or improvements;
 - (b) whether **you** are the original purchaser;
 - (c) the name of the **person** who transferred title in the **subject property** or improvements to **you**;
 - (d) the purchase price.
- 305.6 Did **you** receive any written or oral disclosures, homeowner's manuals, written or oral warranties, or other representations at or about the time **you** purchased any **subject property** or improvements on the **subject property**? If so,
 - (a) identify all written disclosures, homeowner's manuals, or written warranties **you** received.
 - (b) state the name, **address**, and telephone number of the **person** who has each **document** containing such materials;
 - (c) describe any oral warranties or representations **you** were given;
 - (d) identify any **person** who made those oral warranties and when and where they were made.
- 305.7 Did **you** prepare or provide any written or oral disclosures, homeowner manuals, written or oral warranties, or other representations at or about the time **you** sold or transferred any **subject property** or improvements on **subject property**? If so,
 - (a) identify any written disclosures, homeowner manuals, or written warranties;
 - (b) state the name, **address**, and telephone number of the **person** who has each version of each **document** containing such materials;
 - (c) describe any oral warranties or representations **you** provided;
 - (d) identify any **person** to whom **you** made those oral warranties and when and where the oral warranties were made.
- 305.8 Have **you** made any improvements to any **subject property** in which **you** have any ownership interest? If so, state:
 - (a) each improvement you made, including without limitation painting, landscaping, pool or spa installation, light fixture changes, cabinet changes, floor covering replacement, or room additions;
 - (b) the date each such improvement was made; and
 - (c) the name, **address**, and telephone number of the **person** who performed the improvement.
- 305.9 Have **you** performed maintenance - including without limitation roof repair, painting, and caulking - to any **subject property** in which **you** have an ownership interest? If so, state:

- (a) the nature of each act of maintenance;
- (b) the date each act of maintenance was performed; and
- (c) the name, **address**, and telephone number of the **person** who performed each act of **maintenance**.

305.10 During the past two years, has the **subject property** been appraised? If so, for each appraisal state:

- (a) the date of the appraisal;
- (b) the name, **address**, and telephone number of the **person** who performed the appraisal; and
- (c) the appraised value given for the **subject property**.

305.11 For each problem or defect **you** contend exists in any **subject property** owned by **you**, describe in detail:

- (a) the nature of any problem or defect;
- (b) the date **you** first became aware of such problem or defect;
- (c) the actions taken by **you**, if any, in response to the problem or defect, including reporting it to any party in this litigation; and
- (d) the response, if any, by any party in this litigation to **your** report of the problem or defect.

305.12 If **you** have repaired or attempted to repair any **construction claim** or **construction defect claim** **you** allege exists in any **subject property** owned by **you**, state:

- (a) a description of the problem or defect repaired or attempted to be repaired;
- (b) a description of the repair or attempted repair;
- (c) the date of the repair or attempted repair;
- (d) the cost of the repair or attempted repair; and
- (e) the name, **address**, and telephone number of the **person** who performed the repair or attempted repair.

305.13 Have **you** ever hired any **person**, including but not limited to a **contractor**, **design professional**, or engineer (but excluding those hired by **your** attorney), to inspect, prepare a bid regarding, or repair a condition that **you** contend in this litigation is a **construction claim** or **construction defect claim**? If so, for each, state

- (a) the date of the inspection;
- (b) the name, **address**, and telephone number of the **person** performing the inspection;
- (c) the general nature of the problem or defect inspected; and
- (d) the cost of the inspection.

305.14 Have **you** ever made any insurance or warranty claims or claims to any **person** for the **construction claim** or **construction defect claim** alleged in this action? If so, state:

- (a) the name, **address**, and phone number of the individual or entity to whom **you** made the claim;
- (b) the approximate date of the claim; and
- (c) the resolution of that claim.

306.0 [Reserved]

307.0 [Reserved]

308.0 [Reserved]

309.0 Other Damages

309.1 Are there any other damages that **you** attribute to the **construction claim** or **construction defect claim** alleged in this action? If so, for each item of damage state:

- (a) the nature;
- (b) the date it occurred;
- (c) the amount; and
- (d) the name, **address**, and telephone number of each **person** whom you assert suffered damages.

309.2 Do any **documents** support the existence or amount of any item of damages claimed in interrogatory 309.1? If so, describe each **document** and state the name, **address**, and telephone number of the **person** who has each **document**.

310.0 Other Claims and Previous Claims

310.1 In the past 10 years, have **you** filed any action (not counting this one) or made a written claim or demand for compensation for damages to the **subject property**? If so, for each action, claim, or demand state:

- (a) the name, **address**, and telephone number of each **person** against whom the claim or demand was made or the action filed;
- (b) the court, names of parties, and case number of each action filed;
- (c) the name, **address**, and telephone number of any attorney representing **you**;
- (d) a general description of the action, claim, or demand;
- (e) whether the claim or action has been resolved or is still pending; and
- (f) if applicable, how it was resolved, including the amount of any judgment or settlement, description of repairs made or ordered, or any other resolution.

311.0 Investigations—General

311.1 Do **you** or **anyone acting on your behalf** know of any photographs, films, videotapes, recordings, or electronically stored information depicting any place, object, event, or individual concerned in the **construction claim** or the **construction defect claim**? If so, for each type of media, state:

- (a) the number of photographs, length of film or videotape, or megabytes of an electronic recording;
- (b) the places, objects, or **persons** photographed, filmed, videotaped, or otherwise recorded;
- (c) the date each photograph, film, videotape, or electronic recordings was taken or recorded;
- (d) the name, **address**, and telephone number of each individual who took these photographs or recorded these films, videotapes, or electronic recordings; and
- (e) the name, **address**, and telephone number of each **person** who has the original media or copies of these photographs, films, videotapes, or electronic recordings.

- 311.2 Do **you** or **anyone acting on your behalf** know of any diagram, reproduction, or model of any place or thing concerning the **construction claim** or the **construction defect claim**? If so, for each item state:
 - (a) the type of item (such as blueprint, diagram, reproduction, model, etc.);
 - (b) its subject matter; and
 - (c) the name, **address**, and telephone number of each **person** who has the item.

- 311.3 Has any report been made by any **person** concerning the **construction claim** or the **construction defect claim**? If so, state:
 - (a) the name, title, and employer of the **person** who made the report;
 - (b) the date and type of report made;
 - (c) the name, **address**, and telephone number of the **person** for whom the report was made; and
 - (d) the name, **address**, and telephone number of each **person** who has an original or copy of the report.

- 311.4 Have **you** or **anyone acting on your behalf** (except for consultants retained by counsel or expert trial witnesses) inspected the **subject property** on which the **construction claim** or the **construction defect claim** is based? If so, for each inspection state:
 - (a) the name, **address**, and telephone number of the individual making the inspection; and
 - (b) the date of the inspection.

312.0 Statutory or Regulatory Violations

- 312.1 Do **you** or **anyone acting on your behalf** contend that any **person** involved in the occurrence of the material facts on which the **construction claim** or **construction defect claim** is based violated any statute, ordinance, or regulation, and that such violation was a legal (proximate) cause of the **construction claim** or **construction defect claim**? If so, for each contention, identify the name, **address**, and telephone number of each **person** involved, and the statute, ordinance, or regulation violated.

313.0 Fraud, Misrepresentation, or Breach of Fiduciary Duty

- 313.1 Describe each **construction claim** or **construction defect claim** at the **subject property** that **you** contend someone else knew about but did not disclose to **you** at the time of the purchase, development, design, construction, or provision of service or supplies to the **subject property**. For each claim:
 - (a) state all facts on which **you** base **your** response;
 - (b) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of those facts; and
 - (c) identify all **documents** and other tangible things that support **your** response and state the name, **address**, and telephone number of the **person** who has each **document** or thing.
- 313.2 Describe each specific concealment and

- misrepresentation that **you** claim was concealed from or made to **you** in connection with the purchase, development, design, construction, or provision of services or supplies to the **subject property**. For each one:
 - (a) state all facts on which **you** base **your** response, including when, how, and by whom any concealment occurred and any misrepresentation was communicated to **you**;
 - (b) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of these facts; and
 - (c) identify all **documents** and other tangible things that support **your** response and state the name, **address**, and telephone number of any **person** who has each **document** or thing.

314.0 Contracts

- 314.1 For each agreement alleged in the **pleadings**:
 - (a) identify each **document** that is part of the agreement and state the name, **address**, and telephone number of the **person** who has each **document**;
 - (b) describe each part of the agreement not in writing, along with the name, **address**, and telephone number of each **person** agreeing to that provision, and the date that part of the agreement was made;
 - (c) identify all **documents** that evidence any part of the agreement not in writing, and for each, state the name, **address**, and telephone number of each **person** who has the **document**;
 - (d) identify all **documents** that are part of any modification to the agreement and for each, state the name, **address**, and telephone number of each **person** who has the **document**;
 - (e) describe each modification to the agreement not in writing, along with the date the modification was made and the name, **address**, and telephone number of each **person** agreeing to the modification;
 - (f) identify all **documents** that evidence any modification of the agreement not in writing and for each state the name, **address**, and telephone number of the **person** who has each **document**; and
 - (g) state the name, **address**, and telephone number of the **person** most knowledgeable regarding the negotiations and **contracting** for any services **you** performed at any **subject property**.

- 314.2 Was there a breach of any agreement alleged in the **pleadings**? If so, describe every act or omission that **you** allege to be a breach of the agreement and give the date of each.
- 314.3 Was performance excused for any agreement alleged in the **pleadings**? If so, identify each agreement and state why performance was excused.
- 314.4 Was any agreement alleged in the **pleadings** terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of the termination, and the basis of the termination.
- 314.5 Is any agreement alleged in the **pleadings** unenforceable? If so, identify each unenforceable

agreement and state why it is unenforceable.

- 314.6 Is any agreement alleged in the **pleadings** ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.
- 314.7 Did **you** contract out any of the work **you** were to perform on the **subject property** to another **person** or entity? If so,
 - (a) state the name, **address**, and phone number of the **person** with whom **you** entered the **contract**;
 - (b) state if the **contract** was oral or in writing; and
 - (c) describe the terms of the **contract**.

315.0 [Reserved]

316.0 [Reserved]

317.0 [Reserved]

318.0 [Reserved]

319.0 [Reserved]

320.0 Individual Homeowner Claims

(A Homeowners Association or Common Interest Development need not respond to this section.)

- 320.2 Is the **subject property** **your** primary residence? If not, describe how often **you** reside and when you last resided at the **subject property**.
- 320.3 Have **you** ever rented or leased the **subject property** to another **person**? If so, state:
 - (a) the names, **addresses**, and last known telephone number of all **persons** who rented or leased the **subject property**;
 - (b) the names, **addresses**, and last known telephone number of all **persons** who occupied the property under each rental or lease agreement; and
 - (c) the beginning and ending dates of each rental or lease agreement.

