

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee action requested [Choose from drop down menu below]:
Circulate for comment (out of cycle)

Rules Committee Meeting Date: 11/02/21

Title of proposal: Civil Practice and Procedure: Remote Appearances

Proposed rules, forms, or standards (include amend/revise/adopt/approve):

Adopt Cal. Rules of Court, rule 3.672; amend rules 3.670, 5.9, 5.324, and 5.531; adopt forms CIV-021, CIV-022, JV-145, and JV-146; and revoke forms CIV-020, FL-679, and FL-679-INFO.

Committee or other entity submitting the proposal:

Ad Hoc Committee on Civil Remote Appearance Rules

Staff contact (name, phone and e-mail): Anne M. Ronan, 415-865-8933, anne.ronan@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Approved by Rules Committee date: N/A

Project description from annual agenda: This project is being done by an ad hoc advisory committee appointed by the Chief Justice to develop a recommendation for rules to comply with new Code of Civil Procedure section 367.75, which goes into effect January 1, 2021. That new code section authorizes parties in civil cases to appear remotely, and mandates that the council adopt rules to implement the statute.

If requesting July 1 or out of cycle, explain:

Because SB 241, which enacts the new section 367.75 authorizing remote appearances in civil cases, was signed into law on September 23, 2021 and goes into effect January 1, 2022, there was not time to develop and recommend rules and forms on the council's usual rules cycle. Because the ad hoc committee wants to ensure that stakeholders can provide comments on the proposal, it is asking the Rules Committee to approve a comment period through November 15, 2021. This should allow the committee to review and respond to the comments and make a final recommendation to the council before January 1, 2022.

Additional Information: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC Staff regarding form translations:

- *List any amended forms in this proposal that have already been translated:* n/a
- *List any new forms that require translation by statute or that you will request to be translated:* CIV-021 and CIV-022; JV-145 and JV-146.

JUDICIAL COUNCIL OF CALIFORNIA

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www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT ITC SP21-8

Title

Civil Practice and Procedure: Remote
Appearances

Action Requested

Review and submit comments by Monday,
November 15, 2021.

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 3.672;
amend rules 3.670, 5.9, 5.324, and 5.531;
adopt forms CIV-021, CIV-022, JV-145, and
JV-146; and revoke forms CIV-020, FL-679,
and FL-679-INFO.

Proposed Effective Date

January 1, 2022

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Proposed by

Ad Hoc Committee on Civil Remote
Appearance Rules
Hon. Marsha Slough, Chair

Executive Summary and Origin

The Ad Hoc Committee on Civil Remote Appearance Rules recommends that the Judicial Council adopt rules of court and forms to implement new Code of Civil Procedure section 367.75, enacted in Senate Bill 241 (Stats. 2021, ch. 214). That statute, which goes into effect January 1, 2022, authorizes remote proceedings in all civil cases, with special requirements applicable to juvenile dependency actions. The statute also mandates that the council adopt rules regarding certain deadlines and procedures, which are reflected in this proposal. In addition, the committee recommends forms to facilitate parties and courts in conducting proceedings remotely. The committee also recommends amending the current telephone appearance rules, to suspend them in part while these rules are in place, and revoking the current telephone appearance forms, which will be replaced by the new forms proposed here.

Background

Current rules

The Judicial Council and courts have long had the goal of improving access to the courts, including increasing ease of access through the use of remote technology where appropriate. The arrival of the COVID-19 pandemic made such access even more important. During the early weeks of the pandemic, the council adopted emergency rule 3, effective April 6, 2020,

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

authorizing courts to conduct proceedings remotely, with parties appearing at court proceedings by videoconference or expanded use of telephone appearances. For many months, remote proceedings have been an important means of balancing access to justice and the public health needs of parties, court staff and judicial officers, and the public generally. Now the Legislature, at the urging of stakeholders including the council, has enacted Senate Bill 241 (Link A),¹ authorizing, among other things, remote proceedings in all civil cases under new section 367.75 of the Code of Civil Procedure.²

Currently, emergency rule 3 authorizes courts to conduct judicial proceedings remotely. As discussed below, effective January 1, 2022, new section 367.75 will apply to remote proceedings in civil cases. The new section also requires the Judicial Council to adopt rules of court to implement certain provisions of the statute and to amend the current rules to conform to the new statute. Proposed rule 3.672 and the amendments to other rules proposed in this invitation to comment are intended to serve that purpose.

Effective January 1, 2022, in civil proceedings, courts will need to comply with section 367.75 and the rules of court proposed in this invitation to comment. To avoid any conflict with the new rules or any ambiguity, the chairs of the council's internal committees will be submitting a separate report to the Judicial Council proposing an amendment to emergency rule 3 that would exclude civil proceedings from the scope of the rule effective January 1, 2022.³

New law

Senate Bill 241 enacts new Code of Civil Procedure section 367.75, effective from January 1, 2022, to July 1, 2023. The provisions of the bill that are addressed by the proposed new rule are summarized here:

- A party (or witness)⁴ may appear through the use of remote technology in all civil cases (other than juvenile dependency) after providing notice to the court and all other parties. Advance permission of the court is required only in juvenile dependency actions. (§ 367.75(a) & (h).)
- After receiving such notice or request, the court has the discretion to require an in-person appearance only if:
 - The court does not have the requisite technology to handle a remote appearance (§ 367.75(b)(1));

¹ Available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB241.

² All further statutory references are to the Code of Civil Procedure unless otherwise noted.

³ The proposed amendment would also clarify that emergency rule 3 still applies to criminal proceedings, as there has been no legislative enactment that applies in criminal proceedings.

⁴ *Party* is defined in the new statute, and in the proposed rule, as including any nonparty subject to discovery.

- The court determines, on a hearing-by-hearing basis, that the in-person presence of the party or witness would “materially assist in the determination” of the specific proceeding or in the effective management or resolution of the case. (§ 367.75(b)(3)); or
- At a particular conference, hearing or proceeding, the quality of the technology or audibility is preventing or inhibiting any of the following:
 - The court’s effective management or resolution of the matter;
 - The court reporter’s ability to make an accurate record;
 - Counsel’s ability to provide effective representation; or
 - An interpreter’s ability to provide language access.
(§ 367.75(b)(2), (4)–(6).)
- In addition, for evidentiary hearings or trials generally:
 - The court, as well as a party, may decide to conduct a trial or evidentiary hearing remotely; and
 - A party may oppose that decision by a court or another party by showing why remote testimony or appearance should not be allowed.
(§ 367.75(d).)
- For juvenile dependency proceedings only:
 - Any person entitled to be present at a proceeding may request to appear remotely (§ 367.75(h)(1));
 - A party may file a request for the court to compel the physical presence of a party or a witness (§ 367.75(h)(2)); and
 - A witness, including a party who is testifying, must obtain the consent of all the parties before a remote appearance will be permitted (§ 367.75(h)(2)).

Section 367.75(k) provides that the council must adopt rules addressing the following points:

- Deadlines by which a party must notify the court and the other parties of their request to appear remotely.
- Procedures and standards for a judicial officer to determine when a conference, hearing, or proceeding may be conducted through the use of remote technology. The procedures and standards must require that a judicial officer give consideration to the limited access to technology or transportation that a party or witness might have.

The Chief Justice formed the Ad Hoc Committee on Civil Remote Appearance Rules⁵ to develop a recommendation for rules to comply with that mandate and to facilitate courts and parties in initiating and conducting remote proceedings under new section 367.75.

⁵ The ad hoc committee includes as members representatives from the Advisory Committee on Providing Access and Fairness, Civil and Small Claims Advisory Committee, Family and Juvenile Law Advisory Committee, Probate and Mental Health Advisory Committee, Criminal Law Advisory Committee, Trial Court Presiding Judges Advisory Committee, Court Executives Advisory Committee, and the council’s Technology Committee.

The Proposal

As mandated by statute, proposed new rule 3.672⁶ addresses deadlines and procedures for parties to provide notice (or a request in juvenile dependency proceedings) to the court and to other parties of their intent to appear remotely, including deadlines for opposing remote testimony if appropriate, and the procedures and standards to be applied by courts. The proposed forms would be served and filed by parties to provide such notice (or to make a request) and, where appropriate, to oppose the remote appearance or testimony. The provisions of the proposed new rule, amended rules, and new forms are summarized below.

New rule 3.672

Remote appearances authorized in all civil cases

In the Application subdivision, the rule echoes the statute: that the rule applies in all civil cases except when an in-person appearance is otherwise required by law.⁷ This includes proceedings that must, by law, be held confidentially. The Application subdivision notes, however, that the rule (like the statute) does not modify the confidentiality requirements of those proceedings that must be kept confidential. If a proceeding is confidential when conducted in person, it remains confidential when conducted remotely.⁸

Court's discretion

The statute is very broad in its application—providing that in all civil cases (except juvenile dependency), when a party gives notice to the court and other parties of the intent to appear remotely, the party may appear remotely.⁹ At the same time, the statute allows a court to require an in-person appearance even after that notice has been provided, if technology does not support a remote appearance or does not support it well enough for the court, court reporter, interpreter, or counsel to be effective.¹⁰ It also provides broad discretion for a court to determine that “an in-person appearance would materially assist” either in determining the outcome of a particular proceeding or in the effective management and resolution of the case as a whole.¹¹ This authorization for a court to require an appearance in person is restated in the rule.¹²

⁶ All rule references are to the California Rules of Court.

⁷ § 367.75(a); proposed rule 3.672(b)(1) & (c)(1) (*Civil case* is as defined in rule 1.6(3) (“Civil cases include all cases except criminal cases and petitions for habeas corpus”))

⁸ Proposed rule 3.672(b)(2) & (h)(1)(D). The concern regarding confidentiality is also addressed in the new forms, in which the parties must agree to preserve the confidentiality of the remote proceeding to the same extent as required for an in-person appearance. (Proposed forms CIV-021 and JV-145, at item 5.)

⁹ § 367.75(a).

¹⁰ § 367.75(b)(1), (2) & (4)–(6).

¹¹ § 367.75(b)(3).

¹² Proposed rule 3.672(d).

Local court procedures for giving notice of remote appearance

As noted above, many courts have been conducting remote proceedings and allowing remote appearances by parties under emergency rule 3 since early in the COVID-19 pandemic. Some technologically advanced courts have been able to provide for remote appearances with only a short amount of advance notice from the parties, sometimes as short as a few hours. Many are able to accept such notice online, with links on their websites to allow parties to indicate the desire for a remote appearance. The committee believes the easier procedures for appearing remotely should be encouraged and does not intend this rule to make it harder for parties to provide notice of intent to appear remotely. With that in mind, the committee is proposing that these rules provide the default deadlines and procedures when courts do not have local rules that allow less advance notice or provide an online method for giving such notice, so long as the local process complies with the statutory requirements (e.g., that other parties in the case must also be given notice of the remote appearance; that, for evidentiary hearings or trials, there is a process for opposing remote testimony or remote appearances; and that there is a process for self-represented parties to agree to appear remotely).¹³ The rule is intended to act as a guardrail, to set the outer limits of the time and manner of notice required and the way in which it should be given. The one exception is for jury trials, when the statewide rule would preempt local rules.

The committee acknowledges that because the statute, and this rule, will go into effect January 1, 2022, many courts may not yet have local rules in place on remote appearance, or may need to amend them to meet the statutory requirements. To provide time for that to occur, the proposed rule would allow existing procedures to remain in place for 90 days if compliant with statute, and also exempts the local remote rules from the requirements of rule 10.613 requiring 45 days' advance notice of new rules.¹⁴ The notice of new local remote appearance rules and the rules themselves must be displayed prominently on the court's website.

Statewide procedures for giving notice of or requesting remote appearance

The proposed rule sets deadlines and procedures for providing notice of intent (or, in juvenile dependency cases, requesting permission) to appear remotely in courts where there are not local rules with shorter timelines. The procedures in the proposed rule, following the statute, distinguish between nonevidentiary hearings;¹⁵ evidentiary hearings and trials, for which courts may also provide notice of remote proceedings;¹⁶ and juvenile dependency proceedings, which are subject to different statutory requirements.¹⁷

Nonevidentiary proceedings—subdivision (f)

For nonevidentiary proceedings, proceedings in which no oral testimony under oath may be provided, including law and motion hearings and status conferences, the rules parallel the current

¹³ Proposed rule 3.672(e)(1); see § 367.75(a), (d)(1) & (g).

¹⁴ Proposed rule 3.672(e)(2) & (3).

¹⁵ Proposed rule 3.672(f).

¹⁶ Proposed rule 3.672(g).

¹⁷ Proposed rule 3.672(h).

telephone appearance rules. The party choosing to appear remotely is required to provide notice to the court and other parties¹⁸ by serving and filing a *Notice of Remote Appearance* (form CIV-021).¹⁹ Less formal notice requirements are required for a proceeding set on less than three days' notice (including most ex parte applications).²⁰ Note that if a party misses these deadlines, the party may still ask the court for permission to appear remotely.²¹

Evidentiary hearings and trials—subdivision (g)

There are some provisions in section 367.75(d)(1) that apply only to remote proceedings at trials and evidentiary hearings (which are defined in the rule as hearings in which oral testimony—a spoken statement under oath and subject to examination—may be given²²).

First, for evidentiary hearings and trials, a court may on its own motion decide to conduct proceedings remotely.²³ The new rule provides that the court may do that either by directly notifying the parties in a particular action, or by local rule that is as compliant with the statute.²⁴

Second, for those types of proceedings, whether a party gives notice of an intent to appear remotely or the court has chosen on its own to conduct the proceeding remotely, any party may oppose by making a showing as to why a remote appearance or testimony should not be allowed.²⁵ Because of this, and because such proceedings may involve operational details that will need to be worked out relating to exhibits and testimony, the rule provides a longer notice period for appearing remotely at an evidentiary hearing or trial for which a party gives or receives at least 15 days' notice of the trial or hearing date (including in small claims cases).²⁶ For proceedings held with less notice, including, for example, hearings on requests for protective orders, the shorter time frame and procedures for nonevidentiary proceedings apply.²⁷ The rule also provides deadlines for opposing the remote appearance or testimony by serving and filing

¹⁸ Section 367.75(a) requires that a party provide notice to the court and all other parties that it wants to appear remotely.

¹⁹ Proposed rule 3.672(f)(2)(A). The committee asks for specific comments on whether this form should be mandated, or if the rule should state that a party may give the court and other parties any written notice or even oral notice of the intent to appear remotely.

²⁰ Proposed rule 3.672(f)(2)(B).

²¹ Proposed rule 3.672(i).

²² Proposed rule 3.672(c)(2) & (3).

²³ § 367.75(d)(1).

²⁴ Proposed rule 3.672(g)(1). The statute requires, among other things, that self-represented litigants may appear remotely if they agree to do so. (§ 367.75(g).)

²⁵ § 367.75(d)(1).

²⁶ Proposed rule 3.672(g)(2)(B).

²⁷ Proposed rule 3.672(g)(2)(C).

the proposed new *Opposition to Remote Proceeding at Evidentiary Hearing or Trial* (form CIV-022).²⁸

As with nonevidentiary proceedings, if a party misses these notice deadlines, they may still ask the court for permission to appear remotely.²⁹

The proposed rule also states what the court must consider in determining whether to conduct the proceeding remotely, in whole or in part, if opposition has been raised, including the factors in section 367.75(b) and those factors that section 367.75(k) mandates be included in the rule (lack of access to technology or transportation).³⁰

Juvenile dependency proceedings—subdivision (h)

The new statute includes provisions applicable only to juvenile dependency proceedings,³¹ which are addressed in subdivision (h) of the rule.³² With the exception of the notice procedures in subdivisions (e) and (f), subdivision (h) applies the rule’s general provisions to juvenile dependency proceedings. The notice provisions in (e) and (f) do not apply because section 367.75(h) departs from the provisions applicable to civil cases in that (1) it authorizes *any person entitled to be present*, and not only a named party or person subject to discovery, to appear remotely; (2) it requires a person wanting to appear remotely to *request* to appear remotely instead of giving notice of intent;³³ (3) it does not expressly distinguish evidentiary hearings and trials from nonevidentiary proceedings, although it does require a person who will be providing testimony and who wants to appear remotely to have obtained the consent of all other parties;³⁴ and (4) it allows parties to ask the court to compel the in-person appearance of any other party or witness.³⁵

These differences are reflected in the provisions in subdivision (h) of the rule. Persons wishing to appear must serve and file *Request to Appear Remotely—Juvenile Dependency* (form JV-145) within the time frames set out in the rule, except that a person other than the petitioner who is seeking to appear remotely at a detention hearing may make the request orally.³⁶ The rule

²⁸ Proposed rule 3.672(g)(3)(A). The committee seeks comments on whether the form should be mandatory or whether the rule should allow individually prepared pleadings to make a showing to the court as to why remote testimony or appearance should not be allowed.

²⁹ Proposed rule 3.672(i).

³⁰ Proposed rule 3.672(g)(3)(B).

³¹ § 367.75(h).

³² Because section 367.75(h) applies *only* to juvenile dependency proceedings, leaving juvenile justice proceedings subject to the rest of section 367.75, the rule draws that same distinction. (Proposed rule 3.672(h)(1)(E).)

³³ § 367.75(h)(1) (note that the request to appear remotely may be made by “any *person* authorized to be present” at the proceeding).

³⁴ § 367.75(h)(2).

³⁵ *Ibid.*

³⁶ Proposed rule 3.672(h)(2). A detention hearing must be held the court day after the petition is filed. Because the petitioner is a governmental agency, the agency bears the burden of proving the need for continued detention, and

provides that if the request is made by a party or witness who will be testifying at the proceeding, then it must reflect the consent of all the other parties who have appeared.³⁷ A party who opposes the remote appearance of another party to appear remotely may serve and file *Request to Compel Physical Presence—Juvenile Dependency* (form JV-146).³⁸

Because the grounds for granting or denying the request to appear remotely in most circumstances are not specified in the statutory subdivision regarding juvenile dependency proceedings, the rule applies the standards generally applicable in the statute.³⁹

Other rule provisions

Subdivision (i)(1) allows persons who gave notice of their intent to appear remotely to change their mind and show up in person, so long as, for an evidentiary hearing or trial, they provide reasonable notice to all other parties and the court. Subdivision (i)(2) allows persons who did not meet the notice requirements to still ask to appear remotely, if they have good cause or unforeseen circumstances, or if it is in the interest of promoting access to justice. Similar provisions are in the current telephone appearance rule.

Subdivision (j) addresses fees, and specifies when not to charge them.

Subdivision (k) allows courts to designate vendors and platforms for remote appearances, and subdivision (l) requires courts to publish information about them, so parties know on what platform they can give notice about appearing.

Amended rules

As discussed above, new section 367.75 authorizes remote appearances in all civil cases from January 1, 2022, through June 30, 2023; applies to all types of proceedings within those cases; and allows remote appearances generally, not distinguishing between telephonic (audio alone) and videoconference (which includes both audio and video, or either) platforms.

The current telephone appearance rule, on the other hand (rule 3.670, which implements section 367.5), is limited to general civil actions plus unlawful detainer and probate cases, focuses on remote appearances in nonevidentiary hearings, and addresses appearances by telephone only. Because this rule under section 367.5 is more narrowly prescribed than what is authorized under

the detention hearing often sets the course for the rest of the proceedings, it is appropriate to require the petitioner to appear in person. Because the hearing must be set less than one court day after the petition is filed, subdivision (g) of the rule allows other persons authorized to be present to request permission to appear remotely, either orally or in writing, before the hearing begins. If the court determines that an appearance in person is required, it may continue the hearing or set the matter for rehearing. (See Welf. & Inst. Code, §§ 321, 322.)

³⁷ Proposed rule 3.672(h)(1)(D); see form JV-145 at item 4. The committee seeks comments on whether the rule should require that this consent—which is mandated by section 367.75(h)(2)—be obtained before the form may be filed and indicated on the form, as currently proposed, or whether the rule should require a party who does not consent to the witness’s remote appearance to file a request to compel the witness’s physical appearance.

³⁸ Proposed rule 3.672(h)(3).

³⁹ Proposed rule 3.672(h)(4); § 367.75(b) & (e)(2).

the new statute, the proposal would suspend the provisions in the current telephone appearance rule that limit remote hearings and provide specific rules regarding notice of such hearings, noting that they will be replaced with the provisions in the new rule for the period in which new section 367.75 is in effect (from January 1, 2022, to July 1, 2023).⁴⁰ Similar amendments have been proposed to the current family and juvenile law rules relating to telephone appearances, because remote appearances in those actions also are covered by the provisions of new section 367.75.

Forms

The committee is proposing four new forms:

- *Notice of Remote Appearance* (form CIV-021)
- *Opposition to Remote Proceeding at Evidentiary Hearing or Trial* (form CIV-022)
- *Request to Appear Remotely—Juvenile Dependency* (form JV-145)
- *Request to Compel Physical Presence—Juvenile Dependency* (form JV-146)

As noted above, the proposed rules require that the CIV and JV forms be used to provide notice of a remote appearance in civil cases generally, to request remote appearance in juvenile dependency proceedings, and to oppose remote appearance or testimony as appropriate.

The forms are straightforward and short. The notice (form CIV-021) identifies who intends to appear remotely, at what proceeding, by what method (audio only or videoconference), and, for evidentiary hearings and trials, what other portions, if any, a party wants conducted remotely.⁴¹ It ends with an agreement that the party will preserve the confidentiality of the proceeding to the same extent as would be required for an in-person appearance. There are instructions and deadlines included on the form. The request (JV-145) is very similar, but for persons requesting to testify remotely includes an item to reflect the consent of the other parties to that remote testimony. As proposed, these two forms are mandatory in any courts that do not have local rules setting out alternative procedures for providing notice to the court and other parties of a party or person's intent to appear remotely or request to do so in a juvenile dependency case.

⁴⁰ Those provisions in rule 3.670 that address procedures relating to telephone appearances that have been permitted have been left in place. The provisions that would remain in effect, in addition to (a), Policy favoring telephone appearances, and (b), Application, are the following:

- (j) Provision of telephone appearance services
- (k) Telephone appearance fee amounts; time for making requests [late fees]
- (l) Fee waivers
- (m) Title IV-D proceedings
- (n) Audibility and procedure
- (o) Reporting

⁴¹ Such a request is permitted under section 367.75(d)(1).

The forms for opposing a remote appearance or testimony (form CIV-021) or asking the court to compel a physical appearance (form JV-146) are similarly brief, identifying who is opposing the remote testimony or appearance, at what proceeding, and why. Each also contains instructions.

Note that while no optional form ordering an in-person appearance is being recommended at this point, the committee seeks comments on whether such a form would be helpful to the courts.

In addition to recommending adoption of the four new forms, the committee is recommending that the council revoke the current civil and family law telephone appearance forms:

- *Notice of Intent to Appear by Telephone* (form CIV-020)
- *Request for Telephone Appearance* (form FL-679)
- *Information Sheet—Request for Telephone Appearance* (form FL-679-INFO)

As of January 1, 2022, these forms will no longer conform to the law and rules.

Alternatives Considered

Because new section 367.5(k) mandates that the council adopt rules of court on certain topics under the statute, the committee did not consider the alternative of taking no action.

The committee considered not creating any forms, but concluded that, without forms for notice of or a request for remote appearance, it would be more difficult for parties, especially self-represented litigants, to know how to give notice to other parties and the court. And it would be difficult for them to draft their own opposition to such appearance in the short time frame provided.

The committee is still considering whether the forms should be mandatory and is seeking comments on the alternative of optional forms, for both the CIV and JV forms proposed.

Fiscal and Operational Impacts

The new statute will have significant operational impacts on the courts, with new statutory provisions that remote appearances, other than at evidentiary hearings and trials, must be triggered by the notice of a party intending to appear, rather than at the direction of the court; that parties in evidentiary hearings and trials have the opportunity to oppose remote appearances; and parties in juvenile dependency proceedings must make a request that the court must rule on before they appear remotely; and that self-represented parties must agree to any remote appearance.

Those are impacts of the statute. The intent of the rule is to help provide consistency for stakeholders and justice partners, to support understanding and compliance with the rules by creating standard forms for the notice that must now be provided, and by providing courts with the flexibility for local procedures that meet or exceed the rule's requirements.

Request for Specific Comments

In addition to comments on the proposal as a whole, the committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Will the proposed timelines for providing notice of remote appearance to courts and other parties work for litigants? And for the courts?
- Is written notice of intent to appear needed in all circumstances, or would a rule requiring oral notice to the court and parties be sufficient? If so, how should proof of such notice—which is required by statute—be provided to the court?
- Should the proposed forms (or any of them) be mandatory in cases without local court procedures, as proposed in the rule, or optional, making it possible for parties to serve and file individually crafted documents?
 - *Notice of Remote Appearance* (form CIV-021)
 - *Opposition to Remote Proceeding at Evidentiary Hearing or Trial* (form CIV-022)
 - *Request to Appear Remotely—Juvenile Dependency* (form JV-145)
 - *Request to Compel Physical Presence—Juvenile Dependency* (form JV-146)
- Should a new optional order form be approved, for requiring an in-person appearance in either the CIV or the JV form set?
- Should form JV-145 require that all parties' consent to a witness's requested remote appearance—as mandated by section 367.75(h)(2)—be obtained before the form may be filed and indicated on the form, as currently proposed, or should the rule and form JV-146 instead require a party who does not consent to the witness's remote appearance to file that form to indicate lack of consent?

The committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 3.670, 3.672, 5.9, 5.324, and 5.531, at pages 12–24
2. Forms CIV-021, CIV-022, JV-145, and JV-146, at pages 25–31
3. Revoked forms CIV-020, FL-679, and FL-679-INFO, at pages 32–35
4. Link A: Senate Bill 241, including new Code of Civil Procedure section 367.75, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB241

Rule 3.672 of the California Rules of Court would be adopted, and rules 3.670, 5.9, 5.324, and 5.531 amended, effective January 1, 2022, to read:

1 **Title 3. Civil Rules**

2
3 **Division 6. Proceedings**

4
5 **Chapter 3. Hearings, Conferences, and Proceedings**

6
7 **Rule 3.670. Telephone appearance**

8
9 **(a) Policy favoring telephone appearances**

10
11 The intent of this rule is to promote uniformity in the practices and procedures
12 relating to telephone appearances in civil cases. To improve access to the courts
13 and reduce litigation costs, courts should permit parties, to the extent feasible, to
14 appear by telephone at appropriate conferences, hearings, and proceedings in civil
15 cases.

16
17 **(b) Application**

18
19 Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to July
20 1, 2023, during which time the provisions in rule 3.672 apply in their place. This
21 rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer
22 and probate proceedings.

23
24 **(c)–(q) *****

25
26
27 **Rule 3.672. Remote proceedings**

28
29 **(a) Purpose**

30
31 The intent of this rule is to promote uniformity in the practices and procedures
32 relating to remote appearances and proceedings in civil cases. To improve access to
33 the courts and reduce litigation costs, to the extent feasible courts should permit
34 parties to appear remotely at conferences, hearings, and proceedings in civil cases
35 consistent with Code of Civil Procedure section 367.75.

36
37 **(b) Application**

38
39 (1) This rule applies to all civil cases, except when an in-person appearance is
40 otherwise required by law. Provisions that apply specifically to juvenile
41 dependency proceedings are set out in (h) below.
42

1 (2) Nothing in this rule is intended to modify current rules, statutes, or case law
2 regarding confidentiality or access to confidential proceedings.

3
4 **(c) Definitions**

5
6 As used in this rule:

7
8 (1) “Civil case” is as defined in rule 1.6(3), including all cases except criminal
9 cases and petitions for habeas corpus.

10
11 (2) “Evidentiary hearing or trial” is any proceeding at which oral testimony may
12 be provided.

13
14 (3) “Oral testimony” is a spoken statement provided under oath and subject to
15 examination.

16
17 (4) “Party” is, except in (h), as defined in rule 1.6(15), meaning any person
18 appearing in an action and that person’s counsel, and as well as any nonparty
19 who may be subject to discovery in the action.

20
21 (5) “Proceeding” means a conference, hearing, or any other matter before the
22 court, including evidentiary hearing or trial.

23
24 (6) “Remote appearance” or “appear remotely” means the appearance of a party
25 at a proceeding through the use of remote technology.

26
27 (7) “Remote proceeding” means a proceeding conducted in whole or in part
28 through the use of remote technology.

29
30 (8) “Remote technology” means technology that provides for the transmission of
31 video and audio signals or audio signals alone. This phrase is meant to be
32 interpreted broadly and includes a computer, tablet, telephone, cellphone, or
33 other electronic or communications device.

34
35 **(d) Court discretion to require in-person appearance**

36
37 Notwithstanding the provisions of this rule and except as otherwise required by
38 law, the court may require a party to appear in person at a proceeding in any of the
39 following circumstances:

40
41 (1) If the court determines on a hearing-by-hearing basis that an in-person
42 appearance would materially assist in the determination of the proceeding or
43 in the effective management or resolution of the case.

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(2) If the court does not have the technology to conduct the proceeding remotely.

(3) If, at any time during a remote proceeding, the court determines that an in-person appearance is necessary, the court may continue the matter and require such an appearance. Such determination may be based on the factors listed in Code of Civil Procedure section 367.75(b).

