

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: August 30, 2024

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

Title of proposal: Civil Practice and Procedure: Rule and Forms to Implement Assembly Bill 1119

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

Adopt Cal. Rules of Court, rule 3.1905; adopt forms EJ 140 INFO/SC-136-INFO, EJ-141, EJ-143, EJ-144, EJ-146, EJ-147, and SC-136; revise forms AT-138/EJ-125, JUD 100, SC-130, SC-134, SC 200, and SC 200-INFO

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and e-mail): Jenny Grantz, (415) 865-4394, jenny.grantz@jud.ca.gov

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

Annual agenda approved by Rules Committee on (date): October 26, 2023

Project description from annual agenda: Item 3: Develop form recommendations as appropriate. AB 1119, which goes into effect January 1, 2025, creates a separate set of requirements and a new procedure for judgment creditors to examine judgment debtors with consumer debt. This new procedure includes different notices than what currently appears on the council forms and requires that the Judicial Council create an additional financial affidavit form for the judgment debtor to serve on the judgment creditor in lieu of appearing for an examination.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

This proposal is late going to Rules Committee because it required a second circulation for comment, after the committee realized that the small claims forms had been overlooked in the original proposal.

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

Additional Information for JC Staff (provide with reports to be submitted to JC):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any proposal with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-145

For business meeting on September 20, 2024

Title

Civil Practice and Procedure: Rule and Forms to Implement Assembly Bill 1119

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 3.1905; adopt forms EJ-140-INFO/SC-136-INFO, EJ-141, EJ-143, EJ-144, EJ-146, EJ-147, and SC-136; revise forms AT-138/EJ-125, JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO

Recommended by

Civil and Small Claims Advisory Committee
Hon. Tamara L. Wood, Chair

Agenda Item Type

Action Required

Effective Dates

October 1, 2024, and January 1, 2025

Date of Report

August 21, 2024

Contact

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Executive Summary

Assembly Bill 1119 (Stats. 2023, ch. 562), enacted October 8, 2023, requires the Judicial Council to adopt and revise forms as necessary to implement a new procedure for debtor's examinations used to enforce judgments concerning consumer debts. To implement AB 1119, the Civil and Small Claims Advisory Committee recommends adopting one rule, adopting seven mandatory forms, and revising six forms.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council:

1. Effective October 1, 2024, revise *Application and Order for Appearance and Examination* (form AT-138/EJ-125) to correctly state the service deadline for orders for examination of third persons and to clarify that the form should be used to ask for an examination of the judgment debtor only if the judgment does not concern consumer debt; and

2. Effective January 1, 2025, to implement the procedures created in AB 1119 for debtor’s examinations used to enforce judgments awarded on or after January 1, 2025, that concern consumer debt:

- Adopt California Rules of Court, rule 3.1905;
- Adopt the following mandatory forms:
 - *Information on Debtor’s Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO);
 - *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141);
 - *Notice of Financial Statement—Consumer Debt* (form EJ-143);
 - *Financial Statement—Consumer Debt* (form EJ-144);
 - *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146);
 - *Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt* (form EJ-147); and
 - *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136);
- Revise the following forms:
 - *Judgment* (form JUD-100);
 - *Notice of Entry of Judgment* (form SC-130);
 - *Application and Order to Produce Statement of Assets and to Appear for Examination* (form SC-134);
 - *Notice of Entry of Judgment* (form SC 200); and
 - *What to Do After the Court Decides Your Small Claims Case* (form SC-200-INFO).

The rule and forms are attached at pages 18–57.

Relevant Previous Council Action

Form AT-138/EJ-125 was adopted effective July 1, 1984, and has been revised by the council several times since then.¹ The most recent revision was made effective April 1, 2024, to reflect the revised deadline set in AB 1119 (see Link A) for service of an order for examination of a judgment debtor.²

Forms JUD-100, SC-130, and SC-200 were most recently revised effective January 1, 2024, to implement Senate Bill 1200 (Stats. 2022, ch. 883), which affected the renewal of judgments on claims related to medical or personal debt, as well as the postjudgment interest rates on those

¹ For brevity, subsequent references to form AT-138/EJ-125 may be shortened to include only the number relevant to this proposal, EJ-125.

² Judicial Council of Cal., Staff Rep., *Rules and Forms: Order for Debtor’s Examination* (Feb. 15, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=12701049&GUID=532D0822-334E-4355-A9F1-84D3029C7798>.

judgments. Form JUD-100 was approved in 2002, form SC-130 was adopted in 1990, and form SC-200 was adopted in 2010.

Form SC-134 was adopted effective January 1, 1998, and has been revised by the council several times since then. The most recent revision was made effective June 1, 2024, to reflect the revised deadline set in AB 1119 for service of an order for examination of a judgment debtor.³

Form SC-200-INFO was approved effective July 1, 2010, and has not been revised since then.

Analysis/Rationale

Existing law allows a court to order someone who has not paid a civil judgment entered against them (a judgment debtor) to come to court and answer questions about their income, assets, and expenses. The party owed money under the judgment (the judgment creditor) can then use this financial information to collect what is owed to them. This procedure is called a debtor's examination.

AB 1119 creates new procedures for debtor's examinations for judgments awarded on or after January 1, 2025, that concern consumer debt.⁴ AB 1119 allows a judgment debtor in a consumer debt case to respond to an order to appear for examination by submitting a financial affidavit, signed under penalty of perjury, that provides information about their assets, expenses, and debts. If the judgment debtor provides a financial affidavit to the judgment creditor and files a notice informing the court that a financial affidavit has been provided, the judgment debtor does not need to appear at the examination. If the financial affidavit states that all of the judgment debtor's assets are exempt from enforcement of judgment, the court must cancel the examination.⁵

If the examination is canceled because the judgment debtor has claimed complete exemption, the judgment creditor can object by filing a notice of motion for an order requiring the judgment

³ Judicial Council of Cal., Staff Rep., *Rules and Forms: Order for Debtor's Examination in Small Claims Cases* (May 1, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=12908929&GUID=0FA0D093-85F2-452B-B72F-DDC7289A2EE1>.

⁴ For purposes of AB 1119, "consumer debt" means "any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt does not include debts incurred due to, or obtained by tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee. Consumer debt does not include rental debt, which means unpaid rent or other unpaid financial obligation of a tenant under the tenancy that has come due." (Code Civ. Proc., § 708.111(b).)

⁵ *Id.*, § 708.111(d). Although AB 1119 allows the judgment debtor to submit a financial affidavit in lieu of appearance even if the judgment debtor does not claim complete (or any) exemption from enforcement of judgment (*id.*, § 708.111(c)), AB 1119 does not require the court to cancel the examination in those circumstances even though the judgment debtor is not required to attend. AB 1119 also does not create a procedure for the judgment creditor to object to the financial affidavit unless the judgment debtor has claimed complete exemption (*id.*, § 708.111(d)).

debtor to appear for examination even though a financial affidavit has been provided.⁶ The motion must include a declaration executed under oath and a statement of facts showing good cause why an examination is necessary.⁷ If the court rules that an examination must occur, the judgment creditor must file a new application for an examination.⁸ If the examination is canceled for any reason, the judgment creditor must wait at least one year from the date of the prior application to file another application and order for appearance and examination.⁹

Additionally, AB 1119 imposes less severe penalties for failure to appear for examination in a consumer debt case. Typically, the potential penalties for failure to appear for examination are arrest, punishment for contempt of court, or an order requiring payment of reasonable attorney's fees incurred by the judgment creditor.¹⁰ Under AB 1119, when the judgment concerns consumer debt, the court cannot issue a warrant for arrest or to appear. Instead, the court can issue an order to show cause to determine whether to issue a warrant to compel the judgment debtor's attendance.¹¹

To implement AB 1119, the Civil and Small Claims Advisory Committee recommends revising six forms, adopting seven mandatory forms, and adopting one rule.¹²

Application and Order for Appearance and Examination (form AT-138/EJ-125)

Application and Order for Appearance and Examination (form AT-138/EJ-125) is used to apply for and order the examination of a judgment debtor or third party to aid in enforcement of judgment and attachment. The committee recommends several revisions to this form to implement AB 1119:

- Adding instructions at the top of the form directing users to new form EJ-141 if they seek to enforce a judgment subject to AB 1119;

⁶ *Id.*, § 708.111(d)(1).

⁷ *Id.*, § 708.111(d)(2). AB 1119 does not define “good cause” except for consumer debts secured by real property or personal property, where good cause is established when the plaintiff demonstrates that the debtor has not provided the plaintiff with accurate information regarding the location or condition of the security, the status of insurance on the security, or the status of the taxes due on the security. *Ibid.*

⁸ *Id.*, § 708.111(d)(6).

⁹ *Id.*, § 708.111(d)(7).

¹⁰ *Id.*, § 708.110(e).

¹¹ *Id.*, § 708.111(i).

¹² AB 1119 also changed the deadline for judgment creditors in all cases to serve the order to appear for examination, effective January 1, 2024. The deadline is now 30 days instead of 10 days. (Code Civ. Proc., § 708.110(d).) As discussed in this report's Relevant Previous Council Action section, the Judicial Council has already revised form AT-138/EJ-125 and form SC-134 to reflect the new service deadline.

- Adding item 6 to the application section of the form, which asks the judgment creditor to confirm that the judgment is not subject to AB 1119, and which will help courts and litigants confirm that the correct form has been used;
- Reorganizing the form by moving the entire application section to page 2 so that the form is less confusing for judgment debtors who receive it; and
- Revising the wording of items 2 and 4 to make them easier to understand.

Additionally, the committee recommends revising the “Important Notices” box on page 1 and the “Information for Judgment Creditor Regarding Service” box on page 2 to explain that the service deadline for an order for examination of a third person is 10 days before the date of the examination, not 30 days.¹³ These portions of form EJ-125 were revised in April of this year to implement the portion of AB 1119 that changed the deadline to serve an order for examination of the judgment debtor from 10 days to 30 days.¹⁴ Unfortunately, the April revisions overlooked the 10-day deadline to serve orders for examination of third persons, and the form is currently incorrect. The committee therefore recommends an October 1, 2024, effective date for form EJ-125 to reduce the amount of time that forms with incorrect information about service deadlines for third-person examinations are in effect.

Information on Debtor’s Examinations Regarding Consumer Debt (form EJ-140-INFO/SC-136-INFO)

The committee recommends adopting *Information on Debtor’s Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO), an information sheet that explains to judgment creditors and judgment debtors how to use the other new forms described in this report. Those new forms direct users to the information sheet for instructions.

Application and Order to Appear for Examination—Consumer Debt (form EJ-141)

The committee recommends adopting *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141), a new form to be used in consumer debt cases instead of form EJ-125. To help courts and litigants ensure that the correct form is used, the application section of the form includes an item confirming that the judgment concerns consumer debt. Form EJ-141 also includes, on page 3, the statutorily mandated notice to judgment debtors in consumer debt cases.¹⁵

The committee considered recommending revisions to form EJ-125 so that it could be used for consumer debt judgments but concluded that having a separate form for debtor’s examinations in consumer debt cases will make it easier for courts and litigants to determine when AB 1119’s procedures apply to an examination.

¹³ Code Civ. Proc., §§ 491.110(b), 708.120(b).

¹⁴ *Id.*, § 708.110(d).

¹⁵ *Id.*, § 708.111(c).

Notice of Financial Statement—Consumer Debt (form EJ-143)

AB 1119 requires the Judicial Council to create a notice of financial statement form.¹⁶ The committee recommends adopting *Notice of Financial Statement—Consumer Debt* (form EJ-143) to satisfy this requirement. Form EJ-143 informs the judgment creditor that the judgment debtor has chosen to provide a completed *Financial Statement—Consumer Debt* (form EJ-144) instead of appearing for examination. Form EJ-143 also indicates whether the judgment debtor has claimed on form EJ-144 that all of their income and assets are exempt from enforcement of judgment so the court can determine whether to cancel the examination.

Financial Statement—Consumer Debt (form EJ-144)

AB 1119 requires the Judicial Council to create a financial statement form and states numerous requirements for that form.¹⁷ The committee recommends adopting *Financial Statement—Consumer Debt* (form EJ-144) to satisfy this requirement. AB 1119 refers to this form as a “financial affidavit,” but the committee proposes the name “Financial Statement” because it will be less confusing for self-represented litigants who are likely to use this form.

The committee considered moving items 1 and 2, which ask whether the judgment debtor’s income or assets are exempt from enforcement of judgment, to *Notice of Financial Statement—Consumer Debt* (form EJ-143) to separate questions of law from questions of fact. However, the committee determined that removing items 1 and 2 from form EJ-144 would make the form more difficult to complete because the responses to other items on form EJ-144 depend on the answers to items 1 and 2.

