



Judicial Council of California  
Rules Committee

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**RULES COMMITTEE**

**MINUTES OF OPEN VIDEOCONFERENCE MEETING**

Tuesday, August 13, 2024  
12:10 p.m. – 1:40 p.m.

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<b>Rules Committee Members Present:</b>	Hon. Carin T. Fujisaki (Chair), Hon. Michelle Williams Court (Vice-chair), Ms. Kate Bieker, Hon. Maria D. Hernandez, Ms. Rachel Hill, Mr. Charles Johnson and Hon. Erica Yew
<b>Rules Committee Members Absent:</b>	Hon. Charles S. Crompton and Mr. Maxwell Pritt
<b>Rules Committee Staff Present:</b>	Ms. Anne M. Ronan and Ms. Benita Downs
<b>Advisory Bodies Chair(s) and Staff Present</b>	Kerry Doyle, Sarah Fleischer-Ihn, Diana Glick, Frances Ho, Kara Portnow, Gabrielle Selden, and Corby Sturges
<b>Other JC Staff Present</b>	Michael Giden, Audrey Fancy, Anna Maves, Christy Simon, and Marymichael Smrdeli

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**OPEN MEETING**

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**Call to Order and Roll Call**

The chair called the meeting to order at 12:11 p.m., and Ms. Downs took roll call. After the roll call, Justice Fujisaki announced that Ms. Hill had abstained from voting on all proposals.

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**DISCUSSION AND ACTION ITEMS (ITEMS 01 – 11)**

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**CALIFORNIA CRIMINAL JURY INSTRUCTIONS (CALCRIM)**

**Judicial Council Report–Recommend Council Action**

**Item 01**

**Jury Instructions: Criminal Jury Instructions (2024 Supplement)**

The committee reviewed a recommendation from the Advisory Committee on Criminal Jury Instructions that the Judicial Council approve the publication of the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court.

**Action:** *The committee unanimously approved the recommendation from the Advisory Committee on Criminal Jury Instructions, which is to go to the Judicial Council for action at the September council meeting.*

## COURT INTERPRETERS

### Judicial Council Report—Recommend Council Action

#### Item 02

#### Court Interpreters: Implementation of Assembly Bill 1032

The committee reviewed a recommendation from the Court Interpreters Advisory Panel that the Judicial Council amend rule 2.893 and revise four forms to conform with recent statutory changes enacted by Assembly Bill 1032 (Pacheco; Stats. 2023, ch. 556), relating to provisionally qualified court interpreters.

**Action:** *The committee unanimously approved the recommendation from the Court Interpreters Advisory Panel, which is to go to the Judicial Council for action at the September council meeting.*

## FAMILY AND JUVENILE LAW

### Judicial Council Report—Recommend Council Action

#### Item 03 (deferred until August 30)

**Family Law: Adoption Forms** (Adopt form ADOPT-203; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-230, and ADOPT-310) (Action required—recommend Judicial Council action)

## PROBATE

### Judicial Council Report—Recommend Council Action

#### Item 04 (deferred until August 30)

~~**Probate Conservatorship: Care Plan** (adopt form GC-355A; revise form GC-355) (Action required—recommend Judicial Council action)~~

#### Item 05

#### Probate Conservatorship: Confidential Declaration Forms

The committee reviewed a recommendation from the Probate and Mental Health Advisory Committee that the Judicial Council adopt one form, revise one form, and revoke and replace one form for use as declarations regarding the abilities and capacities of a probate conservatee or proposed conservatee. This recommendation updates the forms to conform to the law as amended by recent legislation, including Assembly Bill 1194 (Stats. 2021, ch. 417) and Assembly Bill 1663 (Stats. 2022, ch. 894), and makes the forms easier for professional declarants to use to communicate their conclusions to the court.

**Action: The committee unanimously approved the recommendation from the Probate and Mental Health Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.**

#### Item 06

##### **Probate Guardianship: Participation of a Minor Ward in Court**

The committee reviewed a recommendation from the Probate and Mental Health Advisory Committee that the Judicial Council amend rule 7.1016 to conform to Senate Bill 654 (Stats. 2021, ch. 768, § 2), which amended Family Code section 3042 to place additional conditions on a minor child's participation in court or testimony in proceedings, including probate guardianships of the person, that address child custody or visitation. The committee also recommended amending the rule to conform more closely to statute by limiting its application to specified proceedings and expanding its protections to apply to wards who are parties, as well as to express its requirements more clearly.

**Action: The committee unanimously approved the recommendation from the Probate and Mental Health Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.**

## **PROTECTIVE ORDERS**

### **Judicial Council Report–Recommend Council Action**

#### Item 07

##### **Juvenile Law: Restraining Orders**

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee that the Judicial amend several California Rules of Court, and revise several forms to conform to recent statutory changes that impact juvenile restraining orders. Assembly Bill 1621 (Gipson; Stats. 2022, ch. 76) redefines “firearm precursor parts” and Assembly Bill 92 (Connolly; Stats. 2023, ch. 232) specifies that a person who is prohibited from possessing firearms is also prohibited from possessing, owning, or buying body armor. The committee also proposed a new notice of hearing form that is separate from the temporary restraining order forms and a new rule clarifying the requirement that the juvenile court that has jurisdiction of a child or youth must hear requests for restraining orders initiated by or brought against the child or youth.