(e) Local court rules for remote proceedings

(1) A court may by local rule prescribe the time and method of providing notice of intent to appear remotely at a proceeding other than a jury trial, so long as the procedures are posted on the court’s website and include the following provisions:

(A) Notice of the intent to appear remotely is required to be provided to all parties or persons entitled to receive notice of the proceedings;

(B) The amount of notice required is the same or less than the amount required by this rule; and

(C) For evidentiary hearing and trials, an opportunity for parties to oppose the remote proceedings.

(2) Notwithstanding the requirements of rule 10.613, courts may adopt or amend a local rule under this subdivision for an effective date other than January 1 or July 1 and without a 45-day comment period if the court:

(A) Posts notice of the adoption of the new or amended rule prominently on the court’s website, along with a copy of the rule and the effective date of the new or amended rule;

(B) Distributes the rule to the organizations identified in rule 10.613(g)(2) on or before the effective date of the new rule or amendment; and

(C) Provides a copy of the rule to Judicial Council staff.

No litigant’s substantive rights may be prejudiced for failing to comply with a rule adopted or amended under this paragraph until at least 20 days after the rule change has been posted and distributed.

(3) Notwithstanding (1) and rule 10.613, any local court procedures consistent with Code of Civil Procedure section 367.75 and posted on the court’s

1 website may continue in effect until March 31, 2022, or until such earlier date
2 by which a court has adopted a local rule to comply with (1).

3
4 **(f) Remote proceedings other than an evidentiary hearing or trial**

5
6 (1) Applicable rules

7
8 This subdivision applies to any proceeding other than an evidentiary hearing
9 or trial, unless one of the following applies:

10
11 (A) The court has applicable local procedures or local rules under (e);

12
13 (B) The proceeding is a juvenile dependency proceeding governed by (h);

14
15 (C) The court permits a party to appear remotely under notice authorized
16 under (i)(2).

17
18 (2) Required notice

19
20 (A) Time of notice for hearing with at least three days' notice

21
22 A party choosing to appear remotely in a proceeding under this
23 subdivision for which a party gives or receives notice of the proceeding
24 at least three court days before the hearing date, must provide notice of
25 the party's intent to appear remotely at least two court days before the
26 proceeding.

27
28 (i) Notice process

29
30 Notice must be given by serving on all other parties or persons
31 who are entitled to receive notice of the proceedings and filing
32 with the court a *Notice of Remote Appearance* (form CIV-021).
33 Service must be by any means authorized by law and reasonably
34 calculated to ensure delivery at least two court days before the
35 proceeding. Service may be by email on counsel for represented
36 parties or on self-represented persons who have consented to
37 such service.

38
39 (ii) Time of notice by other parties

40
41 If, after receiving notice of remote proceedings from a party as
42 provided under (B), a person who has not given notice also
43 decides to appear remotely, that person may do so by notifying

1 the court and all others who have appeared in the action of their
2 intent to appear remotely, no later than noon one court day before
3 the proceeding.

4
5 (B) Time of notice for hearing with less than three days' notice

6
7 A party choosing to appear remotely in a proceeding under this
8 subdivision for which a party gives or receives notice of less than three
9 days must provide notice of intent to appear remotely as follows:

10
11 (i) Notice process

12
13 A moving party or applicant choosing to appear remotely must
14 notify the court and all persons who are entitled to receive notice
15 of the proceeding of the party's intent to appear remotely either:

- 16
17 a. By serving and filing a Notice of Remote Appearance (form
18 CIV-021) with the application or other moving papers; or
19
20 b. By including on the first page of the application or other
21 moving papers the phrase "Remote Appearance" and the
22 method of such appearance if the court offers multiple
23 methods for the proceeding.

24
25 (ii) Notice by other parties

26
27 Any party other than an applicant or moving party choosing to
28 appear remotely must provide notice of their intent to appear
29 remotely to the court and all other parties that have appeared in
30 the action, no later than noon on the court day before the
31 proceeding. If the notice is oral, it must be given either in person
32 or by telephone. If the notice is in writing, it must be given by
33 filing Notice of Remote Appearance (form CIV-021) with the
34 court and serving the notice on all other parties or persons who
35 are entitled to receive notice of the proceeding by any means
36 authorized by law reasonably calculated to ensure delivery to the
37 parties no later than noon on the court day before the proceeding.
38 Service may be by email on counsel for represented parties or on
39 self-represented parties who have consented to such service.

40
41 (iii) If required by local rule, a party must ensure a copy of any
42 written notice filed under (i) or (ii) is received in the department
43 in which the proceeding is to be held.

1
2 **(g) Remote proceedings for an evidentiary hearing or trial**

3
4 **(1) Court notice of remote proceeding**

5
6 A court intending to conduct an evidentiary hearing or trial remotely must
7 provide notice as follows:

8
9 **(A) By providing notice to all parties who have appeared in the action or**
10 **who are entitled to receive notice of the proceedings, at least 10 days**
11 **before the hearing or trial date, unless the hearing or trial is on less than**
12 **10 days' notice, in which case at least two court days' notice of remote**
13 **proceedings is required.**

14
15 **(B) By local rule providing that certain evidentiary hearings or trials are to**
16 **be held remotely, so long as the court procedure includes a process for**
17 **self-represented parties to agree to the remote appearance and for**
18 **parties to show why remote appearances or testimony should not be**
19 **allowed.**

20
21 **(2) Party notice of remote proceeding**

22
23 **(A) Applicable rules**

24
25 This subdivision applies to all jury trials. It also applies to all other
26 evidentiary hearings or trials unless one of the following applies:

27
28 **(i) The court has applicable local procedures or local rules under (e);**

29
30 **(ii) The proceeding is a juvenile dependency proceeding governed by**
31 **(h);**

32
33 **(iii) The court permits a party to appear remotely under notice**
34 **authorized under (i)(2).**

35
36 **(B) Time of notice for hearings or trials with at least 15 days' notice**

37
38 A party choosing to appear remotely at an evidentiary hearing or trial
39 for which a party gives or receives notice of the proceeding at least 15
40 court days before the hearing or trial date must provide notice of the
41 party's intent to appear remotely at least 10 days before the hearing or
42 trial.

1 (i) Notice process

2
3 Notice must be given by serving on all other parties or persons
4 who are entitled to receive notice of the proceedings and filing
5 with the court a *Notice of Remote Appearance* (form CIV-021).
6 Service must be by any means authorized by law. Service may be
7 by email on counsel for represented parties or on self-represented
8 persons who have consented to such service.

9
10 (ii) Notice by other party

11
12 If, after receiving notice from a party under (i), a person who has
13 not given notice also chooses to appear remotely, that person may
14 do so by notifying the court and all others who have appeared in
15 the action of their intent to appear remotely by serving and filing
16 a *Notice of Remote Appearance* (form CIV-021) at least five days
17 before the evidentiary hearing or trial.

18
19 (C) Time of notice for proceedings held on notice of less than 15 days

20
21 A party choosing to appear remotely in an evidentiary hearing or trial
22 for which a party gives or receives notice of the proceeding less than 15
23 days before the hearing or trial date, including hearings on restraining
24 orders or protective orders, must provide notice of the party's intent to
25 appear remotely as provided in (f)(2)(B)(i) and (ii).

26
27 (3) Opposition to remote proceedings

28
29 (A) Filing and serving opposition

30
31 In response to notice of a remote proceeding under this subdivision set
32 by local rule or otherwise provided under (g)(1) or (2), a party may
33 make a showing to the court as to why a remote appearance or remote
34 testimony should not be allowed, by serving and filing an *Opposition to*
35 *Remote Proceedings at Evidentiary Hearing or Trial* (form CIV-022)
36 by:

37
38 (i) At least five days before the proceeding if for an evidentiary
39 hearing or trial for which a party gives or receives at least 15
40 days' notice; or

1 (ii) At least noon the court day before the proceeding if for an
2 evidentiary hearing or trial for which a party gives or receives
3 less than 15 days' notice.
4

5 (B) Court determination on opposition
6

7 In determining whether to conduct an evidentiary hearing or trial in
8 whole or in part through the use of remote technology over opposition,
9 the court must consider, along with the factors in section 367.75(b), any
10 limited access to technology or transportation asserted by a party.
11

12 **(h) Remote proceedings in juvenile dependency**
13

14 (1) Applicable rules and definitions
15

16 (A) This subdivision applies to any juvenile dependency proceeding, unless
17 either of the following applies:
18

19 (i) The court has adopted applicable local procedures or local rules
20 under (e); or
21

22 (ii) The court has found cause to permit a person to appear remotely
23 in response to a request under (i)(2).
24

25 (B) All statutory confidentiality requirements applicable to juvenile
26 dependency proceedings held in person apply equally to remote
27 proceedings.
28

29 (C) The definitions in (c) apply except that, for purposes of this
30 subdivision, a "party" is a person who has entered an appearance in the
31 proceeding.
32

33 (D) Any request to appear remotely under this subdivision made by a
34 person who will give oral testimony in the proceeding must indicate
35 that the person has obtained consent to the remote appearance by all
36 parties who have appeared in the action.
37

38 (E) This subdivision does not apply to juvenile justice proceedings. The
39 provisions in (a) through (g) and (i) through (l) govern a remote
40 appearance in any juvenile justice proceeding.
41

42 (2) Request to appear remotely
43

1 (A) For a proceeding with at least 10 days' notice

2
3 (i) Any person entitled to be present under rule 5.530(b) who wishes
4 to appear remotely at a proceeding for which the person gave or
5 received at least 10 days' notice must file *Request to Appear*
6 *Remotely—Juvenile Dependency* (form JV-145) with the court
7 and serve a copy of the request on each party and any other
8 person entitled to notice of the proceeding, by any means
9 authorized by law that is reasonably calculated to ensure receipt
10 at least five court days before the proceeding. The request may be
11 served by email as provided in rule 5.523.

12
13 (ii) If, after receiving a copy of the request as provided in (A), a
14 person who has not made a request also wishes to appear
15 remotely at a proceeding for which the person gave or received at
16 least 10 days' notice, that person must file *Request to Appear*
17 *Remotely—Juvenile Dependency* (form JV-145) with the court
18 and serve a copy of the request on each party by any means
19 authorized by law reasonably calculated to ensure receipt no later
20 than three court days before the proceeding. The request may be
21 served by email as provided in rule 5.523.

22
23 (B) For a proceeding with less than 10 days' notice

24
25 (i) Except as provided in (C), a petitioner who wishes to appear
26 remotely at a proceeding for which the petitioner gave or
27 received less than 10 days' notice must file *Request to Appear*
28 *Remotely—Juvenile Dependency* (form JV-145) with the court
29 and serve a copy of the request on each party and any other
30 person entitled to notice of the proceeding, by any means
31 authorized by law that is reasonably calculated to ensure receipt
32 no later than three court days before the proceeding. The request
33 may be served by email as provided in rule 5.523.

34
35 (ii) Any other person entitled to be present who wishes to appear
36 remotely at a proceeding for which the party gave or received
37 less than 10 days' notice must file *Request to Appear Remotely—*
38 *Juvenile Dependency* (form JV-145) with the court and serve a
39 copy of the request on each party and any other person entitled to
40 notice of the proceeding, by any means authorized by law that is
41 reasonably calculated to ensure receipt no later than noon two
42 court days before the proceeding. The request may be served by
43 email as provided in rule 5.523.

1
2 (C) For a detention hearing

3
4 Any person entitled to be present, other than the petitioner, may submit
5 a request to the court to appear remotely at a detention hearing at any
6 time before the beginning of the calendar on which the matter is set for
7 hearing. If the request is made orally, it may be made in person or by
8 telephone. If the request is in writing, it must be made on *Request to*
9 *Appear Remotely—Juvenile Dependency* (form JV-145).

10
11 (3) Opposition to request to appear remotely

12
13 Any party may oppose a request to appear remotely under (1) or (2) by a
14 party who will not give oral testimony by filing *Request to Compel Physical*
15 *Presence—Juvenile Dependency* (form JV-146) with the court no later than
16 the close of business two court days before the proceeding.

17
18 (4) Determination of requests and oppositions

19
20 (A) The court may grant the request of a witness, including a party who
21 will give oral testimony, to appear remotely only if all parties have
22 given consent to the witness's remote appearance.

23
24 (B) The court may deny a person's request to appear remotely if the court
25 determines that an in-person appearance is necessary because:

26
27 (i) One or more of the factors listed in Code of Civil Procedure
28 section 367.75(b) or this rule, including the person's limited
29 access to technology, applies;

30
31 (ii) The court cannot ensure that the remote appearance will have the
32 privacy and security necessary to preserve the confidentiality of
33 the proceeding; or

34
35 (iii) A remote appearance is likely to cause undue prejudice to one or
36 more parties.

37
38 (i) **Other rules regarding notice**

39
40 (1) A party that has given notice that it intends to appear remotely or a person
41 whose request to appear remotely under (h) has been granted may instead
42 choose to appear in person. If the proceeding is an evidentiary hearing or

1 trial, the party must provide reasonable notice of the in-person appearance to
2 the court and other parties who have appeared in the case.

3
4 (2) Notwithstanding the other provisions of this rule, a party may ask the court
5 for leave to appear remotely without the notice provided for under (f) or (g)
6 or a timely request under (h). The court may permit the party to appear
7 remotely upon a finding of good cause, unforeseen circumstances, or that the
8 remote appearance would promote access to justice.

9
10 **(i) Remote appearance fees**

11
12 (1) Parties not charged filing fees

13
14 Parties who, by statute, are not charged filing fees may not be charged a
15 videoconference fee under Government Code section 70630.

16
17 (2) Parties with fee waiver

18
19 (A) When a party has received a fee waiver, that party may not be charged
20 fees for remote appearances.

21
22 (B) To obtain remote appearance services without payment of a fee from a
23 vendor or a court that provides such services, a party must advise the
24 vendor or the court that they have received a fee waiver from the court.
25 If a vendor requests, the party must transmit a copy of the order
26 granting the fee waiver to the vendor.

27
28 (C) If a party, based on a fee waiver, receives remote appearance services
29 under this rule without payment of a fee, the vendor or court that
30 provides the remote appearance services has a lien on any judgment,
31 including a judgment for costs, that the party may receive, in the
32 amount of the fee that the party would have paid for the remote
33 appearance. There is no charge for filing the lien.

34
35 **(k) Vendor or platform**

36
37 A court, by local rule, may designate the vendors or platforms that must be used for
38 remote appearances.

39
40 **(l) Court information on remote appearances**

41
42 The court must publish notice online providing parties with the information
43 necessary to appear remotely at proceedings in that court under this rule. The notice

1 should include information regarding in which departments, types of proceedings,
2 or types of cases the court has the technological capability to allow remote
3 appearances, and the vendors or platforms that must be used, including whether
4 there are limitations to using them concurrently.

5
6 **Advisory Committee Comment**

7
8 **Subdivision (g).** Nothing in this rule is intended to preclude a court from discussing the use of
9 remote appearances and testimony at any time during an action, including at case management
10 conferences and status conferences.

11
12 **Subdivision (j).** Statutes currently provide that courts are not to charge filing fees to certain types
13 of parties, such as governmental entities, and parties in certain types of cases, such as juvenile
14 cases or actions to prevent domestic violence. This rule would preclude courts from charging
15 videoconference fees to such parties as well.

16
17
18 **Title 5. Family and Juvenile Rules**

19
20 **Rule 5.9. Appearance by telephone**

21
22 **(a) Application**

23
24 Subdivisions (b) through (d) of this rule are suspended from January 1, 2022, to
25 July 1, 2023. During that time, the provisions in rule 3.672 apply in their place.

26 This rule applies to all family law cases, except for actions for child support
27 involving a local child support agency and cases governed by the Indian Child
28 Welfare Act. Rule 5.324 governs telephone appearances in governmental child
29 support cases. Rule 5.482(g) governs telephone appearances in cases governed by
30 the Indian Child Welfare Act.

31
32 **(b)–(d) * * ***

33
34
35 **Rule 5.324. Telephone appearance in title IV-D hearings and conferences**

36
37 **(a) Purpose**

38
39 This rule is suspended from January 1, 2022, to July 1, 2023. During that time, the
40 provisions in rule 3.672 apply in its place. This rule is intended to improve the
41 administration of the high volume of title IV-D child support hearings and
42 conferences. Participation by both parents is needed for fair and accurate child

1 support orders. The opportunity to appear by telephone fosters parental
2 participation.

3
4 **(b)–(k) * * ***

5
6
7 **Rule 5.531. Appearance by telephone (§ 388; Pen. Code, § 2625)**

8
9 **(a) Application**

10
11 Subdivisions (b) and (c) of this rule are suspended from January 1, 2022, to July 1,
12 2023. During that time, the applicable provisions in rule 3.672 govern remote
13 appearances and proceedings in juvenile court. The standards in (b) apply to any
14 appearance or participation in court by telephone, videoconference, or other digital
15 or electronic means authorized by law.

16
17 **(b)–(c) * * ***

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;">DRAFT</p> <p style="text-align: center;">10/28/21</p> <p style="text-align: center;">NOT APPROVED BY JUDICIAL COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
NOTICE OF REMOTE APPEARANCE	CASE NUMBER:

This form must be used unless the court's website provides an online process for giving notice of intent to appear remotely.

Check the court's website for information necessary for persons to appear remotely, including the departments and types of cases or proceedings in which remote appearances are permitted, and the methods available for such appearance.

See page 2 of this form for more information, including deadlines for giving notice and for opposing a remote appearance if this notice is for an evidentiary hearing or trial.

1. The person intending to appear remotely is (check and complete all that apply):

- Plaintiff/Petitioner (name):
- Attorney for Plaintiff/Petitioner (name):
- Defendant/Respondent (name):
- Attorney for Defendant/Respondent (name):
- Other (name and role in case):

2. The proceeding is for (describe):

set on (date): at (time): in (department):
 before (name of judicial officer, if known):

3. The person intends to appear by (check method to be used, based on information provided about remote appearances on the local court's website):

- Videoconference Audio only (including telephone)

4. For evidentiary hearing or trial only: the party requests the following additional aspects of the proceeding be conducted remotely (describe what the party wants to be done remotely and why; attach form MC-25 if more space is needed):

5. I agree to preserve the confidentiality of the proceeding to the same extent as would be required if I were appearing in person.

Date:

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE) Page 1 of 2

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

Instructions for Giving Notice of Remote Appearance

1. Court online procedures. Before using this form, check the court's website to see if that court has an online procedure for providing notice of intent to appear remotely instead. You can find a link to the website for each court at <https://www.courts.ca.gov/find-my-court.htm>.

2. Use of this form. This form is intended for use in civil cases only (any cases not criminal), to provide written notice of intent to appear remotely to a court and parties, as provided in Code of Civil Procedure section 367.75. In juvenile dependency hearings use form JV-145 instead of this one. **Check in advance with the court to determine how to make arrangements for remote appearances.**

3. When to serve and file. If there is not an online procedure for giving notice of intent to appear remotely, this form must be completed, served on all parties and other persons who are entitled to notice of the proceeding, and filed with the court. California Rules of Court, rule 3.672(f) and (g) provide when you have to serve and file. There are different deadlines for giving notice of intent to appear remotely, which are summarized below:

For motions and proceedings in which no oral testimony under oath may be provided

If a party gives or receives at least 3 days' notice of the proceeding (including all regularly noticed motions):

- At least 2 court days before the proceeding, or,
- By noon the court day before the proceeding if after receiving notice that another person will be appearing remotely.

If a party gives or receives less than 3 days' notice of the proceeding (including ex parte applications):

- With the moving papers, if the notice to appear remotely is by the party that is asking for the hearing, or,
- By noon the court day before the hearing if the notice to appear remotely is by any other party.

Note: If a party misses these deadlines, they may still ask court for permission to appear remotely.

For trials, and hearings in which oral testimony under oath may be provided (evidentiary hearings)

If a party gives or receive at least 15 days' notice of a trial or hearing date (including in small claims cases):

- At least 10 days before the trial or hearing date; or
- At least 5 days before the trial or hearing date if after receiving notice that another person will be appearing remotely.

If a party gives or receives less than 15 days' notice of the trial or hearing (including hearings on protective orders):

- With the moving papers, if the notice to appear remotely is by the party that is asking for the hearing, or,
- By noon the court day before the hearing if the notice to appear remotely is by any other party.

Note: If a party misses these deadlines, they may still ask court for permission to appear remotely.

4. Opposition to remote appearances at trial or evidentiary hearing. If a party or witness has given notice of intent to appear remotely at a trial or evidentiary hearing (hearing at which oral testimony under oath may be provided), other parties in the action may oppose the remote appearance by filing *Opposition to Remote Proceedings at Evidentiary Hearing or Trial* (form CIV-022). The opposition must be served on parties and other persons entitled to receive notice of the proceedings, by the deadlines summarized on that form. (Cal. Rules of Court, rule 3.672(g)(3).)

5. In-person appearance. Note that a court may determine that a personal appearance is required. (Code Civ. Proc., § 367.75(b).)

6. Recordings. No person may record a proceeding without first obtaining permission from the the judge. (Cal. Rules of Court, rule 1.150(c).)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO. _____ E-MAIL ADDRESS: ATTORNEY FOR (name): _____	<h1 style="margin: 0;">DRAFT</h1> <h2 style="margin: 10px 0 0 0;">10/28/21</h2> <h1 style="margin: 20px 0 0 0;">NOT APPROVED BY JUDICIAL COUNCIL</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
OPPOSITION TO REMOTE PROCEEDING AT EVIDENTIARY HEARING OR TRIAL	CASE NUMBER: _____

This form may be used to show the court why a remote appearance or testimony should not be allowed at a trial or an evidentiary hearing, which is a hearing in which a person may provide oral testimony under oath. (For opposing a remote appearance in a juvenile dependency action, use form JV-146.)

See page 2 of this form for more information, including deadlines for filing or serving an opposition.

1. Person opposing remote appearance or testimony is *(check and complete all that apply)*:

- Plaintiff/Petitioner *(name)*:
- Defendant/Respondent *(name)*:
- Other *(name and role in case)*:

2. The trial or evidentiary proceeding at which remote appearance or testimony has been set is for *(describe)*:

set on *(date)*: _____ at *(time)*: _____ in *(department)*: _____
 before *(name of judicial officer, if known)*: _____

3. The reasons why remote appearance or testimony should not be allowed are *(describe the reasons here or, if more space is required, attach form MC-25)*: Explanation is on form MC-025, titled as Attachment 3.

Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

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Clear this form

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

Instructions

1. **Opposition to remote proceedings.** If a court has set a trial or evidentiary hearing (a hearing at which oral testimony under oath may be provided) to be conducted remotely, or if another party or a witness has given notice of their intent to appear remotely at a trial or an evidentiary hearing, parties may oppose the remote appearance or remote testimony. (Code Civ. Proc., § 367.75; Cal. Rules of Court, rule 3.672(g)(3).)

2. **Use of form.** This form is to explain to the court and the other parties the reasons for opposing a remote appearance or remote testimony at a trial or evidentiary hearing. If the opposition is to the testimony of certain individuals, item 3 should include their names and an explanation of why the opposing party believes their remote testimony or remote appearance should not be allowed. This form may **not** be used in juvenile dependency cases. (A party may file form JV-146 for those cases.)

3. **Service and filing.** Whether on this form or in a separately created pleading, the opposition must be filed with the court and served on all parties and other persons entitled to receive notice of the proceedings. California Rules of Court, rule 3.672(g)(3) provides when the opposition must be served and filed. There are different deadlines based on how much notice parties have of the trial or evidentiary hearing:

- At least 5 days before the trial or hearing date if a party gave or received at least 15 days' notice of the trial or hearing date, or
- By at least noon the court day before the hearing or trial date if a party gave or received less than 15 days' notice of the trial or hearing date

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
REQUEST TO APPEAR REMOTELY—JUVENILE DEPENDENCY	CASE NUMBER:

INSTRUCTIONS

Any person, other than court staff, entitled under rule 5.530(b) to be present at a juvenile dependency proceeding who wishes to appear remotely must (1) complete and file this form with the juvenile court and (2) serve a copy of the completed form on every other person entitled to be present by any means authorized by law reasonably calculated to ensure receipt by the applicable deadline. If the person gave or received 10 or more days' notice of the proceeding, they must file and serve the form to ensure receipt no later than 5 court days before the proceeding. If the person gave or received less than 10 days' notice of the proceeding, they must file and serve the form to ensure receipt no later than 3 court days before the proceeding. Each person must file and serve a separate form.

If a witness, including a party who will give oral testimony, wishes to appear remotely, the attorney for any party may make a request on the witness's behalf by filing and serving this form as required above, but only after obtaining the consent of all the parties to the witness's remote appearance and indicating in item 4 that all the parties have given the required consent.

If the court grants this request, permission to appear remotely remains subject to revocation on the court's later determination, including during the proceeding, that an in-person appearance is necessary.

1. The proceeding is a (name or description, if known):

on (date): _____ at (time): _____ in (department): _____
 before (name of judicial officer, if known): _____

2. Person requesting to appear remotely (check one):

- a. Child or nonminor dependent
- b. Attorney for child or nonminor dependent
- c. Parent, legal guardian, or Indian custodian
- d. Attorney for parent, legal guardian, or Indian custodian
- e. Social worker
- f. County counsel
- g. Attorney for, or other representative of, Indian child's tribe
- h. Court Appointed Special Advocate (CASA) volunteer
- i. De facto parent
- j. Foster parent
- k. Adult relative
- l. Other person who will give oral testimony (capacity in which testifying):
- m. Other (role in the proceeding):

3. If this request is granted, the person plans to appear by (check preferred method, based on information on the court's website about technology appropriate for remote appearance): Videoconference Audio only (including telephone)

CHILD'S NAME:	CASE NUMBER:
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4. This request is by, or on behalf of, a person who will give oral testimony at the proceeding. All parties who have appeared have given consent to that person's remote appearance. *(For each party who has appeared, check the appropriate item and give the party's name and contact information. If an item does not describe any party—for example, item 4f if the child is not an Indian child—check "not applicable" for that item.)*

a. Attorney for child or nonminor dependent Not applicable
 (1) Name:
 (2) Address:
 (3) Telephone number: (4) Email address:

b. Attorney for child or nonminor dependent Not applicable
 (1) Name:
 (2) Address:
 (3) Telephone number: (4) Email address:

c. Attorney for parent, legal guardian, or Indian custodian
 (1) Name:
 (2) Address:
 (3) Telephone number: (4) Email address:

d. Attorney for parent, legal guardian, or Indian custodian Not applicable
 (1) Name:
 (2) Address:
 (3) Telephone number: (4) Email address:

e. County counsel
 (1) Name:
 (2) Address:
 (3) Telephone number: (4) Email address:

f. Attorney for, or other authorized representative of, Indian child's tribe Not applicable
 (1) Name:
 (2) Address:
 (3) Telephone number: (4) Email address:

g. Other party or attorney *(role in the proceeding):* Not applicable
 (1) Name:
 (2) Address:
 (3) Telephone number: (4) Email address:

Continued on Attachment 4. *(If more parties have appeared, attach a separate sheet and give the role in the case, name, address, phone number, and email address of each additional party or attorney. You may use form MC-025 for this purpose.)*

5. I request permission to appear remotely at the proceeding identified in item 1. I agree to preserve the confidentiality of the proceeding to the same extent as would be required if I were appearing in person.

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)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR <i>(name)</i> :	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
REQUEST TO COMPEL PHYSICAL PRESENCE—JUVENILE DEPENDENCY	CASE NUMBER:

INSTRUCTIONS

Any party to a juvenile dependency action who wishes to ask the court to compel the physical presence of another party who will *not* give oral testimony (if a party *will* give testimony, then all parties must consent to the testifying party's remote appearance) must (1) complete and file this form with the juvenile court and (2) send a copy of the completed form to all other parties in a manner reasonably calculated to ensure they all receive it no later than 2 court days before the proceeding, except for a detention hearing.

The court may grant the request to compel the physical presence of a non-testifying party if it finds that a remote appearance by the party would be technologically inadequate, that there is a reason specific to the proceeding to compel an in-person appearance, or that the confidentiality of the proceeding cannot be preserved using available remote technology.

1. The proceeding is a *(name or description, if known)*:

on *(date)*: _____ at *(time)*: _____ in *(department)*: _____
 before *(name of judicial officer, if known)*: _____

2. Party filing this request:

- a. Child or nonminor dependent
- b. Parent or legal guardian or Indian custodian
- c. Social worker

3. Party or parties requested to appear in person:

- a. Child or nonminor dependent *(name(s))*:
- b. Parent or legal guardian or Indian custodian *(name(s))*:
- c. Social worker *(name(s))*:

4. I request that the court compel the party or parties indicated in item 3 to be physically present for the reasons set forth below:

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)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. (if available): E-MAIL ADDRESS (if available): ATTORNEY FOR (name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
NOTICE OF INTENT TO APPEAR BY TELEPHONE	CASE NUMBER:

1. Party intending to appear by telephone is

- Plaintiff/Petitioner (name):
- Defendant/Respondent (name):
- Other (name):

2. The conference, hearing, or proceeding is for (describe):

set on (date): at (time): in (department):
 before (name of judicial officer, if known):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

See Code of Civil Procedure section 367.5 and California Rules of Court, rule 3.670 to determine if a conference, hearing, or proceeding is one generally considered appropriate for telephone appearance. Note that a court may determine on a hearing-by-hearing basis that a personal appearance is required. (Code Civ. Proc., § 367.5(c).)