The committee also considered making this form confidential because it contains detailed information about the judgment debtor’s income and assets but concluded that doing so would be a policy decision that must be made by the Legislature rather than the Judicial Council.

Notice of Motion and Motion to Require Examination—Consumer Debt (form EJ-146)

The committee recommends adopting *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146) for use by judgment creditors who object to the cancellation of the judgment debtor’s examination after the judgment debtor files a financial statement claiming complete exemption from enforcement of judgment. Form EJ-146 includes a declaration executed under oath and a statement of facts showing good cause why a debtor’s examination is necessary notwithstanding the debtor’s financial statement, as required by AB 1119.¹⁸

The committee considered including additional items asking whether the judgment creditor believes the judgment debtor has incorrectly claimed exemptions from enforcement of judgment. However, AB 1119 does not require the judgment creditor to explain their objections to the

¹⁶ *Id.*, § 708.111(h).

¹⁷ *Id.*, § 708.111(e), (f), (h).

¹⁸ *Id.*, § 708.111(d)(2). The statute does not define “good cause,” except where the consumer debt is secured by real property or personal property.

judgment debtor’s claims of exemption in order to show good cause to require an examination. The committee therefore concluded that form EJ-146 should not contain mandatory questions about objections to the claim of exemption. If the judgment creditor has such objections, they can be explained in item 7, which asks for “facts supporting good cause for an examination.”

Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt (form EJ-147)

If the court hears the judgment creditor’s motion for examination and rules that an examination must occur, the judgment creditor must file a new application for an order for examination.¹⁹ The committee recommends adopting *Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt* (form EJ-147) for this purpose. Form EJ-144 parallels *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141).

The committee considered modifying the application section of form EJ-141 so that it could be used both for the initial application for an examination and for an application for an examination after a motion to require examination. However, the committee decided that separate forms will be clearer for courts and users. Judgment debtors who would have received form EJ-141 twice (once when the examination was originally scheduled and once when it was rescheduled after the hearing on the motion to require examination) might have believed the second form was a duplicate of the first. They might also have been confused about whether they could submit a second financial statement. Using one form for both purposes might also have made it more difficult for courts to determine whether the prerequisites for an order to appear for examination were met.

Judgment (form JUD-100) and Notice of Entry of Judgment (forms SC-130 and SC-200)

The committee recommends revising the general civil judgment form (form JUD-100) and the small claims notice of entry of judgment forms (forms SC-130 and SC-200) to include a judicial determination of whether the judgment “concerns consumer debt.” Without this item, it may be difficult for litigants, especially self-represented litigants, to know whether to use the other forms in this proposal to ask for and respond to an order to appear for examination.

Specifically, the committee recommends revising item 7 on form JUD-100, item 10 on form SC-130, and item 9 on form SC-200. These items currently require the court to determine whether the judgment is on a claim related to medical expenses or personal debt and, if so, to state the dollar amount of the judgment that relates to those claims.²⁰ The committee recommends revising these items to include a blank in which the court can enter the dollar amount of the part of the judgment that concerns consumer debt. The consumer debt amount is listed as a subset of the personal debt amount because the statutory definitions of personal and

¹⁹ *Id.*, § 708.111(d)(6).

²⁰ These items were added to the forms effective January 1, 2024, to implement Senate Bill 1200 (Stats. 2022, ch. 883), which affects the renewal of judgments on claims related to medical or personal debt, as well as the postjudgment interest rates on those judgments.

consumer debt are mostly identical, except that personal debt includes rental debt and consumer debt does not.²¹

The committee considered making the consumer debt finding a separate subpart of these items rather than an addition to the personal debt subpart but was concerned that doing so could be confusing if the personal debt and consumer debt amounts added up to more than the total judgment amount.²² Including consumer debt as a subset of personal debt should help the person completing the form to understand that these definitions have elements in common.

Similarly, the committee considered making the consumer debt finding a check box without a dollar amount but decided that a dollar amount should be included because AB 1119 is unclear about how to apply its procedures when only part of the judgment is for consumer debt. Including a dollar amount in the consumer debt finding is the most accurate way to explain whether and to what extent the judgment “concerns consumer debt.” A simple check box would obscure the partial-judgment issue.

Additionally, the committee proposes revisions to the instructions on page 2 of SC-130 and pages 3 and 4 of SC-200 consistent with the proposed revisions to form SC-200-INFO (described below).

Application and Order to Produce Statement of Assets and to Appear for Examination (form SC-134)

Application and Order to Produce Statement of Assets and to Appear for Examination (form SC-134) is used by small claims judgment creditors to enforce their right to receive a completed *Judgment Debtor’s Statement of Assets* (form SC-133), which the judgment debtor must provide if they have not satisfied the judgment within 30 days after the clerk mails or hands them the notice of entry of judgment.²³ If the court grants the judgment creditor’s application in form SC-134, the judgment debtor is ordered to come to court with a completed form SC-133 and sit for a debtor’s examination.²⁴ Small claims judgment creditors who only want a debtor’s examination and do not need or want to enforce the requirement to provide form SC-133 may use *Application and Order for Appearance and Examination* (form EJ-125) instead of form SC-134.

²¹ Compare Code Civ. Proc., § 683.110(d)(2) and (3) (defining personal debt and its exceptions), with *id.*, § 708.111(b) (defining consumer debt).

²² For example, if a judgment is for \$8,000 of debts incurred primarily for personal, family, or household purposes, and \$2,000 of that is for rental debt, then the personal debt box would say \$8,000, and the consumer debt box would say \$6,000. If the two figures were listed in separate items on the form, it might give the impression that the total amount of debt was \$14,000 instead of \$8,000.

²³ Code Civ. Proc., § 116.830(b).

²⁴ Small claims debtor’s examinations are governed by the same statute as civil debtor’s examinations (*id.*, § 116.820(a)), which means that AB 1119 applies to an examination ordered by form SC-134.

The committee recommends two revisions to form SC-134 to implement AB 1119:

- Adding instructions at the top of the form directing users to new form SC-136 to ask for an examination of the judgment debtor if the judgment concerns consumer debt; and
- Adding item 6 to the application section of the form, which asks the judgment creditor to confirm that the judgment does not concern consumer debt. This item will help courts and litigants confirm that the correct form has been used.

Additionally, the committee recommends several revisions to the form to make it easier to read, including reorganizing the form by moving the entire application section to page 2 to make the form clearer for judgment debtors who receive a completed copy, and revising the wording of several items in the application and “Instructions for Applicant” sections to be clearer and more accurate.

The committee also recommends revising the small claims advisor notice at the top of the “Instructions for Applicant” section to say, “Most counties are required to have a Small Claims Advisor to give free legal information in small claims cases.” The previous version of the notice said that all counties, rather than most counties, provide this service.

Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt (form SC-136)

The committee recommends adopting *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136), a new form to be used in small claims consumer debt cases instead of form SC-134. Like form SC-134, form SC-136 can be used by a small claims judgment creditor to ask the court to order the judgment debtor to come to court with a completed *Judgment Debtor’s Statement of Assets* (form SC-133) and sit for a debtor’s examination. Unlike form SC-134, however, form SC-136 gives the judgment debtor two choices:

- Come to court with a completed form SC-133 and sit for a debtor’s examination; or
- Provide *Financial Statement—Consumer Debt* (form EJ-144) to the judgment creditor and file *Notice of Financial Statement—Consumer Debt* (form EJ-143) with the court instead of appearing for examination.

This choice is offered because AB 1119 allows the judgment debtor to choose between appearing for examination and providing a financial statement. However, a judgment debtor cannot respond to form SC-136 by appearing for examination without completing form SC-133 because of the statutory requirement for small claims judgment debtors to complete “a form containing

questions regarding the nature and location of any assets of the judgment debtor” if they have not satisfied the judgment within 30 days of the notice of entry of judgment.²⁵

Additionally, item 6 on form SC-136 asks the judgment creditor to confirm that *Notice of Entry of Judgment* (form SC-130 or SC-200) says the judgment includes an amount concerning consumer debt, and page 3 of form SC-136 contains the statutorily mandated notice to judgment debtors in consumer debt cases.²⁶

What to Do After the Court Decides Your Small Claims Case (form SC-200-INFO)

What to Do After the Court Decides Your Small Claims Case (form SC-200-INFO) provides instructions for various postjudgment steps in small claims cases. The committee recommends revising two sections of this form to instruct judgment creditors to use forms EJ-141 and SC-136 instead of forms EJ-125 and SC-134 if the judgment includes an amount concerning consumer debt. The committee also recommends revising the section explaining how to acknowledge satisfaction of a judgment so that the explanation includes a reference to form SC-130 as one option for acknowledging satisfaction of a judgment for which an abstract has not been recorded.

Rule 3.1905

The committee recommends adopting rule 3.1905 to provide when parties must serve and file some of these new forms.

Rule 3.1905(a)—added to the rule in light of comments received—requires the judgment creditor to include copies of *Information on Debtor’s Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO) and *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156) when serving *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) on the judgment debtor. This provision supplements the statutory requirement to include blank copies of *Notice of Financial Statement—Consumer Debt* (form EJ-143), *Financial Statement—Consumer Debt* (form EJ-144), and *Exemptions From the Enforcement of Judgments* (form EJ-155) when serving form EJ-141.²⁷ Including copies of the information sheet and form EJ-156 will be helpful to the judgment debtor because form the information sheet explains how to use forms EJ-143 and EJ-144, and form EJ-156 provides additional information for using form EJ-155.

Rule 3.1905(b) requires judgment creditors to attach a copy of the judgment debtor’s completed *Financial Statement—Consumer Debt* (form EJ-144) when filing *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146).

²⁵ Code Civ. Proc., § 116.830.

²⁶ *Id.*, § 708.111(c).

²⁷ *Id.*, § 708.111(c).

If the judgment debtor chooses to submit form EJ-144 instead of appearing for examination, the financial statement is served on the judgment creditor but not filed with the court.²⁸ Instead, the judgment debtor must file *Notice of Financial Statement—Consumer Debt* (form EJ-143) and a proof of service for form EJ-144. However, if the judgment creditor files *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146), the financial statement needs to be filed with the court before the court considers the motion because the financial statement is considered part of the pleadings for purposes of the motion.²⁹

The committee believes that requiring the judgment creditor to attach a copy of the financial statement to their motion is the best way to address this issue. Doing so will ensure that the financial statement, which contains detailed information about the judgment debtor’s income and assets, becomes part of the record only if the judgment creditor objects to the financial statement. This procedure is also consistent with the statute, which does not require the judgment debtor to file the financial statement.

Policy implications

The new rule and forms and the revised form recommended by the committee will implement a statute that creates new procedures for debtor’s examinations in cases where the judgment concerns consumer debt. Accordingly, the key policy implication is to ensure that the California Rules of Court and Judicial Council forms correctly reflect the law. The additional requirement that judgment creditors include the information sheets explaining the new procedures when they serve the orders for debtor’s examinations further the goal of access to justice for self-represented parties. These revisions are consistent with the *Strategic Plan for California’s Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The rule and forms in this report were circulated in two separate proposals because the committee identified additional forms requiring revisions after the first proposal had circulated for public comment.

The first proposal included rule 3.1905 and forms AT-138/EJ-125, EJ-140-INFO/SC-136-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147.³⁰ This proposal was circulated for comment from April 2 to May 3, 2024, as part of the regular spring invitation-to-comment cycle. Nine comments were received on this proposal: four from superior courts, one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, one from a group of legal aid organizations, one from the California Association of Judgment Professionals, one from a county bar association, and one from an

²⁸ *Id.*, § 708.111(d), (g).

²⁹ *Id.*, §§ 708.111(d)(4)–(5).

³⁰ The committee changed the form numbers in the first proposal after it circulated for public comment. The comment chart for the first proposal includes both the old and new form numbers.

individual. Two commenters approved the proposal, one approved it if amended, and six did not indicate a position.

The second proposal included forms JUD-100, SC-130, SC-134, SC-136, SC-200, SC-200-INFO, and a further modified version of form EJ-140-INFO/SC-136-INFO. This proposal was circulated for comment from June 27 to July 31, 2024, as part of a special invitation-to-comment cycle. Four comments were received on this proposal: two from superior courts, one from One Justice, and one from the California Association of Judgment Professionals. One commenter approved the proposal, two approved it if amended, and one did not indicate a position.