321.0 Scope of Work (Contractors and Subcontractors)

- 321.1 State the name, **address**, telephone number, job title, and job duties of each of **your** current or former **supervising employees** who were involved in the construction or supervision of construction of any improvements to the **subject property**.
- 321.2 Describe the scope of work that **you** performed and any materials that **you** supplied at the **subject property**.
- 321.3 Describe all locations on the **subject property** where **you** performed work or services (by phase number, unit number, building number or **address**, or common area description).
- 321.4 State all dates, including first and last, that **you**:
 - (a) performed work or supervision for or at the **subject property**; or
 - (b) supplied materials for the **subject property**.

- 321.5 For all **contracts** identified in **your** response to Interrogatory 314.1, including all agreements, change orders, or additional work orders related to such **contracts**, do **you** contend that any **contractor** or **subcontractor** other than **you** performed any portion of work or supplied any portion of materials that **you** contracted to deliver? If so,
 - (a) identify the terms of the **contract** under which work was performed; and
 - (b) identify the terms of the **contract** under which materials were supplied.
- 321.6 For all **contracts** identified in **your** response to Interrogatory 314.1, including all agreements, change orders, or additional work orders related to such **contracts**, do **you** contend that **you** performed any work or provided any material on the **subject property** that is not listed in the written **contract**? If so:
 - (a) identify the work performed; and
 - (b) identify the materials provided.
- 321.7 Did **you** issue any warranty for work performed or materials supplied on the **subject property**? If so, state:
 - (a) what the warranty covered; and
 - (b) the dates it was in effect.
- 321.8 Did **you** perform any work or supply any materials—under warranty or otherwise—at the **subject property** after the certificate of completion on that **subject property** was issued? If so, state:
 - (a) what work was performed, the dates the work was performed, and the **address**; and
 - (b) what materials were supplied, the dates they were supplied, and the delivery **address**.
- 321.9 Were **you** provided with a copy of any plans, reports, or specifications for the project before performing the work? If so,
 - (a) identify all plans, reports, or specifications ;
 - (b) state the date when each plan, report, or specification was provided to **you**; and
 - (c) state the names, **addresses**, and telephone numbers of all **persons** who provided **you** with each plan, report or specification.
- 321.10 Before performing **your** work at the project, did **you** communicate any objections to or requests for changes or modifications to any portion of those plans, reports, or specifications you listed above in 321.9? If so,
 - (a) identify each plan, report, or specification that was the subject of the objection or request for change or modification;
 - (b) state the names, **addresses**, and telephone numbers of all **persons** to whom **you** communicated **your** objections or requests for changes or modifications; and
 - (c) describe the result, if any, of each of **your** objections or requests for changes or modifications.

- 321.11 Did **you** rely on any **documents** or oral instructions other than those listed in **your** responses to interrogatories 321.5 or 321.9 to complete **your** work at the project? If so,
- identify all **documents** and other tangible things that **you** relied on, and state the name, **address**, and telephone number of the **person** who has each **document** or thing; and
 - state each oral instruction **you** were given and the name, **address**, and telephone number of the **person** who gave **you** the oral instruction; and
 - state the date when **you** were provided the **documents** or instruction.
- 321.12 Did **you** communicate any criticisms (including but not limited to sequencing problems) to any **developer**, **design professional**, **contractor**, **subcontractor**, or **supplier** on the project during construction? If so,
- state all criticisms and the dates they arose;
 - state the name, **address**, telephone number, and job title of every **person** to whom **you** communicated **your** criticism; and
 - describe any resolutions of issues **you** raised.
- 321.13 During the time that **you** performed any work at the **subject property**, did **you** contract to have any unlicensed **subcontractor** or **design professional** perform work at the **subject property**? If so,
- identify each such **person** or entity by name, **address**, and telephone number; and
 - describe the type of work you had each such **person** perform.

322.0 Design Professionals (Architects/Engineers)

- 322.1 Did **you** or any of **your** employees design any portion of the **subject property** or project in this litigation? If so, state:
- who retained **you** to perform the design work;
 - the dates of **your** retention or **contract**;
 - the portion of the **subject property** or project **you** designed;
 - which Building Code provisions applied to **your** design for the **subject property** or project;
 - the design parameters **you** relied on in **your** design work for the **subject property** or project;
 - who approved **your** design for the **subject property** or project;
 - the date of each approval of **your** design work for the **subject property** or project; and
 - the names of all **supervising employees**, past or present, who participated in the design of the **subject property** or project.
- 322.2 Did **you** revise or amend **your** design for the **subject property** after the earliest date of approval identified above in 322.1(g)? If so, state:
- the dates of all revisions or amendments to **your** original design;
 - the substance or description of all revisions or amendments to **your** original design;
 - the reason **you** revised or amended **your** original

- design;
- the name and job title of any person who approved any revisions or amendments to **your** original design; and
 - the dates of approval of any revisions or amendments to **your** original design.

- 322.3 Did **you** perform any on-site services at the **subject property**? If so, state:
- the dates on which **you** visited the **subject property** to perform services;
 - the services **you** performed on each date; and
 - the portions of construction **you** observed while on site.
- 322.4 Did **you** observe any deviation from the intended design at the **subject property**? If so, state:
- the nature of the deviation and date **you** observed it;
 - whether **you** reported any deviation from the intended design;
 - when and to whom **you** reported such deviation; and
 - whether any corrective actions were taken with respect to any observed deviation.

323.0 Manufacturers

- 323.1 For each **product** that **you** supplied or manufactured, name the product or series, prior or later versions of it, and describe what changes (design or otherwise) have been made to it over its lifespan.
- 323.2 For each **product** identified in response to the preceding interrogatory, state:
- who designed the **product**;
 - how it was tested or certified;
 - what standards applied to its manufacture;
 - any test reports or certifications of the **product**, by date; and
 - the name, **address**, and telephone number of the facility where the **product** was manufactured.
- 323.3 For each **product** identified above, state:
- the quality control systems in place at each manufacturing site listed in **your** response to 323.2(e);
 - the date when the quality control system was established;
 - the criteria used for the quality control system; and
 - the names, **addresses**, and job titles of all **persons** who have been in charge of the quality control system over the last 10 years.
- 323.4 How and where was each **product** identified above stored until shipped?
- 323.5 How was each **product** identified above shipped? For each, state:
- the method of shipment;
 - where it was shipped; and
 - who accepted delivery of it and when.

- 323.6 Do **you** have a customer service department? If so:
 - (a) state the name, **address**, telephone number, and job title of the **person** in charge; and
 - (b) describe any complaints received concerning any **product** identified above and how they were handled.
- 323.7 Is there or has there ever been a warranty for any **product** identified above? If so, what are the terms of the warranty?
- 323.8 Who was in charge of the sales of the **product** for this project? State the person's name, address, telephone number and job title.
- 323.9 Are there any brochures, advertisements, or sales materials for any **product** identified above?
- 323.10 Are there any installation instructions or manufacturer recommendations for any **product** identified above? If so, state:
 - (a) the name, **address**, telephone number, and job title of the **person** who wrote them;
 - (b) all changes or modifications to them, and the dates the changes or modifications were made; and
 - (c) the name, **address**, telephone number, and job title of the **person** to whom the changes or modifications were provided.

324.0 Denials and Special or Affirmative Defenses

- 324.1 Identify each denial of a material allegation and each special or affirmative defense in **your pleadings**, and for each:
 - (a) state all facts on which **you** base the denial or special or affirmative defense;
 - (b) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of those facts; and
 - (c) identify all **documents** and other tangible things that support **your** denial or special or affirmative defense, and state the name, **address**, and telephone number of the **person** who has each **document**.

325.0 Defendant's Contentions

- 325.1 Do **you** contend that any **person**, other than **you** or the plaintiff, contributed to the existence of the **construction claim** or **construction defect claim** or the damages claimed by the plaintiff? If so:
 - (a) state the name, **address**, and telephone number of each **person** who contributed;
 - (b) state all facts on which you base **your** contention;
 - (c) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of the facts; and
 - (d) identify all **documents** and other tangible things that

support **your** contention and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

- 325.2 Do **you** contend that plaintiff did not incur damages arising from the facts on which the **construction claim** or the **construction defect claim** is based? If so:
 - (a) state all facts on which you base your contention;
 - (b) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of the facts; and
 - (c) identify all **documents** and other tangible things that support **your** contention and state the name, **address**, and telephone number of the **person** who has each **document** or thing.
- 325.3 Do **you** contend that any of the property damage claimed by plaintiff thus far in this case was not caused by the **construction claim** or **construction defect claim**? If so:
 - (a) identify each item of property damage;
 - (b) state all facts on which you base **your** contention;
 - (c) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of the facts; and
 - (d) identify all **documents** and other tangible things that support **your** contention and state the name, **address**, and telephone number of the **person** who has each **document** or thing.
- 325.4 Do **you** contend that any of the costs claimed by plaintiff thus far in this case for repairing the property damage are unreasonable? If so:
 - (a) identify each cost item;
 - (b) state all facts on which **you** base **your** contention;
 - (c) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of the facts; and
 - (d) identify all **documents** and other tangible things that support **your** contention and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

326.0 Responses to Request for Admissions

- 326.1 Is **your** response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:
 - (a) state the number of the request;
 - (b) state all facts on which **you** base **your** response;
 - (c) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of those facts; and
 - (d) identify all **documents** and other tangible things that support **your** response, and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

Clerk stamps date here when form is filed.

Fill in court name and street address:
Superior Court of California, County of

Fill in case number:
Case Number:

1 Name of Person Asking for Protection: _____

2 Name of Person to Be Restrained: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1** or **3** of form DV-100, *Request for Domestic Violence Restraining Order*.
- Give a copy of all documents checked in **4** to the restrained person in **2**. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in **1**.



- 4** I gave the person in **2** a copy of all the documents checked:
- a. DV-109 with DV-100 and a blank DV-120 (*Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank Response to Request for Domestic Violence Restraining Order*)
 - b. DV-110 (*Temporary Restraining Order*)
 - c. DV-105 and DV-140 (*Request for Child Custody and Visitation Orders, Child Custody and Visitation Order*)
 - d. FL-150 with a blank FL-150 (*Income and Expense Declaration*)
 - e. FL-155 with a blank FL-155 (*Financial Statement (Simplified)*)
 - f. DV-115 (*Request to Continue Hearing and Reissue Temporary Restraining Order*)
 - g. DV-116 (*Notice of New Hearing Date and Order on Reissuance*)
 - h. DV-130 (*Restraining Order After Hearing*)
 - i. Other (*specify*): _____

5 I personally gave copies of the documents checked above to the person in **2** on:

a. Date: _____ b. Time: _____ a.m. p.m.

c. At this address: _____
 City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____

(If you are a registered process server):
 County of registration: _____ Registration number: _____

7 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name

Server to sign here

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection

Name: _____

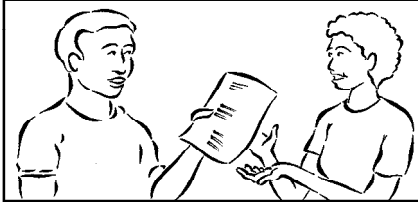
2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items 1, 3, or 6 of form EA-100.
- Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in 1.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF PERSONAL SERVICE

4 I gave the person in 2 a copy of the forms checked below:

- a. EA-109, *Notice of Court Hearing*
- b. EA-110, *Temporary Restraining Order*
- c. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*
- d. EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- e. EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- f. EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*
- g. EA-250, *Proof of Service of Response by Mail* (blank form)
- h. EA-800, *Proof of Firearms Turned In or Sold* (blank form)
- i. Other (specify): _____

5 I personally gave copies of the documents checked above to the person in 2:

- a. On (date): _____ b. At (time): _____ a.m. p.m.
- c. At this address: _____
 City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name

Server to sign here

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS
Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EXEMPTIONS UNDER SECTION 703.140(b)

The following lists the current dollar amounts of exemptions from enforcement of judgment under Code of Civil Procedure section 703.140(b).