This form is intended only to provide written notice to a court and parties as provided in rule 3.670(h) of the California Rules of Court. **Check with the court to determine how to make arrangements for telephone services for an appearance either directly with the court or through a court-appointed vendor.**

Read California Rules of Court, rule 3.670(h) to determine when you have to file and serve notice of the intent to appear by telephone. There are different deadlines depending upon the circumstances:

- (1) On a regularly noticed hearing, notice must be given at least two court days before the appearance (Cal. Rules of Court, rule 3.670(h)(1)(B)) or, after receiving notice that another party will be appearing telephonically, by noon on the court day before the appearance (Cal. Rules of Court, rule 3.670(h)(2)).
- (2) On an ex parte application, notice must be given by an applicant by 10:00 a.m. two court days before the hearing (Cal. Rules of Court, rule 3.670(h)(3)(B)). Any party other than an applicant may give notice by 2:00 p.m. or the "close of business" (as that term is defined in rule 2.251) whichever is earlier, on the court day before an ex parte appearance. (Cal. Rules of Court, rule 3.670(h)(4).)

GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) OR 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: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARENT: _____	
REQUEST FOR TELEPHONE APPEARANCE	CASE NUMBER: _____
HEARING DATE: _____ TIME: _____ DEPT., ROOM, OR DIVISION: _____	

See Information Sheet—Request for Telephone Appearance (form FL-679-INFO) for deadlines for filing this request, filing any opposition, and service.

1. I, (name): _____, am the petitioner/plaintiff
 respondent/defendant other parent attorney for (name): _____
 local child support agency (LCSA) representative other (specify): _____ in this case.

If there are domestic violence or other confidentiality issues in this case and you do not want your home or work phone number made publicly available, provide another phone number in item 2 below. You will need to participate from this phone number, unless other options are available under local rules or procedures. Check with your court clerk.

2. I ask the court to allow me _____ to appear from telephone number () set on (date) _____ (time) _____ in Department _____ of the above-named court.
3. I would like the court to consider the following information in making its decision whether to allow a telephone appearance (check all that apply). (Note: The court can still deny your request, even though boxes are checked.)
- a. I live or work outside the state of California in (specify location): _____
 - b. I live in _____ County in California, which is _____ miles from the above courthouse where the hearing is set.
 - c. I am disabled.
 - d. I am asking not to appear personally because of domestic violence.
 - e. I will be incarcerated or confined in (specify): _____ prison, jail, or other institution at the time of the hearing.
 - f. The LCSA makes this request on behalf of _____ (insert reason for request at g)
 - g. Other (specify): _____
4. a. I have filed this request at least **12 court days** before the hearing and have served or will serve all parties (the local child support agency and other parent) and attorneys, if any, with this form by personal delivery, fax, express mail, or other reasonable means to ensure delivery by the close of the **next court day** after filing this form.
- b. If there are financial issues to be decided, a current *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155) has been filed and served on all parties along with the request or response to the hearing. (Read page 2 of form FL-155 to determine which form to use.)
- c. I have complied with all requirements of the local rules of court for other supporting proof.
5. I agree to be responsible for the costs and arrangements of this telephone appearance if required by the court. If this telephone appearance request is made by a LCSA on behalf of a party, parent, or witness, that person may be responsible for costs of the telephone appearance as may be required by the court.
6. Number of pages attached: _____

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

Date: _____

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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ADVISEMENT REGARDING TELEPHONE APPEARANCE

1. I know that I can personally appear at this hearing, and I give up that right. I agree to be duly sworn upon request by the court clerk, holding up my right hand and agreeing under penalty of perjury under the laws of the State of California to tell the truth and nothing but the truth.
2. I will provide my driver’s license number, social security number, or other information to verify my identity when asked by the court staff or conference call provider.
3. I understand that the court may not have videoconferencing capabilities. I understand and assume the risk that I may not be able to personally see or inspect the pleadings, documents, or evidence; the witnesses’ facial reactions, demeanors, or hand gestures; or other visual or nonverbal aspects of the hearing.
4. I understand that if I do not make the proper arrangements for a telephone appearance as set out in local rules or in directions provided by the court, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
5. I understand that the court, in its discretion, may decide to terminate the telephone appearance if it determines during the hearing that a personal appearance would materially assist in the determination of the proceedings. Other reasons for terminating the telephone appearance could include my not being available at the calendar call, delay, questions about credibility, disruption, noise, misconduct, a communication problem, a technical problem, and other problems.
6. I understand that the court may decide at any time to require my personal appearance and continue my hearing.
7. I assume the risks of cost, time, delay, repeated telephone calls, technical failure, a wrong number, and other problems that could arise out of this telephone appearance. I understand that if problems occur, the matter may proceed without my personal or telephone appearance and the court may decide my case based on the documents I filed for this hearing.
8. I understand that if I need to present documents, present witnesses, cross-examine witnesses, or provide information that is not available at the hearing, it is my responsibility to ask the court to continue the hearing. The court may decide to grant or deny my request. I understand that any arguments or supporting proof should be served and filed on time before the hearing so that the court, the local child support agency, and the other parent have an opportunity to know about my case.
9. I understand that the court may require me to make all arrangements for the telephone appearance at my own expense.
10. I understand that if I have low income or no income, I may apply for a waiver of any filing fees and a possible waiver of conference call vendor fees. If the court makes collect calls for telephone appearances and so orders me, I will be available to receive a collect call from the court at the date and time specified. The telephone number will not be one that is blocked from receiving collect calls. If there are domestic violence or other confidentiality issues in the case and I do not wish my home or work phone number to be made publicly available, I may provide a number other than my home and work numbers at which the court can call me collect. I understand that I can check with the local court clerk or local rules of court regarding any additional local procedures that may be available to protect my confidentiality.
11. If there are financial issues to be decided, I understand that it is my responsibility to timely file with the court and serve on the local child support agency and the other parent all necessary and appropriate pleadings and documents, including:
 - a. *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155), whichever is appropriate.
 - b. My pay stubs from the last two months or other proof of income.
 - c. The proposed guideline support calculation (optional unless required by local court rule).

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner’s acting as a temporary judge. If you or the other party objects, the court commissioner may still hear your case to make findings and a recommended order to a judge. If you do not like the recommended order, you must object to it within **10 court days** in writing (use *Notice of Objection (Governmental)* (form FL-666)); otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

I have read the Advisement Regarding Telephone Appearance section of this form and I understand that the terms apply to me. If the LCSA is making this request, it verifies this advisement was provided to the party, parent, or witness, and that person indicated that he or she understands that the terms apply to him or her.

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)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is *(specify)*:
3. I served a copy of the foregoing *Request for Telephone Appearance (Governmental)* and all attachments as follows *(check a, b, or c for each person served)*:
 - a. **Personal delivery.** I personally delivered a copy and all attachments as follows:

(1) <input type="checkbox"/> Name of party or attorney served:	(2) <input type="checkbox"/> Name of local child support agency served:
(a) Address where delivered:	(a) Address where delivered:
(b) Date delivered:	(b) Date delivered:
(c) Time delivered:	(c) Time delivered:
 - b. **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope and
 - (a) **deposited** the sealed envelope with the U.S. Postal Service with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown below, 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.
 - (2) Name of party or attorney served:
 - (3) Name of local child support agency served:

(a) Address:	(a) Address:
(b) Date mailed:	(b) Date mailed:
(c) Place of mailing <i>(city and state)</i> :	(c) Place of mailing <i>(city and state)</i> :
 - (3) **Address Verification** *(please specify)*:
 - (a) I served a request to modify a child custody, visitation, or child support judgment or permanent order, which included an address verification declaration *(Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose)*.
 - (b) The address for each individual identified in items 3a and 3b was
 - (i) verified by the California Child Support Enforcement System (CSE) as the current primary mailing address on file.
 - (ii) other *(specify)*:
- c. **Other** *(specify)*:

Additional page is attached.

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 WHO SERVED REQUEST)
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INFORMATION SHEET—REQUEST FOR TELEPHONE APPEARANCE

ATTENTION: Read the **Advisement Regarding Telephone Appearance** on page 2 of FL-679, *Request for Telephone Appearance* to understand your rights.

You can get more information about the telephone appearance process, including any costs or fees for the provider of telephone services, from your local court clerk.

Ask a family law facilitator, the local child support agency, or a lawyer if you have any questions about this process.

For more information on finding a lawyer or family law facilitator, see the California Courts Online Self-Help Center at www.courtinfo.ca.gov/selfhelp.

Asking for a Telephone Appearance

1. You must use form FL-679 to request a telephone appearance. You may have to pay a filing fee. If you cannot afford to pay the filing fee, the court may waive it, but you will have to fill out some forms first. For more information about the filing fee, contact the court clerk or the family law facilitator in your county.
2. If you do not want to personally appear because of domestic violence and do not want your home phone number or work phone number listed at item 2 of form FL-679 or other potentially identifying information to be part of the public court record, check with your court clerk or local rules of court regarding any additional local procedures that may be available to protect your confidentiality. For example, some courts may allow you to provide your home phone number or work phone number directly to the court clerk and not disclose it on form FL-679.
3. For local information about telephone appearances, check with the local court clerk, family law facilitator, or local child support agency.

Instructions for Completing the *Request for Telephone Appearance (Governmental)* (form FL-679)

1. The court needs to know why you are requesting to appear by telephone. At item 3 of form FL-679, provide the information you would like the court to consider when making its decision. You can attach additional paper if you need more room to explain the circumstances that you want the court to consider in making its decision. If you submit an attachment, check the box at item 6 and indicate the number of pages that you are attaching. The court can still deny your request even if you have checked boxes and/or submitted an attachment.
2. File your request with the court clerk's office using form FL-679 no later than **12 court days** before the hearing. **(PLEASE NOTE:** You must still file your moving or opposing papers within the time limits required by Code of Civil Procedure section 1005.)
3. Serve all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, fax, express mail, or other reasonable means to make sure that form FL-679 is delivered by the close of the **next court day** after you file it.

Opposing a Telephone Appearance

1. At least **8 court days** before the hearing, you must file and serve a declaration under penalty of perjury under the laws of the State of California explaining why you oppose a telephone appearance by the other party or a witness. Your declaration must state "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct." You may use *Declaration* (form MC-030), which you can get from the court clerk or the California Courts Web site at www.courtinfo.ca.gov/forms. If you do not file a declaration under penalty of perjury opposing a telephone appearance, you give up your chance to object.
2. Serve the person or agency requesting the telephone appearance, all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, fax, express mail, or other reasonable means to make sure your declaration is delivered by the close of the **next court day** after you file the form.

The Court's Decision on the Telephone Appearance

At least **5 court days** before the hearing, the court will notify or direct that notice of its decision on the request for a telephone appearance be given to the person or agency requesting the telephone appearance, the parties, a parent who has not been joined to the action, and attorneys, if any. This notice may be given by telephone, in person, or by fax, express mail, e-mail, or other reasonable means to ensure notification no later than **5 court days** before the hearing date.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee action requested [Choose from drop down menu below]:
Submit to JC (without circulating for comment)

Rules Committee Meeting Date: NOVEMBER 2, 2021

Title of proposal: Judicial Branch Administration | Emergency Rule on Use of Technology for Remote Appearances

Proposed rules, forms, or standards (*include amend/revise/adopt/approve*):
Amend Emergency Rule 3

Committee or other entity submitting the proposal:
Chairs of the Internal Committees

Staff contact (name, phone and e-mail): Michael I. Giden, 415-865-7977, michael.giden@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:
Approved by Rules Committee date: n/a
Project description from annual agenda: n/a

If requesting July 1 or out of cycle, explain:

Emergency rule 3 must be amended effective January 1, 2022, to exclude civil proceedings to conform the enactment of new Code of Civil Procedure section 367.75, which will govern civil remote proceedings. The rule must be amended to avoid any confusion or ambiguity as to what law applies to civil remote proceedings effective January 1, 2022.

Additional Information: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC Staff regarding form translations:

- *List any amended forms in this proposal that have already been translated:*
- *List any new forms that require translation by statute or that you will request to be translated:*



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-183

For business meeting on November 19, 2021

Title

Judicial Branch Administration: Emergency
Rule on Use of Technology for Remote
Appearances

Agenda Item Type

Action Required

Effective Date

January 1, 2022

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, emergency
rule 3

Date of Report

October 28, 2021

Recommended by

Hon. Marsha G. Slough, Chair, Executive
and Planning Committee
Hon. David M. Rubin, Chair, Judicial Branch
Budget Committee and Litigation
Management Committee
Hon. Kyle S. Brodie, Chair, Technology
Committee
Hon. Marla O. Anderson, Chair, Legislation
Committee
Hon. Carin Fujisaki, Chair, Rules Committee

Contact

Michael I. Giden, 415-865-7977
michael.giden@jud.ca.gov

Executive Summary

The chairs of the Judicial Council's six internal committees recommend that the Judicial Council amend emergency rule 3 effective January 1, 2022, to remove civil proceedings from the scope of the rule and to affirm that the rule continues to apply to criminal proceedings. The amendment would make the rule consistent with new Code of Civil Procedure section 367.75, enacted in Senate Bill 241 (Stats. 2021, ch. 214), which will govern remote proceedings in civil cases beginning January 1, 2022. Courts may continue to rely on the authority in emergency rule 3, however, to conduct criminal proceedings remotely as they continue to address the impact of the COVID-19 pandemic and the backlog it created.

Recommendation

The chairs of the Judicial Council's six internal committees recommend that the Judicial Council, effective January 1, 2022, amend emergency rule 3 to remove civil proceedings from the scope of the rule and to confirm that the rule will continue to apply to criminal proceedings.

The proposed amended rule is attached at page 5.

Relevant Previous Council Action

The Judicial Council, on April 6, 2020, adopted 12 emergency rules to address the impact of the COVID-19 pandemic on California residents and the courts in an effort to help courts continue to carry out their constitutional mission while protecting the health and safety of court users, court employees, and judicial officers. Among these rules was emergency rule 3, which authorized courts to conduct judicial proceedings and court operations using remote technology. The council has not amended the rule since it was first adopted.

Analysis/Rationale

Currently, emergency rule 3 authorizes courts to use technology to conduct judicial proceedings remotely in both civil and criminal cases. Due to the success of remote proceedings during the pandemic and the improvement in access to justice, stakeholders and the Judicial Council urged the Legislature to enact a statute that authorizes courts to use remote technology to conduct civil proceedings. In response to these efforts, the Legislature enacted Code of Civil Procedure section 367.75¹ as part of Senate Bill 241 (Link A). Section 367.75 authorizes the use of remote proceedings in all civil cases beginning January 1, 2022, and requires the Judicial Council to adopt rules of court to implement the statute. A proposed new rule and rule amendments implementing section 367.75 will be circulated early in November so that they may be considered by the council and go into effect January 1, 2022, coinciding with the effective date of the new statute.

The Judicial Council adopted emergency rule 3 early in the COVID-19 pandemic when the Legislature was not in session and could not take the actions necessary to explicitly authorize the use of remote judicial proceedings. By enacting section 367.75, the Legislature has now addressed the circumstances under which courts can conduct remote proceedings in civil cases. Because the Legislature has now acted with respect to remote civil proceedings, the chairs of the internal committees are of the view that emergency rule 3 would no longer govern civil proceedings once section 367.75 takes effect on January 1, 2022. Accordingly, to avoid any confusion or ambiguity about which law applies, it is appropriate to amend the rule to exclude its application to civil proceedings.

In contrast, the Legislature has not taken any action to address the use of remote technology in criminal proceedings since the council's adoption of emergency rule 3. Courts and litigants still

¹ All further statutory references are to the Code of Civil Procedure unless otherwise noted.

need the flexibility that emergency rule 3 affords to conduct criminal proceedings with the use of remote technology. This is particularly so while the COVID-19 pandemic continues and courts need to expeditiously address the backlog of criminal cases caused by the pandemic. For that reason, the internal committee chairs recommend that emergency rule 3 be amended to affirm that the use of remote technology continues to be authorized under the conditions provided in emergency rules 3 and 5.² The continued availability of emergency rule 3 in criminal proceedings is necessary to assure adequate access to justice and allow courts to fulfill their constitutional duties while protecting the health and safety of litigants, court personnel, and judicial officers.

Policy implications

Amending emergency rule 3 to remove its application to civil proceedings because of more recent legislative action and confirm that criminal proceedings may be conducted through the use of remote technology furthers the council's mission to improve the administration of justice and to increase access to justice.

Comments

The proposal to amend emergency rule 3 was not circulated for public comment. The primary reason is that it conforms the rule to changes in statute, specifically the enactment of section 367.75, which will now govern the use of remote technology for civil proceedings. In addition, there was a limited amount of time in which to amend the rule following the enactment of section 367.75 and give courts and litigants sufficient notice of the need to make any changes necessary to shift from practices and procedures under emergency rule 3 to those that will be implemented under the new section.

Alternatives considered

The internal committee chairs considered taking no action or repealing emergency rule 3 entirely. If there is no amendment to the rule, there would be ambiguity and confusion as to which law applies to civil proceedings, emergency rule 3 or section 367.75 and the rules that implement the new statute. If the rule were repealed entirely, litigants and courts could lose the ability to participate in criminal proceedings through the use of remote technology at a time when that flexibility is needed due to the ongoing pandemic and the backlog of criminal cases.

Fiscal and Operational Impacts

There may be some costs and operational impacts resulting from changes in practice and procedure resulting from the enactment and implementation of section 367.75, including costs for training court staff and judicial officers. These impacts would be the result of the statute, however, not of this proposed amendment conforming emergency 3 to the new statute. Amending emergency rule 3, in and of itself, is unlikely to have any additional fiscal and operational impacts.

² Emergency rule 5 addresses personal appearance waivers of defendants in criminal remote proceedings.

Attachments and Links

1. Proposed Cal. Rules of Court, emergency rule 3, at page 5
2. Link A: Sen. Bill 241 (Stats. 2021, ch. 214),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB241.

Emergency rule 3 of the California Rules of Court is amended, effective January 1, 2022, to read:

1 **Appendix I**

2 **Emergency Rules Related to COVID-19**

3
4
5 **Emergency rule 3. Use of technology for remote appearances**

6
7 **(a) Remote appearances**

8
9 Notwithstanding any other law, in order to protect the health and safety of the
10 public, including court users, both in custody and out of custody defendants,
11 witnesses, court personnel, judicial officers, and others, courts must conduct
12 ~~judicial~~ criminal proceedings and court operations as follows:

- 13
14 (1) Courts may require that ~~judicial~~ criminal proceedings and court operations be
15 conducted remotely.
16
17 (2) In criminal proceedings, courts must receive the consent of the defendant to
18 conduct the proceeding remotely and otherwise comply with emergency rule
19 5. Notwithstanding Penal Code sections 865 and 977 or any other law, the
20 court may conduct any criminal proceeding remotely. As used in this rule,
21 “consent of the defendant” means that the consent of the defendant is
22 required only for the waiver of the defendant’s appearance as provided in
23 emergency rule 5. For good cause shown, the court may require any witness
24 to personally appear in a particular proceeding.
25
26 (3) Conducting criminal proceedings remotely includes, but is not limited to, the
27 use of video, audio, and telephonic means for remote appearances; the
28 electronic exchange and authentication of documentary evidence; e-filing and
29 e-service; the use of remote interpreting; and the use of remote reporting and
30 electronic recording to make the official record of an action or proceeding.

31
32 **(b) Sunset of rule**

33
34 This rule will remain in effect until 90 days after the Governor declares that the
35 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
36 repealed by the Judicial Council.
37

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee action requested [Choose from drop down menu below]:
Recommend JC approval (has circulated for comment)

Rules Committee Meeting Date: November 2, 2021

Title of proposal: Judicial Branch Education: Extension of Judicial College Deadline

Proposed rules, forms, or standards (*include amend/revise/adopt/approve*):

Amend Cal. Rules of Court, rule 10.492: Temporary extension and pro rata reduction of judicial branch education requirements

Committee or other entity submitting the proposal:

The Center for Judicial Education (CJER) Advisory Committee

Staff contact (name, phone and e-mail): Karene Alvarado, 415-865-7761, karene.alvarado@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:

Approved by Rules Committee date: The CJER Advisory Committee's annual agenda is approved by the Executive and Planning Internal Committee. The Executive and Planning Committee authorized the addition of this this item to the CJER Advisory Committee 2021 annual agenda on September 29, 2021.

Project description from annual agenda: In consultation with CJER staff, the CJER Advisory Committee proposes an amendment to rule 10.492 that would extend the deadline for completion of the Judicial College by an additional 18 months (for a total extension of 30 months to the 2-year window provided in rule 10.462(c)(1)(C) (judicial college attendance must occur within 2 years of oath date).

If requesting July 1 or out of cycle, explain:

In light of the recent decision to cancel the Fall 2021 Judicial College, an amendment to the deadlines in rule 10.492 is urgently requested to avoid widespread noncompliance with rule 10.462(c)(1)(C).

Additional Information: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

The shortened circulation period of 1 week was necessary to provide sufficient time to obtain the necessary subsequent approvals for an effective date of January 1, 2022. This shortened period is sufficient as the proposed amendment is unlikely to generate opposition. Rule 10.492 - granting an initial 12-month extension for all content-based judicial education programs - generated no opposition in the public comment period prior to the rule's adoption last year.

Information for JC Staff regarding form translations:

- *List any amended forms in this proposal that have already been translated:*
- *List any new forms that require translation by statute or that you will request to be translated:*



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-07

For business meeting on: November 18–19, 2021

Title

Judicial Branch Education: Extension of
Judicial College Deadline

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 10.492

Effective Date

January 1, 2022

Recommended by

Center for Judicial Education and Research
Advisory Committee
Hon. Kimberly A. Gaab, Chair

Date of Report

October 22, 2021

Contact

Karene Alvarado, 415-865-7761
karene.alvarado@jud.ca.gov

Executive Summary

The Center for Judicial Education and Research (CJER) Advisory Committee recommends amending rule 10.492 of the California Rules of Court to extend the deadline to complete the B. E. Witkin Judicial College by an additional 18 months. This action is necessary to avoid the widespread inability to comply with rule 10.462(c)(1)(C) amongst new judges and subordinate judicial officers who joined the bench before January 2020. The CJER Advisory Committee also proposes amending the rule's sunset date due to the ongoing nature of the pandemic.

Recommendation

The CJER Advisory Committee recommends that the Judicial Council, effective January 1, 2022, amend rule 10.492 of the California Rules of Court to:

1. Provide extended, temporary relief to new judicial officers who otherwise would be unable to comply with rule 10.462(c)(1)(C); and
2. Extend the sunset date of the rule from December 31, 2022, to December 31, 2024.

The text of the proposed rule is attached at pages 5–7.

Relevant Previous Council Action

In 2006, the Judicial Council adopted a set of rules¹ containing continuing education requirements and expectations for judicial officers and employees of the judicial branch.² Among these rules, rule 10.462(c)(1)(C) requires that “[e]ach new trial court judge and subordinate judicial officer must complete ... [t]he B. E. Witkin Judicial College of California within two years of taking the oath as a judge or subordinate judicial officer....”

In November 2020, the Judicial Council adopted rule 10.492 due to the state of emergency related to the COVID-19 pandemic. This rule, among other things, extended the deadline for all content-based education requirements contained within the rules by 12 months, including the judicial college requirement in rule 10.462(c)(1)(C).

Analysis/Rationale

Since March 2020, the public health crisis has prevented CJER from hosting the judicial college, traditionally a two-week, in-person educational conference. Since that time, it has not been possible for members of the branch to complete their college requirement because CJER has not been able to offer the program in the standard format in the time frame specified by the rules. Even with the previous extension authorized by the Judicial Council last year, this rule amendment is necessary to prevent widespread noncompliance amongst the judiciary who have been unable to attend that judicial college since March 2020.

The proposed amendment would add an additional 18-month extension solely applicable to the judicial college deadline. This would be in addition to the 12-month extension already authorized for all content-based deadlines within the rules of court. The amendment would also extend the sunset provision of rule 10.492 by two years, allowing more recent members of the bench to benefit from an extended compliance window.

Policy implications

Adoption of this amendment aligns with current Judicial Council policy on continuing education. In implementing continuing education requirements branchwide, the Judicial Council deemed content-based requirements, including the judicial college, essential to a well-trained judiciary. Granting an extension of time to complete this requirement will ensure that this training is obtained, either with an in-person or remote format.³

Comments

In developing the amendment to rule 10.492, the CJER Advisory Committee consulted with the Trial Court Presiding Judges Advisory Committee (TCPJAC). While approving the proposed

¹ All references to rules in this document are to the California Rules of Court, unless otherwise indicated.

² These provisions are generally found within title 10 of the California Rules of Court. (See Cal. Rules of Court, rules 10.451–10.491; but see, e.g., rule 2.812(c) (training requirements for new temporary judges).)

³ Judicial Council of Cal., The Strategic Plan for California’s Judicial Branch, Goal V: Education for Branchwide Professional Excellence, at courts.ca.gov/3045.htm (as of Oct. 14, 2021).

amendment, the TCPJAC requested that the CJER Advisory Committee review the judicial college curriculum and content to ensure that it remained relevant for judicial officers with 3–4 years judicial experience. The B. E. Witkin Steering Committee is reviewing how best to amend the college curriculum to address this concern.

This proposal circulated for comment on an expedited, special cycle from October 1 through 8, 2021, and received three comments. As indicated in the attached comment chart at pages 8–9, the CJER Advisory Committee received no comments in opposition to the proposed amendment. Two of the three commenters agreed with the proposal without additional comment. The remaining commenter agreed with modification, proposing that the extension be increased or that the deadline be suspended for the duration of the current crisis. The CJER Advisory Committee agrees that the extension should be increased from the 12 months originally proposed to 18 months. However, the committee declined to propose that the deadline be suspended indefinitely for the reasons specified in the following section.

Alternatives considered

The CJER Advisory Committee considered multiple alternative courses of action to the proposed rule 10.492 amendment, including:

- Taking no action;
- Proposing a waiver of the requirements of rule 10.462(c)(1)(C);
- Proposing an amendment to rule 10.492 to suspend the judicial college deadline for the duration of the pandemic;
- Fast-tracking a truncated and quickly redesigned college program for remote delivery to allow compliance in calendar year 2021; and
- Assessing and separately amending rule 10.462(c)(1)(C) of the California Rules of Court.

Taking no action was rejected because of the widespread noncompliance that would naturally result from inaction; 102 judges and subordinate judicial officers would be noncompliant by July 2022 when the next program is scheduled.

Proposing a waiver of the judicial college requirement through a rule amendment or exercise of emergency authority would be both a disservice to our branch and contrary to Goal V of the Strategic Plan for California’s Judicial Branch. Education content that is provided at the judicial college remains essential for judges still relatively new to their judicial careers and is not otherwise available. For the same reason, suspending the judicial college deadline until the end of the pandemic is not advisable and contrary to the educational goals of the judicial college.

Fast-tracking a shortened college program would also be a disservice to the judicial officers who have been waiting patiently and deserve an effective and well-designed college experience. The fact that 32 sessions led by approximately 62 faculty would need to be evaluated and redesigned for remote delivery suggests that an attempt to redesign the program in an exceedingly short time frame is not likely to be successful. Lastly, amending rule 10.462(c)(1)(C) would offer a

permanent fix to what is still anticipated to be a temporary issue—albeit longer than initially predicted.

Fiscal and Operational Impacts

This proposal will not increase fiscal or operational costs for the courts or the Judicial Council.

Attachments and Links

1. Cal. Rules of Court, rule 10.492, at pages 5–7
2. Chart of comments, at pages 8–9

Rule 10.492 of the California Rules of Court is amended, effective January 1, 2022, to read:

1 **Rule 10.492. Temporary extension and pro rata reduction of judicial branch**
2 **education requirements**

3
4 **(a) Application**

5
6 This rule applies to the requirements and expectations in the California Rules of
7 Court relating to judicial branch education, except rule 10.491 on minimum
8 education requirements for Judicial Council employees.
9

10 **(b) Definitions**

11
12 As used in this rule:

13
14 (1) “Content-based education requirement” means a requirement or expectation
15 of:

16
17 (A) Attendance at any specific program;

18
19 (B) A course of study on any specific topic or topics; or

20
21 (C) A course of study limited to a specific delivery method, such as
22 traditional (live, face-to-face) education.
23

24 (2) “Hours-based education requirement” means a requirement or expectation of
25 a specified number of hours of education to be completed within a specified
26 time period.
27

28 **(c) Content-based education requirement**

29
30 (1) Notwithstanding any other rule, any deadline for completion of a content-
31 based education requirement or expectation, except for the deadline for the B.
32 E. Witkin Judicial College, is extended for 12 months from that deadline,
33 even if the deadline has passed.
34

35 (2) The deadline for completion of the B. E. Witkin Judicial College is extended
36 for 30 months from the deadline specified in rule 10.462(c)(1)(C), even if the
37 deadline has passed.
38

39 **(d) Hours-based education requirement**

40
41 Notwithstanding any other rule, the months of April 2020 through March 2021 are
42 excluded from the education cycles in which those months fall, and the number of

1 hours of education to complete hours-based education requirements or expectations
2 is prorated accordingly.