A chart with the full text of the comments received on the first circulation and the committee's responses is attached beginning at page 58. A chart with the full text of the comments received on the second circulation and the committee's responses is attached beginning at page 120.

The principal comments from both circulations and the committee's responses are summarized below. In response to the comments, the committee also made a number of revisions to the forms to improve clarity and readability and to correct typographical errors.

Form EJ-125

A commenter suggested revising the "Appearance of Judgment Debtor" box at the bottom of page 2 of *Application and Order for Appearance and Examination* (form AT-138/EJ-125) to explain that failure to appear may result in forfeiture of \$500 to the aggrieved party.³¹ However, because the text of this notice box is mandated by statute,³² the committee does not recommend making this change.

Form EJ-140-INFO/SC-136-INFO

The version of form EJ-140-INFO/SC-136-INFO that circulated for comment had only an enforcement of judgment form number (EJ-140-INFO), but in response to a suggestion by a commenter, the committee has added a small claims form number (SC-136-INFO). This change will make the form appear in the small claims section of the forms list and should make it easier for small claims litigants using forms SC-134 and SC-136 to find this information sheet.

The invitation to comment asked for specific comments on whether to split form EJ-140-INFO/SC-136-INFO into two separate information sheets: one for judgment creditors and one for judgment debtors. Commenters were divided on the issue: some were concerned that having all the information on a single form could make it difficult for self-represented litigants to navigate the form because of confusion about the difference between judgment creditors and judgment debtors; other commenters were concerned that having two forms could create confusion because people might not know which form to choose or might receive the wrong form without realizing it. On balance, the committee recommends keeping the information sheet as a single form to

³¹ Code Civ. Proc., § 1992.

³² *Id.*, § 708.111(c).

reduce confusion about which information sheet to read and to provide all the information on one form, which might help readers understand how the steps they complete fit into the entire process.

The committee recommends not implementing suggestions from two commenters relating to form EJ-140-INFO/SC-136-INFO:

- One commenter suggested updating several questions about form EJ-141 to explain that the income section of that form is referring to “income from employment.” However, Code of Civil Procedure sections 708.111(e)(2) and (3) require the financial statement to include both “income from employment” and “income from all sources other than employment.”
- A commenter suggested adding a question to address situations where the judgment creditor used form AT-138/EJ-125 to ask for a debtor’s examination even though the judgment concerned consumer debt. The version of form AT-138/EJ-125 that will become effective on January 1, 2025, will include a prominent instruction to use form EJ-141 for consumer debt judgments and will include an item in the application section stating that the judgment is not for consumer debt. Nevertheless, some judgment creditors might use an outdated version of the form. The committee agrees that incorrect form usage is a concern but believes that telling judgment debtors they can provide a financial statement after receiving form AT-138/EJ-125 in some circumstances creates a greater risk that judgment debtors will misunderstand the instructions and provide financial statements when they’re not allowed to do so, leaving them with the mistaken conclusion that they need not appear at an examination.

Forms EJ-141 and EJ-146

The invitation to comment asked for specific comments on whether to split the application and order sections of *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) and *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146) into separate forms so that each would have become two forms instead of one. Splitting the forms would reflect the Judicial Council’s current practice of separating forms that are filed with the court and forms that are issued by the court. However, the committee did not receive feedback on this question from the commenters and has opted not to split the forms.

Form EJ-143

The version of *Notice of Filing of Financial Statement—Consumer Debt* (form EJ-143) that was circulated for comment had instructions for the judgment creditor—the person receiving the form—on page 2. The invitation to comment sought specific comment on whether to keep those instructions or delete them and direct users to the information sheet, form EJ-140-INFO/SC-136-INFO, instead. Responses were mixed: Some commenters thought it was helpful to keep the instructions on the form; others argued that having instructions on form EJ-143 for the judgment creditor, but not the judgment debtor, could be confusing.

On balance, the committee agrees with the commenters who were concerned that the form might be confusing and revised the form so that it now contains basic instructions for the judgment debtor—the person completing the form—rather than the judgment creditor. These instructions explain the basic procedure and deadlines for filing and serving forms EJ-143 and EJ-144 and direct users to form EJ-140-INFO/SC-136-INFO for more information. The instructions also explain that the judgment creditor has the right to object to the judgment debtor’s financial statement. These instructions will help judgment debtors complete the form correctly and will help judgment debtors *and* creditors understand the process for providing and objecting to a financial statement.

Form EJ-144

The committee made several substantive revisions to *Financial Statement—Consumer Debt* (form EJ-144) in response to the comments.

The version of form EJ-144 that was circulated for comment had two items (items 3 and 4) asking for the specific statutes under which the judgment debtor claimed their income or assets were exempt from enforcement of judgment and for facts supporting that claim. The California Association of Judgment Professionals suggested deleting these items because the financial statement is not the same as a claim of exemption after levy or wage garnishment, and it is unnecessary to provide the level of information that would be required in those circumstances. The National Consumer Law Center suggested deleting these items because they likely would have been confusing for judgment debtors to complete, and the item asking for factual support was duplicative of the item that provides space to describe any relevant additional facts. The committee agreed with both commenters and deleted these items.

In item 2, the committee added a parenthetical explaining that “spouse” includes registered domestic partners, per Code of Civil Procedure section 17(b)(12).

In item 5e, the committee added “life insurance policies” and “business ownership interests” to the list of “other personal property” to be described because Code of Civil Procedure section 708.111(e)(4) requires the financial statement to include these items. However, “tax refunds” were not added to item 5e even though they are also listed in section 708.111(e)(4) because the committee was concerned that this could be confusing and could result in tax refunds being included twice, once in items 5a or 5b (cash, bank accounts) and once in item 5e.

The committee recommends not implementing two suggestions for form EJ-144:

- A commenter suggested deleting item 1a, which is checked if none of the judgment debtor’s income or assets are exempt from enforcement of judgment, because they believed the form should be used only by judgment debtors who have exempt income or assets. However, the

financial statement form can be used by all judgment debtors in consumer debt cases, even if they do not have exempt income or assets.³³

- A commenter suggested adding an instruction to item 4 explaining how to calculate monthly payroll deductions (“If you are paid weekly, multiply the weekly deduction amounts by 4.3. If you are paid every two weeks, multiply the amounts on the paycheck by 2.15. If you are paid twice a month, add the amounts on the two paychecks together.”). However, the committee is concerned that these instructions could be confusing and might leave out some situations.

Form EJ-147

A commenter suggested stating in the instructions on *Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt* (form EJ-147) that there is no fee to file the form. The committee is not recommending changes to form EJ-147 in response to this comment because filing fees are typically not stated on forms.

A commenter suggested adding the following statement to the “Notice to Judgment Debtor” on page 2 of form EJ-147: “The Court may issue an order to show cause whether to issue a warrant to compel your attendance.” The committee is not recommending changes in response to this suggestion because the notice on form EJ-147 is a modified version of the statutorily mandated notice on form EJ-141 (form EJ-147 does not include the information about providing a financial statement because doing so is not an option when receiving form EJ-147), and the committee believes the two notices should be as similar as possible to reduce confusion.

Forms JUD-100, SC-130, and SC-200

A commenter suggested making the finding as to the amount of the judgment concerning consumer debt on a separate line in item 7 on form JUD-100, item 10 on form SC-130, and item 9 on form SC-200 instead of including it as part of the finding as to the amount of the judgement based on personal debt. The commenter was concerned that making the consumer debt finding a subset of the personal debt finding would be confusing because some litigants might assume that grouping the findings together means they can use the consumer debt forms to request and respond to an order for a debtor’s examination if the judgment includes personal debt, even if it does not also include consumer debt. The committee is not recommending revisions in response to this suggestion because, as discussed above, it considered and rejected this option before circulating these forms for public comment, and the committee believes that including consumer debt as a subset of personal debt on these forms is the least confusing option.

³³ The statutorily mandated notice to judgment debtors receiving an order to appear for examination is unconditional and says: “Instead of appearing at the examination, you may file a notice of judgment debtor’s financial affidavit in a form prescribed by the court and signed under penalty of perjury and serve copies of all filed documents and the financial affidavit on the judgment creditor no later than 15 days prior to the date set for the examination.” *Ibid.*

Forms SC-134 and SC-200-INFO

In response to a suggestion from a commenter, the committee added a notice at the bottom of page 1 of form SC-134 stating that the form “must be served no less than 30 days before the date set for the examination.” This change makes form SC-134 consistent with the other applications for a debtor’s examination (forms EJ-125, EJ-141, EJ-147, and SC-136), all of which include a notice about the 30-day service deadline on page 1.

The “Instructions for Applicant” section of the version of form SC-134 currently in effect includes an instruction to acknowledge satisfaction of the judgment. A commenter suggested revising this instruction to refer to all three forms that can be used for this purpose (forms EJ-100, SC-130, and SC-290) instead of only one of the forms. The committee agrees that the instruction should refer to all three forms but believes it is more appropriate to include this information on *What to Do After the Court Decides Your Small Claims Case* (form SC-200-INFO), which discusses all post-judgment steps in small claims cases. The committee believes the instructions on form SC-134 should be limited to explaining how to complete that form.

The committee revised the relevant section of form SC-200-INFO to include all three options for filing an acknowledgement of satisfaction of the judgment. Form SC-130 was not previously listed as one of the options.

Form SC-136

A commenter suggested moving the statutorily mandated notice to the judgment debtor from page 3 to page 1 to match the formatting of form SC-134. The committee is not recommending changes in response to this suggestion because the text size of the notice is statutorily mandated, making the notice too big to fit on page 1.

Rule 3.1905

The invitation to comment asked for specific comments on whether to add subdivision (a) to rule 3.1905. This subdivision requires judgment creditors to include blank copies of two additional forms when serving the judgment debtor with *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141). All the commenters who responded to this question were in favor of adding this requirement to the rule, and the committee revised the recommended language of the rule accordingly.

Alternatives considered

The committee did not consider taking no action because the council is required by AB 1119 to adopt and revise forms to the extent necessary to implement that law. As to proposed revisions to existing forms that were not required by the terms of AB 1119, the committee considered taking no action but ultimately determined that revision was warranted in light of the benefits the revisions would provide to the parties.

In addition, as discussed above, the committee considered several alternatives when drafting and revising the rule and forms, including alternatives suggested by the commenters.

Fiscal and Operational Impacts

The statutory changes will require education of court staff and judicial officers. The new forms are intended to facilitate courts' and parties' implementation of the changes in statute. While the new forms will require education and may require some changes to computerized case management systems as well, the impacts are a necessary effect of the legislative action.

Attachments and Links

1. Cal. Rules of Court, rule 3.1905, at page 18
2. Forms AT-138/EJ-125, EJ-140-INFO/SC-136-INFO, EJ-141, EJ-143, EJ-144, EJ-146, EJ-147, JUD-100, SC-130, SC-134, SC-136, SC-200, and SC-200-INFO, at pages 19–57
3. Chart of comments on the first AB 1119 proposal, at pages 58–119
4. Chart of comments on the second AB 1119 proposal, at pages 120–143
5. Link A: Assem. Bill 1119,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1119

Rule 3.1905 of the California Rules of Court is adopted, effective January 1, 2025, to read:

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Title 3. Civil Rules

Division 19. Postjudgment and Enforcement of Judgment

Rule 3.1905. Debtor’s examinations in consumer debt cases

(a) Service of order to appear for examination

A judgment creditor who serves *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) or *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136), as provided in Code of Civil Procedure section 708.111(c), must include copies of *Information on Debtor’s Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO) and *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156) with the service.

(b) Filing of notice of motion and motion to require examination

A judgment creditor who files *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146) to move the court to require the judgment debtor to appear for examination, as provided in Code of Civil Procedure section 708.111(d), must physically or electronically attach a copy of the judgment debtor’s *Financial Statement—Consumer Debt* (form EJ-144) to the motion.

Advisory Committee Comment

The requirements of subdivision (a) are in addition to those of Code of Civil Procedure section 708.111(c), including that a judgment creditor who serves form EJ-141 on a judgment debtor must include blank copies of *Notice of Financial Statement—Consumer Debt* (form EJ-143), *Financial Statement—Consumer Debt* (form EJ-144), and *Exemptions From the Enforcement of Judgments* (form EJ-155) with the service.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 06/25/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input type="checkbox"/> Judgment Debtor or <input type="checkbox"/> Third Person	CASE NUMBER:
Instructions to the judgment creditor for completing this form: <ul style="list-style-type: none"> • Complete the application on page 2 to ask for an examination of a judgment debtor or third person. • Do not use this form if you want to ask for an examination of the judgment debtor in a case where the judgment concerns consumer debt and was awarded on or after January 1, 2025. Use <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141) instead. (Code Civ. Proc., § 708.111.) 	