**Action: The committee unanimously approved the recommendation from the Family and Juvenile Law Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.**

#### Item 08

##### **Protective Orders: Rule and Form Changes to Implement Senate Bill 459**

The committee reviewed a recommendation from the Family and Juvenile Law Advisory Committee that the Judicial Council adopt a new series of domestic violence restraining order forms to allow either party

to request to change or end a domestic violence restraining order. The proposal also recommended changes to existing family law forms and a family law rule of court to reflect the new proposed process. The recommended changes will help parties, attorneys, and court professionals understand the procedures to modify or terminate orders made in a domestic violence restraining order.

***Action: The committee unanimously approved the recommendation from the Family and Juvenile Law Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

#### **Item 09**

##### **Protective Orders: Implementation of Body Armor Restrictions Under AB 92**

The committee reviewed a recommendation from the Family and Juvenile Advisory Committee that the Judicial Council revise 10 existing Judicial Council forms to implement Assembly Bill 92 (Stats. 2023, ch. 232). Under AB 92 a person prohibited from possessing firearms under state law is also prohibited from possessing, owning, or buying body armor.

***Action: The committee unanimously approved the recommendation from the Family and Juvenile Law Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

#### **Item 10**

##### **Protective Orders: Revisions to Civil Forms to Implement New Law**

The committee reviewed a recommendation from the Civil and Small Claims Advisory Committee that the Judicial Council revise of numerous protective order forms to implement three significant changes to the law. First, changes were needed to all the restraining order form series, including the Gun Violence, Civil Harassment, Elder Abuse, Workplace Violence, and Private Post-Secondary School Violence forms, to implement a new law prohibiting the possession of body armor by those who are prohibited from possessing firearms. Second, further changes were needed to gun violence restraining order forms to reflect a new law that permits the acquisition of body armor to be considered as evidence in determining whether to issue such a restraining order. Finally, additional changes were needed to certain workplace violence restraining order forms to implements new laws that add harassment as a basis for such orders, permit collective bargaining representatives to petition for orders, and allow the employee who suffered the harassment, violence, or threat of violence to opt out of being named in orders.

***Action: The committee unanimously approved the recommendation from the Family and Juvenile Law Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

## **TRIBAL COURT–STATE COURT FORUM**

### **Judicial Council Report–Recommend Council Action**

#### **Item 11**

## **Family and Juvenile Law: Recognition and Enforcement of Tribal Court Child Custody Order**

The committee reviewed a joint recommendation from the Tribal Court–State Court Forum and the Family and Juvenile Law Advisory Committee that the Judicial Council approve two new forms and revise four existing forms to clarify that the requirement to recognize and enforce child custody orders under the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act (found in Family Code sections 3400–3465) applies to custody orders issued by a tribal court. Tribal court judges reported that they had experienced problems having their child custody orders registered and enforced because the existing form refers only to out-of-state custody orders and does not reference tribal court orders.

***Action: The committee unanimously approved the joint recommendation from the Tribal Court–State Court Forum and the Family and Juvenile Law Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.***

## **JUDICIAL COUNCIL STAFF**

### **Judicial Council Report–Recommend Council Action**

#### **Item 12**

#### **Family and Juvenile Law: Technical Changes**

The committee reviewed a recommendation from Judicial Council staff noting minor errors in five forms and that the Judicial Council revise them to make nonsubstantive technical changes and corrections to improve their accuracy and to avoid causing confusion for court users, clerks, and judicial officers.

***Action: The committee unanimously approved the recommendation from Judicial Council staff, which is to go to the Judicial Council for action at the September council meeting.***

## **FAMILY AND JUVENILE LAW: DEFERRED ITEMS FROM AUGUST 6**

### **Judicial Council Report–Recommend Council Action**

#### **Item 13 (deferred from August 6)**

#### **Jointly with the Criminal Law Advisory Committee**

#### **Criminal Law and Family Law: Changes to Form MIL-100**

The committee reviewed a joint recommendation from Family and Juvenile Law Advisory Committee and Criminal Law Advisory Committee that the Judicial Council revise *Notification of Military/Veteran/Reserve/Active Status* (form MIL-100) to implement Family Code section 211.5, which was added by Senate Bill 1182 (Stats. 2022, ch. 385). In addition, the committees recommended revising the form to clarify procedures under Penal Code section 858 when the form is filed in a criminal case, and update and reformat information on the form for legal accuracy and improved readability.

**Action: The committee unanimously approved the joint recommendation from the Family and Juvenile Law Advisory Committee and Criminal Law Advisory Committee, which is to go to the Judicial Council for action at the September council meeting.**

**Item 14 (deferred until August 30)**

**Juvenile Law: Harm of Removal** (amend rules 5.674, 5.676, and 5.678; revise form JV-410) (Action required—recommend Judicial Council action)

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**I. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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Next Rules Committee meeting date is to be determined

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**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 1:03 p.m.

Approved by the committee on March 13, 2025.