3
4 **(e) Sunset**

5
6 This rule remains in effect through December 31, 2022~~4~~, or until amended or
7 repealed.

8
9 **Advisory Committee Comment**

10
11 Various rules in title 10, chapter 7, of the California Rules of Court authorize, for good cause, the
12 granting of an extension of time to complete content-based and hours-based education
13 requirements and expectations. Nothing in this rule modifies that authority.

14
15 Nothing in this rule alters education requirements and expectations outside the California Rules
16 of Court, including education requirements mandated by statute or regulation (e.g., Welf. & Inst.
17 Code, § 304.7) or required by Judicial Council policy (e.g., the Qualifying Ethics Program and
18 the Temporary Assigned Judges Program).

19
20 Subdivision (c). This subdivision applies to all rules of court containing content-based education
21 requirements. Below are examples of this subdivision in practice.

22
23 Rule 10.462(c)(1) contains education requirements for new trial court judges and subordinate
24 judicial officers. Based on the date on which individuals took their oath of office, rule
25 10.462(c)(1) allows judges six months within which to attend the New Judge Orientation (NJO)
26 program, one year within which to attend an orientation course in their primary assignment, and
27 two years within which to attend the B. E. Witkin Judicial College of California.

28
29 Under rule 10.462(c)(1), a judge who took the oath of office on January 1, 2020, is required to
30 complete these programs by June 30, 2020 (NJO), December 31, 2020 (primary assignment
31 orientation), and December 31, 2021 (judicial college), respectively. With the 12-month
32 extension under rule 10.492(c)(1), this same judge now has to complete ~~these programs~~ NJO by
33 June 30, 2021, ~~(NJO)~~ and a primary assignment orientation by December 31, 2021 ~~(primary~~
34 ~~assignment orientation)~~, With the 30-month extension under rule 10.492(c)(2), the same judge
35 must now complete the judicial college by and December ~~June 30, 2024~~ (judicial college),
36 respectively.

37
38 As another example of the ~~12-month~~ extensions under rule 10.492(c), a judge who took the oath
39 of office on December 1, 2018, needs to complete NJO by ~~April~~ May 31, 2020 (within 18
40 months), a primary assignment orientation by November 30, 2020 (within two years), and the
41 judicial college by ~~November~~ May 31, 2024~~3~~ (within ~~three~~ 4.5 years).
42

1 Using a different rule as an example, rule 10.478(b)(1) requires court investigators to complete 18
2 hours of education on specified topics within 1 year of their start date. Rule 10.492(c) allows a
3 court investigator up to 2 years to complete this education.

4
5 **Subdivision (d).** This subdivision applies to all rules of court containing hours-based education
6 requirements. Below are examples of this subdivision in practice.

7
8 Rule 10.461(c)(1) contains education requirements for Supreme Court and Court of Appeal
9 justices. Each justice must complete 30 hours of judicial education every three years.

10
11 Under rule 10.492(d), a justice's hours requirements are prorated for the three-year education
12 cycle that runs from January 1, 2019, through December 31, 2021. For example, justices who
13 were confirmed for appointment before January 1, 2019, must complete 20 hours of education by
14 December 31, 2021.

15
16 Education hours requirements for justices who were confirmed for appointment on or after
17 January 1, 2019, would be prorated by rule 10.492(d) and prorated additionally based on the
18 number of years remaining in the three-year educational cycle. For example, a justice confirmed
19 for appointment on October 1, 2020, ordinarily has 10 hours of hours-based education to
20 complete for the last year of the three-year cycle. Under rule 10.492(d), the months of January
21 2021 through March 2021 would be excluded, and the justice would have 7.5 hours rather than 10
22 hours of hours-based education to complete.

23
24 As an additional example, rule 10.474(c)(2) requires 8 hours of continuing education every two
25 years for nonmanagement court staff. For a court employee hired on or before January 1, 2020,
26 rule 10.492(d) prorates the number of hours of education required for the cycle that runs from
27 January 1, 2020, through December 31, 2021. The number of hours required would be prorated
28 for 4 quarters—April 1, 2020, through March 31, 2021—and would result in a reduced hours-
29 based requirement of 4 hours.

SP 21-07**Judicial Branch Education: Extension of Judicial College Deadline**

(amend Cal. Rules of Court, rule 10.492)

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

	Commenter	Position	Comment	Committee Response
1.	Hon. Stephen Gizzi , Judge of the Superior Court of California, County of Solano	AM	<p>I support this much needed extension. However, for many of us (3 in my court alone), the additional 12 months as proposed is insufficient. We will still be out of compliance even with an additional 12 month extension - and that assumes Witkin is conducted in Spring 2022 as currently planned.</p> <p>A better proposal would be to suspend the timeline until things are normalized and the backlog of judges requiring the training is eliminated. The truth is, if the class is not being offered, you can establish all the artificial deadlines you want and they will continue to be meaningless. Better to have enforceable rules than ones that are not and have to be constantly revisited and revised.</p>	<p>The committee thanks the commenter and notes his support for the proposal if modified. The committee agrees to modify the proposal to increase the deadline extension from 12 months to 18 months. However, the committee declines to suspend the deadline entirely until the current crisis is over.</p> <p>The now 18-month extension in the proposed amendment is <u>in addition</u> to the 12-month extension previously granted by the adoption of rule 10.492. New judges and subordinate judicial officers will now have a total of <u>4.5 years</u> to complete the Judicial College requirement if the amendment is adopted. This extension is sufficient to cover 100% of students who took their oaths before 2020 and still need to complete the Judicial College.</p> <p>The committee recognizes that suspending the deadline indefinitely until the more recently appointed and elected are able attend the program would eliminate the possibility of having to revisit rule 10.492 in the future. This course of action would not provide judicial officers with valuable training provided through the judicial college.</p>
2.	Hon, John Monterosso , Judge of the Superior Court of California, County of Riverside	A	No additional comments provided.	The committee thanks the commenter and notes their support for the proposal.

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

3.	Hon. Stephanie Jones, Judge of the Superior Court of California, County of Solano	A	No additional comments provided.	The committee thanks the commenter and notes their support for the proposal.
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Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

Appellate Advisory Committee
Annual Agenda¹—2021-2022
Approved by Rules Committee: [Date]

I. COMMITTEE INFORMATION

Chair:	Hon. Louis R. Mauro, Associate Justice of the Court of Appeal, Third District
Lead Staff:	Christy Simons, Attorney, Legal Services
Committee's Charge/Membership: <p>Rule 10.40 of the California Rules of Court states the charge of the Appellate Advisory Committee (AAC), which is to make recommendations to the Judicial Council for improving the administration of justice in appellate proceedings and to make proposals on training for justices and appellate support staff to the Center for Judicial Education and Research Advisory Committee. Rule 10.34 sets forth additional duties of the committee.</p> <p>Rule 10.40 sets forth the membership positions of the committee. The AAC currently has 21 members. The current committee roster is available on the committee's web page.</p>	
Subcommittees/Working Groups²: <ol style="list-style-type: none">1. Rules Subcommittee2. Appellate Division Subcommittee3. Legislative Subcommittee4. Privacy Subcommittee <i>[Recommend this subcommittee remain inactive in the coming year.]</i>5. Joint Appellate Technology Subcommittee <i>[Recommend this subcommittee remain inactive in the coming year.]</i>6. Remote Access Workgroup (New) – <i>Develop recommendations for expanding remote access to electronic appellate court records.</i>	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30(c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

Meetings Planned for 2021-2022³ (Advisory body and all subcommittees and working groups)

Full committee meetings:

- November 2021 (videoconference to review winter cycle proposals and plan spring cycle proposals)
- February/March 2022 (in person if permitted; otherwise videoconference to make final recommendations on winter cycle proposals and review spring cycle proposals)
- July 2022 (videoconference to make final recommendations on spring cycle proposals)
- September 2022 (videoconference to make recommendations on annual agenda)

Subcommittee meetings: one or more teleconference or videoconference meetings of each subcommittee before each full committee meeting, to work on rules and forms proposals.

Check here if exception to policy is granted by Executive Office or rule of court.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	<i>Update rules regarding reporter’s transcripts</i>	<i>Priority 1(b), (d)</i> ⁵
<p>Project Summary: Consider amending 12 appellate rules to increase the transmission and use of electronic reporter’s transcripts. The proposed amendments are based on changes to Code of Civil Procedure section 271, which imposes a January 2023 deadline for all courts to be ready to accept electronic reporter’s transcripts. The goal of the project is to make it easier for court reporters to send, and for appellate courts to receive, electronic reporter’s transcripts. Increased use of electronic transcripts would improve efficiencies, expand the potential for remote access, result in cost savings, and assist courts and court reporters in continuing to transition from paper to electronic transcripts as required by section 271. Source: California Court Reporters Association</p> <p>Status/Timeline: Priority 1 project to facilitate the use of electronic reporter’s transcripts; completion date of January 1, 2024</p> <p>Fiscal Impact/Resources: Committee staff</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment.</p> <p>AC Collaboration: N/A</p>		<i>Strategic Plan Goal⁶ III, IV</i>
2.	<i>Costs on appeal</i>	<i>Priority 1(a)</i>

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

#	New or One-Time Projects ⁴	
	<p>Project Summary: Rule 8.278 generally provides that the prevailing party in the Court of Appeal is entitled to costs. However, <i>Pollock v. Tri-Modal Distribution Services</i> (2021) 11 Cal.5th 918 recently held that an appellate court may not award costs or fees on appeal to a prevailing FEHA defendant without first making certain determinations. The project involves amending rule 8.278 to avoid conflict with the FEHA and other statutes requiring a particular analysis for awarding costs. Costs on appeal are an ongoing issue for appellate courts; clarifying the rule will increase efficiency and the accuracy of these determinations.</p> <p>Status/Timeline: Priority 1 project to conform rule to applicable law; completion date of January 1, 2023</p> <p>Fiscal Impact/Resources: Committee staff</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment.</p> <p>AC Collaboration: N/A</p>	<p><i>Strategic Plan Goal IV</i></p>
3.	<p>Revise language in civil commitment rule and notice of appeal form</p> <p>Project Summary: Amend rule 8.483 (the record in civil commitment appeals) and revise form APP-060 (notice of appeal—civil commitment) to use preferred terminology under the Americans with Disabilities Act.</p> <p>Status/Timeline: Priority 1 project to conform rule with the Americans with Disabilities Act; completion date of January 1, 2023</p> <p>Fiscal Impact/Resources: Committee staff</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment.</p> <p>AC Collaboration: N/A</p>	<p><i>Priority 1(a)</i></p> <p><i>Strategic Plan Goal I, IV</i></p>
4.	<p>Retention of the reporter’s transcript in felony appeals</p>	<p><i>Priority 1(b), (e)</i></p>

#	New or One-Time Projects ⁴
	<p data-bbox="1619 191 1934 256"><i>Strategic Plan Goal III, IV</i></p> <p data-bbox="176 285 1955 573"><i>Project Summary:</i> Amend rule 10.1028 to extend the time for keeping reporters’ transcripts in appeals affirming felony convictions. The rule currently requires that the original reporter’s transcript be kept by the Court of Appeal for 20 years. However, this is not long enough to account for longer sentences and defendants’ potential need for the reporter’s transcript to avail themselves of changes in the law. Considerations will include the requirements of Code of Civil Procedure section 271, which will require all courts to accept electronic reporter’s transcripts by January 1, 2023, thereby impacting transcript storage and storage costs. The AAC circulated a proposal in Spring 2019 but deferred the project in order to gather more information and revise the proposal. The project was deferred last year due to impacts on the judicial branch relating to the COVID-19 pandemic. Origin: Supreme Court attorney and retired Clerk/Executive Officer of a District Court of Appeal.</p> <p data-bbox="176 613 1192 646"><i>Status/Timeline:</i> Current priority 1 project; completion date of January 1, 2023</p> <p data-bbox="176 686 730 719"><i>Fiscal Impact/Resources:</i> Committee staff</p> <p data-bbox="176 727 1902 800"><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="176 841 1892 914"><i>Internal/External Stakeholders:</i> All draft proposals will circulate for public comment. Stakeholders include the six District Courts of Appeal.</p> <p data-bbox="176 954 485 987"><i>AC Collaboration:</i> N/A</p>
5.	<p data-bbox="1619 1047 1829 1079"><i>Priority 1(e), (f)</i></p> <p data-bbox="1619 1101 1923 1174"><i>Strategic Plan Goals I, III, IV</i></p> <p data-bbox="176 1198 1955 1482"><i>Project Summary:</i> Amend rules 8.80-8.83, which were adopted in 2016, to provide greater electronic access to appellate court records, as appropriate, based on the courts’ improving technical capabilities and increased knowledge gained from experience. The updates may include permitting remote public access to briefs, requiring that records accessible at the courthouse be properly redacted, providing for additional access for specified persons and entities, amending definitions and scope of the rules, and modifying the appellate rules based on 2018 amendments to the trial court rules regarding remote access. This is a priority 1 project because it will increase access to the courts, improve efficiency, respond to the modern expectations of court users, and reduce costs by reducing the copying and printing of paper documents and the need to travel to a courthouse. The project would save courts and the public time, money, and resources and enhance safety. This project was on last year’s annual agenda but was deferred because the appellate courts were implementing a new document</p>

#	New or One-Time Projects⁴	
	<p>management system. It is a two-year project to allow for collaboration with appellate court clerk’s offices and JCIT. Origin: AAC chair, assistant clerk/executive officer of a Court of Appeal, and a Judicial Council attorney.</p> <p>Status/Timeline: Priority 1 project for access, efficiency and cost-reduction reasons; completion date of January 1, 2024</p> <p>Fiscal Impact/Resources: Committee staff</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: JCIT and appellate court clerk’s offices</p> <p>AC Collaboration: N/A</p>	
6.	Rules for streamlined CEQA review	<p>Priority 1(a)</p> <p>Strategic Plan Goal III</p>
	<p>Project Summary: This is a joint project with Civil and Small Claims Advisory Committee. This year, new statutes require streamlined CEQA review for Environmental Leadership projects and Environmental Leadership Transit projects. In recent years, the Legislature added Old Town Center Redevelopment in the City of San Diego, additional State Capitol Building Annex projects, the “Oakland Sports and Mixed Use Projects” related to a new baseball stadium, and projects in Ingleside related to a new NBA arena to the list of projects to be provided with expedited CEQA review, requiring amendments to the rules of court, including rules 3.2200 et seq. for the trial court and rules 8.700–8.705 for the appellate courts. (Public Resources Code sections 21168.6.7, 21168.6.8, 21168.6.9, 21178, 21189.50, 21189.70.) The statutes for the Environmental Leadership, Environmental Leadership Transit, Oakland ballpark, and Inglewood arena projects also require the council to adopt rules regarding costs that must be paid by a project applicant/developer to the court for expedited handling of the case. This project is legislatively mandated.</p> <p>Status/Timeline: Current priority 1 project. Circulation on a special cycle and council adoption at a meeting in early 2022, with an immediate effective date, is recommended.</p> <p>Fiscal Impact/Resources: Committee staff, Governmental Affairs</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment.</p>	

#	New or One-Time Projects⁴	
	<i>AC Collaboration:</i> Joint proposal with Civil and Small Claims Advisory Committee	
7.	<i>Pilot program to reduce indexing of unpublished Court of Appeal opinions</i>	<i>Priority 1(e)</i> <i>DEFERRED</i> <i>Strategic Plan Goal III, IV</i>
<p><i>Project Summary:</i> Review data, evaluate results, and draft a report regarding the ongoing pilot project, and develop recommendations for the Administrative Presiding Justices Advisory Committee and/or the Judicial Council. This program to reduce indexing of unpublished appellate opinions to better protect personal privacy without affecting public access to the opinions on the courts website was approved by the Rules Committee and has been on the AAC’s annual agenda from 2017-2020. The project is part of the privacy subcommittee’s charge to consider whether to recommend amendments to the rules of court or other actions to better protect the privacy of victims, witnesses, and others who are described in or otherwise affected by unpublished Court of Appeal opinions.</p> <p><i>Status/Timeline:</i> Pilot program to continue; report and recommendations deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p><i>Fiscal Impact/Resources:</i> Committee staff <input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p><i>Internal/External Stakeholders:</i> Victims, witnesses, and others who are named in or identified in unpublished appellate opinions</p> <p><i>AC Collaboration:</i> N/A</p>		
8.	<i>Publication and posting of appellate division opinions certified for publication</i>	<i>Priority 1(e)</i> <i>PENDING ACTION BY SUPREME COURT</i> <i>Strategic Plan Goals I, III</i>
<p><i>Project Summary:</i> This item is on hold pending action by the Supreme Court to revise the California Style Manual and consider changes to publication rules and procedures for posting opinions on the website. Currently, appellate division opinions certified for publication are posted on the courts website after the time for the Court of Appeal to order transfer and only if transfer is not ordered. The current procedures developed in part based on provisions in the California Style Manual (CSM), which is now under review for the first time in 20</p>		

#	New or One-Time Projects⁴	
	<p>years. This project involves considering amendments to the rules on transfer and providing subject matter expertise as requested to the Supreme Court and the Reporter of Decisions regarding publication rules, posting, and updates to the CSM. The goals are to clarify publication status upon transfer, close any gaps in the rules, improve transparency and access, and ensure that practices and procedures are coordinated, consistent, and accord appropriate status to these opinions. This is a priority 1 project because it will improve access to the development of the law in unlawful detainer, debt collection, and fee waiver cases, among others.</p> <p>Status/Timeline: Previously a priority 2 project, upgraded to priority 1 for access reasons and timing of revisions to the CSM. Deferred pending action by the Supreme Court.</p> <p>Fiscal Impact/Resources: Committee staff</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: The Supreme Court, Reporter of Decisions, JC Information Technology; all draft rules proposals will circulate for public comment</p> <p>AC Collaboration: N/A</p>	
9.	Placeholder for projects assigned by the Ad-Hoc Workgroup on Post-Pandemic Initiatives (P3)	<p>Priority 1 PLACEHOLDER</p> <p>Strategic Plan Goal TBD</p>
	<p>Project Summary: The Ad Hoc Workgroup on Post-Pandemic Initiatives (P3) is currently working to identify successful court practices that emerged during the COVID-19 pandemic. P3 recommendations may be referred to specific advisory bodies for development and/or implementation.</p> <p>Status/Timeline: TBD</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: TBD</p> <p>AC Collaboration: TBD</p>	

#	New or One-Time Projects ⁴	
10.	<i>Attachment of trial court order to a petition for review</i>	<i>Priority 2(b)</i> <i>Strategic Plan Goal III</i>
<p><i>Project Summary:</i> Amend rule 8.504 to allow for attachment of the entire trial court order to a petition for review of a writ petition summarily denied by the Court of Appeal. Under the current rule, the trial court order being challenged may be attached only if it does not exceed 10 pages. Attaching the entire trial court order would speed the Supreme Court’s review of a summary denial of a writ petition below. The rule allows for attachment of the Court of Appeal order, but generally it is uninformative; the review analysis focuses on the trial court order. Source: Committee member on behalf of Ben Schatz, attorney</p> <p><i>Status/Timeline:</i> Priority 2 project to improve efficiency and save time for the Supreme Court; completion date of January 1, 2024</p> <p><i>Fiscal Impact/Resources:</i> Committee staff</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> All draft proposals will circulate for public comment.</p> <p><i>AC Collaboration:</i> N/A</p>		
11.	<i>Respondent’s designation of reporter’s transcript in appeals under Code of Civil Procedure section 1294.4</i>	<i>Priority 2(b)</i> <i>Strategic Plan Goal IV</i>
<p><i>Project Summary:</i> Appeals under Code of Civil Procedure section 1294.4 from an order dismissing or denying a petition to compel arbitration must be decided within 100 days. Under rule 8.713, appellant must file a record designation with the notice of appeal and any reporter’s transcript must be filed within 10 days. However, the rule does not provide for respondent to designate any additional reporter’s transcript. The project involves amending the rule to provide for respondent’s designation and to establish the time for doing so.</p> <p><i>Status/Timeline:</i> Priority 2 project to close a gap in the rule that has been problematic; completion date of January 1, 2024</p> <p><i>Fiscal Impact/Resources:</i> Committee staff</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p>		

#	New or One-Time Projects⁴	
	<p>Internal/External Stakeholders: All draft proposals will circulate for public comment.</p> <p>AC Collaboration: N/A</p>	
12.	<p>Update forms for requesting an extension of time</p>	<p>Priority 2(b)</p> <p>Strategic Plan Goal III, IV</p>
	<p>Project Summary: To assist the appellate projects in managing their workload and effectively representing their clients, and to provide information that may assist the courts in responding to these requests, revise forms APP-006, CR-126, JV-816, and JV-817 to include space for the applicant to describe work performed on the appeal to date. Update the forms to facilitate electronic service. Revise the language on form CR-126 regarding who is served to match the other forms and increase the space for narrative justification for an extension. Source: director of the First District Appellate Program in 2020; renewed in 2021.</p> <p>Status/Timeline: Priority 2 project to update forms and assist justice partners and the courts; completion date of January 1, 2024</p> <p>Fiscal Impact/Resources: Committee staff</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment.</p> <p>AC Collaboration: N/A</p>	
13.	<p>Revise the notice of appeal form to avoid the problem of an omitted attorney</p>	<p>Priority 2(a)</p> <p>Strategic Plan Goal IV</p>
	<p>Project Summary: In <i>K.J. v. LA Unified School District</i> (2020) 8 Cal.5th 875, the Supreme Court held that the reviewing court must construe a notice of appeal from a sanctions order to include an omitted attorney when it is reasonably clear that the attorney intended to join in the appeal, and the respondent was not misled or prejudiced by the omission. Revise notice of appeal form APP-002 to avoid the problem noted by the court. Source: Supreme Court</p> <p>Status/Timeline: Priority 2 project to update forms for electronic filing and improve their usefulness; completion date of January 1, 2024</p>	

New or One-Time Projects⁴

Fiscal Impact/Resources: Committee staff

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: All draft proposals will circulate for public comment.

AC Collaboration: N/A

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#	Ongoing Projects and Activities ⁴	
1.	Improve Rules and Forms	Priority 1 Strategic Plan Goals I, III, IV
<p>Project Summary: Working through the Rules Subcommittee and the Appellate Division Subcommittee, review case law changes that impact appellate courts and appellate procedure and suggestions from committee members, judicial officers, court staff, the bar, and the public concerning appellate rules and forms and appellate administration. Make recommendations to the Judicial Council for necessary changes to appellate rules, standards, and forms (rule 10.21).</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Committee staff; potentially others depending on the project</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Depends on the project; all draft proposals circulate for public comment</p> <p>AC Collaboration: As appropriate, depending on the project</p>		
2.	Review Pending Legislation	Priority 1 Strategic Plan Goals III, IV
<p>Project Summary: Working through the Legislative Subcommittee, review pending legislation affecting appellate procedure and court administrations and make recommendations to the Legislation Committee as to whether the Judicial Council should support or oppose the legislation (rule 10.34).</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Committee staff, Governmental Affairs</p> <p><input type="checkbox"/> The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</p> <p>Internal/External Stakeholders: California Legislature</p> <p>AC Collaboration: N/A</p>		

#	Ongoing Projects and Activities⁴	
3.	<i>Review Enacted Legislation</i>	<i>Priority 1</i> <i>Strategic Plan Goals III, IV</i>
<p><i>Project Summary:</i> Review all enacted legislation referred to the committee by the Judicial Council’s Governmental Affairs office that may have an impact on appellate procedure and court administration, and, where appropriate, propose to the Judicial Council rules and forms to implement the legislation or to bring rules and forms into conformity with it.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Committee staff, Governmental Affairs</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> N/A</p> <p><i>AC Collaboration:</i> As appropriate, depending on the legislation</p>		
4.	<i>Provide Subject Matter Expertise</i>	<i>Priority 2(b)</i> <i>Strategic Plan Goal III</i>
<p><i>Project Summary:</i> Serve as subject matter resource for other advisory groups to avoid duplication of efforts and contribute to the development of recommendations for council action. Such efforts may include providing appellate procedural expertise and review to working groups, advisory committees, and subcommittees as needed.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Committee staff</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> N/A</p> <p><i>AC Collaboration:</i> As appropriate, depending on the project for which advice or consultation was requested</p>		

# Ongoing Projects and Activities ⁴	
5.	<p><i>Rules and Forms: Miscellaneous Technical Changes</i></p>
	<p><i>Priority 2(a)</i></p>
	<p><i>Strategic Plan Goals III, IV</i></p>
<p><i>Project Summary:</i> Develop rule and form changes as necessary to correct technical errors meeting the criteria of rule 10.22(d)(2): “a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy”</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Committee staff</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p><i>Internal/External Stakeholders:</i> N/A</p> <p><i>AC Collaboration:</i> N/A</p>	

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Advisory Committee on Civil Jury Instructions
Annual Agenda¹—2021–2022
Approved by Rules Committee: [Date, 2021]

I. COMMITTEE INFORMATION

Chair:	Hon. Martin J. Tangeman, Justice California Court of Appeal, Second Appellate District
Lead Staff:	Eric Long, Attorney, Legal Services
<p>Committee’s Charge/Membership: <i>Insert charge from Cal. Rules of Court, or the specific charge to the Task Force. Hyperlink rule number to courts public site. Insert total number of members and number of members by category.</i></p> <p>Rule 10.58 of the California Rules of Court states the charge of the Advisory Committee on Civil Jury Instructions, which is to make recommendations to the Judicial Council for updating, amending, and adding topics to the <i>Judicial Council of California Civil Jury Instructions</i> (CACI).</p> <p>Rule 10.58 sets forth the membership position of the committee. The Advisory Committee on Civil Jury Instructions currently has 22 members (a majority of which must be judges) with 1 vacancy. Under rule 10.58, the Committee must include at least 1 member from each of the following categories: (1) appellate court justice; (2) trial court judge; (3) lawyer whose primary area of practice is civil law; and (4) law professor whose primary area of expertise is civil law. The current committee roster is available on the committee’s web page.</p>	
<p>Subcommittees/Working Groups²:</p> <p>The advisory committee has three subcommittees (referred to internally as working groups). Each working group is made up exclusively of committee members. Each working group reviews approximately one third of the proposed meeting agenda before the full committee meeting and makes recommendations to the committee regarding each proposal. The 3 working groups are:</p> <ol style="list-style-type: none">1. Working Group 122. Working Group 343. Working Group 56	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

Meetings Planned for 2021–2022³ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

Three working group meetings: on or about the week of December 6, 2021, 10:00 a.m.–2:00 p.m., Videoconference

Advisory committee meeting: on or about January 20, 2022, 10:00 a.m.–4:00 p.m., San Francisco (and/or videoconference)

Three working group meetings: on or about the week of June 6, 2022, 10:00 a.m.–2:00 p.m., Videoconference

Advisory committee meeting: on or about July 21, 2022, 10:00 a.m.–4:00 p.m., San Francisco (and/or videoconference)

Due to the nature of the advisory committee’s work and the detailed drafting that is required to phrase CACI’s civil jury instructions in plain English, 2 in-person meetings, rather than only 1, have been authorized in prior years. If in-person meetings can be held safely in light of the evolving COVID-19 situation and if attendant health and safety precautions can be satisfied, the advisory committee will again seek an exception for 2 in-person meetings.