ORDER TO APPEAR FOR EXAMINATION

1. TO (name):
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. give information to help enforce a money judgment against you.
 - b. give information about property of the judgment debtor in your possession or control or about a debt you owe the judgment debtor.
 - c. give information about property of the defendant in your possession or control or about a debt you owe the defendant.

Name and address of court if different from above:



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

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: _____

 JUDGE

This order must be served no less than 30 days before the date set for the examination, or no less than 10 days before that date if the examination is of someone other than the judgment debtor.

IMPORTANT NOTICES ON PAGES 2, 3, AND 4

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. Original judgment creditor Assignee of record Plaintiff who has a right to attach order applies for an order requiring *(name)*:
to appear in court and give information to help enforce a money judgment or to give information about property or debt.
5. The person to be examined is
 - a. the judgment debtor.
 - b. a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. This application is not subject to Code of Civil Procedure section 708.111 because it does not seek an examination of a judgment debtor to enforce a judgment that concerns consumer debt and that was entered on or after January 1, 2025.
7. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
8. This court is **not** the court in which the money judgment is entered or *(attachment only)* the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
9. The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination 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 DECLARANT)
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Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor or any third person, you must have a copy of the order personally served on the person to be examined by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order, and have a proof of service filed with the court. You must have the order served at least 30 calendar days before the date of the examination if the examination is of the judgment debtor, or at least 10 calendar days before the date of the examination if the examination is of a third person.

If the examination is of a third person, you must also have a copy of the order served personally or by mail on the judgment debtor at least 10 calendar days before the date of the examination.

IMPORTANT NOTICES ABOUT THE ORDER

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined under this order has possession or control of property that is yours or owes you a debt. This property or debt is as follows *(describe the property or debt)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, LIMITED LIABILITY COMPANY, OR OTHER ORGANIZATION**

If the order to appear for the examination on page 1 does not require the appearance of a specified individual:

- The organization has a duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with the organization's property and debts.
- Failure to designate such a person familiar with the organization's property and debts to appear for examination will result in the order to appear for the examination to be deemed to have been made to, and require the appearance of, the following:
 - If the organization is a corporation registered with the Secretary of State, a natural person named as the chief financial officer in the corporation's most recent filing with the Secretary of State. If no one is so named, a natural person named as the chief executive officer in the corporation's most recent filing with the Secretary of State. If no one is so named, a natural person named as the secretary in the corporation's most recent filing with the Secretary of State.
 - If the organization is a limited liability company registered with the Secretary of State, the first natural person named as a manager or member in the limited liability company's most recent filing with the Secretary of State.
 - If the organization is a limited partnership registered with the Secretary of State, the first natural person named as a general partner in the limited partnership's most recent filing with the Secretary of State.
 - If the organization is not registered with the Secretary of State or the organization's filings with the Secretary of State do not identify a natural person as described above, a natural person identified by the judgment creditor as being familiar with the property and debts of the organization, together with an affidavit or declaration signed by the judgment creditor that sets forth the factual basis for the identification of the individual. The affidavit or declaration shall be served on the organization together with the order.
- Service of an order to appear for an examination upon an organization by any method permitted under the Code of Civil Procedure or the Corporations Code, including service on the agent of the organization for service of process, shall be deemed effective service of the order to appear upon the individuals identified above.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to courts.ca.gov/forms *Disability Accommodation Request* (form [MC-410](#)). (Civil Code, § 54.8.)

GENERAL INFORMATION

The process described in this information sheet applies when a judgment awarded on or after January 1, 2025, concerns consumer debt. The judgment can be awarded in a small claims case or another type of civil case. This information sheet tells the judgment creditor (the person or business that won the case and is owed money) how to ask for a debtor's examination in a case where the judgment concerns consumer debt. It also tells the judgment debtor (the person or business that owes the money) how they can respond to that request by providing written information instead of going to court. ([Code Civ. Proc., § 708.111.](#))

If the judgment is not for consumer debt or was not awarded on or after January 1, 2025, do not use the forms or procedures that are described in this information sheet.

Go to <https://selfhelp.courts.ca.gov/civil-lawsuit/judgment> for information on collecting and paying money judgments.

1 How can I tell if a judgment concerns consumer debt?

Consumer debt means debt for money, property, insurance, or services that are primarily for personal, family, or household purposes. Consumer debt **does not include** rental debt; judgments for unpaid wages, damages, or penalties owed to an employee; or debts incurred due to, or obtained by, tortious or fraudulent conduct.

Look at the judgment issued by the court to find out if it concerns consumer debt:

- **Small Claims Cases:** If you received *Notice of Entry of Judgment* (form SC-130 or SC-200), the form will say the judgment includes an amount “concerning consumer debt (Code Civ. Proc., § 708.111).” Look at item 10 on form SC-130 or item 9 on form SC-200.
- **Other Civil Cases:** If you received *Judgment* (form JUD-100), item 7 will say the judgment includes an amount “concerning consumer debt (Code Civ. Proc., § 708.111).” If the judgment was not issued on a Judicial Council form, you will need to figure out if the judgment includes an amount that concerns consumer debt.

2 What is a debtor's examination?

When the final court order at the end of a lawsuit (the judgment) orders one person or business to pay money to another person or business, sometimes the judgment creditor wants information to help them collect it (enforce the judgment). The judgment creditor can ask the court to order the judgment debtor to come to court and give information under oath about what they earn (income) or own (assets). This is called a “debtor’s examination.” This information can help the judgment creditor find out whether they can take the money they are owed from the judgment debtor’s income or assets.

3 How do I use this information sheet?

- **Judgment Creditors:** If the court ordered the other party to pay you money, you are the **judgment creditor**. This information sheet explains how you can ask the court to order a debtor’s examination and respond if the judgment creditor gives their financial information in writing:
 - Which form should I use to ask for a debtor’s examination? Read (4).
 - How do I complete, file, and serve the form to ask for a debtor’s examination? Read (5) and (6).
 - How do I respond to *Notice of Financial Statement—Consumer Debt* (form EJ-143)? Read (7)–(10).
- **Judgment Debtors:** If the court ordered you to pay money to the other party, you are the **judgment debtor**. This information sheet describes how to respond to forms you receive from the judgment creditor:
 - What do I do if I receive form EJ-141 or form SC-136? Read (12).
 - How do I provide my financial information in writing? Read (13)–(17).
 - What do I do if I receive *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146)? Read (18).
 - What do I do if I receive *Application and Order to Require Examination After Submission of Financial Statement* (form EJ-147)? Read (19).
- If you have a disability or need help to understand English, read page 8.



INFORMATION FOR THE JUDGMENT CREDITOR

This part of the information sheet is for the judgment creditor (the person or business who won the case and is owed money) in a case concerning consumer debt. It tells them how to ask for a debtor's examination.

4 Which form should I use to ask for a debtor's examination in my case?

If your case is **not** a small claims case and you want to ask the court to order a debtor's examination, complete *Application and Order to Appear for Examination—Consumer Debt* (form [EJ-141](#)).

If your case is a **small claims case**, you can use either form EJ-141 or *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form [SC-136](#)):

- Use form SC-136 if the judgment debtor has not sent you a completed *Judgment Debtor's Statement of Assets* (form SC-133) and you want the court to require them to do so. The judgment debtor must send you form SC-133 if they do not pay within 30 days after the court clerk mailed or handed them the *Notice of Entry of Judgment* (form SC-130 or SC-200). Form SC-136 requires the judgment debtor to personally appear in court with a completed form SC-133 and answer questions about their money and property.
- If you want the judgment debtor to come to court for a debtor's examination, and you do not wish to enforce your right to receive form SC-133, or you already received form SC-133, then use form EJ-141.

If the court has previously ordered the judgment debtor to appear for examination and you want to ask for another examination date, read item (11).

Use *Application and Order for Appearance and Examination* (form AT-138/EJ-125), and do **not** use form EJ-141 or SC-136, if:

- You want to ask for a debtor's examination and the judgment is **not** for consumer debt, **or**
- You want to ask for an examination of someone who is not the judgment debtor, even if the judgment is for consumer debt.

5 How do I complete and file form EJ-141 or form SC-136?

To complete *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) or *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136), follow these steps:

- Fill out item 1 (the judgment debtor's name) on page 1 and all the items in the "Application for This Order" section on page 2 of the form.
- Contact the court clerk about setting a hearing date, time, and location. When setting the hearing date, make sure you will have enough time to serve the form, as explained in item (6). Enter the hearing date, time, and location you received from the clerk in the "Hearing Date" section on page 1.
- Sign and date the form.
- Make at least one copy of the completed form for your records. You will need to bring a copy with you to the hearing.

After you complete form EJ-141 or form SC-136, file the completed original form with the court. You must pay a filing fee unless you are eligible for a fee waiver.

6 How do I serve form EJ-141 or form SC-136?

Serve (give) a copy of completed form EJ-141 or SC-136 on the judgment debtor by following the steps below. The order for the judgment debtor to come to court for an examination cannot be enforced unless you complete all these steps:

- The form must be served at least **30 days** before the date of the examination.
- Have a copy of the form served on the judgment debtor in person by a sheriff, marshal, or registered process server. If you are using form EJ-141, the form can also be served by the person appointed in item 3 of that form.
- You must file the original proof of service with the court. Ask your court if they have a deadline for filing the proof of service. For more information about serving and proof of service, read <https://selfhelp.courts.ca.gov/>.



If you want to ask the sheriff to serve your form, you can use *Request for Sheriff to Serve Court Papers* (form [SER-001](#)). If you were given a fee waiver in the case, the sheriff will serve the papers for you at no cost.

When serving form EJ-141 or form SC-136 on the judgment debtor, you must include blank copies of all the following forms:

- *Information on Debtor's Examinations Regarding Consumer Debt* (form [EJ-140-INFO/SC-136-INFO](#)),
- *Financial Statement—Consumer Debt* (form [EJ-144](#)),
- *Notice of Financial Statement—Consumer Debt* (form [EJ-143](#)),
- *Exemptions From the Enforcement of Judgments* (form [EJ-155](#)), and
- *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form [EJ-156](#)).

7 What do I do if I receive *Notice of Financial Statement—Consumer Debt* (form EJ-143)?

The judgment debtor does not have to appear at the scheduled debtor's examination if they respond to your request by filing *Notice of Financial Statement—Consumer Debt* (form EJ-143) with the court and serving you with a copy of that form and a completed *Financial Statement—Consumer Debt* (form EJ-144) no later than 15 days before the examination.

If the judgment debtor checked item 2 on *Notice of Financial Statement—Consumer Debt* (claiming that all of their money and property are exempt from enforcement of judgment), the court will cancel the scheduled debtor's examination. If after reading *Financial Statement—Consumer Debt* you still want to hold a debtor's examination, you can complete, serve, and file *Notice of Motion and Motion to Require Examination—Consumer Debt* (form [EJ-146](#)).

8 How do I complete *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146)?

Notice of Motion and Motion to Require Examination—Consumer Debt (form EJ-146) asks the court to order the judgment debtor to come to court for an examination even though they provided *Financial Statement—Consumer Debt* (form EJ-144).

You will need to complete your *Notice of Motion and Motion to Require Examination—Consumer Debt* in time to file it with the court no more than **15 days** after the judgment debtor filed *Notice of Financial Statement—Consumer Debt* (form EJ-143).

To complete *Notice of Motion and Motion to Require Examination—Consumer Debt*, follow these steps:

- Contact the clerk of the court about setting a hearing date, time, and place. When setting the hearing date, make sure you will have enough time to serve form EJ-146, as explained in item 9.
- Complete items 1–7 on *Notice of Motion and Motion to Require Examination—Consumer Debt*. In item 7, explain why you think an examination of the judgment debtor is needed even though they provided a financial statement.
- If the judgment you are trying to enforce concerns debt secured by real property or personal property, complete items 8 and 9.
- If you do not wish to appear at the hearing on your motion, check the box in item 10. If you do not appear, the court will decide based on your *Notice of Motion and Motion to Require Examination—Consumer Debt*, the judgment debtor's *Financial Statement—Consumer Debt*, and the arguments the judgment debtor makes at the hearing.
- Sign and date the form. If you have an attorney, they must also sign and date the form.
- Make a copy of the completed form to serve on the judgment debtor.
- Make at least one copy of the completed form for your records. If you appear at the hearing, you will need to bring a copy of the completed form with you.