These amounts are effective April 1, 2013. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest \$25. (See Code Civ. Proc., § 703.150(d).)

<u>Code Civ. Proc., § 703.140(b)</u>	<u>Type of Property</u>	<u>Amount of Exemption</u>
(1)	The debtor's aggregate interest in real property or personal property that the debtor or a dependent of the debtor uses as a residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence	\$ 25,575
(2)	The debtor's interest in one or more motor vehicles	\$ 5,100
(3)	The debtor's interest in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor (value is of any particular item)	\$ 650
(4)	The debtor's aggregate interest in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor	\$ 1,525
(5)	The debtor's aggregate interest, plus any unused amount of the exemption provided under paragraph (1), in any property	\$ 1,350
(6)	The debtor's aggregate interest in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor	\$ 7,625
(8)	The debtor's aggregate interest in any accrued dividend or interest under, or loan value of, any unexpired life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent	\$ 13,675
(11)(D)	The debtor's right to receive, or property traceable to, a payment on account of personal bodily injury of the debtor or an individual of whom the debtor is a dependent	\$ 25,575

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS
Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EXEMPTIONS UNDER SECTION 704.010 et seq.

The following lists the current dollar amounts of exemptions from enforcement of judgment under title 9, division 2, chapter 4, article 3 (commencing with section 704.010) of the Code of Civil Procedure.

These amounts are effective April 1, 2013. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest \$25. (See Code Civ. Proc., § 703.150(d).)

<u>Code Civ. Proc. Section</u>	<u>Type of Property</u>	<u>Amount of Exemption</u>
704.010	Motor vehicle (any combination of aggregate equity, proceeds of execution sale, and proceeds of insurance or other indemnification for loss, damage, or destruction)	\$ 2,900
704.030	Material to be applied to repair or maintenance of residence	\$ 3,050
704.040	Jewelry, heirlooms, art	\$ 7,625
704.060	Personal property used in debtor's or debtor's spouse's trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$4,850)	\$ 7,625
704.060	Personal property used in debtor's and spouse's common trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed \$9,700)	\$ 15,250
704.080	Deposit account with direct payment of social security or public benefits (exemption without claim, section 704.080(b)) ¹	
	• Public benefits, one depositor is designated payee	\$ 1,525
	• Social security benefits, one depositor is designated payee	\$ 3,050
	• Public benefits, two or more depositors are designated payees ²	\$ 2,275
	• Social security benefits, two or more depositors are designated payees ²	\$ 4,575
704.090	Inmate trust account	\$ 1,525
	Inmate trust account (restitution fine or order)	\$ 300 ³
704.100	Aggregate loan value of unmaturred life insurance policies	\$ 12,200

¹ The amount of a deposit account that exceeds exemption amounts is also exempt to the extent it consists of payments of public benefits or social security benefits. (Code Civ. Proc., § 704.080(c).)

² If only one joint payee is a beneficiary of the payment, the exemption is in the amount available to a single designated payee. (Code Civ. Proc., § 704.080(b)(3) and (4).)

³ This amount is not subject to adjustments under Code Civ. Proc., § 703.150.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i>: _____</p> <p>E-MAIL ADDRESS <i>(Optional)</i>: _____</p> <p>ATTORNEY FOR <i>(Name)</i>: _____</p>	FOR COURT USE ONLY <p style="font-size: 1.2em;">DRAFT — NOT APPROVED BY THE JUDICIAL COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
OTHER PARENT/PARTY:	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT	

To *(name of individual being served)*: _____

NOTICE

The documents identified below are being served on you by mail with this acknowledgment form. You must personally sign, or a person authorized by you must sign, this form to acknowledge receipt of the documents.

If the documents described below include a summons and you fail to complete and return this acknowledgment form to the sender within 20 days of the date of mailing, you will be liable for the reasonable expenses incurred after that date in serving you or attempting to serve you with these documents by any other methods permitted by law. If you return this form to the sender, service of a summons is deemed complete on the date you sign the acknowledgment of receipt below. This is **not** an answer to the action. If you do not agree with what is being requested, you must submit a completed *Response* form to the court within 30 calendar days.

Date of mailing: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE AND MUST BE 18 YEARS OR OLDER)

ACKNOWLEDGMENT OF RECEIPT
(To be completed by sender before mailing)

I agree I received the following:

- | | |
|---|---|
| a. <input type="checkbox"/> Family Law: <i>Petition-Marriage</i> (form FL-100), <i>Summons</i> (form FL-110), and blank <i>Response-Marriage</i> (form FL-120)
b. <input type="checkbox"/> Family Law—Domestic Partnership: <i>Petition—Domestic Partnership/Marriage</i> (form FL-103), <i>Summons</i> (form FL-110), and blank <i>Response—Domestic Partnership/Marriage</i> (form FL-123)
c. <input type="checkbox"/> Uniform Parentage: <i>Petition to Establish Parental Relationship</i> (form FL-200), <i>Summons</i> (form FL-210), and blank <i>Response to Petition to Establish Parental Relationship</i> (form FL-220)
d. <input type="checkbox"/> Custody and Support: <i>Petition for Custody and Support of Minor Children</i> (form FL-260), <i>Summons</i> (form FL-210), and blank <i>Response to Petition for Custody and Support of Minor Children</i> (form FL-270)
e. <input type="checkbox"/> (1) <input type="checkbox"/> Completed and blank <i>Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)</i> (form FL-105)
(2) <input type="checkbox"/> Completed and blank <i>Declaration of Disclosure</i> (form FL-140)
(3) <input type="checkbox"/> Completed and blank <i>Schedule of Assets and Debts</i> (form FL-142) | (4) <input type="checkbox"/> Completed and blank <i>Income and Expense Declaration</i> (form FL-150)
(5) <input type="checkbox"/> Completed and blank <i>Financial Statement (Simplified)</i> (form FL-155)
(6) <input type="checkbox"/> <i>Request for Order</i> (form FL-300) and blank <i>Responsive Declaration to Request for Order</i> (form FL-320)
(7) <input type="checkbox"/> Other <i>(specify)</i> : _____ |
|---|---|

(To be completed by recipient)

Date this acknowledgment is signed: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 30%;">TELEPHONE NO.:</div> <div style="width: 30%;">E-MAIL ADDRESS (Optional):</div> <div style="width: 30%;">FAX NO. (Optional):</div> </div> ATTORNEY FOR (Name):	FOR COURT USE ONLY <div style="border: 1px solid gray; padding: 10px; margin: 10px auto; width: 80%;"> DRAFT: NOT APPROVED BY THE JUDICIAL COUNCIL </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
NOTICE OF DELINQUENCY	CASE NUMBER:

1. NOTICE TO PERSON ORDERED TO PAY CHILD SUPPORT (OBLIGOR)

► Obligor's name:

The child support payments listed on this form are more than 30 days in arrears on the date of filing this notice. If they are not paid within 30 days of the date of service of this notice on you, a penalty of 6% per month may be charged on the unpaid balance. The penalty may accumulate to a maximum of 72% of the original amount of the unpaid support.

California law provides: "Within a timely fashion after service of the Notice of Delinquency the [obligor may file] and serve a motion to determine arrearages" and show the court why the 6% penalty should not be imposed. Forms (FL-490 and FL-300) for filing the motion (also known as a "request for order") for a court hearing to establish your possible exemption were served on you with this *Notice of Delinquency*. You should file the *Request for Order* (form FL-300) as soon as possible, before the person to whom child support is paid (support obligee) obtains a court order or writ of execution.

2. The court ordered payment of child support on (date):

The payments listed below are more than 30 days in arrears on the date of filing this notice:

TOTAL CHILD SUPPORT ORDERED PAID		ACTUALLY PAID			BALANCE DUE		CHECK BOX IF AMOUNT LISTED ON PREVIOUS NOTICE OF DELINQUENCY
DATE DUE	AMOUNT	DATE PAID	ON ORDER	ON ACCRUED INTEREST	ON ORDER	ON ACCRUED INTEREST	

continued on attached page. Total due on order:

Total due on interest:

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

3. Address of children (complete a or b):

a. There is a protective order that prohibits the support obligor from knowing the location of the child or children for whom support is payable or that excuses completion of part b.

—OR—

b. The name, current address, and telephone number of children for whom support is due are as follows:
 Name: _____ Address: _____ Phone No. _____

4. a. Court papers should be served at the address shown at the top of page 1 of this form.
 b. The address at which court papers should be served on the support obligee is (address): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____ _____
 (TYPE OR PRINT NAME OF SUPPORT OBLIGEE) (SIGNATURE OF SUPPORT OBLIGEE)

To Support Obligee: Have a completed copy of the *Notice of Delinquency* and a blank *Application to Determine Arrearages* (form FL-490) as well as a blank *Request for Order* (form FL-300) served on the support obligor by someone at least age 18 other than yourself. The person serving must complete the proof of service below. The proof of service must be filed with the court before you can collect the penalty.

PROOF OF SERVICE OF NOTICE OF DELINQUENCY

1. At the time of service I was at least 18 years of age and **not a party** to this action. I served the completed *Notice of Delinquency*, blank *Application to Determine Arrearages* (form FL-490), and blank *Request for Order* (form FL-300) on (name): _____

- a. By personal delivery to the person served
 (1) Date served: _____ (3) Address: _____
 (2) Time served: _____
- b. By mailing by certified mail (1) Date mailed: _____ (2) Place mailed: _____
(Attach signed return receipt)
- c. By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a return envelope, postage prepaid, addressed to the sender. **(Attach completed Acknowledgment of Receipt)**
- d. Other (specify code section): _____
 Additional page is attached.

2. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (SIGNATURE OF PERSON SERVING NOTICE)

Name and address of person serving notice: _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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APPLICATION TO DETERMINE ARREARAGES
Attachment to Request for Order (form FL-300)

- Child support**
 Spousal or partner support
 Family support
 Medical support
 Unreimbursed expenses
 Unreimbursed medical expenses
 Other (specify):

1. I ask that arrearages be determined in this case.
2. I have attached (check all that apply):
 - a. a Declaration of Payment History (FL-420)
 - b. a Payment History Attachment (FL-421)
 - c. Other (specify):
3. I ask that the support arrearage be changed as follows:
 - a. I have already paid some all of the support ordered. Proof of payment is attached.
 - b. The children for whom support is to be paid were living with me full time for the period from _____ to _____. I provided all of their support during that period. I am attaching a detailed declaration explaining these facts and supporting documentation, including any proof that the children were living with me.
 - c. Other (specify):
4. I have previously asked the other parent for payment and provided the other parent with an itemized statement of the unreimbursed childcare expense medical expense (Attach copies of all bills being claimed and proof of any payments that you have made on these bills.)
5. Attorney fees and costs a. Fees b. Costs
Income and Expense Declaration (form FL- 150) is attached.
6. Facts in support of the relief requested are (specify):
 contained in the attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

▶ _____

(SIGNATURE OF DECLARANT)

- Petitioner/Plaintiff Respondent/Defendant
 Attorney Other (specify):

NOTICE: This form must be attached to Request for Order (FL-300)

NOT A COURT ORDER

APPLICATION TO DETERMINE ARREARAGES

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
PROOF OF SERVICE BY MAIL	CASE NUMBER:

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My business address is (specify):

3. I served a copy of the following documents (specify):

- Notice of Motion (Governmental) (form FL-680) and supporting attachments
- Responsive Declaration to Request for Order (form FL-320)
- Response to Notice of Motion to Set Aside Judgment of Paternity (Family Law—Governmental) (form FL-276)
- Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity (Family Law—Governmental) (form FL-285)
- Notice of Opposition and Notice of Motion on Claim of Exemption (Governmental) (form FL-677)
- Other (specify):

by enclosing them in an envelope AND

- a. **depositing** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
- b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
---	--------------

4. Each envelope was addressed and mailed as follows:

(a) Date mailed:

(b) Place of mailing (*city and state*):

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

Name of party or attorney served:

Name of party or attorney served:

(c) Address:

(c) Address:

5. The address for each individual identified in item 4 was

a. verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.

b. other (*specify*):

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

JV-226

Authorization to Release Health and Mental Health Information

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:
Date of Birth:

Case Number:

This form authorizes the release of the child's health and/or mental health records to the child welfare agency to ensure that the child receives appropriate and effective services. It also allows the agency to carry out its case management responsibilities; to monitor treatment, health-care operations, and billing and payment; and to inform the court of the child's medical and/or mental health needs. This form complies with the Health Insurance Portability and Accountability Act (HIPAA), Confidentiality of Medical Information Act (CMIA), and Lanterman-Petris-Short (LPS) Act.

The parent, legal guardian, or Indian custodian may only complete items ①, ②, ③, ⑥, ⑦, ⑧, and ⑨.

The child may only complete items ①, ②, ④, ⑤, ⑥, ⑦, and ⑧.

- ① I am the
 - a. Parent
 - b. Legal guardian
 - c. Indian custodian
 - d. Child, and I am eligible to consent

- ② I give the following child welfare agencies and individuals permission to release health information about me the child _____

- ③ I am the parent, legal guardian, or Indian custodian and I authorize release of the following medical information. Mental health information contained in the medical file may not be released.
 - I understand that I may **refuse** to sign this form. I understand that the child cannot be denied treatment just because I choose not to sign. (Check all that apply):
 - a. Diagnoses
 - b. Medical histories
 - c. Medications
 - d. Immunizations
 - e. Lab reports
 - f. X-ray reports
 - g. None
 - h. _____



Child's name: _____

4 If the child is between 12 and 18 years old, the child may authorize release of the following information.

I discussed the contents of this form with my attorney before deciding whether or not to sign this form. I understand that I may refuse to sign this form. I understand that I cannot be denied treatment just because I choose not to sign.

I am the child and I authorize the following information to be disclosed (check all that apply):

- a. HIV information, including test results
- b. Mental health diagnoses
- c. Outpatient mental health treatment or counseling records
- d. Records regarding sexually transmitted diseases
- e. Records regarding infectious, contagious, or communicable disease if law or regulation requires the disease or condition to be reported to the local health officer
- f. None

5 Only the child, regardless of his or her age, may authorize release of the following information.

I discussed the contents of this form with my attorney before deciding whether or not to sign this form. I understand that I may refuse to sign this form. I understand that I cannot be denied treatment just because I choose not to sign.

I am the child, and I authorize the following information to be disclosed (check all that apply):

- a. Pregnancy records
- b. Reproductive health records
- c. Sexual assault treatment records, if the child consented to this treatment
- d. None

6 I give permission to release my the child's health information specified by the checked boxes in items 3, 4, and 5 and to discuss them with (name of child welfare agency): _____.

7 I understand that the child welfare agency may share or be required to share my the child's health and/or mental health information with certain persons or agencies for purposes of treatment, health-care operations, billing and payment, or as otherwise required by law, without having to ask for my permission.

I understand that if this health and mental health information is disclosed to someone who is not legally required to keep it confidential, it may be redisclosed and may no longer be protected.



Case Number: _____

Child's name: _____

- 8 a. I request a copy of this form.
- b. I am the child and understand that I do not have to give this form to my parent or legal guardian.
- c. I do not want a copy of this form.
- d. I request a copy of the records that will be released.

9 I understand that I may revoke this authorization by writing to *(name and address of person to whom revocation should be directed)*: _____

Once this person receives my written request, this authorization will be revoked, but only to the extent that the authorization has not already been relied upon to release health information.

- 10 This authorization automatically ends one year from date of signature.
- 11 This form is not intended to abrogate the rights of court-appointed counsel for the child to access records pursuant to Welfare and Institutions Code section 317(f) or court order.

Date:

 (TYPE OR PRINT NAME OF PARENT/LEGAL GUARDIAN)



 (SIGNATURE)

 (TYPE OR PRINT NAME OF CHILD)



 (SIGNATURE)

IMPORTANT: PLEASE READ

The health-care provider may refuse to release the records if he or she determines that access to the child's records would have a detrimental effect on the provider's professional relationship with the child or the child's physical safety or psychological well-being.

CHILD'S NAME: 	CASE NUMBER:
-----------------------	----------------------

VISITATION ATTACHMENT: SIBLING

1. Anyone who appears to be under the influence of alcohol or any controlled substance will not be allowed to participate in a scheduled visitation with the child. The visitation supervisor may terminate the visit if this order is violated.
2. Matters relating to the allegations of the petition or issues related to the child's placement are not to be discussed with the child during visits except under the guidance of a counselor in a therapeutic setting. The visitation supervisor may terminate the visit if this order is violated.
3. The prior order of the court suspending
 - a. in-person contact b. written communication c. telephone contact
 - (1) continues to be necessary and remains in full force and effect for the following reasons (*specify*):

(2) is modified as set forth in item 4.

4. **Contact between the child and the child's sibling (*name*):**

a. **In-person visitation**

- (1) Unsupervised
- (2) Supervised by the
 - (a) county agency (c) foster family agency
 - (b) other (*specify*):
- (3) Frequency and duration
 - (a) times per week for a total of hours per week
 - (b) times per month for a total of hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (*specify*):
- (4) Location
 - (a) Agency visitation facility (c) Foster family agency facility
 - (b) Other (*specify*):
- (5) Transportation of the child to and from the visits will be provided by the
 - (a) county agency. (c) foster family agency.
 - (b) other (*specify*):
- (6) Transportation of the child's sibling to and from the visits will be provided by the
 - (a) county agency. (c) foster family agency.
 - (b) other (*specify*):
- (7) Other orders concerning in-person visitation (*specify*):

b. **Other types of contact permitted (*specify*):**

c. **Contact restrictions**

- (1) For the reasons set forth below in item (2), the following contact between the child and the child's sibling named above *in item 4* is not to occur until further order of this court as the court finds, by clear and convincing evidence, that at this time such contact is contrary to the safety or well-being of the

child child's sibling.

 - (a) In-person contact
 - (b) Written communication
 - (c) Telephone contact
- (2) Reasons (*specify*):

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5. **Contact between the child and the child's sibling (name):**a. **In-person visitation**

- (1) Unsupervised
- (2) Supervised by the
 (a) county agency (c) foster family agency
 (b) other (*specify*):
- (3) Frequency and duration
 (a) times per week for a total of hours per week
 (b) times per month for a total of hours per month
 (c) An overnight visit every week every other week
 (d) Other (*specify*):
- (4) Location
 (a) Agency visitation facility (c) Foster family agency facility
 (b) Other (*specify*):
- (5) Transportation of the child to and from the visits will be provided by the
 (a) county agency. (c) foster family agency.
 (b) other (*specify*):
- (6) Transportation of the child's sibling to and from the visits will be provided by the
 (a) county agency. (c) foster family agency.
 (b) other (*specify*):
- (7) Other orders concerning in-person visitation (*specify*):

b. **Other types of contact permitted (*specify*):**c. **Contact restrictions**

- (1) For the reasons set forth below in item (2), the following contact between the child and the child's sibling named above *in item 4* is not to occur until further order of this court as the court finds, by clear and convincing evidence, that at this time such contact is contrary to the safety or well-being of the child child's sibling.
- (a) In-person contact
 (b) Written communication
 (c) Telephone contact
- (2) Reasons (*specify*):

6. **Other (*specify*):**

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**DISPOSITIONAL ATTACHMENT:
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT
(Welf. & Inst. Code, §§ 361, 361.2)**

1. The child is a person described by Welf. & Inst. Code, § 300 (check all that apply):
 300(a) 300(c) 300(e) 300(g) 300(i)
 300(b) 300(d) 300(f) 300(h) 300(j)

and is adjudged a dependent of the court.

Circumstances justifying removal from custodial parent

2. There is clear and convincing evidence of the circumstances stated in Welf. and Inst. Code, § 361 regarding the persons specified below (check all that apply):
- | | <u>361(c)(1)</u> | <u>361(c)(2)</u> | <u>361(c)(3)</u> | <u>361(c)(4)</u> | <u>361(c)(5)</u> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. The child is may be an Indian child, and, by clear and convincing evidence, including testimony of a qualified expert witness, continued physical custody by the following person is likely to cause the child serious emotional or physical damage:
- mother biological father legal guardian
 presumed father Indian custodian
 other (specify):

4. Reasonable efforts were were not made to prevent or eliminate the need for removal from the home.

5. The child is may be an Indian child, and,
- a. by clear and convincing evidence, active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
- b. active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.
- c. there has been consultation with the child's identified Indian tribe regarding whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.

6. **Based on the facts stated on the record, continuance in the home is contrary to the child's welfare and physical custody is removed from** (check all that apply):
- mother biological father legal guardian
 presumed father Indian custodian
 other (specify):

Family finding and engagement

7. a. The county agency has made diligent efforts to identify, locate, and contact the child's relatives.
- b. The county agency has not made diligent efforts to identify, locate, and contact the child's family members.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with family or domestic violence.
- (2) The county agency must submit a report to the court on or before (date):
detailing the diligent efforts made and the results of such efforts.