Check here if exception to policy is granted by Executive Office or rule of court.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

COMMITTEE PROJECTS

#	Ongoing Projects and Activities ⁴	
1.	<i>Maintenance—Case Law</i>	<i>Priority</i> ⁵ <i>Strategic Plan Goal IV</i> ⁶
<p>Project Summary: Review new case law affecting jury instructions to determine whether changes to any civil jury instructions are required. Draft and present proposed changes for council approval.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>		
2.	<i>Maintenance—Legislation</i>	<i>Priority 1</i> ⁵ <i>Strategic Plan Goal IV</i> ⁶

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

#	Ongoing Projects and Activities⁴	
	<p>Project Summary: Review new legislation affecting jury instructions to determine whether changes to any civil jury instructions are required. Draft and present proposed changes for council approval. Make any necessary citation revisions to statutes cited under Sources and Authority.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee in January.</p> <p>Fiscal Impact/Resources: None. <input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>	
3.	<i>New Instructions and Expansion into New Subject Matter Areas</i>	<i>Priority 1⁵</i>
	<p>Project Summary: Review new legislation, case law, and suggestions received from jury instruction users; draft and propose new civil jury instructions, including new series of instructions in an entirely new subject area, as appropriate, including new instructions on employee meal periods and employee rest periods.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings.</p> <p>Fiscal Impact/Resources: None. <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>	
4.	<i>Maintenance—Comments from Users</i>	<i>Priority 1⁵</i>

#	Ongoing Projects and Activities ⁴	
	<p>Project Summary: Review suggestions received from jury instruction users, including the bench and bar; draft and propose changes and refinements, as appropriate, based on user suggestions.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None. <input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>	<p><i>Strategic Plan Goal IV⁶</i></p>
5.	<p>Maintenance—Sources and Authority</p> <p>Project Summary: Add quotations excerpted from new cases to Sources and Authority as appropriate once source is final.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to the Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None. <input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>	<p><i>Priority 1⁵</i></p> <p><i>Strategic Plan Goal IV⁶</i></p>
6.	<p>Maintenance—Secondary Sources</p>	<p><i>Priority 1⁵</i></p>

#	Ongoing Projects and Activities ⁴	
	<i>Strategic Plan Goal IV⁶</i>	<p>Project Summary: Update Secondary Source citations to ensure that the secondary sources included in CACI are up to date.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None.</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>
7.	Technical Corrections	<i>Priority 1⁵</i> <i>Strategic Plan Goal IV⁶</i>
	<p>Project Summary: Make any necessary corrections or editing changes to the jury instructions.</p> <p>Status/Timeline: Ongoing, with delivery of any changes requiring Judicial Council approval to the council at its May and November meetings; delivery of any changes requiring only Rules Committee approval to Rules Committee as needed.</p> <p>Fiscal Impact/Resources: None.</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None.</p> <p>AC Collaboration: Each Working Group reviews, considers, and makes recommendations to the AC regarding each proposal.</p>	

II. LIST OF 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Maintenance—Case Law, Legislation, and Comments from Users: Reviewed case law, new legislation affecting jury instructions, and comments from users to determine whether changes to the civil jury instructions are required.. Releases presented to Judicial Council for approval on May 21, 2021, and to be presented to the Judicial Council on or about November 18, 2021.
2.	New Instructions and Expansion into New Subject Matter Areas: Reviewed new legislation, case law, and suggestions received from jury instruction users and proposed new civil jury instructions as appropriate. Releases presented to Judicial Council for approval on May 21, 2021, and to be presented to the Judicial Council on or about November 18, 2021. The November 2020 release (release 38) included 2 new instructions—a negligence instruction on officer use of deadly force and a damages instruction on lost earnings and lost earning capacity—and revisions to 16 instructions to bring them up to date. The May 2020 release (release 39) included 5 new instructions—a battery instruction and verdict form on officer use of deadly force, a civil rights instruction concerning retaliatory motive, an unlawful detainer instruction concerning reasonable accommodation of a disability, and a construction law instruction on payment of contractors—and revisions to 25 instructions and verdict forms to bring them up to date.
3.	Maintenance—Sources and Authority: Reviewed case law and new legislation and proposed inclusion of excerpts and citations from new sources and authority. Release presented to the Rules Committee in April 2021, and to be presented to the Rules Committee in October 2020.
4.	Maintenance—Secondary Sources: Updated citations in CACI’s Secondary Sources. Releases presented to Judicial Council for approval on May 21, 2021, and to be presented to Judicial Council on or about November 18, 2021.
5.	Technical Corrections: Made necessary corrections or editing changes to the jury instructions. Releases presented to Judicial Council for approval on May 21, 2021, and to be presented to Judicial Council on or about November 18, 2021.

II. LIST OF 2020-2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Electronic signatures. Amended rules to authorize the use of electronic signatures on electronic documents filed in the appellate courts. Submitted to the Judicial Council for approval on October 1, 2021; changes would take effect January 1, 2022.
2.	Notice of appeal after plea or admission of probation violation. Amends the rule that governs initiating an appeal in a felony case after a plea of guilty or nolo contendere or after an admission of a probation violation to reorganize the rule and simplify procedures. Eliminates the onus on the clerk to make a legal decision regarding the notice of appeal. Submitted to the Judicial Council for approval on October 1, 2021; changes would take effect January 1, 2022.
3.	Publication and posting of appellate division opinions certified for publication. Worked on issues regarding these opinions that involve posting procedures, rules of court, and the California Style Manual.

Civil and Small Claims Advisory Committee
Annual Agenda¹—2021-2022
Approved by Rules Committee: _____

I. COMMITTEE INFORMATION

Chair:	Hon. Tamara Wood, Superior Court of Shasta County
Lead Staff:	James Barolo, Attorney, Legal Services.
<p>Committee’s Charge/Membership:</p> <p>Rule 10.41 of the California Rules of Court states the charge of the Civil and Small Claims Advisory Committee (C&SCAC), which is to make recommendations to the Judicial Council for improving the administration of justice in civil and small claims proceedings.</p> <p>Rule 10.41 also sets forth the membership categories for the committee, which currently has 26 voting members and 1 advisory member. The current committee roster is available on the committee’s web page.</p>	
<p>Subcommittees/Working Groups²: <i>List the names of each subcommittee or working group, including groups made up exclusively of committee/task force members and joint groups with other advisory committees/task forces. To request approval for the creation of a new subgroup, include “new” after the name of the proposed subgroup and describe its purpose.</i></p> <ol style="list-style-type: none"> 1. Alternative Dispute Resolution Subcommittee 2. Protective Orders Subcommittee 3. COVID-19–Rental Debt Subcommittee <i>(previously the Small Claims and Limited Case Subcommittee, but for this year more focused)</i>³ 4. Rules and Forms Subcommittee—<i>new; to work on rules and forms projects not within the specific subject matters of the other subcommittees.</i> 5. Legislative Subcommittee 6. Joint Ad Hoc CEQA Fee Subcommittee 	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

³ The Unlimited Case and Complex Litigation Subcommittee is being reorganized for the coming year as the Rules and Form Subcommittee, which will take on some of the proposals that would normally go to the Small Claims and Limited Subcommittee, to spread the work more evenly among committee members.

Meetings Planned for 2021-2022⁴

Full committee meetings:

- October 2021 (videoconference to provide input on remote appearance rules)
- November 2021 (videoconference to review winter cycle proposals)
- February/March 2022 (in person if permitted, otherwise videoconference, to make final recommendations on winter cycle proposals and review spring cycle proposals)
- June/July 2022 (videoconference to make final recommendations on spring cycle proposals)

Subcommittee Meetings:

- Legislative Subcommittee. Telephonic meetings as needed from February through July to review proposed legislation.
- Joint Ad Hoc CEQA Fee Subcommittee. Videoconference meeting as needed to develop final recommendation following invitation to comment.
- Other subcommittee meetings. Multiple telephonic or video-conference meetings of each before the full committee meetings, to work on rules and forms proposals.

Other meetings of full committee and subcommittees as needed to address new legislation and other urgent matters.

Check here if exception to policy is granted by Executive Office or rule of court.

⁴ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

COMMITTEE PROJECTS

#	New or One-Time Projects ⁵ [projects with * not yet signed by Governor]	
1.	Rules and Forms under Pandemic-related Statutes	<i>Priority 1(a), (b) and (e)</i> ⁶
		<i>Strategic Plan Goal I and III</i> ⁷
	<p>Project Summary: Develop form recommendations as appropriate. The enactments of the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (Assem. Bill 3088, modified by Sen. Bill 91, Assem. Bill 81, and Assem. Bill 832) and COVID-19 Rental Housing Recovery Act (Assem. Bill 832) changed the practice and procedures relating to all residential unlawful detainer actions, currently through March 31, 2022. The laws also raise the jurisdictional limit of small claims cases for recovery of unpaid rents due between March 1, 2020 and September 30, 2021. The committee has developed several new and revised forms to help implement these laws, and will develop more as appropriate to implement the new laws and any further legislation in this area.</p> <p>Status/Timeline: As needed to implement new laws.</p> <p>Fiscal Impact/Resources: Committee staff only.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate to seek comments from legal service groups, property owner associations, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: N/A</p>	

⁵ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁶ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁷ Indicate which goal number of [The Strategic Plan for California's Judicial Branch](#) the project most closely aligns.

#	New or One-Time Projects⁵ [projects with * not yet signed by Governor]	
2.	Name and Gender Change Forms: conforming forms to law	<i>Priority 1(a) and (b)</i> <i>Strategic Plan Goal I and III</i>
<p><i>Project Summary:</i> Develop form recommendations as appropriate.</p> <ul style="list-style-type: none"> • AB 218* and AB 1578 establish new procedures and orders relating to petitions seeking a name change order or a judgment recognizing their change of gender to female, male, or nonbinary, allowing for orders to change birth certificates of petitioner or of petitioner’s child, and marriage certificates. Several current forms relating to such petitions must be revised to conform to the new law and requirements, and new forms will need to be developed to implement the law. • The committee will also consider the concerns of the Secretary of State’s Safe at Home program (anonymous address program for victims of domestic violence) that the name-change forms for those individuals do not contain all the instructions required. <p><i>Status/Timeline:</i> Anticipated effective date of January 1, 2023</p> <p><i>Fiscal Impact/Resources:</i> Committee staff.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> All draft proposals will circulate to seek comments from legal service groups, bar organizations, and court executives and presiding judges throughout the state.</p> <p><i>AC Collaboration:</i> Family and Juvenile Law Advisory Committee and Probate and Mental Health Advisory Committee for input on new provisions re juvenile dependents and dependent adults.</p>		
3.	Elder Abuse Forms: Implementation of AB 1243	<i>Priority 1(a) and (b)</i> <i>Strategic Plan Goal I and III</i>
<p><i>Project Summary:</i> Develop form recommendations as appropriate. AB 1243 establishes new procedures and orders relating to applications for protective orders for elders and dependent adults who have suffered abuse, authorizing orders enjoining a party from isolating an elder. The new law also allows for protective orders to include a finding that specific debts were incurred as a result of elder abuse. The current forms relating to such petitions must be revised to conform to the new law and requirements, and additional forms may be required.</p> <p><i>Status/Timeline:</i> Anticipated effective date of January 1, 2023</p> <p><i>Fiscal Impact/Resources:</i> Committee staff.</p>		

#	New or One-Time Projects⁵ [projects with * not yet signed by Governor]	
	<p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate to seek comments from legal service groups, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: Probate and Mental Health Advisory Committee for input regarding the new provisions as they impact dependent adults.</p>	
4.	Civil Harassment Forms: Implementation of AB 1143	Priority 1(a) and (b)
<p>Strategic Plan Goal I and III</p> <p>Project Summary: Develop form recommendations as appropriate. AB 1143 authorizes a court to approve alternative means of service of process for a petition for a civil harassment protective order if the court determines that the respondent is evading service. The committee will consider whether CH forms need to be revised or new forms created to conform to this new law.</p> <p>Status/Timeline: Anticipated effective date of September 1, 2022</p> <p>Fiscal Impact/Resources: Committee staff.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate to seek comments from legal service groups, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: N/A</p>		
5.	Civil Protective Order Information Sheets	Priority 1(a)
<p>Strategic Plan Goal III</p> <p>Project Summary Revise forms as appropriate. The items regarding interpreters on the information sheets for the civil protective orders (forms CH-100 and EA-100) is no longer correct and should be revised to conform to current law. At the same time, the forms will be updated to replace the old names of cross-referenced forms with the current names.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2023.</p>		

#	New or One-Time Projects⁵ [projects with * not yet signed by Governor]	
	<p>Fiscal Impact/Resources: Committee staff.</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment.</p> <p>AC Collaboration: N/A</p>	
6.	Rules for Streamlined CEQA review	<p>Priority 1(a) and (b)</p> <p>Strategic Plan Goal III</p>
	<p>Project Summary This year, new statutes require streamlined CEQA review for Environmental Leadership projects and Environmental Leadership Transit projects. In recent years, the Legislature added Old Town Center Redevelopment in the City of San Diego, additional State Capitol Building Annex projects, the “Oakland Sports and Mixed Use Projects” related to a new baseball stadium, and projects in Ingleside related to a new NBA arena to the list of projects to be provided with expedited CEQA review, requiring amendments to the rules of court, including rules 3.2200 et seq. for the trial court and rules 8.700–8.705 for the appellate courts. (Public Resources Code sections 21168.6.7, 21168.6.8, 21168.6.9, 21178, 21189.50, 21189.70.) The statutes for the Environmental Leadership, Environmental Leadership Transit, Oakland ballpark, and Inglewood arena projects also require the council to adopt rules regarding costs that must be paid by a project applicant/developer to the court for expedited handling of the case. This project is legislatively mandated.</p> <p>Status/Timeline: Current priority 1 project. Circulation on a special cycle and council adoption at a meeting in early 2022, with an immediate effective date, is recommended.</p> <p>Fiscal Impact/Resources: Committee staff, Governmental Affairs</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment.</p> <p>AC Collaboration: This is a joint project with the Appellate Advisory Committee. May also need to collaborate with Governmental Affairs staff and Business Management Services staff.</p>	
7.	Requests to Enter Default—Declaration re Nonmilitary Status	<p>Priority 1(a)</p> <p>Strategic Plan Goal IV</p>

#	New or One-Time Projects⁵ [projects with * not yet signed by Governor]	
	<p>Project Summary: Consider revising requests to enter default forms, including forms CIV-100 and CIV-105, to update federal statutory references in the items providing a declaration of nonmilitary status, to ensure that the current affidavit language is legally sufficient. Because the legal accuracy of the forms is in question, the committee needs to act to correct these forms.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2023.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms. <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: The draft proposal will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p> <p>AC Collaboration: The committee will work with the Family and Juvenile Law Advisory Committee to ensure that any changes to the request to enter default forms are consistent with similar family law forms, to the extent appropriate.</p>	
8.	Remote Appearances in Civil Proceedings	<p>Priority 1(b)</p> <p>Strategic Plan Goals I, III and IV</p>
	<p>Project Summary: Provide subject matter expertise and input to Ad Hoc Committee on Civil Remote Appearance Rules, on rules required under new Code Civil Procedure section 367.75.</p> <p>Status/Timeline: TBD</p> <p>Fiscal Impact/Resources: Committee staff only. <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate to seek comments from legal service groups, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: Ad Hoc Committee on Civil Remote Appearance Rules, Family and Juvenile Advisory Committee, Probate and Mental Health Advisory Committee, Trial Court Presiding Judges Advisory Committee, Court Executives Advisory Committee.</p>	

#	New or One-Time Projects⁵ [projects with * not yet signed by Governor]	
9.	Revision of Unlawful Detainer Summons for use in Forcible Detainer cases	Priority 1(e) Strategic Plan Goal I and III
<p>Project Summary: Consider revising form SUM-130. Currently the mandatory summons SUM-130, providing 5-days’ notice, is, by its title, limited to use in unlawful detainer proceedings. There is no summons form for equivalent notice for forcible detainers. Parties have reported that courts will not accept individually amended forms. Revising the mandatory form to allow its use with forcible detainers would ensure that defendants are provided with the requisite notice.</p> <p>Status/Timeline: Anticipated January 1, 2024 effective date, unless resources permit earlier recommendation.</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposals will circulate to seek comments from legal service groups, property owner associations, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: TBD</p>		
10.	Placeholder for Projects assigned by the Ad-Hoc Workgroup on Post-Pandemic Initiatives (P3)	Priority 1 Strategic Plan Goal TBD
<p>Project Summary: The Ad Hoc Workgroup on Post-Pandemic Initiatives (P3) is currently working to identify successful court practices that emerged during the COVID-19 pandemic. P3 recommendations may be referred to specific advisory bodies for development and/or implementation.</p> <p>Status/Timeline: TBD</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposals will circulate to seek comments from legal service groups, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: TBD</p>		

#	New or One-Time Projects⁵ [projects with * not yet signed by Governor]	
11.	Placeholder for Recommendations arising from Report of Workgroup on Homelessness	Priority TBD
Strategic Plan Goal I and III		
<p>Project Summary: The Chief Justice’s Workgroup on Homelessness will be presenting its report with recommendations to the Judicial Council at its November meeting. This is a placeholder item for any project that the council directs the advisory committee to work on from that report.</p> <p>Status/Timeline: TBD</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposals will circulate to seek comments from legal service groups, property owner associations, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: TBD</p>		
12.	Protective Orders: Redesign of Forms for Self-Represented Litigants	Priority 2(b) DEFERRED
Strategic Plan Goals III and IV		
<p>Project Summary: Work with Protective Order Working Group (<i>under lead of Family and Juvenile Law Advisory Committee</i>) to revise the protective order forms used in domestic violence and civil cases to ensure they are written in language that is comprehensible to non-attorneys, while maintaining legal accuracy (forms to be consistent across DV and civil restraining order form groups).</p> <p>At the same time, the committee will consider expanding or deleting any items asking for gender on forms CH-100, CH-110, CH-130, EA-100, EA-110, and EA-130. The same considerations will be provided to items on forms GV-100, GV-110, GV-130; SV-100, SV-110, SV-130; and WV-100, WV-110, WV-130 when they are revised the following year.</p> <p>Status/Timeline: Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p>Fiscal Impact/Resources: Committee staff, CFCC</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p>		

#	New or One-Time Projects⁵ [projects with * not yet signed by Governor]	
	<p>Internal/External Stakeholders: California Department of Justice. All draft proposals will circulate to seek comments from legal services groups, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: Joint Protective Order Working Group, Family and Juvenile Advisory Committee</p>	
13.	Protective Orders: Continuance of Hearings on Requests to Renew	Priority 2(b) DEFERRED
	<p>Strategic Plan Goals III and IV</p> <p>Project Summary: Work with Protective Order Working Group (<i>under lead of Family and Juvenile Law Advisory Committee</i>) to revise the forms used in domestic violence and civil cases to request and order continuances of hearings in proceedings to renew or terminate protective orders (the CH-700 form series and the parallel forms in the DV, EA, GV, SV, and WV form series).</p> <p>Status/Timeline: Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p>Fiscal Impact/Resources: Committee staff, CFCC</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: California Department of Justice. All draft proposals will circulate to seek comments from legal services groups, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: Joint Protective Order Working Group, Family and Juvenile Advisory Committee</p>	

#	Ongoing Projects and Activities⁵	
1.	Review Suggestions for Rules and Forms	Priority 1⁶
		Strategic Plan Goals III and IV⁷
<p>Project Summary: As mandated by rule 10.21(c), review suggestions from members of the judicial branch and the public for improving civil practice and procedure, court-connected ADR, and case management and recommend actions by the council or one of its committees.</p> <p>Status/Timeline: Ongoing; will only take further action upon approval of Rules Committee.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p>Internal/External Stakeholders: N/A</p> <p>AC Collaboration: As appropriate based on proposal received.</p>		
2.	Review Enacted Legislation	Priority 1
		Strategic Plan Goals II and III⁷
<p>Project Summary: Review all enacted legislation referred to the committee by the Judicial Council’s Governmental Affairs office that may have an impact on issues within the advisory committee’s purview and, where appropriate, propose to the council rules and forms to implement the legislation or to bring rules and forms into conformity with it.</p> <p>Status/Timeline: Ongoing; will only take further action upon approval of Rules Committee.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: N/A</p> <p>AC Collaboration: As appropriate based on the specific legislation.</p>		

#	Ongoing Projects and Activities⁵	
3.	<i>Review Pending Legislation</i>	<i>Priority 1</i>
		<i>Strategic Plan Goals III, IV</i>
<p><i>Project Summary:</i> Working through the Legislative Subcommittee, review pending legislation affecting civil procedure and court administration, and make recommendations to the Legislation Committee as to whether the Judicial Council should support or oppose the legislation.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Committee staff, Governmental Affairs</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p><i>Internal/External Stakeholders:</i> California Legislature</p> <p><i>AC Collaboration:</i> N/A</p>		
4.	<i>Provide Subject Matter Expertise</i>	<i>Priority 1</i>
		<i>Strategic Plan Goal III</i>
<p><i>Project Summary:</i> Serve as subject matter resource for other advisory groups to avoid duplication of efforts and contribute to the development of recommendations for council action. Such efforts may include providing civil and small claims procedural expertise and review to working groups, advisory committees, and subcommittees as requested, on projects that have been approved on their annual agendas.</p> <p><i>Status/Timeline:</i> Ongoing.</p> <p><i>Fiscal Impact/Resources:</i> N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> N/A</p> <p><i>AC Collaboration:</i> As appropriate for project on which advice or consultation requested.</p>		

#	Ongoing Projects and Activities⁵	
5.	Rules and Forms: Miscellaneous Technical Changes	Priority 1 Strategic Plan Goal III
<p>Project Summary: Develop rule and form changes as necessary to make changes meeting the criteria of rule 10.22(d)(2): “a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy....” These include revisions to forms that contain dollar figures based on statutory criteria that is adjusted on a regular basis.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: N/A</p> <p>AC Collaboration: N/A</p>		
6.	New Civil Tiers and Streamlined Litigation	Priority 1 DEFERRED Strategic Plan Goal III
<p>Project Summary: Assess and develop recommendations to further the “civil tiers” proposal in Report of the Commission on Future of California’s Court System (Futures Commission) for:</p> <ul style="list-style-type: none"> • Advancing a legislative proposal for increasing the maximum jurisdiction dollar amounts for limited civil cases to \$50,000 and developing an intermediate civil case tier • Developing streamlined methods for litigating and managing all types of civil cases, include <ul style="list-style-type: none"> ○ Legislative proposal for including unlawful detainer proceedings within the procedures for limited civil cases, including mandatory expedited jury trials ○ Legislative proposal revising discovery statutes to make discovery proportion to amount at issue (based on civil case tiers), require mandatory early disclosures, and limit number of expert witnesses ○ Amended case management rules and statutes, and amended forms to implement same ○ Legislative proposal to allow partial summary judgments in unlimited cases ○ Legislative proposal, rules, and best practices relating to remote access in certain civil proceedings ○ Increased ADR in all case levels, including, potentially, online ADR for small claims cases <p>Status/Timeline: Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p>		

#	Ongoing Projects and Activities ⁵	
	<p>Project history:</p> <ul style="list-style-type: none"> • During the 2017-2018 committee year, the committee developed two legislative proposals, one concerning limited civil case jurisdiction and unlawful detainers (which was circulated for public comment in Spring 2018) and one concerning changes to civil discovery based on new civil tiers (which was circulated in fall 2018). • During the 2018-2019 year, following review of the comments received on the proposals, the committee, in light of the strong opposition from bar and legal service organizations, decided not to continue with those proposals at that time. The committee began working on alternative ways to further the recommendations, and focused on the concept of a pilot project, based on voluntary participation of the parties. • In 2019-2020, the committee, having identified two courts interested in participating in the pilot project circulated proposed rules and form for public comment in spring 2020. However, both courts had to delay participation in light of issues at their courts relating to the COVID-19 pandemic. • This project was deferred in the 2020-2021 committee year due to the COVID-19 pandemic. <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: N/A</p>	
7.	<p>Update Deskbook on the Management of Complex Civil Litigation</p>	<p>Priority 2</p>
<p>Project Summary: Implementation project; charge for work was made CSCAC by the council at October 22, 1999 meeting in which the council received the report of the Complex Civil Litigation Task Force and voted to adopt the Task Forces’ recommendations (see authorization attached; item 3 from the minutes of Judicial Council meeting in October 1999, beginning at page 17).</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: N/A</p>		<p>Strategic Plan Goal III</p>

#	Ongoing Projects and Activities ⁵	
	<i>AC Collaboration:</i> N/A	
8.	Revision of Judicial Council Forms with a Gender Identity Question or Term	Priority 2(b) DEFERRED Strategic Plan Goal III and IV
<p>Project Summary: The forms within this committee’s purview that include a gendered term or gender identity question are being revised to eliminate or revise those terms where possible.</p> <p>Status/Timeline: Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic, except to the extent a form with a gendered term in it is being revised for legislatively mandated reasons, in which case the revision of gendered terms will occur at the same time.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: All draft proposal will circulate to seek comments from legal services groups, bar organizations, and court executives and presiding judges throughout the state.</p> <p>AC Collaboration: N/A</p>		

II. LIST OF 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<i>Unlawful Detainer forms.</i> The committee developed numerous new and revised Unlawful Detainer forms on an expedited basis to implement the tenant protections in unlawful detainer actions, revising some of the forms several time throughout the year in order to reflect changing legislation. The forms were adopted and approved by the council in October 2020, November 2020, February 2021, May 2021, July 2021, and October 2021.
2.	<i>Pleading forms.</i> The committee developed new small claims and general civil pleading forms to facilitate the recovery of COVID-19 related rental debt. The forms were adopted and approved by the council in October 2021.
3.	<i>Remote Depositions.</i> The committee recommended amendment of Cal. Rules of Court, rule 3.1010 regarding remotely held depositions to reflect changes in statute to accommodate public health concerns under COVID-19.
4.	<i>Review of Pending Legislation.</i> Reviewed and made recommendations regarding council position on over three dozen bills with potential impact on the civil courts.

Advisory Committee on Criminal Jury Instructions

Annual Agenda—2022

Approved by Rules Committee: _____

I. COMMITTEE INFORMATION

Chair:	Hon. Patricia Guerrero, Associate Justice, Court of Appeal, Four Appellate District, Division One
Lead Staff:	Kara Portnow, Supervising Attorney, Criminal Justice Services
Committee’s Charge/Membership: Rule 10.59 of the California Rules of Court states the charge of the Advisory Committee on Criminal Jury Instructions (CALCRIM), which is to regularly review case law and statutes affecting jury instructions and to make recommendations to the Judicial Council for updating, amending, and adding topics to the council’s criminal jury instructions. Rule 10.59 also sets forth the membership position of the committee. The Advisory Committee on Criminal Jury Instructions currently has 12 members. The current committee roster is available on the committee’s web page.	
Subcommittees/Working Groups: The committee has one subcommittee, the CALCRIM Workgroup, consisting of five members who meet to pre-vet all materials before they go to the full committee for review.	
Meetings Planned for 2022 (Advisory body and all subcommittees and working groups) Date/Time/Location or Teleconference: Two full committee meetings in June and in November. Two workgroup meetings in May and in October. Dates and location TBD.	
<input checked="" type="checkbox"/> Check here if exception to policy is granted by Executive Office or rule of court.	

COMMITTEE PROJECTS

#	New or One-Time Projects	

# Ongoing Projects and Activities	
1	Maintenance—Case Law and Legislation
	<i>Priority 1¹</i>
<i>Strategic Plan Goal IV²</i>	
<p>Project Summary: Review case law and new legislation affecting jury instructions to determine whether changes to the criminal jury instructions are required. Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.</p> <p>Status/Timeline: Ongoing, with delivery to Judicial Council at March and September meetings.</p> <p>Fiscal Impact/Resources: No implementation costs are associated with this project. To the contrary, under the publication agreement, the official publisher, LexisNexis, will print a new edition and pay royalties to the Judicial Council. The council’s contract with West Publishing provides additional royalty revenue.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Not applicable.</p> <p>AC Collaboration: Not applicable.</p>	
2	Maintenance—Comments from Users
	<i>Priority 1</i>
<i>Strategic Plan Goal IV</i>	
<p>Project Summary: Review comments received from jury instruction users and propose any necessary changes and improvements. Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.</p> <p>Status/Timeline: Ongoing, with delivery to Judicial Council at March and September meetings.</p> <p>Fiscal Impact/Resources: No implementation costs are associated with this project. To the contrary, under the publication agreement, the official publisher, LexisNexis, will print a new edition and pay royalties to the Judicial Council. The council’s contract with West Publishing provides additional royalty revenue.</p>	

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

² Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

#	Ongoing Projects and Activities	
	<input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i> Internal/External Stakeholders: Not applicable. AC Collaboration: Not applicable.	
3	Project Title: New Instructions and Expansion into New Areas.	Priority 1 Strategic Plan Goal IV
<p>Project Summary: Review suggestions received from jury instruction users, new legislation, and case law and propose new criminal jury instructions as appropriate. Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.</p> <p>Status/Timeline: Ongoing, with delivery to Judicial Council at March and September meetings.</p> <p>Fiscal Impact/Resources: No implementation costs are associated with this project. To the contrary, under the publication agreement, the official publisher, LexisNexis, will print a new edition and pay royalties to the Judicial Council. The council’s contract with West Publishing provides additional royalty revenue.</p> <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i> Internal/External Stakeholders: Not applicable. AC Collaboration: Not applicable.		
4	Project Title: Technical Corrections.	Priority 1 Strategic Plan Goal IV
<p>Project Summary: Make any necessary corrections or editing changes to the jury instructions. Judicial Council Direction: Draft and maintain jury instructions that accurately and understandably state the law.</p> <p>Status/Timeline: Ongoing, with delivery to Judicial Council at March and September meetings.</p>		

#	Ongoing Projects and Activities
	<p>Fiscal Impact/Resources: No implementation costs are associated with this project. To the contrary, under the publication agreement, the official publisher, LexisNexis, will print a new edition and pay royalties to the Judicial Council. The council’s contract with West Publishing provides additional royalty revenue.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Not applicable. AC Collaboration: Not applicable.</p>

II. LIST OF 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Maintenance—Case Law and Legislation: Reviewed case law and new legislation affecting jury instructions to determine whether changes to the criminal jury instructions are required. Releases presented to Judicial Council for approval in March 2021 and October 2021.
2.	Maintenance—Comments From Users: Reviewed comments received from jury instruction users and propose any necessary changes and improvements. Releases presented to Judicial Council for approval in March 2021 and October 2021.
3.	New Instructions and Expansion into New Areas: Reviewed new legislation and case law and suggestions received from jury instruction users and proposed new criminal jury instructions as appropriate. Releases presented to Judicial Council for approval in March 2021 and October 2021.
4.	Technical Corrections: Made necessary corrections or editing changes to the jury instructions. Releases presented to Judicial Council for approval in March 2021 and October 2021.