9 How do I serve and file form EJ-146?

After you complete *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146), serve (give) a copy of the completed form on the judgment debtor by following these steps:

- Someone who is not one of the people involved in the lawsuit must serve the papers on the judgment debtor.
- *Notice of Motion and Motion to Require Examination—Consumer Debt* must be served at least **16 court days** before the hearing if it is personally served. If the notice is sent by fax, express mail, or other method of overnight delivery, the 16-court-day period is increased by 2 calendar days. If the notice is served by mail from and to an address within California, the 16-court-day period is increased by 5 calendar days. Electronic service may be allowed (consent is required before electronically serving the judgment debtor if they do not have an attorney) and extends the time for service by 2 court days. For more information on the time to serve the notice and electronic service, read Code of Civil Procedure sections [708.111\(d\)\(3\)](#), [1005](#), and [1010.6](#) (available at leginfo.legislature.ca.gov).
- Have the server fill out and sign a proof of service. Proof of service forms are available at www.courts.ca.gov/forms.htm.

In addition to serving form EJ-146, you must also file the completed original form by following these steps:

- File the completed original *Notice of Motion and Motion to Require Examination—Consumer Debt* with your original signature. You must pay a filing fee unless you are eligible for a fee waiver.
- Include a copy of the judgment debtor's completed *Financial Statement—Consumer Debt* (form EJ-144) with your filing.
- File *Notice of Motion and Motion to Require Examination—Consumer Debt* and the copy of the judgment debtor's *Financial Statement—Consumer Debt* with the court no more than **15 days** after the judgment debtor filed *Notice of Financial Statement—Consumer Debt* (form EJ-143).
- You must file the original proof of service with the court. Ask your court if they have a deadline for filing the proof of service.

If you go to the hearing on your motion for examination, bring a completed copy of form EJ-146 and a copy of the judgment debtor's *Financial Statement—Consumer Debt* (form EJ-144). You should also bring a copy of *Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt* (form [EJ-147](#)). Complete all of form EJ-147 except for the hearing date and time on page 1. If the court grants your motion for an examination, the judicial officer may want to sign form EJ-147 at the hearing to schedule the examination.

10 What do I do after the hearing on my motion to require examination?

If the court has heard your motion to require examination and ruled that the judgment debtor must appear for an examination, you must complete and file *Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt* (form [EJ-147](#)) to schedule the examination ordered by the court. There is no fee to file form EJ-147.

You must serve form EJ-147 on the judgment debtor at least **30 days** before the date of the hearing. You can serve form EJ-147 by mail. Electronic service may be allowed (consent is required before electronically serving the judgment debtor if they do not have an attorney; read Code of Civil Procedure section [1010.6](#) for more information on electronic service). Personal service is not required.

11 What if I want to ask for another examination of the judgment debtor?

If the court ordered the judgment debtor to come to court for an examination after you filed *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) or *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136) and then canceled the examination for any reason, you cannot file another application to examine that judgment debtor until one year from the date you filed your previous application.

To ask for a second examination of the judgment debtor, use form EJ-141. Do not use form SC-136.



**INFORMATION FOR
THE JUDGMENT DEBTOR**

This part of the information sheet is for the judgment debtor (the person or business who lost the case and owes money) in a case concerning consumer debt. It tells them how they can respond to an order to appear in court to answer questions about money they earn and property they own.

12 What do I do if I receive form EJ-141 or form SC-136?

If you receive *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) or *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136), you must either appear in court for the examination at the time and place listed in item 2 on that form **or** provide your financial information in writing (see steps below) to the judgment creditor. You do not have to appear in court for the examination if you provide your financial information in writing to the judgment creditor and file a notice with the court no later than 15 days before the examination.

If you do not appear in court for the examination or provide your financial information in writing, the court may make you pay the judgment creditor's reasonable attorney's fees and costs.

13 How do I provide my financial information in writing?

To provide your financial information in writing to the judgment creditor, follow these steps:

- Complete and serve *Financial Statement—Consumer Debt* (form [EJ-144](#)) as explained in 14 and 15. A copy of this form should have been included with the form EJ-141 or form SC-136 you received from the judgment creditor.
- Complete, serve, and file *Notice of Financial Statement—Consumer Debt* (form [EJ-143](#)) and the proof of service for form EJ-144, as explained in 16. A copy of form EJ-143 should have been included with the form EJ-141 or form SC-136 you received from the judgment creditor.

You can get also get copies of forms EJ-143 and EJ-144 from www.courts.ca.gov/forms.htm or the self-help center at your local court.

14 How do I complete *Financial Statement—Consumer Debt* (form EJ-144)?

To complete *Financial Statement—Consumer Debt* (form EJ-144), follow these steps:

- Read the entire form to see the information it asks for.
- Do not include bank account numbers or other account numbers on the form.
- To fill out items 1 and 2, decide if any of your income or assets are exempt (cannot be collected by a judgment creditor). (Read 15, “How do I figure out if my income or assets are exempt?”)
- Fill out the other items on the form. If you checked the box in item 2 (indicating that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you and your spouse for support), you will need to provide information about your spouse or dependents in some items on the form. The instructions for each item will tell you if you need to do so.
- Sign and date the form.
- If you checked the box in item 2, your spouse must also sign and date the form, unless you and your spouse live separate and apart.
- Make at least one copy of the completed form to keep for your records. You will need to bring a completed copy of the form with you if you are ordered to appear in court. (Read item 17, “What happens after I provide my financial information in writing?”)

After you complete form EJ-144, you must serve (give) the original signed form EJ-144 on the judgment creditor **no later than 15 days** before the examination (the date and time listed in item 2 on the form EJ-141 or form SC-136 you received from the judgment creditor).

Do not file form EJ-144 with the court.

Before serving form EJ-144, read item 16, “How do I complete *Notice of Financial Statement—Consumer Debt* (form EJ-143).” The instructions for serving form EJ-144 are the same as for serving form EJ-143, and you can serve forms EJ-143 and EJ-144 at the same time.



15 How do I figure out if my income or assets are exempt?

Some types of money you earn (income) and money and property you own (assets) are exempt, meaning they cannot be collected by a judgment creditor.

To figure out if any of your money or property is exempt, read *Exemptions From the Enforcement of Judgments* (form [EJ-155](#)). A copy of this form should be included with the form EJ-141 or form SC-136 you received from the judgment creditor. You can also get a copy of this form from www.courts.ca.gov/forms.htm or from the self-help center at your local court.

Form EJ-155 lists different kinds of money and property that are exempt. You will need to look for each type of money and property you have in the list. Not all types of money and property are exempt, so some of the money or property you have might not be listed on form EJ-155.

If any of your money or property is listed on form EJ-155, you will need to figure out how much of it is exempt. For some types of money and property, only a specific dollar amount is exempt. For other types, the entire amount or value is exempt. And for other types, the exempt amount depends on your situation.

To figure out the exempt amount of each type of money and property you have, read *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156). A copy of this form should be included with the form EJ-141 or form SC-136 you received from the judgment creditor. You can also get a copy of this form from www.courts.ca.gov/forms.htm or from the self-help center at your local court.

Form EJ-156 lists the exempt amounts for some types of money and property. If the money or property you have is not listed on form EJ-156, then you will need to read the specific law (the code and section number) listed for that type of money or property on form EJ-155. For example, form EJ-155 lists Code of Civil Procedure (CCP) section 704.070 as the code and section number for “cash.”

You can get a copy of the California laws listed on form EJ-155 at leginfo.legislature.ca.gov. The sections of the United States Code that provide exemptions (shown as “USC” on form EJ-155) can be found at uscode.house.gov/.

Some types of money and property are exempt if they are needed to support the basic needs of you and your family. The law for these types will say they are “exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.” Under those laws, the exempt amount is the amount needed to support your basic needs and the basic needs of your spouse or anyone who depends on you or your spouse for support.

After you have figured out if any of your money or property is exempt, complete items 1 and 2 on the *Financial Statement—Consumer Debt* (form EJ-144):

- If none of your money or property is exempt, check box 1a.
- If all of your money or property is exempt, check box 1b.
- If some, but not all, of your money or property is exempt, check box 1c.
- If any of your money or property is exempt because it is needed to support the basic needs of you and your family, check the box in item 2.

16 How do I complete Notice of Financial Statement—Consumer Debt (form EJ-143)?

Do not fill out *Notice of Financial Statement—Consumer Debt* (form EJ-143) until after you complete *Financial Statement—Consumer Debt* (form EJ-144).

To complete *Notice of Financial Statement—Consumer Debt*, follow these steps:

- Enter the name and address of the judgment creditor. You can use the address the judgment creditor provided on form EJ-141 or form SC-136.
- In item 1, enter the date, time, and location of the examination scheduled by the court. This is the information listed in item 2 on the form EJ-141 or SC-136 that you received from the judgment creditor.



- Check the box in item 2 if you also checked box 1b on your *Financial Statement—Consumer Debt* (form EJ-144), which says that all of your income and assets are exempt.
- Make a copy of the completed form to serve on (give to) the judgment creditor.
- Make at least one copy of the completed form for your records. You will need to bring a completed copy of the form with you if you are ordered to appear in court. (Read ⑰, “What happens after I provide my financial information in writing?”)
- Serve (give) a copy of the completed *Notice of Financial Statement—Consumer Debt* (form EJ-143) on the judgment creditor. Form EJ-143 can be served by mail. Electronic service may be allowed (consent is required before electronically serving the judgment debtor if they do not have an attorney; read Code of Civil Procedure section [1010.6](#) for more information on electronic service). You can serve form EJ-143 at the same time as form EJ-144.
- Someone who is not one of the people involved in the lawsuit must serve the papers if they are served personally or by mail. Have the server fill out and sign a proof of service. Proof of service forms are available at www.courts.ca.gov/forms.htm.
- File completed form EJ-143 with the court. You must file the completed original form EJ-143 with your original signature. When you file EJ-143, you must also file the completed original proof of service for form EJ-144. If you file forms EJ-143 and EJ-144 at the same time, you can use the same proof of service for both.
- If you have a separate proof of service for form EJ-143, you must file that proof of service with the court. Ask your court if there is a filing deadline.

You must file form EJ-143 and the proof of service for form EJ-144 **no later than 15 days** before the date of the examination (shown in item 2 of the form EJ-141 or form SC-136 you received from the judgment creditor).

If you do not file form EJ-143 and the proof of service for form EJ-144 by this deadline, you must attend the examination at the time and place listed in item 2 on *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) or *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136).

⑰ What happens after I provide my financial information in writing?

If you served and filed *Notice of Financial Statement—Consumer Debt* (form EJ-143) and a proof of service for *Financial Statement—Consumer Debt* (form EJ-144) no later than 15 days before the date of the examination, you do not have to appear for the examination at the time and place listed in item 2 on *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) or *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136).

If you checked item 2 on form EJ-143, the court will cancel the examination. If the court cancels the examination, the judgment creditor can object by filing *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146).

⑱ What do I do if I receive *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146)?

Notice of Motion and Motion to Require Examination—Consumer Debt (form EJ-146) asks the court to order you to come to court for an examination even though you have provided your financial information in writing. On that form, the judgment creditor will explain why they think an examination is needed.

The court will hold a hearing at the date and time listed in item 2 on form EJ-146 to decide if an examination is needed. You must appear at the hearing.

The hearing is your opportunity to explain why you think the information on your *Financial Statement—Consumer Debt* (form EJ-144) is enough and why the judgment creditor does not need to ask you questions at an examination. Take a copy of your completed *Notice of Financial Statement—Consumer Debt* (form EJ-143) and *Financial Statement—Consumer Debt* (form EJ-144) with you to the hearing.



19 What do I do if I receive *Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt* (form EJ-147)?

If the court decides that an examination is needed after hearing the judgment creditor's *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146), you will receive *Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt* (form EJ-147) from the judgment creditor. Form EJ-147 schedules your examination, which is when you appear in court to provide information about your money and property. You must appear on the date and time listed in item 2 on form EJ-147.

At court on the day of the examination, the court will call the case. You will be administered an oath as if you were testifying in court. Then, typically, the court will tell you and the judgment creditor where you can meet privately to conduct the examination. The judgment creditor will ask you questions about your money and property.

If you do not appear at the time and place listed in item 2 on form EJ-147, the court may make you pay the judgment creditor's attorney's fees and costs.

OTHER INFORMATION

This part of the information sheet is for the judgment creditor and the judgment debtor.

20 What if I need help to understand English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use *Request for Interpreter* (form [INT-300](#)) or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/request-interpreter.