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Case plan development

8. a. The county agency solicited and integrated into the case plan the input of the child mother father representative of child's identified Indian tribe other (*specify*): _____.
- b. The county agency did not solicit and integrate into the case plan the input of the child mother father representative of child's identified Indian tribe other (*specify*): _____, and the agency is ordered to do so and submit an updated case plan within 30 days of the date of this hearing.
- c. The county agency did not solicit and integrate into the case plan the input of the child mother father representative of child's identified Indian tribe other (*specify*): _____, and the county agency is not required to do so because these persons are unable, unavailable, or unwilling to participate.

Custody and placement

9. The mother presumed father biological father did not reside with the child at the time the petition was filed and does does not desire custody of the child.
- a. By clear and convincing evidence, placement with the following parent would be detrimental to the safety, protection, or physical or emotional well-being of the child:
 Mother Presumed father Biological father
- b. The factual basis for the findings in this item is stated on the record.
10. **The care, custody, control, and conduct of the child is under the supervision of the county agency for placement**
- a. in the approved home of a relative.
- b. in the approved home of a nonrelative extended family member.
- c. in the foster home in which the child was placed before an interruption in foster care because that placement is in the child's best interest and space is available.
- d. with a foster family agency for placement in a foster family home.
- e. in a suitable licensed community care facility.
- f. in a home or facility in accordance with the federal Indian Child Welfare Act.
11. **Placement with the child's relative, (name):** _____ has been independently considered by the court and is denied for the reasons stated on the record.
12. **The statutory preference order for placement in a suitable Indian home is modified for good cause as**
- a. stated on the record.
- b. described in the social worker's report.
- c. other (*specify*): _____
13. **The child's out-of-home placement is necessary.**
14. **The child's current placement is appropriate.**
15. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-415, item 17 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*): _____

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16. **The child is placed outside the state of California and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. is not the most appropriate placement for the child and is not in the best interest of the child.
 The matter is continued to the date and time indicated in form JV-415, item 17 for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) other (*specify*):

Reunification services

17. **Provision of reunification services to the biological father** will will not benefit the child.
18. **The mother is incarcerated** and is seeking to participate in the Department of Corrections and Rehabilitation community treatment program.
- a. Participation in the program is is not in the child's best interest.
- b. The program is is not suitable to meet the needs of the mother and child.
19. **The following person is incarcerated:**
 mother legal guardian other (*specify*):
 presumed father Indian custodian
 and reasonable reunification services are
- a. granted.
- b. denied, because, by clear and convincing evidence, providing reunification services would be detrimental to the child.

20. **As provided in Welf. & Inst. Code, § 361.5(b), by clear and convincing evidence:**
- a. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § (*specify*):
- 361.5(b)(3) 361.5(b)(7) 361.5(b)(9) 361.5(b)(11) 361.5(b)(13)
 361.5(b)(4) 361.5(b)(8) 361.5(b)(10) 361.5(b)(12) 361.5(b)(15)
- and reunification services are
- (1) granted, because, by clear and convincing evidence, reunification is in the best interest of the child.
- (2) denied.
- b. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(1), and a reasonably diligent search has failed to locate the person. Reunification services are denied.
- c. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(2), and reunification services are
- (1) granted.
- (2) denied, because the person, even with the provision of services, is unlikely to be capable of adequately caring for the child within the statutory time limits.

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20. d. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are
 (1) granted, because
 (a) reunification services are likely to prevent reabuse or neglect.
 (b) the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.
 (2) denied.
- e. The mother legal guardian
 presumed father Indian custodian
 other person who is a legal parent of the child (*name*):
 is a person described in Welf. & Inst. Code, § 361.5(b)(6), and reunification services are
 (1) granted, because, by clear and convincing evidence, reunification is in the best interest of the child.
 (2) denied, because the child or the child's sibling suffered severe sexual abuse or the infliction of severe physical harm by the person, and it would not benefit the child to pursue reunification with that person.
 (3) The factual basis for the findings **in this item** is stated on the record.
- f. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(14). The court advised the person of any right to services and the possible consequences of a waiver. The person executed the *Waiver of Reunification Services (Juvenile Dependency)* (form JV-195), and the court accepts the waiver, the person having knowingly and intelligently waived the right to services. Reunification services are denied.

21. a. **The county agency must provide reunification services**, and the following must participate in the reunification services stated in the case plan:
 Mother Biological father Legal guardian Other (*specify*):
 Presumed father Indian custodian
- b. **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, in legal guardianship, or in an identified placement with a specific goal is (*specify*):

Efforts

22. **The county agency**
- a. has
 b. has not
- complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete any steps necessary to finalize the permanent placement of the child.

23. **The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:**

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Siblings

24. **The child does not have siblings under the court's jurisdiction.**
25. **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

Health and education

26. The mother biological father Indian custodian
 presumed father legal guardian other (*specify*):
 is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

27. a. A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.
- b. A limitation on the right of the parents to make educational decisions for the child is necessary and those rights are limited as stated in *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.

28. a. The child's educational needs are are not being met.
 b. The child's physical needs are are not being met.
 c. The child's mental health needs are are not being met.
 d. The child's developmental needs are are not being met.

29. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are:
 a. stated in the social worker's report.
 b. specified here:

30. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 29:
 a. Social worker.
 b. Parent (*name*):
 c. Surrogate parent (*name*):
 d. Educational representative (*name*):
 e. Other (*name*):

31. The child's education placement has changed since the date the child was physically removed from the home.
 a. The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. The child is enrolled in school.
 c. The child is attending school.

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32. **Child 16 years of age or older:**

- a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to independent living.
- b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.
- c. To assist the child in making the transition to independent living, the county agency must add to the case plan and provide the services
- (1) stated on the record.
- (2) as follows:

Advisements33. **Child under the age of three years or member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C)**

The court informed all parties present at the time of the hearing and further advises all parties that, because the child was under the age of three years on the date of initial removal or is a member of a sibling group:

- a. **Failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services** for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).

Six-month hearing date:

- b. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), the court will consider the following factors in deciding whether to limit reunification services to six months for all or some members of the sibling group:
- Whether the sibling group was removed from parental care as a group;
 - The closeness and strength of the sibling bond;
 - The ages of the siblings;
 - The appropriateness of maintaining the sibling group;
 - The detriment to the child if sibling ties are not maintained;
 - The likelihood of finding a permanent home for the sibling group;
 - Whether the sibling group is currently placed in the same preadoptive home or has a concurrent plan goal of legal permanency in the same home;
 - The wishes of each child whose age and physical and emotional condition permits a meaningful response; and
 - The best interest of each child in the sibling group.
- c. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), if the child is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under section 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

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34. **Child three years of age or older who is not a member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C).** The court informed all parties present at the time of the hearing and further advises all parties that, because the child was three years of age or older with no siblings under the age of three years at the time of initial removal, if the child is not returned to the custody of a parent at the Welf. & Inst. Code, § 366.21(f) permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child or, in the case of an Indian child for whom tribal customary adoption under section 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child.**

Twelve-month permanency hearing date:

35. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, the court found that reunification services were not to be provided to the to the child's parents, legal guardian, or Indian custodian under Welf. & Inst. Code, § 361.5(b).
- c. The county agency and the licensed county adoption agency or the California Department of Social Services acting as an adoption agency will prepare and serve an assessment report as described in Welf. & Inst. Code, § 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.695(f)(19) of the California Rules of Court to any party not present.
- e. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Fam. Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or in an identified placement with a specific goal is (*specify date*):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	HEARING DATE AND TIME: _____
WAIVER OF RIGHTS—JUVENILE DELINQUENCY	CASE NUMBER: _____
Read this form carefully. The judge will ask you if you understand each right, and if you want to give up that right.	

1. I am the youth in this case. My attorney's name is _____
2. I have talked with my attorney about what happened in my case and why I am being charged in this case. I have been told what the District Attorney would have to prove at a trial and the possible ways to fight my case. I want to:
 - a. admit the charge(s), which means that I am agreeing that I did with what the petition says
 - b. plead no contest, which means that I do not want to fight my case at a trial, but I'm not agreeing that I did what the petition says I did. I am letting the judge decide whether the charges are true and know that the judge will probably find them true.
 - c. The charge(s) I am admitting or pleading no contest to are _____

For the items below, write your initials on each line that applies to your case. If you have a question about an item, ask your attorney or the judge before you initial that item.

- | | |
|--|----------------|
| | <i>Initial</i> |
| a. If I plead no contest or submit the petition on the report, the court will probably find that the petition is true. | _____ |
| b. The most that I can be punished for my admitting to these charges is a commitment (be locked up) at the Division of Juvenile Justice or a local confinement facility like juvenile hall or ranch for _____ | _____ |
| c. If I am not a United States citizen, my admission or no contest plea may mean that I will have to leave the country (be deported), and never allowed to return (exclusion) and/or never be allowed to become a United States citizen. | _____ |
| d. If I am declared a ward of the court, a violation of _____ will prohibit me from owning, possessing or having in my custody or control any gun or firearm until I am thirty (30) years old. (Penal Code § 12021(e).) | _____ |
| e. The court may order that my driver's license be restricted, delayed or suspended. | _____ |
| f. I may be required to register pursuant to: | _____ |
| <input type="checkbox"/> 186.30 (gang) | _____ |
| <input type="checkbox"/> 290 (sex offender) | _____ |
| g. My parents or legal guardians and I may have to pay for the things I did that hurt others and caused them to lose money, including paying for things I took, broke or damaged. We may also have to pay fines or fees. | _____ |

4. **Waiver of Rights.** I understand that I have all of the rights below and that by admitting the charge(s) in the petition, or pleading no contest, I will not have a trial or hearing and I will give up all of these rights:
- | | |
|--|----------------|
| | <i>Initial</i> |
| a. The right to a speedy court trial or hearing where the judge would listen to all the evidence and decide if the district attorney has enough evidence to prove that I did what the petition says I did. | _____ |
| b. The right to see, hear and have my attorney question, witnesses, including the officer who wrote the report, and any of the people who provided information that is written in the report. | _____ |
| c. The right to testify or speak up for myself in court. | _____ |
| d. The right to be silent and not say anything that might hurt myself or my case. | _____ |
| e. The right to have witnesses come to court, even if they don't want to, and talk to the judge about my case. | _____ |
| f. The right to appeal, or ask another court to look at, decisions by the judge that I disagree with. | _____ |

CHILD'S NAME: _____	CASE NUMBER: _____
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5. My attorney has explained that when I admit to _____, listed as Count(s) _____, I will have crime(s) on my record that are "Strike" offenses under the Three Strikes Law. I have talked with my attorney what this could mean in my future and how I may have to spend much more time in jail or prison if I get in trouble again because I am admitting to these offenses today. _____ *Initial*
6. I have talked to my lawyer about the charge(s) in the petition, the facts of what happened, and any possible defenses. We have talked about what could happen if I admit, including what could happen if I break the rules of probation. _____

I declare under penalty of perjury, which means that I am guilty of a crime if I am lying, that my attorney has gone over this form with me, explained what it means, and answered my questions. I understand the rights I am giving up, I know what could happen because of my admission, and I am admitting to doing what the petition says because I want to and not because someone is forcing me to do this.