Criminal Law Advisory Committee
Annual Agenda¹—2022
Approved by Rules Committee: [Date]

I. COMMITTEE INFORMATION

Chair:	Hon. Brian M. Hoffstadt, Chair; Hon. Lisa Rodriguez, Vice Chair
Lead Staff:	Sarah Fleischer-Ihn, Attorney, Criminal Justice Services Office
Committee's Charge/Membership: Rule 10.42(a) of the California Rules of Court states the charge of the Criminal Law Advisory Committee, which is to make recommendations to the Judicial Council for improving the administration of justice in criminal proceedings. Rule 10.42(b) sets forth the membership categories of the committee. The Criminal Law Advisory Committee currently has 21 voting members. The current committee roster is available on the committee's webpage.	
Subcommittees/Working Groups²: 1. Protective Orders Working Group (POWG)	
Meetings Planned for 2022³ (Advisory body and all subcommittees and working groups) Date/Time/Location or Teleconference: <ul style="list-style-type: none">• January 2022 (teleconference to discuss and review spring cycle proposals)• February/March 2022 (teleconference to discuss and review spring cycle proposals and discuss pending legislation)• April 2022 (teleconference to discuss pending legislation)• May 2022 (teleconference to discuss pending legislation)• June 2022 (teleconference to discuss pending legislation)	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

- July 2022 (teleconference to make final recommendations on spring cycle proposals and discuss pending legislation)
- August 2022 (teleconference to discuss pending legislation)
- September 2022 (teleconference to discuss pending legislation)
- November 2022 (teleconference to discuss spring cycle proposals)
- Other teleconference meetings as needed to address urgent items

Check here if exception to policy is granted by Executive Office or rule of court.

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COMMITTEE PROJECTS

#	New or One-Time Projects ⁴
1.	<p data-bbox="180 280 1423 313"><i>Placeholder for projects assigned by the Ad-Hoc Workgroup on Post-Pandemic Initiatives (P3)</i></p> <p data-bbox="1619 280 1759 313"><i>Priority 1⁵</i></p> <p data-bbox="1619 337 1934 402"><i>Strategic Plan Goal III, IV⁶</i></p>
	<p data-bbox="180 435 1927 540">Project Summary⁷: The Ad Hoc Workgroup on Post-Pandemic Initiatives (P3) is currently working to identify successful court practices that emerged during the COVID-19 pandemic. P3 recommendations may be referred to specific advisory bodies for development and/or implementation.</p> <p data-bbox="180 581 468 613">Status/Timeline: TBD</p> <p data-bbox="180 654 741 686">Fiscal Impact/Resources: None anticipated</p> <p data-bbox="180 727 1906 800"><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="180 841 674 873">Internal/External Stakeholders: TBD</p> <p data-bbox="180 914 495 946">AC Collaboration: TBD</p>

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
2.	<i>Review recently enacted legislation that may have an impact on criminal court administration</i>	<i>Priority 1(a), 1(b)⁵</i>
		<i>Strategic Plan Goal⁶</i>
<p><i>Project Summary⁷</i>: The committee is tracking enrolled bills that, if signed by the Governor, may require new or revised forms and new or amended rules of court, including:</p> <ul style="list-style-type: none"> • Amending rule 4.530 (intercounty transfer of probation and mandatory supervision cases) to reflect amendments to Penal Code section 1203.9 by AB 177 and new reporting requirements for probation transfers under AB 898 • Revising form CR-187 (motion to vacate conviction or sentence) to reflect that relief is available to convictions and sentences under AB 1259 • Repealing rules 4.300 and 4.453 (commitments to nonpenal institutions) to reflect changes to Welfare and Institutions Code section 1731.5 under SB 92 • Amending rule 4.130 (mental competency proceedings) to reflect changes to misdemeanor incompetent to stand trial cases under SB 317 <p><i>Status/Timeline:</i> Anticipated effective date of January 1, 2023</p> <p><i>Fiscal Impact/Resources:</i> Revised forms may require CMS changes by the courts.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> Justice system partners</p> <p><i>AC Collaboration:</i> None</p>		
3.	<i>Amend felony sentencing rules</i>	<i>Priority 1(a), 1(b)⁵</i>
		<i>Strategic Plan Goal⁶</i>
<p><i>Project Summary⁷</i>: Effective January 1, 2022, Penal Code section 1170 will require courts to impose the middle term in felony sentencing unless there are circumstances in aggravation or mitigation of the crime. Assembly Bill 124 and Senate Bills 81 and 567, if signed into law by the Governor, would also amend section 1170 and other sentencing statutes. These changes require amendments to rules of court on felony sentencing, including rules 4.405 (definitions), 4.406 (statement of reasons), 4.408 (listing of factors not exclusive; sequence not significant), 4.420 (selection of term of imprisonment), 4.421 (circumstances in aggravation), 4.422 (circumstances in mitigation), 4.428 (factors affecting imposition of enhancements), 4.433 (matters to be considered at sentencing), and 4.437 (statements in aggravation or mitigation).</p>		

#	New or One-Time Projects⁴	
	<p>Status/Timeline: Anticipated effective date of January 1, 2023</p> <p>Fiscal Impact/Resources: None</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Justice system partners</p> <p>AC Collaboration: None</p>	
4.	<p>Amend Cal. Rules of Court, rule 2.507, electronic access to court calendars, indexes, and registers of actions</p>	<p>Priority 1(e), 2(b)⁵</p> <p>Strategic Plan Goal⁶</p>
	<p>Project Summary⁷: The committee will consider the possibility of amending rule 2.507 in response to <i>All of Us or None - Riverside Chapter v. Hamrick</i> (2021) 64 Cal.App.5th 751, reh’g denied (June 17, 2021), review denied (Sept. 1, 2021), holding that the requirement in rule 2.507 that a defendant’s birthdate be excluded from courts’ indexes also prohibited public searches of the electronic court index using a birthdate.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2023</p> <p>Fiscal Impact/Resources: May result in cost savings to the courts.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Professional Background Screening Association, reentry advocates</p> <p>AC Collaboration: Information Technology Advisory Committee</p>	
5.	<p>Revise mandatory forms - Criminal Protective Order – Domestic Violence (form CR-160), Criminal Protective Order – Other Than Domestic Violence (form CR-161), and Order to Surrender Firearms in Domestic Violence Case (form CR-162)</p>	<p>Priority 1(f), 2(b)⁵</p> <p>Strategic Plan Goal⁶</p>

#	New or One-Time Projects ⁴
	<p>Project Summary⁷: The committee will consider amendments to 1) increase accessibility of the forms, 2) change references to the sex of the restrained person to gender, and consider a nonbinary gender option; 3) add additional identification data fields for protected persons; 4) add additional identification data fields for animals granted to the protected person for care, possession, and control; 5) reflect current law, including the requirement to prioritize enforcement of protective orders in pending cases involving specified sex offenses and offenses requiring sex offender registration (AB 1498 (Stats. 2014, ch. 665)), further defining “coercive control” (SB 1141 (Stats. 2020, ch. 245)), and clarifying firearm storage requirements (Family Code section 6389 and Code of Civil Procedure section 527.9); and 6) incorporate language similar to the civil domestic violence restraining orders to promote consistency.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2023</p> <p>Fiscal Impact/Resources: Revised forms may require CMS changes by the courts</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Justice system partners</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee</p>

#	Ongoing Projects and Activities ⁴	
1.	<p>Review recently enacted legislation</p>	<p>Priority 1⁵</p> <p>Strategic Plan Goal III⁶</p>
	<p>Project Summary⁷: Review enacted legislation that may have an impact on criminal court administration and propose rules and forms as may be appropriate for implementation of the legislation.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Revised or new forms may require CMS changes by the courts</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p>Internal/External Stakeholders: Governmental Affairs</p> <p>AC Collaboration: None</p>	

#	Ongoing Projects and Activities ⁴	
2.	Review pending legislation	Priority 1⁵
		Strategic Plan Goal III⁶
<p>Project Summary⁷: Review pending criminal law legislation and make recommendations as to whether the Judicial Council should support or oppose the legislation. Provide subject matter expertise on pending criminal law legislation.</p>		
<p>Status/Timeline: Ongoing</p>		
<p>Fiscal Impact/Resources: None</p>		
<p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p>		
<p>Internal/External Stakeholders: Governmental Affairs</p>		
<p>AC Collaboration: None</p>		
3.	Criminal justice and mental health	Priority 1⁵
		Strategic Plan Goal III, IV⁶
<p>Project Summary⁷: Review pending legislation related to criminal justice and mental health, make recommendations as to whether the Judicial Council should support or oppose the legislation, and provide subject matter expertise on pending criminal justice and mental health legislation and related issues.</p>		
<p>Status/Timeline: Ongoing</p>		
<p>Fiscal Impact/Resources: None</p>		
<p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p>		
<p>Internal/External Stakeholders: Governmental Affairs</p>		
<p>AC Collaboration: Collaborative Justice Courts Advisory Committee</p>		

#	Ongoing Projects and Activities⁴	
4.	<i>Provide subject matter expertise for other advisory committees</i>	<i>Priority 2⁵</i> <i>Strategic Plan Goal III⁶</i>
<p><i>Project Summary⁷</i>: Provide subject matter expertise for other advisory committees and working groups developing proposals involving or relevant to criminal law and procedure.</p> <p><i>Status/Timeline</i>: Ongoing</p> <p><i>Fiscal Impact/Resources</i>: None</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders</i>: Governmental Affairs</p> <p><i>AC Collaboration</i>: Information Technology Advisory Committee, Traffic Advisory Committee; other Judicial Council advisory committees and working groups</p>		
5.	<i>Participate in the Protective Orders Working Group</i>	<i>Priority 1⁵</i> <i>Strategic Plan Goal III, IV⁶</i>
<p><i>Project Summary⁷</i>: Continue participation in the Protective Orders Working Group, which assists in ensuring consistency and uniformity in the different protective orders used in family, juvenile, civil, criminal, and probate proceedings, and helps to develop and update protective order forms and rules of court.</p> <p><i>Status/Timeline</i>: Ongoing</p> <p><i>Fiscal Impact/Resources</i>: None</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders</i>: None</p>		

#	Ongoing Projects and Activities ⁴
	<i>AC Collaboration:</i> Family and Juvenile Law Advisory Committee, Civil and Small Claims Advisory Committee, Probate and Mental Health Advisory Committee, Information Technology Advisory Committee

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II. LIST OF 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<i>Develop a proposal on remote criminal proceedings.</i> It is anticipated that at its November 2021 meeting, the Judicial Council will approve a legislative proposal to amend Penal Code sections 977, 1043, 1043.5, 1148, and 1193, and to enact Penal Code section 977.3. The proposed legislation would provide statutory authority for remote appearances in criminal proceedings, provide statutory authority for courts to order the personal presence of a misdemeanor defendant, and expand a defendant’s right to waive personal presence in a felony case.
2.	<i>Develop forms to implement AB 2147, Convictions: expungement: incarcerated individual hand crews.</i> It is anticipated that at its October 2021 meeting, the Judicial Council will approve four optional forms to implement AB 2147, which authorizes conviction relief for a petitioner who successfully participated as an incarcerated individual hand crew member in a fire camp program operated by a county or the California Department of Corrections and Rehabilitation, and has been released from custody.
3.	<i>Revise Order for Commitment (Sexually Violent Predator) (form CR-173).</i> It is anticipated that at its October 2021 meeting, the Judicial Council will approve revisions to <i>Order for Commitment</i> (form CR-173) and revoke <i>Order for Extended Commitment</i> (form CR-174) to incorporate changes to the statutes governing sexually violent predator proceedings (Welf. & Inst. Code, § 6600 et seq.), replace gender-specific pronouns, and incorporate revisions for procedural efficiency, accuracy, and clarity.
4.	<i>Revise Plea Form, With Explanations and Waiver of Rights—Felony (form CR-101), regarding immigration advisement.</i> The committee circulated for public comment a proposal to revise the felony and misdemeanor plea form’s immigration advisement in light of <i>People v. Ruiz</i> (2020) 49 Cal.App.5th 1061. The committee is considering further revisions based on comments received and case law interpreting Penal Code section 1473.7.
5.	<i>Review pending legislation.</i> The committee provided subject matter expertise or a recommended position on over fifty criminal law bills, including AB 256 (Criminal procedure: discrimination); AB 333 (Participation in a criminal street gang: enhanced sentence); AB 1228 (Supervised persons: release); AB 1318 (Deferred entry of judgment pilot program); AB 1474 (Sentencing: consideration of costs); AB 1452 (Pilot program: increased fee for low-income jurors: criminal trials); AB 1540 (Criminal procedure: resentencing); SB 81 (Sentencing: dismissal of enhancements); SB 262 (Bail); SB 300 (Crimes: murder: punishment); SB 483 (Sentencing: resentencing to remove sentencing enhancements); and SB 775 (Felony murder: resentencing).
6.	<i>Provide subject matter expertise for other advisory committees.</i> The committee provided subject matter expertise to the Information Technology Advisory Committee on lodged electronic evidence and amendments to the rules of court on electronic filing and service.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	<i>Recommend rules and forms needed to implement recent legislation</i>	<i>Priority 1(b)</i> ⁵
<p data-bbox="176 396 1978 537"><i>Project Summary</i>⁷: Develop new, amended, or revised rules of court and Judicial Council forms to implement legislation enacted or cases decided in 2020 or 2021 that affect guardianship, conservatorship, trust, estate, and civil mental health proceedings. PMHAC staff, in consultation with Governmental Affairs, has identified 2 bills, passed and awaiting signing, that will require implementation via new or amended rules or forms:</p> <p data-bbox="176 565 1978 894">Assembly Bill 260 amends Government Code section 68511.1 to require the Judicial Council to develop a form explaining the nature of a guardianship; the rights and duties of a guardian; and the services and supports available to a probate guardian, a foster parent, and a guardian appointed by the juvenile court. This requires the council to revise forms GC-205 and JC-350-INFO. In addition, AB 260 amends Probate Code section 1513(b) and Welfare and Institutions Code sections 329 and 331 to specify a detailed process for determining whether a dependency petition should be filed in juvenile court on behalf of a child who is the subject of a guardianship proceeding. The committee will work with the Family and Juvenile Law Advisory Committee to consider revising and cross-numbering forms JV-210 and JV-212 to clarify that they can be used by the probate court or, alternatively, developing new joint juvenile/probate forms for the probate court to use to refer a matter to the child welfare agency and to refer the agency’s decision not to file a petition to the juvenile court for review.</p> <p data-bbox="176 922 1978 1136">Assembly Bill 1194, among other things, amends Probate Code section 1471 to require the court to appoint counsel for an unrepresented conservatee, proposed conservatee, or person alleged to lack legal capacity in specified proceedings. The amended standards require conforming revisions to forms GC-005 and GC-006. AB 1194 also amends Probate Code sections 1826 and 2253 to require the court, contingent on the appropriation of funding, to keep confidential specific information in the court investigator’s report, as well as to modify other duties. Notwithstanding the funding contingency, section 1826 requires the council to update the rules of court and forms to implement that section. The committee will consider recommending conforming amendments to rule 7.1050 and 7.1060. Finally, AB</p>		

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
	<p>1194 amends Probate Code sections 1860.5 and 1863 to require the court, in response to a petition to terminate a conservatorship or limited conservatorship, to order termination unless it determines that the requirements for initial appointment of a conservator or limited conservator are met and, if the court determines that the applicable conditions are met, to consider modifying the powers and duties to ensure that the conservatorship or limited conservatorship is the least restrictive alternative needed to protect the conservatee. The committee will consider developing and recommending forms for use to petition to terminate a conservatorship, to object to a petition to terminate, and to grant or deny a petition to terminate.</p> <p>Status/Timeline: Anticipate that any required rule amendments or form revisions would take effect January 1, 2023.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Legal Services, Governmental Affairs. Any proposal will circulate for public comment.</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee (FamJuv) for AB 260 forms</p>	
2.	<p>Recommend revisions to Judicial Council forms used to document the assessment of capacity of persons subject to conservatorship proceedings and provide evidence to the court</p>	<p>Priority 1(a), 1(e)⁵ Strategic Plan Goals I, III, IV⁶</p>
	<p>Project Summary⁷: Develop recommendations for revising the Judicial Council forms for reporting the results of an assessment of a person’s decision-making capacity to conform to statutory and decisional requirements. The Conservatorship and Legal Capacity Subcommittee has identified several areas of tension between the legal standards for establishing a conservatorship, determining a lack of legal capacity, and imposing a legal disability, on the one hand, and the structure, scope, and typical use of the existing capacity declaration forms (GC-335 and GC-335A), on the other.</p> <p>Status/Timeline: Anticipate that revised forms will take effect January 1, 2023.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Legal Services. Any proposal will circulate for public comment.</p> <p>AC Collaboration: N/A</p>	
3.	<p>Recommend approval of guardianship objection form</p>	<p>Priority 1(a), 1(e)⁵</p>

#	New or One-Time Projects⁴	
		<i>Strategic Plan Goals I, III, IV⁶</i>
	<p data-bbox="191 248 1955 354"><i>Project Summary⁷</i>: Develop and recommend approval of a Judicial Council form for a parent or other interested person to use to object to a petition for appointment of a guardian. This form would promote due process and access to the courts by providing a mechanism for a parent or other interested person to challenge the proposed change of child custody to a nonparent.</p> <p data-bbox="191 383 1184 415"><i>Status/Timeline</i>: Anticipate that new form would take effect January 1, 2023.</p> <p data-bbox="191 444 590 477"><i>Fiscal Impact/Resources</i>: N/A</p> <p data-bbox="191 490 1913 555"><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="191 584 1436 617"><i>Internal/External Stakeholders</i>: Legal Services. Any proposal will circulate for public comment.</p> <p data-bbox="191 646 499 678"><i>AC Collaboration</i>: N/A</p>	
4.	<i>Collaborate on developing proposals and recommendations to assist courts to provide safe access to proceedings and to address case-processing backlogs</i>	<i>Priority 1(d), 1(e), 1</i> <i>Strategic Plan Goals I, IV, VI</i>
	<p data-bbox="191 854 1940 1000"><i>Project Summary</i>: Subject to the direction of the Workgroup on Post-Pandemic Initiatives, work with Judicial Council internal committees and other council advisory bodies and staff to provide subject-matter expertise and develop recommendations to assist courts to provide safe access to judicial proceedings, address case-processing backlogs, and respond to other administrative and procedural challenges related to recovery from the COVID-19 pandemic.</p> <p data-bbox="191 1036 1877 1109"><i>Status/Timeline</i>: Directives anticipated late 2021. Any rules and forms proposals would probably take effect January 1, 2023. Other proposals might be implemented sooner.</p> <p data-bbox="191 1144 600 1177"><i>Fiscal Impact/Resources</i>: TBD</p> <p data-bbox="191 1190 1919 1263"><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="191 1299 1509 1331"><i>Internal/External Stakeholders</i>: TBD; California Lawyers Association, California Judges Association.</p> <p data-bbox="191 1367 506 1399"><i>AC Collaboration</i>: TBD</p>	

#	New or One-Time Projects⁴	
5.	<i>Participate in developing rules of court to implement legislation authorizing remote appearances and proceedings in most non-criminal cases</i>	<i>Priority 1, 1(b)</i> <i>Strategic Plan Goals I, III, IV, VI</i>
<p><i>Project Summary:</i> Continue to collaborate with other advisory committees on implementing Senate Bill 241 (Stats. 2021, ch. 214) and any other legislation authorizing remote appearances in civil proceedings, including proceedings under the Probate Code and civil mental health proceedings under the Lanterman-Petris-Short Act (Welf. & Inst. Code, §§ 5000–5556).</p> <p><i>Status/Timeline:</i> Legislation anticipated to take effect no later than January 1, 2022. Implementing rules anticipated to take effect as soon as possible following effective date.</p> <p><i>Fiscal Impact/Resources:</i> TBD</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> Legal Services, CFCC, Governmental Affairs. Any proposal will circulate for public comment.</p> <p><i>AC Collaboration:</i> ITAC, FamJuv, CSCAC</p>		
6.	<i>Recommend revocation of form for consent to appointment of guardian and nomination of guardian and approval of new guardianship nomination form</i>	<i>Priority 1, 1(e)</i> <i>Strategic Plan Goals I, III, IV</i>
<p><i>Project Summary:</i> Develop recommendation to revise the forms for notice of a hearing on a petition for appointment of a guardian and dispensation of notice and for consent to appointment and nomination of a guardian. The revisions will conform to existing law, promote access to the courts by providing parents with effective notice and the opportunity to be heard, and provide a better mechanism for parents to seek to protect their children when the parents are unable to care for the children in an emergency.</p> <p><i>Status/Timeline:</i> Anticipate that revised forms would take effect January 1, 2023.</p> <p><i>Fiscal Impact/Resources:</i> N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> Any proposal will circulate for public comment.</p>		

#	New or One-Time Projects ⁴
	<i>AC Collaboration:</i> Possible consultation with Family and Juvenile Law Advisory Committee (FamJuv)

#	Ongoing Projects and Activities⁴	
1.	<i>Review and recommend changes to the probate guardianship process</i>	<i>Priority 1, 1(e)</i>
		<i>Strategic Plan Goals I, III, IV</i>
<p><i>Project Summary:</i> The Guardianship Subcommittee will continue to examine the Judicial Council rules and forms adopted for use in guardianship proceedings to identify amendments and revisions needed to provide notice and an opportunity to be heard to parents whose children are the subject of a guardianship petition, to implement changes to California law, and to simplify the processes to petition for appointment of a guardian and to object to the petition. Consider separating guardianship forms and conservatorship forms into two discrete form sets.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> TBD</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> Governmental Affairs, Legal Services, Language Access Program staff; Superior Court Self-Help Centers, translation services, plain language consultation. Any proposal would circulate for public comment.</p> <p><i>AC Collaboration:</i></p>		
2.	<i>Review and recommend changes to the probate conservatorship process</i>	<i>Priority 1, 1(e)</i>
		<i>Strategic Plan Goals I, IV</i>
<p><i>Project Summary:</i> The Conservatorship and Legal Capacity Subcommittee will continue to examine the Judicial Council rules and forms adopted for use in probate conservatorship proceedings to identify amendments and revisions needed to improve notice and an opportunity to be heard for a proposed conservator; to promote provision of more detailed, relevant information to the court by petitioners, objectors, interested persons, and court-connected professionals, and to promote judicial consideration whether to grant specific requested powers to an appointed conservator.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> TBD</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p>		

#	Ongoing Projects and Activities⁴	
	<p>Internal/External Stakeholders: Legal Services, Governmental Affairs; consultants. Any proposal would circulate for public comment.</p> <p>AC Collaboration:</p>	
3.	Review pending legislation	Priority 1
	<p>Project Summary: Review pending legislation affecting court administration, practice, or procedure in proceedings under the Probate Code and the Lanterman-Petris-Short Act; provide technical assistance to Governmental Affairs office, legislative staff, sponsors, and stakeholders, as appropriate; and recommend positions to the council’s Legislation Committee, as required by rule 10.34(a)(3).</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Governmental Affairs, Legal Services, CFCC</p> <p>AC Collaboration: TBD</p>	Strategic Plan Goal III
4.	Review enacted legislation	Priority 1
	<p>Project Summary⁷: Review all enacted legislation referred to the committee by the Judicial Council’s Governmental Affairs staff to determine whether it raises issues within the advisory committee’s purview and, when appropriate, develop recommendations for amendment to the rules of court or revisions to Judicial Council forms to implement the legislation or to bring rules and forms into conformity with it.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: TBD</p>	Strategic Plan Goal III

#	Ongoing Projects and Activities⁴	
	<p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Governmental Affairs, Legal Services, CFCC</p> <p>AC Collaboration: TBD</p>	
5.	Gender Neutrality on Forms	<p>Priority 1(a)</p> <p>Strategic Plan Goals I, III, IV</p>
	<p>Project Summary: As forms are revised, continue to review and, when possible, replace gendered terms or gender identity questions to conform to legislation providing for nonbinary gender identity.</p> <p>Status/Timeline: Ongoing as individual forms are revised for other reasons</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Legal Services</p> <p>AC Collaboration: N/A</p>	
6.	Review suggestions	<p>Priority 1</p> <p>Strategic Plan Goals I, III, IV</p>
	<p>Project Summary⁷: As mandated by rule 10.21(c), review suggestions from members of the judicial branch and the public for improving judicial administration, practice, and procedure in decedents' estate, trust, guardianship, conservatorship, and other proceedings under the Probate Code, as well as civil mental health proceedings under the Lanterman-Petris-Short Act, and recommend action by the council or one of its committees.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: TBD</p>	

#	Ongoing Projects and Activities⁴	
	<p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Legal Services, Governmental Affairs, CFCC</p> <p>AC Collaboration: TBD</p>	
7.	<p>Monitor developments in California guardianship law related to immigrant children</p>	<p>Priority 2</p> <p>Strategic Plan Goals I, IV</p>
	<p>Project Summary: Monitor the implementation, in probate guardianship proceedings, of the directives in section 155 of the Code of Civil Procedure (added by Stats. 2014, ch. 685, § 1), section 1510.1 of the Probate Code (added by Stats. 2015, ch. 694), and other provisions concerning state judicial findings to support (proposed) wards’ petitions for Special Immigrant Juvenile (SIJ) status in federal immigration proceedings.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Governmental Affairs, CFCC, other TBD</p> <p>AC Collaboration: FamJuv</p>	
8.	<p>Provide subject-matter expertise</p>	<p>Priority 1</p> <p>Strategic Plan Goals I, III, IV</p>
	<p>Project Summary: Serve as subject-matter resource for the Judicial Council, its internal committees, other advisory bodies, and Judicial Council staff to support legal work, avoid duplication of efforts, and contribute to the development of recommendations for council action. These efforts may include providing probate and mental health procedural expertise and review to working groups, advisory committees, subcommittees, and Judicial Council staff, as needed.</p>	

#	Ongoing Projects and Activities ⁴
	<p data-bbox="178 196 659 228"><i>Status/Timeline:</i> Ongoing, as needed</p> <p data-bbox="178 269 579 302"><i>Fiscal Impact/Resources:</i> N/A</p> <p data-bbox="178 315 1902 383"><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="178 423 1591 456"><i>Internal/External Stakeholders:</i> Judicial Council, internal committees, advisory bodies, Judicial Council staff</p> <p data-bbox="178 496 495 529"><i>AC Collaboration:</i> TBD</p>

III. LIST OF 2021 PROJECT ACCOMPLISHMENTS

Highlights and achievements of completed projects that were included in the 2021 Annual Agenda.

#	Project Highlights and Achievements
1.	Collaborated in developing proposals and recommendations to assist courts in responding to emergency conditions that limited access to the courts.
2.	Amended probate guardianship rules to implement Indian Child Welfare Act (ICWA) federal regulations and amendments to California law in AB 3176.
3.	Reviewed pending probate and mental health legislation, recommended positions and provided technical assistance on bills, including AB 1194 (conservatorships), AB 260 (guardianships), and SB 578 (mental health hearings).
4.	Replaced gender-specific language on revised forms.

Family and Juvenile Law Advisory Committee
Annual Agenda¹—2022
Approved by Rules Committee:

I. COMMITTEE INFORMATION

Chair:	Hon. Stephanie E. Hulseley and Hon. Amy M. Pellman, Co-Chairs
Lead Staff:	Ms. Tracy Kenny and Mr. John Henzl, Co-lead Staff; Ms. Amanda Morris, Administrative Coordinator, Center for Families, Children & the Courts
<p>Committee’s Charge/Membership: Rule 10.43. Family and Juvenile Law Advisory Committee of the California Rules of Court states the charge of the Family and Juvenile Law Advisory Committee, which is to make recommendations to the Judicial Council for improving the administration of justice in all cases involving marriage, family, or children. Rule 10.43. Family and Juvenile Law Advisory Committee sets forth additional duties of the committee.</p> <p>The Family and Juvenile Law Advisory Committee currently has 36 voting members and one advisory member. The Family and Juvenile Law Advisory Committee website provides the composition of the committee.</p>	
<p>Subcommittees/Working Groups²:</p> <ol style="list-style-type: none"> 1. Protective Order Working Group (POWG) 2. Violence Against Women Education Program (VAWEP) 3. Secure Youth Treatment Facility (SYTF) Offense Classification Matrix Working Group (<i>New</i>) – Statutorily required working group to develop an offense based classification matrix for youth committed to an SYTF that assigns all offenses that are eligible for an SYTF commitment to a level or category that is linked to a standard baseline term of years to be assigned to youth, based on their most serious recent adjudicated offense, when they are committed to an SYTF. 	
<p>Meetings Planned for 2022 (Advisory body and all subcommittees and working groups) Date/Time/Location or Teleconference:</p>	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

The committee meets by teleconference or videoconference each second and fourth Monday of the Month from 4:30 to 5:30 unless a meeting is not required and has one in person meeting per year. VAWEP meets twice a year, typically once in person and once by teleconference. POWG meets as needed to work on rules and forms revisions. The SYTF Offense Classification Matrix Working Group will need to meet on a biweekly or monthly basis until a draft matrix is ready for circulation for public comment. It is expected that 1-2 of those meetings may be in person.

Check here if exception to policy is granted by Executive Office or rule of court.