21 What if I have a disability?

If you have a disability and need accommodation while you are at court, you can use *Disability Accommodation Request* (form [MC-410](#)) to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form [MC-410-INFO](#)).

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 08/06/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
APPLICATION AND ORDER TO APPEAR FOR EXAMINATION—CONSUMER DEBT	CASE NUMBER: _____

Instructions to the judgment creditor for completing this form:

- Complete the application on page 2 to ask for an examination of a judgment debtor in a case where the judgment concerns consumer debt and was awarded on or after January 1, 2025. (Code Civ. Proc., § 708.111.)
- To ask for an examination of the judgment debtor in all other cases, or to ask for an examination of a third person in any case, use *Application and Order for Appearance and Examination* (form AT-138/EJ-125).
- Read *Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO) for more instructions on using this form.

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): _____
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to provide information to help enforce a judgment against you.

Name and address of court if different from above:



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

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name): _____

Date: _____

JUDGE

This order must be served no less than 30 days before the date set for the examination.
IMPORTANT NOTICES ON PAGE 3

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- 4. Original judgment creditor Assignee of record
asks the court for an order requiring (*name of judgment debtor*):
to appear in court and give information to help enforce a judgment (final order) for consumer debt.
- 5. The judgment was awarded on or after January 1, 2025.
- 6. The judgment concerns consumer debt, meaning any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services that are the subject of the transaction are primarily for personal, family, or household purposes. The judgment does not include rental debt or debts incurred due to, or obtained by, tortious or fraudulent conduct or judgments for unpaid wages, damages, or penalties owed to an employee. (Code Civ. Proc., § 708.111.)
- 7. The person to be examined is the judgment debtor.
- 8. Within the past year, the court has not canceled an examination of the judgment debtor in this case after the judgment debtor filed a notice of financial statement in response to an order to appear for examination. (Code Civ. Proc., § 708.111(d)(7).)
- 9. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- 10. This court is **not** the court in which the judgment is entered. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- 11. The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination 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 DECLARANT)

IMPORTANT NOTICES ON PAGE 3

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor, you must have a copy of the order personally served on the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order at least 30 calendar days before the date of the hearing, and have a proof of service filed with the court.

When serving the order on the judgment debtor, you must include blank copies of the following forms:

- *Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO)
- *Financial Statement—Consumer Debt* (form EJ-144)
- *Notice of Financial Statement—Consumer Debt* (form EJ-143)
- *Exemptions From the Enforcement of Judgments* (form EJ-155)
- *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156)

NOTICE TO JUDGMENT DEBTOR

If you fail to appear at the time and place specified in this order, the court may make an order requiring you to pay the reasonable attorney's fees and costs incurred by the judgment creditor in this proceeding.

Instead of appearing at the examination, you may file a notice of judgment debtor's financial affidavit in a form prescribed by the court (form EJ-143) and signed under penalty of perjury and serve copies of all filed documents and the financial affidavit (form EJ-144) on the judgment creditor no later than 15 days prior to the date set for the examination.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office or go to courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civil Code, § 54.8.)

APPLICATION AND ORDER TO APPEAR FOR EXAMINATION—CONSUMER DEBT

33

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

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 08/21/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
NOTICE OF FINANCIAL STATEMENT—CONSUMER DEBT	CASE NUMBER:

TO THE JUDGMENT CREDITOR (name):

Address of judgment creditor:

- The judgment debtor has chosen to provide *Financial Statement—Consumer Debt* (form EJ-144) instead of appearing for the examination scheduled for (*copy the information provided on Application and Order to Appear for Examination—Consumer Debt (form EJ-141)*):

Name and address of court, if different from above:

Date: Time:
 Dept.: Room:

- The judgment debtor states in item 1 on form EJ-144 that all of their income and assets are exempt from enforcement of judgment.

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF ATTORNEY OR NON-REPRESENTED PARTY)

INSTRUCTIONS TO THE JUDGMENT DEBTOR FOR USING THIS FORM

Use this form if you have been ordered to appear for examination (come to court to provide information about your income and assets) and you want to provide your financial information in writing instead of coming to court. You can use this form only if you are the judgment debtor, the judgment concerns consumer debt, and the judgment was awarded on or after January 1, 2025. (Code Civ. Proc., § 708.111.)

If you choose to give your financial information in writing, then no later than **15 days** before the date of the examination, you must

- Complete *Financial Statement—Consumer Debt* (form EJ-144) and *Notice of Financial Statement—Consumer Debt* (form EJ-143).
- Serve (give) the judgment creditor copies of completed forms EJ-143 and EJ-144.
- File completed form EJ-143 and a proof of service showing that form EJ-144 was served on the judgment creditor.

Read *Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO) for more information on how to complete these steps.

If you do not file form EJ-143 and a proof of service for form EJ-144 by this deadline, you must come to court for the examination.

If you provide your financial information in writing, the judgment creditor has the right to object. If the judgment creditor objects, you will receive a notice. Read form EJ-140-INFO for more information on this process.

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (<i>name</i>): _____	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT 08/06/2024 NOT APPROVED BY COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
FINANCIAL STATEMENT—CONSUMER DEBT	CASE NUMBER: _____
Instructions to the judgment debtor for completing this form: Use this form if you have been ordered to appear for examination (come to court to provide information about your income and assets) and you • want to provide your financial information in writing instead of coming to court. You can use this form only if you are the judgment debtor, the judgment concerns consumer debt, and the judgment was awarded on or after January 1, 2025. (Code Civ. Proc., § 708.111.) If you are the judgment debtor (the person completing this form), do not file this form with the court. Instead, you must serve (give) this form on • the judgment creditor no later than 15 days before the examination. If you complete this form, you must also complete <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143). Read <i>Information on Debtor's Examinations Regarding Consumer Debt</i> (form EJ-140-INFO/SC-136-INFO) for more instructions on using this form and form EJ-143.	

1. I have read *Exemptions From the Enforcement of Judgments* (form EJ-155) and *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156) and (*check one*)
- a. none of the money I earn (income) or money or property I own (assets) is exempt ("exempt" means it cannot be collected by a judgment creditor).
 - b. all of my money and property is exempt.
 - c. some of my money and property is exempt. The exempt money or property is (*describe the money or property; you do not need to include the dollar amount or value*):
2. Some or all of my money or property is exempt because it is needed to support me, my spouse, or persons who depend on me and my spouse for support. (*As used in this form, "spouse" includes registered domestic partners. (Code Civ. Proc., § 17(b)(12).)*)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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3. **My monthly income** (if more space is needed to complete any of the lettered subdivisions below, check here and attach a page labeled Attachment 3, and label the information on the attachment with the relevant subdivision letter)

a. My gross monthly income from employment is 3a. \$

b. My monthly payroll deductions are (specify **purpose** and amount)

- (1) Federal and state withholding, FICA, and SDI \$
- (2) \$
- (3) \$
- (4) \$
- (5) \$
- (6) \$

My TOTAL monthly payroll deduction amount is (add (1) through b. \$

c. My monthly take-home pay is (a minus b): c. \$

d. My monthly income from all sources other than employment is (list the source and amount of **any** income you get each month from sources other than employment, including spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.):

- (1) \$
- (2) \$
- (3) \$
- (4) \$
- (5) \$
- (6) \$

My TOTAL other income is (add (1) through (6)): d. \$

e. TOTAL MONTHLY INCOME (c plus d) e. \$

4. If you claimed in item 2 that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you or your spouse for support, list your spouse and all persons other than you who depend, in whole or in part, on you or your spouse for support. Also list their total monthly take-home income and the sources of that income. (If more space is needed, check here and attach a page labeled Attachment 4.)

**Monthly Take-Home
Income and Source**

	<u>Name</u>	<u>Age</u>	<u>Relationship to Me</u>	
a.			Spouse	
b.				
c.				
d.				
e.				
f.				
g.				

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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5. **My money and property** (If you claimed in item 2 that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you or your spouse for support, include both your money and the money and property of your spouse and dependents. If more space is needed to complete any of the lettered subdivisions below, check here and attach a page labeled Attachment 5, and label the information on the attachment with the relevant subdivision letter.)

- a. Cash 5a. \$
- b. Checking, savings, and credit union accounts (list bank name and amount):
 - (1) \$
 - (2) \$
 - (3) \$
 TOTAL value of financial accounts is (add (1) through (3)): b. \$

c. Cars, boats, and other vehicles:

Make/Year	Fair Market Value	Amount Still Owed
(1)	\$	\$
(2)	\$	\$
(3)	\$	\$

d. Real estate:

Address	Fair Market Value	Amount Still Owed
(1)	\$	\$
(2)	\$	\$

e. Other personal property (jewelry, furniture, furs, stocks, bonds, life insurance policies, business ownership interests, etc.):

Describe	Fair Market Value	Amount Still Owed
(1)	\$	\$
(2)	\$	\$
(3)	\$	\$

6. **My monthly expenses** (If you claimed in item 2 that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you or your spouse for support, include both your expenses and the expenses of your spouse and dependents. If more space is needed to complete any of the lettered subdivisions below, check here and attach a page labeled Attachment 6, and label the information on the attachment with the relevant subdivision letter.)

- a. Rent or house payment and maintenance 6a.\$
- b. Food and household supplies b.\$
- c. Utilities and telephone c.\$
- d. Clothing d.\$
- e. Medical and dental payments e.\$
- f. Insurance (life, health, accident, etc.) f.\$
- g. School, childcare g.\$
- h. Child, spousal support (another marriage) h.\$
- i. Transportation, gas, auto repair, and insurance (list car payments in item 9) i.\$
- j. Installment payments (insert total and itemize below in item 9) j.\$
- k. Laundry and cleaning k.\$
- l. Any other monthly expenses (list each below)
 - (1) l(1)\$
 - (2) l(2)\$
 - (3) l(3)\$

m. TOTAL MONTHLY EXPENSES (add a through l):	m.\$
---	------

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

7. **My debts** (If you claimed in item 2 that some or all of your money or property is exempt because it is needed to support you, your spouse, or persons who depend on you or your spouse for support, include both your debts and the debts owed by your spouse and dependents. If more space is needed, check here and attach a page labeled Attachment 7.)

<u>Creditor's Name</u>	<u>For</u>	<u>Monthly Payments</u>	<u>Balance Owed</u>	<u>Owed By</u> (state person's name)
a.				
b.				
c.				
d.				
e.				
f.				

8. Other relevant facts about your financial situation (for example, unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) (Describe; if more space is needed, check here and attach a page labeled Attachment 8):

9. If you claimed in item 2 that some or all of your money or property is exempt from enforcement of judgment because it is needed to support you, your spouse, or any persons who depend on you or your spouse for support, your spouse must also sign this form, unless you and your spouse live separate and apart.

- My spouse has signed below.
- My spouse and I are living separate and apart.
- I have no spouse.

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)
_____ (TYPE OR PRINT NAME OF SPOUSE)	_____ SIGNATURE OF SPOUSE)

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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

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ 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 08/06/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
NOTICE OF MOTION AND MOTION TO REQUIRE EXAMINATION—CONSUMER DEBT	CASE NUMBER: _____
Instructions to the judgment creditor for completing this form: <ul style="list-style-type: none"> The original of this form must be filed with the court within 15 days of the filing of <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143). A copy of the judgment debtor's completed <i>Financial Statement—Consumer Debt</i> (form EJ-144) must be attached when filing this form. Read <i>Information on Debtor's Examinations Regarding Consumer Debt</i> (form EJ-140-INFO/SC-136-INFO) for more instructions on completing, filing, and serving this form. 	

TO THE JUDGMENT DEBTOR (*name*):

1. Please take notice that (*name of judgment creditor*):
 is asking the court for an order requiring you (the judgment debtor) to come to court to provide information to help enforce a judgment against you. (Code Civ. Proc., § 708.111(d).)
2. A hearing on this motion will be held as follows:

Name and address of court if different from above:

Hearing Date	→ Date: _____	Time: _____
	Dept.: _____	Room: _____

3. The judgment debtor was ordered to appear for examination on (*date*):
4. The judgment debtor filed a notice of financial statement on (*date*):
5. The judgment debtor's financial statement stated that all of the judgment debtor's income and assets are exempt from enforcement of judgment.
6. The court canceled the examination because the judgment debtor stated in their financial statement that all of their income and assets are exempt from enforcement of judgment.
7. Even though the judgment debtor has filed a financial statement, an examination of the judgment debtor is still necessary. The facts supporting good cause for an examination are (*be specific; if you object to the judgment debtor's claimed exemptions from enforcement of judgment, you can describe your objections here*):

If more space is needed, check here and create and attach a page labeled Attachment 7.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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8. The judgment concerns debt that is secured by real property or personal property, and the judgment debtor has not provided accurate information regarding *(check all that apply)*
- a. the location or condition of the security.
 - b. the status of insurance on the security.
 - c. the status of taxes due on the security.