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF YOUTH)

DECLARATION OF INTERPRETER

The primary language of the child is

- Spanish.
 other (*specify*):

I certify that I interpreted this form for the parent or legal guardian in that person's primary language to the best of my ability.

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF INTERPRETER)

DECLARATION OF ATTORNEY

I am the attorney for the child. I have explained and discussed with my client the above rights, the facts of his or her case, possible defenses, and the consequences of his or her decision to enter an admission. Based upon my conversation with the minor I am satisfied that his/her admission to the petition is knowingly, intelligently and voluntarily made and I consent to the admission.

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF ATTORNEY)

ORDER AND FINDING

I have spoken with the child, reviewed the waiver form, and find that the child has been fully informed of the constitutional rights and the consequences of the admission in this case, and understands them. I further find that the child has knowingly, intelligently, and voluntarily waived his/her rights and that there is a factual basis for the minor's admission.

IT IS ORDERED that the minor's admission be accepted and entered in the minutes of this court. This executed waiver of rights form is filed in the records of this court and incorporated in the above-numbered case by reference.

Date:

_____	▶	_____
		JUDICIAL OFFICER

CHILD'S NAME: _____	CASE NUMBER: _____
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INITIAL APPEARANCE HEARING—JUVENILE DELINQUENCY

- Out-of-Custody Appearance In-Custody Appearance and Detention

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

1. Notice has been given as required by law.
2. The child's date of birth is (specify): _____
3. The child to remain out of custody pending next hearing.
4. The child was taken into custody at _____ a.m. p.m. on _____
5. The petition or notice of probation violation was filed at _____ a.m. p.m. on _____
6. Counsel is appointed for the child as follows:
Counsel is to represent the child until relieved by the court in accordance with California Rule of Court, rule 5.663.
7. The information on the face of the petition was confirmed corrected as follows:
8. a. The court inquired of the mother others (names and relationships):

_____ as to the identities and addresses of all presumed or alleged fathers.
- b. The court finds (name): _____ to be the legal biological
 presumed alleged father.
9. The mother father legal guardian other (specify): _____
 were provided with a *Parental Notification of Indian Status* (form ICWA-020) and ordered to complete the form and submit it to the court before leaving the courthouse today.
10. a. The child is may be an Indian child, and the county agency must provide, as required by law, notice of the proceeding and of the tribe's right to intervene. Proof of such notice must be filed with the court.
- b. There is reason to believe that the child may be of Indian ancestry, and the county agency must provide notice of the proceedings to the Bureau of Indian Affairs as required by law. Proof of such notice must be filed with this court.
11. The court advised the child and parent/legal guardian of (check all that apply):
 - a. the contents of the petition.
 - b. the nature and possible consequences of juvenile court proceedings.
 - c. the purpose and scope of the initial hearing.
 - d. the hearing rights described in rule:
 - e. the reason the child was taken into custody.
 - f. the parent or legal guardian's financial obligation and right to be represented by counsel.
 - g. other: _____
12. Reading of the petition and advice of rights were waived by the child the child's counsel.
13. The prosecutor has requested that a hearing be set to determine whether the child is a fit and proper subject under Welfare and Institutions Code section 707(a) or (c).
14. The child through counsel
 - a. denied the allegations of the petition dated: _____
 - b. asked the court to take no action on the petition at this time.
15. For the reasons stated on the record, the petition is dismissed in the interests of justice because the child does not need treatment or rehabilitation.
16. The child through counsel
 - a. admitted the petition as filed as amended (date): _____
 - b. pleaded no contest to the petition as filed as amended (date): _____

CHILD'S NAME: _____	CASE NUMBER: _____
----------------------------	---------------------------

17. The following allegations are dismissed
 Count Number: _____ Statutory violation: _____

18. The court has questioned the child and finds that the child understands the nature of the allegations and the direct consequences of admitting or pleading no contest to the allegations of the petition, and understands and waives the hearing rights that were explained (*check all that apply*):

- a. The right to have a hearing.
- b. The right to cross examine and confront witnesses.
- c. The right to subpoena witnesses and present a defense.
- d. The right to remain silent.
- e. The child's counsel consents to the admission or plea of no contest.
- f. The admission or plea of no contest is freely and voluntarily made.
- g. There is a factual basis for the admission or plea of no contest.
- h. The court finds that the child was under 14 years old at the time of the offense but the child knew the wrongfulness of his or her conduct at the time the offense was committed

i. The following allegations are admitted and found to be true:

Count number:	Statutory violation:	Misdemeanor	Felony	To be specified at disposition	Enhancement (if applicable)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

j. The court has considered whether the above offense(s) should be felonies or misdemeanors.

19. The child is described by section 601 602 of the Welfare and Institutions Code.

20. The maximum confinement time is _____

21. The child's residence is in: _____ County

22. The matter is transferred to: _____ County for disposition and further proceedings.
Juvenile Court Transfer Orders (form JV-550) will be completed and transmitted immediately.

23. The child waives his or her right under *People v. Arbuckle* to have the disposition heard by this judicial officer.

CHILD IN CUSTODY

24. The court has considered the detention report prepared by probation takes judicial notice of the entire court file

and the following documents (*specify*):

and the testimony of (*name*):

and the examination of (*name*):

by the court

25. The child is released from custody to the home of (*name, address, and relationship to child*):

26. A prima facie showing has been made that the child's disposition is by section 601 or 602.

27. The child is detained on home supervision electronic monitor in the home of (*name, address, and relationship to child*):

the terms of which are set forth in the attached *Terms and Conditions (form JV-624)*.

CHILD'S NAME: _____	CASE NUMBER: _____
----------------------------	---------------------------

28. Based on the facts stated on the record, the child is detained in secure custody on the following grounds (*check all that apply*):
- a. The child has violated an order of the court.
 - b. The child has escaped from a court commitment.
 - c. The child is likely to flee the jurisdiction of the court.
 - d. It is a matter of immediate and urgent necessity for the protection of the child.
 - e. It is reasonably necessary for the protection of the person or property of another.
29. Based on the facts stated on the record, continuance in the child's home is contrary to the child's welfare.
30. Based on the facts stated on the record, there are no available services that would prevent the need for further detention.
31. Temporary placement and care is the responsibility of the probation officer.
32. Reasonable efforts to prevent or eliminate the need for detention of the child have have not been made.
33. Probation is ordered to provide services that will assist the child and the family to be reunified.
34. Probation is granted the authority to authorize medical, surgical or dental care pursuant to Welfare and Institutions Code section 739.
35. The child and the parent/legal guardian have been advised that if the child cannot be returned home within the statutory timelines, a proceeding may be scheduled to determine an alternative permanent home, including an adoptive home after parental rights are terminated.
36. The mother father legal guardian are ordered to supply the names and contact information of adult relatives to probation so probation can notify them of the removal and of their options to be included in the child's life.
37. The probation officer must file a case plan within 60 days.
38. Probation is authorized to release the minor at its discretion under the following circumstances:
39. The court accepts transfer from the County of:
40. Other orders:
41. Child Counsel waives time for (*check all that apply*):
 jurisdiction hearing. disposition hearing. other:
42. **The next hearings will be:**
- | | | | |
|-------|-------|-------|------------------|
| Date: | Time: | Dept: | Type of hearing: |
| Date: | Time: | Dept: | Type of hearing: |
43. The child
- a. is ordered to return to court on the above date and time.
 - b. remains detained
44. All prior orders not in conflict, including any terms and conditions of probation, remain in full force and effect.
45. All appointed counsel are relieved.

Date: _____

JUDGE
 JUDGE PRO TEMPORE
 COMMISSIONER
 REFEREE

Countersignature for detention orders (*if necessary*):

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and Address</i>): ATTORNEY FOR (<i>Name</i>): TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS:	FOR COURT USE ONLY
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER:	
APPLICATION FOR ORDER TO VACATE PREFILING ORDER AND REMOVE PLAINTIFF/PETITIONER FROM JUDICIAL COUNCIL VEXATIOUS LITIGANT LIST	CASE NUMBER:

Important, please read: This application must be filed in the court that entered the prefiling order, either in the action in which the prefiling order was entered or in conjunction with a request to the presiding justice or presiding judge to file new litigation under Code of Civil Procedure section 391.7. If you have made an application to vacate a prefiling order that was denied, you may not make another application to vacate in any California court until at least 12 months after the denial.

1. I have been determined to be a vexatious litigant under the California Code of Civil Procedure section 391. This application requests that the court vacate its prefiling order and order my name removed from the statewide vexatious litigant list.

2. The prefiling order or orders were issued in the following case or cases (*list all*):

Court: _____	Court: _____
Case Name: _____	Case Name: _____
Case Number: _____	Case Number: _____
Date prefiling order entered: _____	Date prefiling order entered: _____

Continued on *Attachment* (form MC-025).

3. I request that the prefiling order be vacated under Code of Civil Procedure section 391.8. (Describe below the material change in the facts on which the order was granted and how the ends of justice would be served by vacating the order.)

Continued on *Attachment* (form MC-025).

PLAINTIFF/PETITIONER:	CASE NUMBER:
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- 4. I have not made an application for an order to vacate a prefiling order in the last 12 months.

- 5. *On Attachment (form MC-025) is a list of every case filed in the last five years in which I've been a plaintiff, cross-complainant, or defendant, the approximate number of motions I filed in each case, and the number of requests for new litigation that I have filed. (Include case name, case number, court in which filed, and date filed.)*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(DATE)

(TYPE OR PRINT NAME OF DECLARANT)

 _____

(SIGNATURE OF DECLARANT)

Clerk stamps here when form is filed.

Read the other side before you fill out this form.

① I am asking for permission to pay my small claims judgment in payments.

My name is: _____

Mailing address: _____

Phone: _____

② On (date): _____, the court made the decision (judgment) that:

I owe (total amount): \$ _____

To (name of party you must pay): _____

Mailing address: _____

Phone: _____

③ I am asking for permission to make payments, instead of paying the full amount all at once, because (explain):

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-220, Item 3" at the top.

④ I ask the court to allow me to make payments on the following terms (check and complete all that apply):

a. Payments of \$ _____, on the _____ day of each (month, week, other): _____
Starting (date): _____, until (date of final payment): _____; amount of final payment: \$ _____

b. Other payment schedule (specify): _____

c. The total amount of payments is \$ _____, which includes interest on the unpaid balance of the judgment. The actual amount of that interest may be different if the payments are made late or early. Attach a page that shows how you calculated the interest and write "SC-220, Item 4c" at the top.

d. The total amount of payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment, and the judgment will be paid in full.

e. Other (specify): _____

Warning! If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

▶

Sign here

Fill in the court name and street address:

Superior Court of California, County of

Fill in your case number and case name:

Case Number:

Case Name:

Payments in Small Claims Cases

General Information

If the court ordered you to pay money, you can ask the court for permission to make payments. Here's how:

- Read this form.
- Fill out Form SC-220, *Request to Make Payments*. Fill out one form for each plaintiff or defendant (judgment creditor) you want to make payments to.
- Fill out Form EJ-165, *Financial Statement*.
- File your completed forms with the small claims court clerk.