DRAFT

COMMITTEE PROJECTS

#	New or One-Time Projects ³	
1.	<i>Legislative Changes from the 2021 Legislative Session</i>	<i>Priority 1⁴</i>
<p>Project Summary⁶: As directed by the Judicial Council, review legislation identified by Governmental Affairs that may have an impact on family and juvenile law issues within the advisory committee’s purview. The committee will review the legislation below, and any other identified legislation, and propose rules and forms as may be appropriate for the council’s consideration and will take action only where necessary to allow courts to implement the legislation efficiently.</p> <p><u>Domestic Violence:</u></p> <ul style="list-style-type: none"> a. AB 277 (Valladares) Domestic violence: victims: address confidentiality (Ch. 457, Stats. of 2021) Requires, by January 1, 2023 the inclusion of information about the Safe at Home address confidentiality program on Judicial Council forms relating to domestic violence. b. AB 887 (Levine) Domestic violence: restraining orders (Ch. 681, Stats. of 2021) If funds are appropriated for this purpose in the Budget Act, requires courts to allow for e-filing of petitions for domestic violence restraining orders. c. SB 24 (Caballero) Domestic violence: protective orders: information pertaining to a child (Ch. 129, Stats. of 2021) Revises existing protections against a third party’s disclosure of a minor’s protected information under a domestic violence restraining order. d. SB 320 (Eggman) Domestic violence protective orders: possession of a firearm (Ch. 685, Stats. of 2021) 		<i>Strategic Plan Goal IV⁵</i>

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

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

⁵ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁶ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

New or One-Time Projects³

Changes court procedures for issuing domestic violence restraining orders in order to better effectuate the requirement in existing law that a party subject to such an order must relinquish their firearms and ammunition. Codifies existing Rules of Court related to the relinquishment of a firearm by a person subject to a domestic violence restraining order and requires the court to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm or ammunition relinquishment order.

- e. [SB 374 \(Min\) Protective orders: reproductive coercion \(Ch. 135, Stats. of 2021\)](#)
Revises existing protections against a third party's disclosure of a minor's protected information under a domestic violence restraining order.
- f. [SB 538 \(Rubio\) Domestic violence and gun violence restraining orders \(Ch. 686, Stats. of 2021\)](#)
Requires courts, by July 1, 2023, to provide for electronic filing and remote appearances in the context of domestic violence restraining orders (DVROs) and gun violence restraining orders (GVROs). This bill also specifies that there are no filing fees related to a petition for a DVRO or a GVRO.

Family:

- g. [AB 627 \(Waldron\) Recognition of tribal court orders: rights in retirement plans or deferred compensation \(Ch. 627, Stats. of 2021\)](#)
Establishes procedures for California courts to recognize tribal court family law orders involving the division of retirement and other deferred compensation benefits.
- h. [AB 429 \(Dahle\) Child support: access to records \(Ch. 52, Stats. of 2021\)](#)
Establishes that trials and court files are to be open to the public for new actions filed under the Uniform Parentage Act on or after January 1, 2023, excluding assisted reproduction cases.
- i. [SB 654 \(Min\) Child custody \(Ch. 768, Stats. of 2021\)](#)
Requires a court that grants unsupervised visitation to a parent with histories of abuse, neglect or substance abuse to state its reasons for doing so in writing or on the record, and provides that if a child addresses a court regarding custody or visitation, they generally must be permitted to do so without the parties being present.

Juvenile Dependency:

- j. [AB 260 \(Stone\) Guardianships \(Ch. 578, Stats. of 2021\)](#)
Establishes processes to ensure abused or neglected children are not improperly diverted into probate guardianships in lieu of the foster care system. Requires when a social worker receives a referral from the probate court, the social worker immediately investigate as necessary to determine whether proceedings in juvenile court should be commenced. Further requires the social worker, within three weeks of the referral, to report the findings and conclusions of the investigation, along with any decision made

New or One-Time Projects³

as a result and the reasons for the decision to the probate court. Allows the probate court or the minor's appointed counsel to apply to the juvenile court, as provided, for an order directing the agency to commence juvenile dependency proceedings if the child welfare agency has not, within three weeks of referral, notified the probate court that it has commenced juvenile dependency proceedings. Requires, on or before January 1, 2023, the Judicial Council to adopt, amend, or revise rules or forms necessary for the implementation of the provisions of this bill.

- k. [AB 546 \(Maienschein\) Dependent children: documents: housing \(Ch. 519, Stats. of 2021\)](#)
Expands the information about the housing assistance efforts a county welfare department must provide to a foster youth who is on the cusp of aging out of the system that the department must report to the juvenile court.
- l. [AB 640 \(Cooley\) Extended foster care: eligibility redetermination \(Ch. 622, Stats. of 2021\)](#)
Creates, with respect to foster youth who were ineligible for federal foster care funds before they turned 18, a process that triggers a new eligibility determination if they receive extended foster care after turning 18.
- m. [AB 670 \(Calderon\) Child abuse or neglect: minor and nonminor dependent parents \(Ch. 585, Stats. of 2021\)](#)
Provides additional support and protections to parents under the jurisdiction of the juvenile court. When a report alleging abuse or neglect of the child of a dependent of the juvenile court is made, requires the agency that received the report to notify the dependent youth or nonminor dependent's dependency counsel within 36 hours of the report.
- n. [AB 674 \(Bennett\) Dependent children: documents \(Ch. 524, Stats. of 2021\)](#)
Requires, as part of a report a county welfare department must make to a juvenile court judge before a foster youth reaches age 18, the department to verify that it has provided the youth with written information relating to CalFresh benefits.
- o. [AB 788 \(Calderon\) Juveniles: reunification \(Ch. 201, Stats. of 2021\)](#)
Clarifies the meaning of "resisted" for the purposes of existing law which enables a juvenile dependency court to deny reunification services for a parent who has a history of drug or alcohol abuse and has resisted court-ordered treatment.
- p. [AB 829 \(Levine\) Foster children: immigration counsel and guardianship \(Ch. 528, Stats. of 2021\)](#)
Expands on existing provisions to help unaccompanied minors to obtain immigration relief. Provides that when the placing agency becomes aware that a dependent child or a nonminor dependent is an undocumented immigrant, the placing agency shall notify the dependent child's or nonminor dependent's attorney that the dependent child or nonminor dependent is an undocumented immigrant.
- q. [AB 841 \(Cunningham\) Dependant children \(Ch. 98, Stats. of 2021\)](#)
Prohibits a child from being found to be within the jurisdiction of the juvenile court solely due to the failure of the child's parent or alleged parent to pursue court orders seeking custody of the child.

New or One-Time Projects³

r. [SB 354 \(Skinner\) Foster youth: relative placement \(Ch. 687, Stats. of 2021\)](#)

Adopts changes to the criminal background check process during the resource family approval (RFA) process for relatives and non-relative extended family members (NREFMs) of children placed in the child welfare system; permits the court to authorize placement of children with relatives and NREFMs in certain circumstances, regardless of the status of any criminal exemption or RFA; and, requires, no later than January 1, 2023, the California Child Welfare Council (Council) to submit a report to the Legislature related to criminal records exemptions and RFA.

Juvenile Justice:

s. [AB 624 \(Bauer-Kahn\) Juveniles: transfer to court of criminal jurisdiction: appeals \(Ch.195, Stats. of 2021\)](#)

Authorizes immediate appellate review of an order transferring a minor from the juvenile court to a court of criminal jurisdiction if a notice of appeal is filed within 30 days of the transfer order.

t. [SB 383 \(Cortese\) Juveniles: informal supervision: deferred entry of judgment \(Ch. 603, Stats. of 2021\)](#)

Authorizes a court receiving a juvenile transfer case to determine whether an eligible minor is suitable for deferred entry of judgment if the transferring court did not do so and expands the circumstances under which a minor is eligible for informal supervision.

Status/Timeline: Any rules and forms proposals required to implement legislation enacted in 2021 will be prepared for the Winter or Spring public comment cycles in 2022 as appropriate with anticipated effective dates of either September 1, 2022 or January 1, 2023.

Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms as needed. Joint Rules Subcommittee of Trial Court Presiding Judges and Court Executive Advisory Committees (TCPJAC/CEAC JRS) will review proposals for court operations impacts as necessary.

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: All draft proposals will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges

AC Collaboration: For proposals that impact family and civil courts, the committee will collaborate with the Civil and Small Claims Advisory Committee. For proposals impacting tribal courts, the committee will collaborate with the Tribal Court–State Court Forum. For proposals impacting the Courts of Appeal, the committee will collaborate with the Appellate Advisory Committee.

#	New or One-Time Projects³	
2.	<i>Secure Youth Treatment Facility (SYTF) Offense Classification Matrix</i>	<i>Priority 1</i>
		<i>Strategic Plan Goal II</i>
	<p><i>Project Summary⁶</i>: Division of Juvenile Justice (DJJ) Realignment Trailer Bill (SB 92) requires the Judicial Council by July 1, 2023 to develop and adopt an offense classification matrix to be used by juvenile court judges when committing wards to secure youth treatment facilities. The statute requires that the council be advised by “a working group of stakeholders, which shall include representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system.” This working group would be charged with developing the matrix, circulating it for public comment, and then bringing its final product to the committee before it is submitted to the council for final approval.</p> <p><i>Status/Timeline</i>: In order to meet the statutory deadline for the council to adopt a final matrix by July 1, 2023, a draft proposal will need to be prepared and ready to circulate by the spring of 2022, with the expectation that a final proposal will be submitted to the council in January 2023.</p> <p><i>Fiscal Impact/Resources</i>: CFCC Staff in consultation with other staff to the council will provide staff support, include research and technical assistance, to the working group to allow the required work to be completed in a timely manner.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders</i>: The working group has specified external stakeholders that must be included. The committee will work with Leadership Support Services to appoint members to the working group and then its draft work product will be circulated for public comment to ensure that all key juvenile justice stakeholders have an opportunity to provide input on the final matrix.</p> <p><i>AC Collaboration</i>: As noted, the bulk of the committee’s work on this agenda item will be undertaken by the working group that is statutorily required to be convened for this purpose.</p>	
3.	<i>DJJ Realignment Implementation</i>	<i>Priority 1a</i>
		<i>Strategic Plan Goal IV</i>
	<p><i>Project Summary⁶</i>: Legislation enacted in 2020 (SB 823) and follow up trailer bill legislation (SB 92) enacted in 2021 establish the framework for juvenile courts and counties to take over all responsibility for juvenile justice dispositions and require them to implement new procedures to commit serious offenders to an SYTF in anticipation of the complete closure of DJJ on June 30, 2023. The committee will update rules and forms to remove DJJ references and adapt them to incorporate SYTF requirements.</p>	

#	New or One-Time Projects³	
	<p>Status/Timeline: Rules and forms changes would be circulated for comment in the Spring 2022 cycle with an implementation date of July 1, 2023 to coincide with the closure of DJJ.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms as needed. Joint Rules Subcommittee of Trial Court Presiding Judges and Court Executive Advisory Committees (TCPJAC/CEAC JRS) will review proposals for court operations impacts as necessary.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p> <p>AC Collaboration: N/A</p>	
4.	<p>Implementation of SB 384 (Stats. 2017, ch. 541), Sex offenders: registration: criminal offender record information systems</p>	<p>Priority 1e</p> <p>Strategic Plan Goal IV</p>
	<p>Project Summary⁶: Develop juvenile forms to implement SB 384, which, in relevant part, establishes three tiers of sex offender registration based on specified criteria and a petition process to request termination from the registry upon completion of a mandated minimum registration period under specified conditions. Forms were adopted in 2021 for criminal court use, but juvenile courts have requested that forms be made available for the relatively smaller number of juveniles who have been required to register as sex offenders.</p> <p>Status/Timeline: Rules and forms changes would be circulated for comment in the Spring 2022 cycle with an implementation date of January 1, 2023.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms as needed. Joint Rules Subcommittee of Trial Court Presiding Judges and Court Executive Advisory Committees (TCPJAC/CEAC JRS) will review proposals for court operations impacts as necessary. Staff will consult with Criminal Justice Services staff who prepared the criminal forms to ensure consistency.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p>	

#	New or One-Time Projects³	
	<p>AC Collaboration: The committee will coordinate with the Criminal Law Advisory Committee to ensure that the juvenile forms are consistent with the criminal forms.</p>	
5.	<p>Remote Civil Proceedings (CCP 367.75)</p>	<p>Priority 1a Strategic Plan Goal VI</p>
	<p>Project Summary: Work with Ad Hoc Committee on Civil Remote Appearances Rules as needed to fulfill statutory requirement in Code of Civil Procedure section 367.75 that rules be adopted to implement new provisions providing for expanded use of remote appearances in civil proceedings.</p> <p>Status/Timeline: Anticipated effective date of January 21, 2022.</p> <p>Fiscal Impact/Resources: CFCC staff will work with staff from Legal Services and Government Affairs to implement the requirements for family and juvenile proceedings.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: All draft proposals will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p> <p>AC Collaboration: Civil and Small Claims Advisory Committee, Probate and Mental Health Advisory Committee, Information Technology Advisory Committee, Advisory Committee on Providing Access and Fairness</p>	
6.	<p>Family Law: Confidentiality of Child Custody Evaluation</p>	<p>Priority 1e Strategic Plan Goal IV</p>
	<p>Project Summary: Amend rule 5.220 and revise forms FL-327, FL-328, and FL-329-INFO, to clarify those persons and organizations who have legal access to a child custody evaluation report involving serious allegations of child sexual abuse or child abuse under Family Code section 3118.</p> <p>Status/Timeline: Anticipated effective date of September 1, 2022. Revised form FL-328 was circulated for public comment in 2021 and then action was deferred after the comment period in order to pursue an alternative approach.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms.</p>	

#	New or One-Time Projects³	
	<i>Internal/External Stakeholders:</i> The draft proposal will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.	
7.	Juvenile Protective Order Form Revisions to Implement Statutory Changes and Plain Language	Priority 1b
	Strategic Plan Goal I, IV	
	<p>Project Summary: Recently enacted legislation redefines what constitutes domestic violence to include “coercive control” as an example of disturbing the peace. A proposal to implement those changes on the forms used under the DVPA was circulated in the spring 2021 cycle and included some other formatting and organizational changes intended to make the forms more accessible to litigants. Similar changes are required to the protective order forms for orders issued by juvenile courts pursuant to Welfare and Institutions Code section 213. Additionally, some of the juvenile protective order forms are not in the more accessible plain language format and would benefit from being reformatted to ensure that all parties understand the orders and the consequences for violating them.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2023.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms.</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: The draft proposal will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p> <p>AC Collaboration: The committee will work with the Civil and Small Claims Advisory Committee to ensure that any changes to the protective order forms are consistent with other types of protective order forms to the extent appropriate.</p>	
8.	Family Law: Update Statutory References in FL-165 and FL-620	Priority 1b
	Strategic Plan Goal IV	
	<p>Project Summary: In consultation with the Civil and Small Claims Advisory Committee, update federal statutory references in item 5, Declaration of nonmilitary status, on the <i>Request to Enter Default (Family Law-Uniform Parentage)</i> (FL-165) and item 3 <i>Request to Enter Default Judgment (Governmental)</i> (FL-620) and consider whether the current affidavit language is legally sufficient. Because the legal accuracy of the forms is in question, the committee needs to act to correct these forms.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2023.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms.</p>	

#	New or One-Time Projects³	
	<p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: The draft proposal will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p> <p>AC Collaboration: The committee will work with the Civil and Small Claims Advisory Committee to ensure that any changes to the request to enter default forms are consistent with similar civil forms, to the extent appropriate.</p>	
9.	Placeholder for Projects assigned by the Ad-Hoc Workgroup on Post-Pandemic Initiatives (P3)	Priority 1 Strategic Plan Goal TBD
	<p>Project Summary: The Ad Hoc Workgroup on Post-Pandemic Initiatives (P3) is currently working to identify successful court practices that emerged during the COVID-19 pandemic. P3 recommendations may be referred to specific advisory bodies for development and/or implementation.</p> <p>Status/Timeline: TBD</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: TBD</p> <p>AC Collaboration: TBD</p>	
10.	Family Law: Simplified Procedure for Correcting Clerical Errors on Birth Records	Priority 1e Strategic Plan Goal I, IV
	<p>Project Summary: In collaboration with the Office of Governmental Affairs, continue exploring solutions to jurisdictional issues between the California Department of Public Health and the Superior Courts with respect to amendments to correct erroneous information relative to a parent on a child’s birth certificate. Solutions may include communications, legal analysis, and the possible development of rules, forms or proposed legislative language to clarify the responsibilities of the courts.</p> <p>Status/Timeline: Anticipated effective date of January 1, 2023.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Office of Governmental Affairs and Legal Services, may prepare new or revised rules and forms.</p>	

New or One-Time Projects³

This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: The California Department of Public Health. Additionally, any draft proposal to create or revise rules and forms will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.

AC Collaboration: None.

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11. Rules and forms to standardize parentage determinations for surrogacy cases	Priority 2
Strategic Plan Goal IV	
<p>Project Summary: California has become a hub for surrogacy arrangements because of its abundance of fertility clinics, favorable court rulings, and clear-cut legislation for establishing parentage for the intended parents. Each court in California has had the burden of figuring out how to handle surrogacy parentage cases with little to no guidance or precedent, resulting in inconsistent approaches to the documents filed by the parties’ attorneys and the documents required by court. This lack of uniform procedure has resulted in significant variations in processing time and created burdens on court staff and judges when reviewing the applications for a parentage judgment. A uniform statewide procedure in a rule of court and implementing forms could ease these burdens and prevent forum shopping.</p> <p>Status/Timeline: Anticipated effective date for rules and forms of January 1, 2023.</p> <p>Fiscal Impact/Resources: CFCC staff, in consultation with staff from the Legal Services will prepare revised rules and forms.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: The draft proposal will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p> <p>AC Collaboration: None</p>	

#	Ongoing Projects and Activities	
1. Proposition 57 and SB 1391	Priority 1	Strategic Plan Goal IV
<p>Project Summary: Monitor implementation of a recently enacted propositions and legislation, and assist juvenile courts with any required implementation:</p> <p>Proposition 57 enacted November 8, 2016 restructured the process for transfer of jurisdiction from juvenile to criminal court and eliminated the ability of prosecutors to directly file cases in criminal court. SB 1391 limited the transfer of youth to those age 16 and over or who are arrested after the age of juvenile court jurisdiction. The California Supreme Court granted review in a case decided in October 2019 (<i>O.G. v. Superior Court</i>, 40 Cal.App.5th 626 (2019)) that held that SB 1391 was enacted in violation of Proposition 57 and thus a rules and forms proposal to implement the legislation that was enacted by the council on September 24, 2019, was rescinded by the council on November 25, 2019. On February 25, 2021 the court ruled that the provisions of SB 1391 were a permissible amendment to Proposition 57 and thus were valid. As a result, the changes rescinded in 2019 may now move forward, and should be coordinated with the changes necessary to implement DJJ realignment (see above).</p>		

#	Ongoing Projects and Activities	
	<p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC staff will consult with Criminal Justice Services staff in implementing changes that impact criminal courts.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Criminal Law Advisory Committee</p>	
2.	<p>Family First Prevention Services Act Implementation</p>	<p>Priority 1</p> <p>Strategic Plan Goal II</p>
	<p>Project Summary: Monitor implementation of the Family First Prevention Services Act (FFPSA), which reforms federal child welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, to provide services to families who are at risk of entering the child welfare system. Budget trailer bill legislation enacted in 2021, with an effective date of October 1, 2021 enacted key changes to court processes for approving placements in Short Term Residential Therapeutic Programs that required rule and form changes to implement. Those changes were approved by the Judicial Council at its October 1, 2021 meeting, and will circulate for public comment in the 2022 Winter rules and forms cycle for future revisions as well as to implement additional legislative clarifications.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Legal Services and Government Affairs; TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: California Department of Social Services, Chief Probation Officers of California, Child Welfare Directors Association</p> <p>AC Collaboration: None</p>	

#	Ongoing Projects and Activities	
3.	<i>Indian Child Welfare Act Legal Updates</i>	<i>Priority 1</i> <i>Strategic Plan Goal I</i>
<p><i>Project Summary:</i> Maintain rule and form compliance with the Indian Child Welfare Act and its requirements as needed.</p> <p><i>Status/Timeline:</i> Anticipated effective date of January 1, 2022 for any required rules and forms. TCPJAC/CEAC JRS will review proposals for court operations impacts as necessary.</p> <p><i>Fiscal Impact/Resources:</i> Legal Services</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> Tribal Court–State Court Forum</p>		
4.	<i>Assembly Bill 1058 Child Support Program Funding</i>	<i>Priority 1</i> <i>Strategic Plan Goal VII</i>
<p><i>Project Summary:</i> As directed by the council, review the implementation of the workload based funding methodology for the AB 1058 Child Support Commissioner program, including its impact on the performance of the program as federally mandated, and make recommendations to the Trial Court Budget Advisory Committee for sufficient funding that provides a minimum service level for smaller courts prior to FY 2023–24.⁷</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff will work with Budget Services staff to coordinate work with TCBAC.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None</p>		

⁷ See Judicial Council report, May 14, 2021, *Child Support: Updating Workload Data for the AB 1058 Child Support Commissioner Funding Methodology, Adopting a Family Law Facilitator Program Funding Methodology, and Adopting 2021–22 AB 1058 Program Funding Allocations*, <https://jcc.legistar.com/View.ashx?M=F&ID=9508521&GUID=BC737E96-AFD8-4E22-A046-AE9E16A5C422>.

#	Ongoing Projects and Activities	
	<i>AC Collaboration:</i> Trial Court Budget Advisory Committee and Court Executives Advisory Committee	
5.	<i>Child Support: Quadrennial Review of Statewide Uniform Child Support Guideline</i>	<i>Priority 1a</i> <i>Strategic Plan Goal I</i>
<p><i>Project Summary:</i> Family Code section 4054(a) requires that, at least every four years, the Judicial Council review the statewide uniform child support guideline to recommend to the Legislature appropriate revisions. Additionally, federal regulations require that the state review its guideline on a quadrennial basis</p> <p><i>Status/Timeline:</i> It is anticipated the study will be completed in 2021 and submitted to the Legislature in May 2022</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff will work with Government Affairs staff on transmitting the study to the legislature. <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> California Department of Child Support Services. Additionally, the draft study will circulate for public comment to a list of family and juvenile law related stakeholders as well as all court executives and presiding judges.</p> <p><i>AC Collaboration:</i> The study must also be reviewed by the Office of Government Affairs and approved by the Legislative Committee.</p>		
6.	<i>Court Appointed Special Advocates (CASA) grants program Funding Augmentation and Program Oversight</i> <i>(Welf. & Inst. Code, § 100 et seq.)</i>	<i>Priority 1</i> <i>Strategic Plan Goal IV</i>
<p><i>Project Summary:</i> Evaluate impact of \$500,000 augmentation received beginning fiscal year 18-19 and develop recommendation to the Judicial Council for an ongoing methodology for these funds and any other needed changes to support CASA programs.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> Budget Services <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p>		

#	Ongoing Projects and Activities	
	<p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p>	
7.	Domestic Violence	Priority 1
Strategic Plan Goal IV		
<p>Project Summary: Provide recommendations to the council on statewide judicial branch domestic violence issues in the area of family and juvenile law, including projects referred from the work of the Domestic Violence Practice and Procedure Task Force and the Violence Against Women Education Program (VAWEP). Serve as lead committee for Protective Orders Working Group (POWG). In 2021 the committee will narrow its focus to required activities like overseeing VAWEP due to the pandemic.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Criminal Justice Services, Legal Services</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Civil Small Claims Advisory Committee, Criminal Law Advisory Committee</p>		
8.	Legislation	Priority 1
Strategic Plan Goal II		
<p>Project Summary: As requested by the Judicial Council Policy Coordination and Liaison Committee review and recommend positions on legislation related to family and juvenile law matters.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Governmental Affairs</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p>		

#	Ongoing Projects and Activities	
	<p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p>	
9.	<p>Education</p>	<p>Priority 1</p> <p>Strategic Plan Goal V</p>
	<p>Project Summary: Contribute to planning efforts in support of family and juvenile law judicial branch education.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CJER</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: CJER Governing Committee</p>	
10.	<p>Review approval of training providers under 5.210, 5.225, 5.230, and 5.518.</p>	<p>Priority 1</p> <p>Strategic Plan Goal V</p>
	<p>Project Summary: Training providers/courses are reviewed for compliance with these rules by Judicial Council staff, in consultation with the Family and Juvenile Law Advisory Committee. As directed by the Judicial Council, result of review of delegations.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Support Services, Legal Services</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p>	

#	Ongoing Projects and Activities	
11.	Advise on Distribution of Federal Title IV-E Reimbursement for Dependency Counsel	Priority 1a Strategic Plan Goal VII
<p>Project Summary: A change in the federal <i>Child Welfare Policy Manual</i> permits attorneys who provide dependency representation to claim reimbursement for specified legal activities. The Budget Act of 2019 supports this federal reimbursement with an increase of \$34 million, and ongoing funds in future years, for court appointed dependency counsel. The Council recently authorized distribution of these funds to court appointed dependency counsel statewide.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Legal Services; BAPS</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: CEAC Subcommittee, California Department of Social Services, Child Welfare Directors Association, Court Appointed Counsel in Dependency Providers</p> <p>AC Collaboration: TCPJAC/CEAC</p>		
12.	Serve as subject matter resource for other advisory groups to avoid duplication of efforts and contribute to development of recommendations for council action.	Priority 1d Strategic Plan Goal IV
<p>Project Summary: Such efforts may include providing family and juvenile law expertise and review to working groups, advisory committees, and subcommittees as needed.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: None</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: None</p>		

#	Ongoing Projects and Activities	
	<i>AC Collaboration:</i> Respective advisory bodies	
13.	<i>Judicial Council forms within the committee’s purview that have a gender identity question or term</i>	<i>Priority 1</i> <i>Strategic Plan Goal I</i>
<p><i>Project Summary:</i> Revise all gendered terms or gender identity questions to conform to legislative changes providing for nonbinary gender identity if those forms are being revised for other reasons. All other changes will be deferred to a subsequent cycle due to the pandemic.</p> <p><i>Status/Timeline:</i> Ongoing with each RUPRO cycle</p> <p><i>Fiscal Impact/Resources:</i> Legal Services <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p>		
14.	<i>FL-800 Joint Petition for Summary Dissolution</i>	<i>Priority 1</i> <i>Strategic Plan Goal IV</i>
<p><i>Project Summary:</i> Update to reflect change in cost of living per Family Code section 2400(b) as a technical change.</p> <p><i>Status/Timeline:</i> Ongoing requirement to adjust every other year, next adjustment to be effective September 1, 2023 (last adjustment approved by the Judicial Council 3/19/19 in a technical report).</p> <p><i>Fiscal Impact/Resources:</i> Legal Services <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p>		

#	Ongoing Projects and Activities	
15.	Rules and Forms: Miscellaneous Technical Changes	Priority 1
		Strategic Plan Goal IV
<p>Project Summary: Develop rule and form changes as necessary to correct technical errors meeting the criteria of rule 10.22(d)(2); “a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy....” if those forms are being revised for other reasons.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Legal Services</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p>		
16.	Juvenile Law: Intercounty Transfers	Priority 2
		Strategic Plan Goal II
<p>Project Summary: Review requests under rule 5.610(g) to approve local collaborative agreements for alternative juvenile court transfer forms in lieu of JV-550. This project originated from the Judicial Council Delegations to the Administrative Director of the Courts (October 25, 2013, Item 99) and must be taken on if such requests come forward during the upcoming year to comply with the delegation.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: None</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None</p>		

#	Ongoing Projects and Activities	
	<i>AC Collaboration:</i> None	
17.	<i>Protective Order Forms: Continuance form for Renewal of Protective Order</i>	<i>Priority 1e Deferred</i> <i>Strategic Plan Goal IV</i>
<p><i>Project Summary:</i> As lead committee for Protective Orders Working Group (POWG), work with Civil Small Claims Advisory Committee to consider whether to adopt a form to request a continuance in a DVPA proceeding to renew a protective order.</p> <p><i>Status/Timeline:</i> Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p><i>Fiscal Impact/Resources:</i> Legal Services <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> California Department of Justice</p> <p><i>AC Collaboration:</i> Civil and Small Claims Advisory Committee</p>		
18.	<i>Protective Order Forms: Self-Represented Litigants</i>	<i>Priority 1e Deferred</i> <i>Strategic Plan Goal I</i>
<p><i>Project Summary:</i> As lead committee for Protective Orders Working Group (POWG), work with Civil Small Claims Advisory Committee to revise the protective order forms used in domestic violence and civil to ensure they are written in language that is comprehensible to non-attorneys, while maintaining legal accuracy.</p> <p><i>Status/Timeline:</i> Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p><i>Fiscal Impact/Resources:</i> Legal Services <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> California Department of Justice</p>		

#	Ongoing Projects and Activities	
	<i>AC Collaboration:</i> Civil and Small Claims Advisory Committee	
19.	<i>Blue Ribbon Commission on Children in Foster Care (BRC) Recommendations</i>	<i>Priority 1 Deferred</i> <i>Strategic Plan Goal IV</i>
	<p><i>Project Summary:</i> Continue to provide Judicial Council members input on council accepted recommendations concerning child welfare made by the BRC.</p> <p><i>Status/Timeline:</i> Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p><i>Fiscal Impact/Resources:</i> None <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p>	
20.	<i>Family Law: Elkins Family Law Task Force recommendations</i>	<i>Priority 1 Deferred</i> <i>Strategic Plan Goal IV</i>
	<p><i>Project Summary:</i> Continue to provide Judicial Council members input on council accepted recommendations for family law issues addressed by the Elkins Family Law Task Force.</p> <p><i>Status/Timeline:</i> Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p><i>Fiscal Impact/Resources:</i> None <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None</p>	

# Ongoing Projects and Activities		
	<i>AC Collaboration:</i> None	
21.	<i>Referrals from the Commission on the Future of California’s Court System</i>	<i>Priority 1 Deferred</i>
		<i>Strategic Plan Goal IV</i>
	<p><i>Project Summary:</i> The Futures Commission made recommendations for significant reform in family and juvenile law. If those recommendations are referred to the committee it would review them and determine the next steps needed for implementation. See Letter from Chief Justice to Judicial Council internal committee chairs, May 17, 2017</p> <p><i>Family Recommendations:</i></p> <ol style="list-style-type: none"> a. Provide mediation without recommendations as the first step in resolving all child custody disputes. b. Explore through pilot projects or otherwise whether additional services, including tiered mediation, would be effective in complex or contentious cases. <p><i>Juvenile Recommendations:</i></p> <ol style="list-style-type: none"> a) Establish a single juvenile court with consolidated jurisdiction over all juvenile court matters. b) Provide courts with jurisdiction over children and parents in all juvenile cases and provide children and parents counsel when appropriate. c) Test these proposals via pilot programs in a diverse set of courts <p><i>Status/Timeline:</i> Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p><i>Fiscal Impact/Resources:</i> Legal Services, Governmental Affairs</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> None</p>	
22.	<i>Consider Mental Health Issues Implementation Task Force Referrals</i>	<i>Priority 1b Deferred</i>
		<i>Strategic Plan Goal IV</i>

#	Ongoing Projects and Activities	
	<p>Project Summary: Coordinate with Judicial Council staff and other advisory committees on developing and implementing recommendations to improve access and procedures in mental health proceedings, including review and consideration of implementation of select recommendations referred by the Judicial Council following the task force’s final report to the council. Recommend appropriate action within the committee’s purview. As referred by the council.</p> <p>Status/Timeline: Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p>Fiscal Impact/Resources: Legal Services, Criminal Justice Services</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Collaborative Justice Courts Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee</p>	
23.	Court Coordination and Efficiencies	<p>Priority 2 Deferred</p> <hr/> <p>Strategic Plan Goal IV</p>
	<p>Project Summary: Review promising practices that enhance coordination and increase efficient use of resources across case types involving families and children including review of unified court implementation possibilities, court coordination protocols, and methods for addressing legal mandates for domestic violence coordination to provide recommendations for education content and related policy efforts.</p> <p>Status/Timeline: Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p>Fiscal Impact/Resources: None</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p>	

#	Ongoing Projects and Activities	
24.	<i>Court coordination and allegations of child abuse and neglect</i>	<i>Priority 2</i> <i>Deferred</i> <i>Strategic Plan Goal IV</i>
<p><i>Project Summary:</i> A proposal to work collaboratively with Probate and Mental Health as well as the Advisory Committee on Providing Access and Fairness on issues related to court coordination and allegations of child abuse and neglect in guardianship cases.</p> <p><i>Status/Timeline:</i> Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p><i>Fiscal Impact/Resources:</i> None <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> Probate and Mental Health Advisory Committee</p>		
25.	<i>Protective Orders: Access to the California Courts Protective Order Registry</i>	<i>Priority 1b</i> <i>Deferred</i> <i>Strategic Plan Goal VI</i>
<p><i>Project Summary:</i> As lead committee for Protective Orders Working Group (POWG), work with Civil Small Claims Advisory Committee to examine the need for statewide guidance and policies on access to the California Courts Protective Order Registry (CCPOR).</p> <p><i>Status/Timeline:</i> Deferred due to impacts on the judicial branch relating to the COVID-19 pandemic.</p> <p><i>Fiscal Impact/Resources:</i> Legal Services <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> California Department of Justice</p> <p><i>AC Collaboration:</i> Civil and Small Claims Advisory Committee</p>		

II. LIST OF 2021 PROJECT ACCOMPLISHMENTS

[Provide highlights and achievements of completed projects that were included in the 2021 Annual Agenda.]