9. The facts necessary to support item 8 are *(describe)*

If more space is needed, check here and create and attach a page labeled Attachment 9.

10. The judgment creditor will not appear at the hearing and submits the issue on the papers filed with the court.

(If the judgment creditor is represented by an attorney, the attorney must sign below):

Date:

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE OF ATTORNEY)

DECLARATION

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

Date:

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 08/06/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
APPLICATION AND ORDER TO REQUIRE EXAMINATION AFTER SUBMISSION OF FINANCIAL STATEMENT—CONSUMER DEBT	CASE NUMBER: _____

Instructions to the judgment creditor for completing this form:

- If the court has heard your *Notice of Motion and Motion to Require Examination—Consumer Debt* (form EJ-146) and ruled that an examination of the judgment debtor is needed, complete the application on page 2 of this form.
- Read *Information on Debtor’s Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO) for more instructions on using this form.

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): _____
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to provide information to help enforce a judgment against you.

Name and address of court if different from above:



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

3. The court heard the judgment creditor's motion to require examination on (date): _____
4. The court found that the judgment creditor has shown good cause to require the person listed in item 1 (the judgment debtor) to appear for examination even though the judgment debtor provided a financial statement. The court ruled that the judgment debtor must appear for examination.

Date: _____

JUDGE

This order must be served no less than 30 days before the date set for the examination.
IMPORTANT NOTICES ON PAGE 2

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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APPLICATION FOR ORDER TO REQUIRE EXAMINATION

- 5. Original judgment creditor Assignee of record
asks the court for an order requiring (*name of judgment debtor*):
to appear in court and give information to help enforce a judgment (final order) for consumer debt.
- 6. The judgment debtor was ordered to appear for examination on (*date*):
- 7. The judgment debtor filed a notice of financial statement on (*date*):
- 8. The judgment debtor's financial statement stated that all of the judgment debtor's income and assets are exempt from enforcement of judgment.
- 9. The court canceled the examination because the judgment debtor stated in their financial statement that all of their income and assets are exempt from enforcement of judgment.
- 10. The judgment creditor filed a motion to require examination on (*date*):
- 11. The court heard the motion to require examination on (*date*):
- 12. After hearing the motion, the court found that the judgment creditor has shown good cause to require the judgment debtor to appear for examination even though the judgment debtor filed a financial statement. The court ruled that the judgment debtor must appear for examination.

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

Date: _____

(TYPE OR PRINT NAME)
(SIGNATURE OF DECLARANT)

Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor, you must have a copy of the order served on the judgment debtor at least 30 calendar days before the date of the hearing and have a proof of service filed with the court. You can serve this order by mail or electronic service. Personal service of the order is not required.

NOTICE TO JUDGMENT DEBTOR

If you fail to appear at the time and place specified in this order, the court may make an order requiring you to pay the reasonable attorney's fees and costs incurred by the judgment creditor in this proceeding.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to courts.ca.gov/forms for *Disability Accommodation Request* (form [MC-410](#)). (Civil Code, § 54.8.)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 08/20/2024 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<div style="text-align: center;">JUDGMENT</div> <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input type="checkbox"/> On Stipulation <input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER:

JUDGMENT

1. **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's written declaration (Code Civ. Proc., § 585(d)).
2. **ON STIPULATION**
 - a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
 - b. the signed written stipulation was filed in the case.
 - c. the stipulation was stated in open court the stipulation was stated on the record.
3. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on (date and time):
before (name of judicial officer):
 - b. Appearances by

<input type="checkbox"/> plaintiff (name each):	<input type="checkbox"/> plaintiff's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
<input type="checkbox"/> defendant (name each):	<input type="checkbox"/> defendant's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
--------------------------	--------------

JUDGMENT IS ENTERED BY **THE COURT** **THE CLERK AS FOLLOWS:**

4. **Stipulated Judgment.** Judgment is entered according to the stipulation of the parties.

5. **Parties.** Judgment is

a. for plaintiff (*name each*):

c. for cross-complainant (*name each*):

and against defendant (*names*):

and against cross-defendant (*name each*):

Continued on Attachment 5a.

Continued on Attachment 5c.

b. for defendant (*name each*):

d. for cross-defendant (*name each*):

6. **Amount.**

a. Defendant named in item 5a above must pay plaintiff on the complaint

c. Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint

(1) <input type="checkbox"/> Damages	\$
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of _____ %	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input type="checkbox"/> Costs	\$
(5) <input type="checkbox"/> Other (<i>specify</i>):	\$
(6) TOTAL	\$

(1) <input type="checkbox"/> Damages	\$
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of _____ %	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input type="checkbox"/> Costs	\$
(5) <input type="checkbox"/> Other (<i>specify</i>):	\$
(6) TOTAL	\$

b. Plaintiff to receive nothing from defendant named in item 5b.

d. Cross-complainant to receive nothing from cross-defendant named in item 5d.

Defendant named in item 5b to recover costs: \$ _____ and attorney fees: \$ _____

Cross-defendant named in item 5d to recover costs: \$ _____ and attorney fees: \$ _____

7. Judgment debtor is a natural person, and as provided in **the relevant statute**, \$ _____ of this judgment is on a claim related to medical expenses (Code Civ. Proc., §§ 683.110, 685.010) \$ _____ of this judgment is on a claim related to personal debt (Code Civ. Proc., §§ 683.110, 685.010), which includes: \$ _____ concerning consumer debt (Code Civ. Proc., § 708.111).

8. Other (*specify*):

Date: _____ JUDICIAL OFFICER

Date: Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (optional)
I certify that this is a true copy of the original judgment on file in the court.

Date: _____
Clerk, by _____, Deputy

NOT APPROVED BY COUNCIL

SMALL CLAIMS CASE NO.:

NOTICE TO ALL PLAINTIFFS AND DEFENDANTS: Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights. AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS: La corte ha tomado una decisión en su caso de reclamos menores. Si usted perdió el caso y la corte le ha ordenado a pagar dinero, se le puede embargar el sueldo, dinero, o bienes (reales o personales) para pagar el reclamo, sin aviso adicional por parte de la corte. Vea el reverso de este formulario para información importante acerca de sus derechos.

PLAINTIFF/DEMANDANTE (name and street address of each):

DEFENDANT/DEMANDADO (name and street address of each):

Telephone No.:

Telephone No.:

Telephone No.:

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

NOTICE OF ENTRY OF JUDGMENT

Judgment was entered as checked below on (date):

- 1. Defendant (name, if more than one): shall pay plaintiff (name, if more than one): \$ principal and: \$ costs on plaintiffs claim.
2. Defendant does not owe plaintiff any money on plaintiff's claim.
3. Plaintiff (name, if more than one): shall pay defendant (name, if more than one): \$ principal and: \$ costs on defendant's claim.
4. Plaintiff does not owe defendant any money on defendants claim.
5. Possession of the following property is awarded to plaintiff (describe property):
6. Payments are to be made at the rate of: \$ per (specify period): , beginning on (date): and on the (specify day): day of each month thereafter until paid in full. If any payment is missed, the entire balance may become due immediately.
7. Dismissed in court with prejudice without prejudice.
8. Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment) (form SC-132) is attached.
9. Other (specify):
10. Judgment debtor is a natural person, and as provided in the relevant statute, \$ of this judgment is on a claim related to medical expenses (Code Civ. Proc., §§ 683.110, 685.010) \$ of this judgment is on a claim related to personal debt (Code Civ. Proc., §§ 683.110, 685.010), which includes: \$ concerning consumer debt (Code Civ. Proc., § 708.111).
11. This judgment results from a motor vehicle accident on a California highway and was caused by the judgment debtor's operation of a motor vehicle. If the judgment is not paid, the judgment creditor may apply to have the judgment debtor's drivers license suspended.
12. Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.
13. This notice was personally delivered to (insert name and date):
14. CLERK'S CERTIFICATE OF MAILING I certify that I am not a party to this action. This Notice of Entry of Judgment was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: , California
Date of mailing: Clerk, by , Deputy

The county provides small claims advisor services free of charge. Read the information sheet on the reverse. Page 1 of 2

INFORMATION AFTER JUDGMENT	INFORMACION DESPUES DEL FALLO DE LA CORTE
<p>Your small claims case has been decided. The judgment or decision of the court appears on the front of this sheet. The court may have ordered one party to pay money to the other party. The person (or business) who won the case and who can collect the money is called the judgment creditor. The person (or business) who lost the case and who owes the money is called the judgment debtor.</p> <p>Enforcement of the judgment is postponed until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally, both parties may be represented by lawyers after judgment.</p>	

IF YOU LOST THE CASE . . .

1. If you lost the case on your own claim and the court did not award you any money, the court's decision on your claim is **FINAL**. You may not appeal your own claim.
2. If you lost the case and the court ordered you to pay money, your money and property may be taken to pay the claim unless you do one of the following things:
 - a. **PAY THE JUDGMENT**
The law requires you to pay the amount of the judgment. You may pay the judgment creditor directly, or pay the judgment to the court for an additional fee. You may also ask the court to order monthly payments you can afford.
Ask the clerk for information about these procedures.
 - b. **APPEAL**
If you disagree with the court's decision, you may appeal the decision on the other party's claim. You may not appeal the decision on your own claim. However, if any party appeals, there will be a new trial on all the claims. If you appeared at the trial, you must begin your appeal by filing a form called *Notice of Appeal* (form SC-140) and pay the required fees within 30 days after the date this *Notice of Entry of Judgment* was mailed or handed to you. Your appeal will be in the superior court. You will have a **new trial** and you must present your evidence again. You may be represented by a lawyer.
 - c. **VACATE OR CANCEL THE JUDGMENT**
If you did not go to the trial, you may ask the court to vacate or cancel the judgment. To make this request, you must file *Motion to Vacate the Judgment* (form SC-135) and pay the required fee within 30 days after the date this *Notice of Entry of Judgment* was mailed. If your request is denied, you then have 10 days from the date the notice of denial was mailed to file an appeal. The period to file *Motion to Vacate the Judgment* is 180 days if you were *not properly served* with the claim. The 180-day period begins on the date you found out or should have found out about the judgment against you.

- b. **VOLUNTARY PAYMENT**
Ask the judgment debtor to pay the money. If your claim was for possession of property, ask the judgment debtor to return the property to you. **THE COURT WILL NOT COLLECT THE MONEY OR ENFORCE THE JUDGMENT FOR YOU.**
- c. **STATEMENT OF ASSETS**
If the judgment debtor does not pay the money, the law requires the debtor to fill out a form called *Judgment Debtor's Statement of Assets* (form SC-133). This form will tell you what property the judgment debtor has that may be available to pay your claim. If the judgment debtor willfully fails to send you the completed form, you may ask the court to give you your attorney's fees and expenses and other appropriate relief, after proper notice, under Code of Civil Procedure section 708.170. You can do this by filing *Application and Order to Produce Statement of Assets and to Appear for Examination* (form SC-134). If item 10 on page 1 of this form says the judgment includes an amount "concerning consumer debt," file *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136) instead of form SC-134.
- d. **ORDER OF EXAMINATION**
You may also make the debtor come to court to answer questions about income and property. To do so, ask the clerk for form EJ-125 (ask for form EJ-141 if item 10 on page 1 of this form says the judgment includes an amount "concerning consumer debt") and pay the required fee. There is a fee if a law officer serves the order on the judgment debtor. You may also obtain the judgment debtor's financial records. Ask the clerk for *Small Claims Subpoena and Declaration* (form SC-107) or *Civil Subpoena Duces Tecum* (form SUBP-002).
- e. **WRIT OF EXECUTION**
After you find out about the judgment debtor's property, you may ask the court for *Writ of Execution* (form EJ-130) and pay the required fee. A writ of execution is a court paper that tells a law officer to take property of the judgment debtor to pay your claim. Here are some examples of the kinds of property the officer may be able to take: **wages, bank account, automobile, business property, or rental income**. For some kinds of property, you may need to file other forms. See the law officer for information.
- f. **ABSTRACT OF JUDGMENT**
The judgment debtor may own land or a house or other buildings. You may want to put a lien on the property so that you will be paid if the property is sold. You can get a lien by filing *Abstract of Judgment* (form EJ-001) with the county recorder in the county where the property is located. The recorder will charge a fee for *Abstract of Judgment*.