The court will mail all other plaintiffs and defendants in the case copies of your *Request to Make Payments* and *Financial Statement*, and a blank Form SC-221, *Response to Request to Make Payments*.

The other parties will have 10 days to file a Response. Then, the court will mail all plaintiffs and defendants in the case:

- A decision on the *Request to Make Payments* or
- A notice to go to a hearing.

If the court ordered someone to pay you money, and that person has filed a *Request to Make Payments*...

- Read this form and the *Request*.
- If you agree with the *Request*, you do not need to do anything.
- **If you do not agree with the *Request* or you want to be paid interest, file a *Response* within 10 days after the court clerk mailed the *Request* to you.** (This date is on the *Clerk's Certificate of Mailing*.) If you do not do this, the court may allow the person who owes you money to make payments. And, you may lose your rights to collect interest on the judgment.

To file your Response:

- Fill out Form SC-221, *Response to Request to Make Payments*.
- Have your *Response* served on all other plaintiffs and defendants in your case. (See Form SC-112A, *Proof of Service By Mail*.)
- File your *Response* and *Proof of Service* with the small claims court clerk.

Answers to Common Questions

When is the judgment due?

Unless the court orders otherwise, small claims judgments are due immediately. If the judgment is not paid in full within 30 days, the judgment creditor (person to whom the money is owed) can take legal steps to collect any unpaid amount. (Collection may be postponed if an appeal or a request to vacate (cancel) or correct the judgment is filed.)

Can the judgment debtor make payments?

A party who was ordered to pay a small claims judgment (the judgment debtor) can ask the court for permission to make payments. If the court agrees, the party who is owed money (the judgment creditor) cannot take any other steps to collect the money as long as the payments are made on time.

Is interest added after the judgment?

Interest (10 percent per year) is usually added to the unpaid amount of the judgment from the date the judgment is entered until it is paid in full. Interest can only be charged on the unpaid amount of the judgment (the principal); interest cannot be charged on any unpaid

interest. If a partial payment is received, the money is applied first to unpaid interest and then to unpaid principal.

When the court allows payments, the court often does not order any interest, as long as all payments are made in full and on time. Unless the creditor asks for interest to be included in the order allowing payments, the creditor may lose any claims for interest. But, if the debtor does not make full payments on time, interest on the missed payment or the entire unpaid balance might become due and collectible.

How do I calculate interest?

If you are proposing a payment schedule that includes interest, you need to itemize the principal and interest for each payment. To do this, you can search on the Internet for "free amortization calculator." Enter the total amount of the judgment as the principal, the interest rate of 10 percent per year, the frequency of payments (monthly, weekly, etc.), and the number or length of payments. Print the results showing the payment amount and how each payment is divided between principal and interest. Attach this to your *Request* or *Response*.



Need help?

For free help, contact your county's small claims advisor:
[[local info here](#)]

Or go to "County-Specific Court Information" at www.courts.ca.gov/selfhelp-smallclaims.htm

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- A notice to go to a hearing.

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- Read this form and the *Request*.
- If you agree with the *Request*, you do not need to do anything.
- **If you do not agree with the *Request* or you want to be paid interest, file a *Response* within 10 days after the court clerk mailed the *Request* to you.** (This date is on the *Clerk's Certificate of Mailing*.) If you do not do this, the court may allow the person who owes you money to make payments. And, you may lose your rights to collect interest on the judgment.

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Need help?

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[local info here]

Or go to "County-Specific Court Information" at www.courts.ca.gov/selfhelp-smallclaims.htm

Clerk stamps here when form is filed.

Read both sides of Form SC-220, *Request to Make Payments*, before you fill out this form.

① I am a judgment creditor in this small claims case.

My name is: _____

Mailing address: _____

Phone: _____

② The judgment debtor who asked to make payments in this case is:

(Name): _____

③ I agree to accept the payment plan in the *Request*.

④ I agree to accept a different payment plan (*check and complete all that apply*):

a. Payments of \$ _____
on the _____ day of each (*month, week, other*): _____
Starting (*date*): _____, until (*date of final payment*): _____;
amount of final payment: \$ _____

b. Other payment schedule (*specify*): _____

c. The total amount of payments is \$ _____, which includes interest on the unpaid balance of the judgment. The actual amount of that interest may be different if the payments are made late or early. *Attach a page that shows how you calculated the interest and write "SC-221, Item 4c" at the top.*

d. The total amount of payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment, and the judgment will be paid in full.

e. Other (*specify*): _____

Important! If any payment is not made in full and on time, you may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.

⑤ I do not agree to accept payments because (*explain*):

If your answer will not fit in the space below, check this box and attach your answer on a separate sheet of paper. Write "SC-221, Item 5" at the top.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

▶ _____
Sign here

Clerk stamps here when form is filed.

1 A request to make payments on a small claims judgment was filed by the judgment debtor (name of the person who owes money in this case):

The court orders:

- 2 The Request to Make Payments is denied. The person in 1 must pay the entire judgment immediately.
3 The Request to Make Payments is approved, and the court orders:
a. Payments of \$ on the day of each (month, week, other): starting (date): until (date of final payment): amount of final payment: \$
b. Other payment schedule (specify):
c. The total amount of payments is \$ which includes interest on the unpaid balance of the judgment. The actual amount of that interest may change if the payments are made late or early.
d. The total amount of payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment, and the judgment will be paid in full.
e. If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan and the entire unpaid balance will become due and collectible.
f. Other (specify):

Fill in the court name and street address:

Superior Court of California, County of

Fill in your case number and case name:

Case Number:

Case Name:

4 The court will make orders on this Request after a hearing, which will take place on:

Hearing Date

Time: Dept.

Name and address of court if different than address above:



Request for Accommodations Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). (Civil Code, § 54.8)

5 Other orders (specify):

Continued on Attachment 5.

Date:

Judicial officer



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These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a private postsecondary school violence protection order?

Under California law (Code Civ.Proc., § 527.85), courts can make orders to protect a student from being subjected to credible threats of violence that could be carried out on the school campus or facility. The procedure is only available with regard to students at private postsecondary institutions.

The court can order a person not to:

- Harass or threaten the student;
- Contact or go near the student; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

Who can get this school violence protection order?

The chief administrative officer of a private postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, may request court orders prohibiting credible threats of violence against a student. These orders must be requested by an officer of the institution that the student attends or is applying to.

- A “chief administrative officer” is the principal, president, or highest-ranking official of the private postsecondary educational institution.
- A “postsecondary educational institution” is a private institution of vocational, professional, or postsecondary education.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than a school officer wishes to apply to the court for an order prohibiting harassment, see *Can a Civil Harassment Restraining Order Help Me* (Form **CH-100-INFO**)?.

Who can be protected under this law?

Under this statute, the school officer can obtain a court order on behalf of a student that lasts up to three years. The order can also protect family or household members of the student and other students at the campus or facility who are similarly situated.

- A “student” is an adult currently enrolled in or applying for admission to a private postsecondary educational institution.
- The “respondent” is the person against whom the school official is requesting the protective order.

A school official may seek protection under this law if:

1. The student has suffered a credible threat of violence from any individual;
2. The credible threat of violence, while made off of the campus or facility, can reasonably be construed to be carried out or have been carried out at the school campus or facility;
3. The respondent’s conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

The following forms are needed to start the process:

1. *Petition for Private Postsecondary School Violence Restraining Orders (Petition)* (Form SV-100). This form tells the judge the facts of the case and what orders the petitioner and student want the court to make.
2. *Confidential CLETS Information* (Form CLETS-001). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. *Notice of Court Hearing* (Form SV-109). This form tells the parties when the hearing on the petition will be held.
4. *Temporary Restraining Order (TRO)* (Form SV-110). A TRO can be issued to provide protection to the student until the hearing is held. It can be issued by the judge either with or without notice to the respondent.



5. *Private Postsecondary School Violence Restraining Order After Hearing (Order)* (Form SV-130). This form is signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the school violence prevention proceeding.

6. *Proof of Personal Service* (Form SV-200). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

You can get the forms from legal publishers or on the Internet at www.courts.ca.gov. You also may be able to find them at your local courthouse or county law library.

Do I need a lawyer?

The school official may be represented by a lawyer, but one is not required by law. Because the school official's lawyer will generally be representing the interests of the student, the student usually does not need his or her own lawyer. Whether or not the school official has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

1. Fill in the **Petition** (Form SV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (Form SV-109). If you are seeking a **TRO**, also fill out Form SV-110.
2. If you are seeking orders based on information from your student and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (Form SV-100). You may use Form MC-031, *Attached Declaration*.
3. Fill in *Confidential CLETS Information*, (Form CLETS-001), with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.

4. If you are applying for a **TRO**, fill out Form SV-110 completely. The Petition and declarations must give the details of the credible threats of violence and the problems they have caused your student.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
 - b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (Form SV-109).
 6. If you are seeking a **TRO** (Form SV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.



7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.
If the court issues a TRO, it will last until the hearing date.
8. If the student does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
9. Have the respondent personally **served** with copies of the **Petition** (Form SV-100), the *Notice of Court Hearing* (Form SV-109), the **TRO** (Form SV-110) (if issued), a blank **Response** (Form SV-120), and a blank *Proof of Service of Response by Mail* (Form SV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the student, or anyone to be protected by the order. For help with service, ask the court clerk for Form SV-200-INFO, *What Is "Proof of Personal Service"?*.

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (Form SV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.



11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (Form SV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person’s word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030, *Declaration*.)

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the student or to any other person seeking protection. If anyone is afraid, tell the court officer.

12. If the judge signs the **Order** (Form SV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File Form SV-260, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (Form SV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your student and to each other protected person. Keep at least one copy for yourself.

14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

For help in your area, contact:

[Local information may be inserted.]

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	COURT CASE NUMBER.:
EARNINGS WITHHOLDING ORDER FOR ELDER OR DEPENDENT ADULT FINANCIAL ABUSE (Wage Garnishment)	LEVYING OFFICER FILE NUMBER:

EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.