#	Project Highlights and Achievements <i>[Provide brief, broad outcome(s) and completed date.]</i>
1.	<p>Implementation of Legislative Changes from the 2020 Legislative Session (Completed by January 1, 2022) requiring rule or form changes. As directed by the Judicial Council, reviewed legislation identified by Governmental Affairs that may have an impact on family and juvenile law issues within the advisory committee’s purview. The committee reviewed legislation and proposed rules and forms as appropriate for the council’s consideration.</p> <p><u>Domestic violence:</u> Domestic Violence: Forms That Implement New Laws Effective January 1, 2022 revised a collection of Domestic Violence forms to implement changes to the Domestic Violence Prevention Act. Senate Bill 1141 (Stats. 2020, ch. 248) elaborates on the definition of “disturbing the peace,” and Assembly Bill 2517 (Stats. 2020, ch. 245) allows the court to make a finding that certain debts were incurred as a result of domestic violence and made without the petitioner’s consent. In addition to the revisions needed to implement these new laws, the committee recommends a number of changes to the forms to make them easier to understand and complete.</p> <p><u>Family:</u> Family Law: Reenactment of Family Code section 4007.5 Effective January 1, 2022 revises several forms to provide court users and the public with information regarding relief available to incarcerated or involuntarily institutionalized child support obligors. The revisions are needed to reflect new law under recently reenacted Family Code section 4007.5.</p> <p><u>Juvenile Delinquency:</u> Juvenile Law: Sealing of Records Effective January 1, 2022 amends a rule of court, revises three forms, and approves three new optional forms to implement recent legislative changes concerning the sealing of juvenile records. The legislative changes allow access to sealed records for two additional purposes, and expand sealing of records for youth diverted from the juvenile courts.</p>
2.	<p><u>Juvenile Law: Short-Term Residential Therapeutic Program Placement</u> Effective October 1, 2021 adopts a new rule of court, amends a rule, adopts or approves 5 new Judicial Council forms, and revises 19 Judicial Council forms to implement Assembly Bill 153 (Stats. 2021, ch. 86) with an effective date of October 1, 2021. This legislation is the state statute conforming to part IV of the federal Family First Prevention Services Act which requires that placements in short-term residential therapeutic programs must follow specific procedural requirements to be eligible for federal funding.</p>
3.	<p>Co-sponsored a legislative proposal to allow specified tribal court property orders in family law cases to be recognized in state court.</p>

#	Project Highlights and Achievements <i>[Provide brief, broad outcome(s) and completed date.]</i>
4.	Provided oversight to implementation of new program to expand funding for court appointed counsel in dependency proceedings.
5.	Provided technical assistance and position recommendations on family and juvenile related proposed legislation via numerous legislative review calls.
6.	Approved list of training providers for court connected child custody mediators, recommending counselors, and evaluators as directed by the Judicial Council.
7.	AB 1058 Funding related activities: in addition to making recommendations to the council for ongoing funding allocations, midyear reallocations and budget increases, the committee also worked on a new funding methodology for family law facilitators and reviewing the previously implemented funding methodology for child support commissioners.
8.	Provided recommendations to the Judicial Council for allocation of funding for the Access to Visitation Grant Program and approved a midyear reallocation of unused funds.
9.	Provided recommendations to the Judicial Council for allocation of funding for CASA programs based on the current methodology as well as a budget directed increase for the Los Angeles CASA program.
10.	Provided support for the activities and meetings of the Violence Against Women Education Program.
11.	

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Probate and Mental Health Advisory Committee
Annual Agenda¹—2022
Approved by Rules Committee:

I. COMMITTEE INFORMATION

Chair:	Hon. Jayne C. Lee, Judge, Superior Court of San Joaquin County
Lead Staff:	Corby Sturges, Attorney, Center for Families, Children & the Courts
Committee’s Charge/Membership:	
<p>Rule 10.44(a) of the California Rules of Court states the charge of the Probate and Mental Health Advisory Committee, which is to make recommendations to the council for improving the administration of justice in proceedings involving decedents’ estates, trusts, conservatorships, guardianships, and other probate matters, as well as in proceedings involving mental health and developmental disability issues. Rule 10.44(b) also directs the committee to coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest.</p> <p>Rule 10.44(c) sets forth the membership positions of the committee. The Probate and Mental Health Advisory Committee currently has 17 members. The current committee roster is available on the committee’s web page.</p>	
Subcommittees/Working Groups²:	
<ol style="list-style-type: none"> 1. Legislation Subcommittee 2. Guardianship Subcommittee 3. Conservatorship and Legal Capacity Subcommittee 4. Trusts & Estates Subcommittee 	
Meetings Planned for 2022³ (Advisory body and all subcommittees and working groups)	
Date/Time/Location or Teleconference:	
Annual in-person meeting TBD; monthly meetings by videoconference or teleconference.	
<input type="checkbox"/> Check here if exception to policy is granted by Executive Office or rule of court.	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	<i>Recommend rules and forms needed to implement recent legislation</i>	<i>Priority 1(b)⁵</i> <i>Strategic Plan Goal III⁶</i>
<p>Project Summary⁷: Develop new, amended, or revised rules of court and Judicial Council forms to implement legislation enacted or cases decided in 2020 or 2021 that affect guardianship, conservatorship, trust, estate, and civil mental health proceedings. PMHAC staff, in consultation with Governmental Affairs, has identified 2 bills, passed and awaiting signing, that will require implementation via new or amended rules or forms:</p> <p>Assembly Bill 260 (Stats. 2021, ch. 578) amends Government Code section 68511.1 to require the Judicial Council to develop a form explaining the nature of a guardianship; the rights and duties of a guardian; and the services and supports available to a probate guardian, a foster parent, and a guardian appointed by the juvenile court. This requires the council to revise forms GC-205 and JC-350-INFO. In addition, AB 260 amends Probate Code section 1513(b) and Welfare and Institutions Code sections 329 and 331 to specify a detailed process for determining whether a dependency petition should be filed in juvenile court on behalf of a child who is the subject of a guardianship proceeding. The committee will work with the Family and Juvenile Law Advisory Committee to consider revising and cross-numbering forms JV-210 and JV-212 to clarify that they can be used by the probate court or, alternatively, developing new joint juvenile/probate forms for the probate court to use to refer a matter to the child welfare agency and to refer the agency’s decision not to file a petition to the juvenile court for review.</p> <p>Assembly Bill 1194 (Stats. 2021, ch. 417), among other things, amends Probate Code section 1471 to require the court to appoint counsel for an unrepresented conservatee, proposed conservatee, or person alleged to lack legal capacity in specified proceedings, and to clarify counsel’s duties to the client. AB 1194 also amends Probate Code sections 1826 and 2253 to require the court, contingent on the appropriation of funding, to keep confidential specific information in the court investigator’s report, as well as to modify other duties. Notwithstanding the funding contingency, section 1826 requires the council to update the rules of court and forms to implement that section’s requirements. The committee will consider whether conforming rule amendments or revisions to forms, including forms GC-330, GC-331, and GC-332, are needed. Finally, AB 1194 amends Probate Code sections 1860.5 and 1863 to require the court, in response to a petition to terminate a conservatorship or limited conservatorship, to order termination unless it determines that the requirements for</p>		

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
	<p>initial appointment of a conservator or limited conservator are met and, if the court determines that those conditions are met, to consider modifying the powers and duties to ensure that the conservatorship or limited conservatorship is still the least restrictive alternative needed to protect the conservatee. The committee will consider whether to recommend new forms for use to petition to terminate a conservatorship, to object to a petition to terminate, and to grant or deny a petition to terminate.</p> <p>Status/Timeline: Anticipate that any required rule amendments or form revisions would take effect January 1, 2023.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Legal Services, Governmental Affairs. Any proposal will circulate for public comment.</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee (FamJuv) for AB 260 forms.</p>	
2.	<p>Recommend revisions to Judicial Council forms used to document the assessment of capacity of persons subject to conservatorship proceedings and provide evidence to the court</p>	<p>Priority 1(a), 1(e)⁵</p> <p>Strategic Plan Goal IV⁶</p>
	<p>Project Summary⁷: Develop recommendations for revising the Judicial Council forms for reporting the results of an assessment of a person’s decision-making capacity to conform to statutory and decisional requirements. The Conservatorship and Legal Capacity Subcommittee has identified several areas of tension between the legal standards for establishing a conservatorship, determining a lack of legal capacity, and imposing a legal disability, on the one hand, and the structure, scope, and typical use of the existing capacity declaration forms (GC-335 and GC-335A), on the other.</p> <p>Status/Timeline: Anticipate that revised forms will take effect January 1, 2023.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Legal Services. Any proposal will circulate for public comment.</p> <p>AC Collaboration: N/A</p>	
3.	<p>Recommend approval of guardianship objection form</p>	<p>Priority 1(a), 1(e)⁵</p> <p>Strategic Plan Goal IV⁶</p>

#	New or One-Time Projects⁴	
	<p>Project Summary⁷: Develop and recommend approval of a Judicial Council form for a parent or other interested person to use to object to a petition for appointment of a guardian. This form would promote due process and access to the courts by providing a mechanism for a parent or other interested person to challenge the proposed change of child custody to a nonparent.</p> <p>Status/Timeline: Anticipate that new form would take effect January 1, 2023.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Legal Services. Any proposal will circulate for public comment.</p> <p>AC Collaboration: N/A</p>	
4.	<p>Collaborate on developing proposals and recommendations to assist courts to provide safe access to proceedings and to address case-processing backlogs</p>	<p>Priority 1(d), 1(e), 1</p> <p>Strategic Plan Goals I, IV</p>
	<p>Project Summary: Subject to the direction of the Workgroup on Post-Pandemic Initiatives, collaborate with Judicial Council internal committees and other council advisory bodies and staff to provide subject-matter expertise and develop recommendations to assist courts to provide safe access to judicial proceedings, address case-processing backlogs, and respond to other administrative and procedural challenges related to recovery from the COVID-19 pandemic.</p> <p>Status/Timeline: Directives anticipated late 2021. Any rules and forms proposals would probably take effect January 1, 2023. Other proposals might be implemented sooner.</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: TBD; California Lawyers Association, California Judges Association.</p> <p>AC Collaboration: TBD</p>	
5.	<p>Participate in developing rules of court to implement Code of Civil Procedure section 367.75, which authorizes remote appearances and proceedings in civil cases</p>	<p>Priority 1, 1(b)</p> <p>Strategic Plan Goals I, IV</p>

#	New or One-Time Projects⁴	
	<p>Project Summary: Work with Ad hoc Committee on Civil Remote Appearance Rules as needed to fulfill requirement in Code of Civil Procedure section 367.75 (added by SB 241; Stats. 2021, ch. 214, § 5) to adopt rules for expanded use of remote appearances in civil cases, including proceedings under the Probate Code and civil mental health proceedings under the Lanterman-Petris-Short Act (Welf. & Inst. Code, §§ 5000–5556).</p> <p>Status/Timeline: New rules and forms anticipated to take effect January 1, 2022.</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Legal Services, CFCC, Governmental Affairs. Any proposal will circulate for public comment.</p> <p>AC Collaboration: FamJuv, Civil & Small Claims Advisory Committee, Trial Court Presiding Judges Advisory Committee, Court Executives Advisory Committee, Advisory Committee on Providing Access and Fairness, Criminal Law Advisory Committee.</p>	
6.	<p>Recommend revocation of form for consent to appointment of guardian and nomination of guardian and approval of new guardianship nomination form</p>	<p>Priority 1, 1(e)</p> <hr/> <p>Strategic Plan Goals I, IV</p>
	<p>Project Summary: Develop recommendation to revise the forms for notice of a hearing on a petition for appointment of a guardian and dispensation of notice and for consent to appointment and nomination of a guardian. The revisions will conform to existing law, promote access to the courts by providing parents with effective notice and the opportunity to be heard, and provide a better mechanism for parents to seek to protect their children when the parents are unable to care for the children in an emergency.</p> <p>Status/Timeline: Anticipate that revised forms would take effect January 1, 2023.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Any proposal will circulate for public comment.</p> <p>AC Collaboration: Possible consultation with Family and Juvenile Law Advisory Committee (FamJuv)</p>	

#	Ongoing Projects and Activities⁴	
1.	<i>Review and recommend changes to the probate guardianship process</i>	<i>Priority 1, 1(e)</i> <i>Strategic Plan Goal IV</i>
<p><i>Project Summary:</i> The Guardianship Subcommittee will continue to examine the Judicial Council rules and forms adopted for use in guardianship proceedings to identify amendments and revisions needed to provide notice and an opportunity to be heard to parents whose children are the subject of a guardianship petition, to implement changes to California law, and to simplify the processes to petition for appointment of a guardian and to object to the petition. Consider separating guardianship forms and conservatorship forms into two discrete form sets.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> TBD</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> Governmental Affairs, Legal Services, Language Access Program staff; Superior Court Self-Help Centers, translation services, plain language consultation. Any proposal would circulate for public comment.</p> <p><i>AC Collaboration:</i></p>		
2.	<i>Review and recommend changes to the probate conservatorship process</i>	<i>Priority 1, 1(e)</i> <i>Strategic Plan Goals I, IV</i>
<p><i>Project Summary:</i> The Conservatorship and Legal Capacity Subcommittee will continue to examine the Judicial Council rules and forms adopted for use in probate conservatorship proceedings to identify amendments and revisions needed to improve notice and an opportunity to be heard for a proposed conservator; to promote provision of more detailed, relevant information to the court by petitioners, objectors, interested persons, and court-connected professionals, and to promote judicial consideration whether to grant specific requested powers to an appointed conservator.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> TBD</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p>		

#	Ongoing Projects and Activities⁴	
	<p>Internal/External Stakeholders: Legal Services, Governmental Affairs; consultants. Any proposal would circulate for public comment.</p> <p>AC Collaboration:</p>	
3.	Review pending legislation	Priority 1
		Strategic Plan Goal III
	<p>Project Summary: Review pending legislation affecting court administration, practice, or procedure in proceedings under the Probate Code and the Lanterman-Petris-Short Act; provide technical assistance to Governmental Affairs office, legislative staff, sponsors, and stakeholders, as appropriate; and recommend positions to the council’s Legislation Committee, as required by rule 10.34(a)(3).</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Governmental Affairs, Legal Services, CFCC</p> <p>AC Collaboration: TBD</p>	
4.	Review enacted legislation	Priority 1
		Strategic Plan Goal III
	<p>Project Summary⁷: Review all enacted legislation referred to the committee by the Judicial Council’s Governmental Affairs staff to determine whether it raises issues within the advisory committee’s purview and, when appropriate, develop recommendations for amendment to the rules of court or revisions to Judicial Council forms to implement the legislation or to bring rules and forms into conformity with it.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: TBD</p>	

#	Ongoing Projects and Activities⁴	
	<input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i> Internal/External Stakeholders: Governmental Affairs, Legal Services, CFCC AC Collaboration: TBD	
5.	Gender Neutrality on Forms	Priority 1(a) Strategic Plan Goals I, IV
	Project Summary: As forms are revised, continue to review and, when possible, replace gendered terms or gender identity questions to conform to legislation providing for nonbinary gender identity. Status/Timeline: Ongoing as individual forms are revised for other reasons Fiscal Impact/Resources: N/A <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i> Internal/External Stakeholders: Legal Services AC Collaboration: N/A	
6.	Review suggestions	Priority 1 Strategic Plan Goals III, IV
	Project Summary⁷: As mandated by rule 10.21(c), review suggestions from members of the judicial branch and the public for improving judicial administration, practice, and procedure in decedents' estate, trust, guardianship, conservatorship, and other proceedings under the Probate Code, as well as civil mental health proceedings under the Lanterman-Petris-Short Act, and recommend action by the council or one of its committees. Status/Timeline: Ongoing Fiscal Impact/Resources: TBD	

#	Ongoing Projects and Activities⁴	
	<input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i> Internal/External Stakeholders: Legal Services, Governmental Affairs, CFCC AC Collaboration: TBD	
7.	Monitor developments in California guardianship law related to immigrant children	Priority 2 Strategic Plan Goals I, IV
	Project Summary: Monitor the implementation, in probate guardianship proceedings, of the directives in section 155 of the Code of Civil Procedure (added by Stats. 2014, ch. 685, § 1), section 1510.1 of the Probate Code (added by Stats. 2015, ch. 694), and other provisions concerning state judicial findings to support (proposed) wards’ petitions for Special Immigrant Juvenile (SIJ) status in federal immigration proceedings. Status/Timeline: Ongoing Fiscal Impact/Resources: N/A <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i> Internal/External Stakeholders: Governmental Affairs, CFCC, other TBD AC Collaboration: FamJuv	
8.	Provide subject-matter expertise	Priority 1 Strategic Plan Goals III, IV
	Project Summary: Serve as subject-matter resource for the Judicial Council, its internal committees, other advisory bodies, and Judicial Council staff to support legal work, avoid duplication of efforts, and contribute to the development of recommendations for council action. These efforts may include providing probate and mental health procedural expertise and review to working groups, advisory committees, subcommittees, and Judicial Council staff, as needed.	

#	Ongoing Projects and Activities ⁴
	<p data-bbox="178 196 659 228">Status/Timeline: Ongoing, as needed</p> <p data-bbox="178 269 579 302">Fiscal Impact/Resources: N/A</p> <p data-bbox="178 315 1902 383"><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="178 423 1591 456">Internal/External Stakeholders: Judicial Council, internal committees, advisory bodies, Judicial Council staff</p> <p data-bbox="178 496 495 529">AC Collaboration: TBD</p>

III. LIST OF 2021 PROJECT ACCOMPLISHMENTS

Highlights and achievements of completed projects that were included in the 2021 Annual Agenda.

#	Project Highlights and Achievements
1.	Collaborated in developing proposals and recommendations to assist courts in responding to emergency conditions that limited access to the courts.
2.	Amended probate guardianship rules to implement Indian Child Welfare Act (ICWA) federal regulations and amendments to California law in AB 3176.
3.	Reviewed pending probate and mental health legislation, recommended positions and provided technical assistance on bills, including AB 1194 (conservatorships), AB 260 (guardianships), and SB 578 (mental health hearings).
4.	Replaced gender-specific language on revised forms.

Traffic Advisory Committee
Annual Agenda¹—2021–2022
Approved by Rules Committee: [Date]

I. COMMITTEE INFORMATION

Chair:	Hon. Gail Dekreon, Judge, Superior Court of San Francisco County
Lead Staff:	Jamie Schechter, Attorney, Criminal Justice Services Office
Committee's Charge/Membership: Rule 10.54 of the California Rules of Court states the charge of the Traffic Advisory Committee, which is to make recommendations to the Judicial Council for improving the administration of justice in the area of traffic procedure, practice, and case management and in other areas as set forth in the fish and game, boating, forestry, public utilities, parks and recreation, and business licensing bail schedules. The Traffic Advisory Committee currently has 13 members. The current committee roster is available on the committee's web page.	
Subcommittees/Working Groups²: None.	
Meetings Planned for [2022]³ (Advisory body and all subcommittees and working groups) Date/Time/Location or Teleconference: <ul style="list-style-type: none">• Possible In-person meeting October 2022 in San Francisco.• Bi-weekly (monthly) telephone conferences as needed throughout the year. <input type="checkbox"/> Check here if exception to policy is granted by Executive Office or rule of court.	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

COMMITTEE PROJECTS

#	New or One-Time Projects ⁴ [Group projects by priority number.]	
1.	Placeholder for Projects assigned by the Ad-Hoc Workgroup on Post-Pandemic Initiatives (P3)	Priority 1(b)⁵
<p data-bbox="176 396 1927 505">Project Summary⁷: The Ad Hoc Workgroup on Post-Pandemic Initiatives (P3) is currently working to identify successful court practices that emerged during the COVID-19 pandemic. P3 recommendations may be referred to specific advisory bodies for development and/or implementation.</p> <p data-bbox="176 542 470 574">Status/Timeline: TBD</p> <p data-bbox="176 618 1860 678">Fiscal Impact/Resources: Include JCC staff/fiscal resources (e.g., potential BCP), fiscal impact to JCC/trial court (e.g., IT contract), and other relevant resource needs.</p> <p data-bbox="176 691 1902 760"><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p data-bbox="176 802 674 834">Internal/External Stakeholders: TBD</p> <p data-bbox="176 878 495 911">AC Collaboration: TBD</p>		

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects ⁴
2.	Rules and Forms for Remote Appearances in Traffic Infraction Cases
	Priority 1(b)⁵
	Strategic Plan Goal 3⁶
	<p>Project Summary⁷: Due to the COVID-19 pandemic, several courts are utilizing or exploring the option of utilizing remote video proceedings for traffic cases. New Penal Code section 1428.5 and new Government Code section 68645.4 authorize remote proceedings for infractions and authorize the council to adopt rules relating to such proceedings. Current California Rule of Court 4.220, and forms implementing that rule, address remote video proceedings in traffic infraction cases, but require all appearances to be from courtrooms. Courts have expressed concerns that Rule 4.220, and the corresponding forms, are incompatible with remote proceedings when a defendant or other party is not in a courtroom. The committee will consider revoking rule 4.220 and related forms and whether to recommend new or revised rules and forms, in light of the new statutory authorizations.</p> <p>Status/Timeline: Anticipated January 1, 2023 effective date.</p> <p>Fiscal Impact/Resources: Committee staff.</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Any proposal will be circulated for public comment.</p> <p>AC Collaboration: ITAC; TCPJAC/CEAC</p>
3.	Revising Traffic Instructions and Citations (TR-INST, TR-100, TR-106, TR-108, TR-115, TR-120, TR-130, TR-135, TR-145)
	Priority 1(e)⁵
	Strategic Plan Goal 3⁶
	<p>Project Summary⁷: Traffic citation forms fall within the purview of the Traffic Advisory Committee. The forms were last modified in 2015. The forms are confusing, and some sections are out of date. The Traffic Advisory Committee proposes to examine and begin revising citations using plain language and other updates. Behavioral Science experts who helped to identify improvements to the MyCitations system for online ability-to-pay determinations are available to assist with this work in 2022.</p> <p>Status/Timeline: Ideally revised forms could circulate for public comment in Spring 2022, but due to the size of the project, circulation might be in Spring 2023.</p> <p>Fiscal Impact/Resources: Committee staff, Criminal Law Advisory Committee.</p>

# New or One-Time Projects ⁴			
<input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i>			
<p>Internal/External Stakeholders: California Highway Patrol and other law enforcement agencies.</p> <p>AC Collaboration: N/A</p>			
# Ongoing Projects and Activities ⁴ [Group projects by priority number.]			
1.	<p>2022 Bail Schedules Revision</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Priority 1(a)⁵</td> </tr> <tr> <td style="text-align: center;">Strategic Plan Goal 3⁶</td> </tr> </table> <p>Project Summary⁷: The Traffic Advisory Committee is required to revise and update the Uniform Bail and Penalty Schedules annually to conform with new laws, as required by Penal Code section 1269b and California Rule of Court 4.102.</p> <p>Status/Timeline: Anticipated January 2022 effective date.</p> <p>Fiscal Impact/Resources: Committee staff.</p> <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i> <p>Internal/External Stakeholders: Will be circulated for public comment.</p> <p>AC Collaboration: N/A</p>	Priority 1(a)⁵	Strategic Plan Goal 3⁶
Priority 1(a)⁵			
Strategic Plan Goal 3⁶			
2.	<p>Review Pending and Enacted Legislation</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Priority 1(a)⁵</td> </tr> <tr> <td style="text-align: center;">Strategic Plan Goal 2, 3⁶</td> </tr> </table> <p>Project Summary⁷: Review pending and enacted legislation that may have an impact on traffic court administration. Provide subject matter expertise on legislation, including fiscal impacts for the courts. Propose rules and forms necessary to comply with legislation or other directives.</p> <p>Status/Timeline: Ongoing.</p>	Priority 1(a)⁵	Strategic Plan Goal 2, 3⁶
Priority 1(a)⁵			
Strategic Plan Goal 2, 3⁶			

#	New or One-Time Projects⁴	
	<p>Fiscal Impact/Resources: Committee Staff, Governmental Affairs.</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p>Internal/External Stakeholders: N/A</p> <p>AC Collaboration: N/A</p>	
3.	Traffic Bench Officer and Temporary Judge Training	Priority 1(a)⁵
	<p>Strategic Plan Goal 5⁶</p> <p>Project Summary⁷: Provide advice as requested by the Center for Judicial Education and Research (CJER) with development of traffic training programs and materials for bench officers and temporary judges assigned to traffic proceedings.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Committee staff.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: N/A.</p> <p>AC Collaboration: CJER Governing Committee.</p>	

II. LIST OF 2021 PROJECT ACCOMPLISHMENTS

[Provide highlights and achievements of completed projects that were included in the 2021 Annual Agenda.]

#	Project Highlights and Achievements <i>[Provide brief, broad outcome(s) and completed date.]</i>
1.	The committee updated the Uniform Bail and Penalties Schedule to be consistent with 2020 legislation, completed December 2020.
2.	The committee provided Government Affairs subject matter expertise on numerous pending traffic bills, including operational and fiscal impacts of proposed legislation, ongoing.
3.	The committee supported the Futures Traffic Working Group in the effort to move minor vehicle infractions to a civil model as needed.

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