EMPLOYER: Enter the following date to assist your record keeping.
 Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

Name and address of employer _____ _____ _____	Name and address of employee _____ _____ _____
	Social Security No. <input type="checkbox"/> on form WG-035 <input type="checkbox"/> unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (see instructions on reverse of this form). Pay the withheld sums to the **levying officer** (name and address above).
 If the employee works for you now, you must **give the employee a copy of this order and the *Employee Instructions (form WG-003)*** within 10 days after receiving this order.
Complete both copies of the *Employer's Return (form WG-005)* and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.
2. a. The total amount due is: \$ _____
 b. The amount arising from an elder or dependent financial abuse claim is: \$ _____
 Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the tenth day, **do not** withhold earnings payable for that pay period. **Do** withhold from earnings that are payable for any pay period ending on or after that tenth day.
 Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.
3. The judgment was entered in the court on (date): _____
 The judgment creditor (if different from the plaintiff) is (name): _____
4. The EMPLOYER'S INSTRUCTIONS on the reverse tell you how much of the employee's earnings to withhold each payday. Follow those instructions unless you receive a court order or order from the levying officer giving you other instructions.

Date: _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE)
	<input type="checkbox"/> LEVYING OFFICER <input type="checkbox"/> REGISTERED PROCESS SERVER

(Employer's Instructions on reverse)

INSTRUCTIONS TO EMPLOYER

WG-030

ON EARNINGS WITHHOLDING ORDER FOR FINANCIAL ELDER ABUSE

The instructions in paragraph 1 on the reverse of this form describe your early duties to provide information to your employee and the levying officer.

Your other duties are TO WITHHOLD THE CORRECT AMOUNT OF EARNINGS (if any) and PAY IT TO THE LEVYING OFFICER during the withholding period.

The withholding period is the period covered by the *Earnings Withholding Order* (this order). The withholding period begins ten (10) calendar days after you receive the order and continues until the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice), is withheld.

It may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) an order of higher priority (explained on the reverse of the *EMPLOYER'S RETURN*) is received.

You are entitled to rely on and must obey all written notices signed by the levying officer.

The *Employer's Return* (form WG-005) describes several situations that could affect the withholding period for this order. If you receive more than one *Earnings Withholding Order* during a withholding period, review that form (*Employer's Return*) for instructions.

If the employee stops working for you, the *Earnings Withholding Order* ends after no amounts are withheld for a continuous 180-day period. If withholding ends because the earnings are subject to an order of higher priority, the *Earnings Withholding Order* ends after a continuous two-year period during which no amounts are withheld under the order. **Return the Earnings Withholding Order to the levying officer with a statement of the reason it is being returned.**

WHAT TO DO WITH THE MONEY

The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday. If you wish to pay more frequently than monthly, each payment must be made within 10 days after the close of the pay period.

Be sure to mark each check with the case number, the levying officer's file number, if different, and the employee's name so the money will be applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. Offices are listed in the telephone directory under the U.S. Department of Labor in the U.S. Government listing.

THE CHART BELOW AND THESE INSTRUCTIONS APPLY UNDER NORMAL CIRCUMSTANCES. THEY DO NOT APPLY TO ORDERS FOR THE SUPPORT OF A SPOUSE, FORMER SPOUSE, OR CHILD.

The chart below shows **HOW MUCH TO WITHHOLD** when the federal minimum wage is \$7.25 per hour.

If the **FEDERAL** minimum wage changes in the future, the levying officer will provide a chart showing the new withholding rates.

FEDERAL MINIMUM WAGE: \$7.25 per hour

(Beginning July 24, 2009.)

PAY PERIOD	Daily	Weekly	Every Two Weeks	Twice a Month	Monthly
DISPOSABLE EARNINGS	\$0-\$217.50	\$0-\$217.50	\$0-\$435.00	\$0-\$475.25	\$0-\$942.50
WITHHOLD	None	None	None	None	None
DISPOSABLE EARNINGS	\$217.51-\$290.00	\$217.51-\$290.00	\$435.01-\$580.00	\$475.26-\$628.33	\$942.51-\$1,256.66
WITHHOLD	Amount above \$217.50	Amount above \$217.50	Amount above \$435.00	Amount above \$475.25	Amount above \$942.50
DISPOSABLE EARNINGS	\$290.01 or more	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.67 or more
WITHHOLD	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings	Maximum of 25% of Disposable Earnings

COMPUTATION INSTRUCTIONS

State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee's disposable earnings, which are different from gross pay or take-home pay.

To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), compute the employee's *disposable earnings*.

(A) Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) that is paid by an employer to an employee for personal services. Vacation or sick pay is subject to withholding as it is received by the employee. Tips are generally not included as earnings since they are not paid by the employer.

(B) *Disposable earnings* are the earnings left after subtracting the part of the earnings a state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) federal social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employee retirement systems. Disposable earnings will change when the required deductions change.

After the employee's *disposable earnings* are known, use the chart below to determine what amount should be withheld. In the column listed under the employee's pay period, find the employee's disposable earnings. The amount shown below that is the amount to be withheld. For example, if the employee is paid disposable earnings of \$500 twice a month (semi-monthly), the correct amount to withhold is 25 percent each payday, or \$125.

The chart below is based on the minimum wage that became effective July 24, 2009. It will change when the minimum wage changes. Restrictions are based on the minimum wage effective at the time the earnings are payable.

Occasionally, the employee's earnings will also be subject to a *Wage and Earnings Assignment Order*, an order available from family law courts for child, spousal, or family support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order.

— IMPORTANT WARNINGS —

1. IT IS AGAINST THE LAW TO FIRE THE EMPLOYEE BECAUSE OF *EARNINGS WITHHOLDING ORDERS* FOR THE PAYMENT OF ONLY ONE INDEBTEDNESS. No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are represented in that judgment), the employee may not be fired.
2. IT IS ILLEGAL TO AVOID AN *EARNINGS WITHHOLDING ORDER* BY POSTPONING OR ADVANCING THE PAYMENT OF EARNINGS. The employee's pay period must not be changed to prevent the order from taking effect.
3. IT IS ILLEGAL NOT TO PAY AMOUNTS WITHHELD FOR THE *EARNINGS WITHHOLDING ORDER* TO THE LEVYING OFFICER. Your duty is to pay the money to the levying officer who will pay the money in accordance with the law that applies to this case.

IF YOU VIOLATE ANY OF THESE LAWS YOU MAY BE HELD LIABLE TO PAY CIVIL DAMAGES AND YOU MAY BE SUBJECT TO CRIMINAL PROSECUTION!

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a workplace violence protective order?

Under California law (Code Civ. Proc., § 527.8), courts can make orders to protect an employee from suffering unlawful violence or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten the employee;
- Contact or go near the employee; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

Employers can obtain court orders prohibiting unlawful violence or credible threats of violence against their employees. To get an order under this law, the petitioner **must** be an employer. An employer is defined as:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of “employer” as defined above.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than the employer wishes to apply to the court for an order prohibiting harassment, see *Can a Civil Harassment Restraining Order Help Me (Form CH-100-INFO)?*.

Who can an employer protect under this law?

Under this statute, an employer can obtain a court order that lasts up to three years on behalf of an employee. The order can also protect certain family or household members of the employee and other employees at the employee’s workplace or at other workplaces of the employer.

California law defines “employees” as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay; whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation; and whether the service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer’s work site.

The “respondent” is the person against whom the employer is requesting the protective order.

An employer may seek protection under this law if:

1. An employee has suffered unlawful violence or a credible threat of violence from any individual;
2. The unlawful violence was carried out in the workplace, or the threat of violence can reasonably be construed to be carried out in the workplace;
3. The respondent’s conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

1. *Petition for Orders Workplace Violence Restraining Orders (Petition)* (Form WV-100). This form tells the judge the facts of the petitioner’s case and what orders the petitioner and employee want the court to make.
2. *Confidential CLETS Information* (Form CLETS-001). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. *Notice of Court Hearing* (Form WV-109). This form tells the parties when the hearing on the petition will be held.



4. *Temporary Restraining Order (TRO)* (Form WV-110). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.

5. *Workplace Violence Restraining Order After Hearing (Order)* (Form WV-130). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the workplace violence prevention proceeding.

6. *Proof of Personal Service* (Form WV-200). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

You can get the forms from legal publishers or on the Internet at *www.courts.ca.gov*. You also may be able to find them at your local courthouse or county law library.

Do I need a lawyer?

The employer may be represented by a lawyer, but one is not required by law unless the employer is a corporation. Because the employer’s lawyer will generally be representing the interests of the employee, the employee usually does not need his or her own lawyer. Whether or not the employer has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

1. Fill in the **Petition** (Form WV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (Form WV-109). If you are seeking a **TRO**, also fill out Form WV-110.
2. If you are seeking orders based on information from your employee and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (Form WV-100). You may use Form MC-031, *Attached Declaration*.

3. Fill in *Confidential CLETS Information (Form CLETS-001)* with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.
4. If you are applying for a **TRO**, fill out Form WV-110 completely. The petition and the declarations must give the details of the recent acts of violence or credible threats of violence and the problems they have caused your employee.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
- b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent’s attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent’s attorney, specifying the efforts made to contact them; or
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent’s attorney.

5. Take your original completed forms and copies to the clerk’s office at the court. You will need at least three copies: one for you, one for the employee, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies “file-stamped” to you. The clerk will write your hearing date on the *Notice of Court Hearing* (Form WV-109).

6. If you are seeking a **TRO** (Form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.
7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff’s office) that might be called on to enforce the order. If so, do so immediately.

If the court issues a TRO, it will last until the hearing date.

8. If the employee does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
9. Have the respondent personally **served** with copies of the **Petition** (Form WV-100), the *Notice of Court Hearing* (Form WV-109), the **TRO** (Form WV-110) (if issued), a blank **Response** (Form WV-120), and a blank *Proof of Service of Response by Mail* (Form WV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff’s department, or any person 18 years of age or older, other than you, the employee, or anyone to be protected by the order. For help with service, ask the court clerk for Form WV-200-INFO, *What Is “Proof of Personal Service”?*.

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (Form WV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return “file-stamped” copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (Form WV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030, *Declaration*.)

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

12. If the judge signs the **Order** (Form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File Form **WV-260**, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (Form WV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.

14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

WV-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

① **Petitioner (Employer)**

a. Name: _____
 Lawyer for Petitioner (if any for this case):
 Name: _____ State Bar No.: _____
 Firm Name: _____

b. Address (If you have a lawyer, give your lawyer's information.):
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____

② **Employee in Need of Protection**

Full Name: _____

③ **Respondent (Person From Whom Protection Is Sought)**

Full Name: _____

The court will complete the rest of this form.

④ **Notice of Hearing**

A court hearing is scheduled on the request for restraining orders against the respondent:

Hearing Date

Date: _____ Time: _____
 Dept.: _____ Room: _____

Name and address of court if different from above:

⑤ **Temporary Restraining Orders** (Any orders granted are on Form WV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form WV-100, Request for Workplace Violence Restraining Orders, are (check only one box below):

(1) All GRANTED until the court hearing.

(2) All DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3) Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov
 Revised January 1, 2012; Mandatory Form
 Code of Civil Procedure, § 527.8
 Approved by CCLJ

Notice of Court Hearing
 (Workplace Violence Prevention)

WV-109, Page 1 of 3

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.



Request for Accommodations
 Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

For help in your area, contact:
 [Local information may be inserted.]