IF YOU WON THE CASE . . .

1. If you were sued by the other party and you won the case, then the other party may not appeal the court's decision.
If you won the case and the court awarded you money, here are some steps you may take to collect your money or get possession of your property:
 - a. **COLLECTING FEES AND INTEREST**
Sometimes fees are charged for filing court papers or for serving the judgment debtor. These extra costs can become part of your original judgment. To claim these fees, ask the clerk for *Memorandum of Costs*.

NOTICE TO THE PARTY WHO WON: As soon as you have been paid in full, you *must* fill out the form below and mail it to the court *immediately* or you may be fined. If *Abstract of Judgment* has been recorded, you must use another form; see the clerk for the proper form.

SMALL CLAIMS CASE NO.:

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT (*Do not use this form if an Abstract of Judgment has been recorded.*)

To the Clerk of the Court:

I am the judgment creditor assignee of record.

I agree that the judgment in this action has been paid in full or otherwise satisfied.

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

Save this form

Clear this form

FOR COURT USE ONLY

DRAFT
08/20/2024
NOT APPROVED
BY COUNCIL

PLAINTIFF/DEMANDANTE (name and street address of each):

Telephone No.:

DEFENDANT/DEMANDADO (name and street address of each):

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

**ORDER TO PRODUCE STATEMENT OF ASSETS
AND TO APPEAR FOR EXAMINATION**

Instructions to the judgment creditor (the party who won the case and is owed money) for completing this form:

- Complete the application on page 2 to ask the court to require the judgment debtor (the person or business who lost the case and owes money) to come to court with a completed *Judgment Debtor's Statement of Assets* (form SC-133) and answer questions about their money and property.
- Do not use this form if *Notice of Entry of Judgment* (form SC-130 or SC-200) says the judgment concerns consumer debt. Use *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt* (form SC-136) instead.
- Read *What to Do After the Court Decides Your Small Claims Case* (form SC-200-INFO) for help choosing the correct form and for information about steps you must take after the court decides your case.

1. TO JUDGMENT DEBTOR (name):

If the judgment debtor is a corporation, partnership, or other organization, they should read the notice on page 3 of form AT-138/EJ-125.

2. YOU ARE ORDERED

- a. to pay the judgment and file proof of payment (a canceled check or money order or cash receipt, and a written declaration that shows full payment of the judgment, including postjudgment costs and interest) with the court before the hearing date shown in the box below, **OR**
- b. to
 - (1) personally appear in this court on the date and time shown below, and
 - (2) bring with you a completed *Judgment Debtor's Statement of Assets* (form SC-133).

At the hearing, you will be required to

- answer questions about your money and property; and
- explain why you did not complete and mail form SC-133 to judgment creditor in a timely manner. (You should have sent it within 30 days after the Notice of Entry of Judgment (form SC-130) was mailed or handed to you by the clerk.)

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

Name and address of court if different from above:

If you fail to appear and have not paid the judgment, including postjudgment costs and interest, a bench warrant may be issued for your arrest, you may be held in contempt of court, and you may be ordered to pay penalties.

Si no asiste a la audiencia y no ha pagado el monto del fallo judicial, incluyendo los costos e intereses posteriores al fallo, la corte puede emitir una orden de arresto contra usted, declararle en desacato, y ordenar que pague multas.

3. This order may be served by a sheriff, marshal, or registered process server.

Date:



(SIGNATURE OF JUDGE)

This order must be served no less than 30 days before the date set for the examination.

APPLICATION FOR THIS ORDER

4. Judgment creditor (the person who won the case) (*name*): _____ applies for an order requiring judgment debtor (the person or business who lost the case and owes money) (*name*): _____ to (1) pay the judgment or (2) personally appear in this court with a completed *Judgment Debtor's Statement of Assets* (form SC-133), explain why judgment debtor did not pay the judgment or complete and mail form SC-133 to judgment creditor within 30 days after *Notice of Entry of Judgment* (form SC-130 or SC-200) was mailed or handed to judgment debtor, and answer questions about judgment debtor's money and property.
5. I, judgment creditor, state the following:
- a. Judgment debtor has not paid the judgment.
 - b. Judgment debtor either did not file an appeal, or the appeal has been dismissed, or judgment debtor lost the appeal.
 - c. Judgment debtor either did not file a motion to vacate, or the motion to vacate has been denied.
 - d. More than 30 days have passed since *Notice of Entry of Judgment* was mailed or delivered to judgment debtor.
 - e. I have not received a completed *Judgment Debtor's Statement of Assets* (form SC-133) from judgment debtor.
 - f. Judgment debtor resides or has a place of business in this county or within 150 miles of the place of examination.
6. *Notice of Entry of Judgment* (form SC-130 or SC-200) **does not say** the judgment includes an amount "concerning consumer debt (Code Civ. Proc., § 708.111)."

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)



(DECLARANT)

INSTRUCTIONS FOR APPLICANT

Most counties are required to have a Small Claims Advisor to give free legal information in small claims cases.

1. This form is intended to be an easy tool to enforce your right to receive a completed *Judgment Debtor's Statement of Assets* (form SC-133). If you only want to ask the court to order the judgment debtor to come to court for an examination (answering questions about their money and property) and you do **not** want to enforce your right to receive a completed *Judgment Debtor's Statement of Assets* (form SC-133), use *Application and Order for Appearance and Examination* (form EJ-125). If you have already examined this judgment debtor and want to ask for another examination, use form EJ-125.
2. Complete item 1 on page 1 and items 4 and 5 on page 2 of this form, then contact the court clerk to schedule a hearing date and location. Enter the hearing time, date, and location you received from the clerk in the "Hearing Date" section on page 1. Sign and date the form. Make at least one copy of the completed form for your records.
3. File the completed original form SC-134 with the court and pay the filing fee.
4. If you want to be able to ask the court to enforce the order on the judgment debtor (the person or business who lost the case and owes money), you must have a copy of this form and a blank copy of *Judgment Debtor's Statement of Assets* (form SC-133) served on the judgment debtor in person by a sheriff, marshal, or registered process server at least **30 calendar days** before the date of the hearing, and have the original proof of service filed with the court. If you reset the hearing, you will have to pay a new filing fee.
5. You must attend the hearing unless the judgment has been paid. Bring a copy of your completed form SC-134 with you to the hearing.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before your hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civil Code, § 54.8.)

FOR COURT USE ONLY

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PLAINTIFF/DEMANDANTE (name and street address of each):

Telephone No.:

DEFENDANT/DEMANDADO (name and street address of each):

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

**ORDER TO PRODUCE FINANCIAL STATEMENT
OR APPEAR FOR EXAMINATION—CONSUMER DEBT
(Small Claims)**

Instructions to the judgment creditor (the party who won the case and is owed money) for completing this form:

- Use this form if you are a judgment creditor in a small claims case and *Notice of Entry of Judgment* (form SC-130 or SC-200) says the judgment includes an amount concerning consumer debt.
- Complete the application on page 2 to ask the court to require the judgment debtor (the person or business that lost the case and owes money) to come to court with a completed *Judgment Debtor's Statement of Assets* (form SC-133) and answer questions about their money and property.
- Read *What to Do After the Court Decides Your Small Claims Case* (form SC-200-INFO) for help choosing the correct form and for information about steps you must take after the court decides your case.

1. TO JUDGMENT DEBTOR (name):

2. YOU ARE ORDERED

- a. to pay the judgment and file proof of payment (a canceled check or money order or cash receipt, and a written declaration that shows full payment of the judgment, including postjudgment costs and interest) with the court before the hearing date shown in the box below, **OR**
- b. to provide information about your money and property. You must do so by choosing one of the two options listed below:
 - (1) Serve a completed *Financial Statement—Consumer Debt* (form EJ-144) on the judgment creditor and file a completed *Notice of Financial Statement—Consumer Debt* (form EJ-143) and a proof of service for form EJ-144 with the court; **OR**
 - (2) Personally appear in this court on the date and time shown below and bring with you a completed *Judgment Debtor's Statement of Assets* (form SC-133).

If you personally appear in court, you will be required to answer questions about your money and property and explain why you did not complete and mail form SC-133 to the judgment creditor in a timely manner. (You should have sent it within 30 days after Notice of Entry of Judgment (form SC-130) was mailed or handed to you by the clerk.)

**Hearing
Date**

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

Name and address of court, if different from above:

3. This order may be served by a sheriff, marshal, or registered process server.

Date:



(SIGNATURE OF JUDGE)

**This order must be served no less than 30 days before the date set for the examination.
IMPORTANT NOTICE ON PAGE 3**

4. Judgment creditor (the person who won the case) (*name*): _____ applies for an order requiring
 judgment debtor (the person or business who lost the case and owes money) (*name*): _____
 to:
- Pay the judgment, **OR**
 - Provide information about judgment debtor's money and property by either
 - servicing a completed *Financial Statement—Consumer Debt* (form EJ-144) on judgment creditor and filing a completed *Notice of Financial Statement—Consumer Debt* (form EJ-143) with the court; **OR**
 - personally appearing in this court with a completed *Judgment Debtor's Statement of Assets* (form SC-133), explaining why judgment debtor did not pay the judgment or complete and mail form SC-133 to judgment creditor within 30 days after *Notice of Entry of Judgment* (form SC-130 or SC-200) was mailed or handed to judgment debtor, and answering questions about judgment debtor's money and property.
5. I, judgment creditor, state the following:
- Judgment debtor has not paid the judgment.
 - Judgment debtor either did not file an appeal, or the appeal has been dismissed, or judgment debtor lost the appeal.
 - Judgment debtor either did not file a motion to vacate, or the motion to vacate has been denied.
 - More than 30 days have passed since *Notice of Entry of Judgment* was mailed or handed to judgment debtor.
 - I have not received a completed *Judgment Debtor's Statement of Assets* (form SC-133) from judgment debtor.
 - Judgment debtor resides or has a place of business in this county or within 150 miles of the place of examination.
6. *Notice of Entry of Judgment* (form SC-130 or SC-200) says the judgment includes an amount "concerning consumer debt (Code Civ. Proc., § 708.111)."

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)

 (DECLARANT)

INSTRUCTIONS FOR APPLICANT

Most counties are required to have a Small Claims Advisor to give free legal information in small claims cases.

- Use this form if you are a judgment creditor (the court ordered the other side to pay you money) in a small claims case, *Notice of Entry of Judgment* (form SC-130 or SC-200) says the judgment includes an amount concerning consumer debt, and the judgment was entered on or after January 1, 2025.
 - If the judgment does **not** concern consumer debt, use *Application and Order to Produce Statement of Assets and to Appear for Examination* (form SC-134) or *Application and Order for Appearance and Examination* (form EJ-125).
 - If you only want to ask the court to order the judgment debtor to come to court for an examination (answering questions about their money and property) and you do **not** want to enforce your right to receive a completed *Judgment Debtor's Statement of Assets* (form SC-133), use *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141).
 - If you want to ask for a second examination of this judgment debtor, use *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141). Do not use form SC-136 to ask for a second examination.
- Read *Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-140-INFO) for help choosing the correct form, instructions on how to complete and file this form, and information on how the judgment debtor can respond.
- If you want to be able to ask the court to enforce the order on the judgment debtor, you must have a copy of this form and a blank copy of the forms listed below served on the judgment debtor in person by a sheriff, marshal, or registered process server at least **30 calendar days** before the date of the hearing, and have a proof of service filed with the court.
 - Judgment Debtor's Statement of Assets* (form SC-133)
 - Information on Debtor's Examinations Regarding Consumer Debt* (form EJ-140-INFO/SC-136-INFO)
 - Financial Statement—Consumer Debt* (form EJ-144)
 - Notice of Financial Statement—Consumer Debt* (form EJ-143)
 - Exemptions From the Enforcement of Judgments* (form EJ-155)
 - Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156)
- You must attend the hearing unless the judgment has been paid. Bring a copy of your completed form SC-136 with you to the hearing.

NOTICE TO JUDGMENT DEBTOR

If you fail to appear at the time and place specified in this order, the court may make an order requiring you to pay the reasonable attorney's fees and costs incurred by the judgment creditor in this proceeding.

Instead of appearing at the examination, you may file a notice of judgment debtor's financial affidavit in a form prescribed by the court (form EJ-143) and signed under penalty of perjury and serve copies of all filed documents and the financial affidavit (form EJ-144) on the judgment creditor no later than 15 days prior to the date set for the examination. (This option is the the same as option 2b(1) on page 1.)



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Disability Accommodation Request* (form [MC-410](#)). (Civil Code, § 54.8.)

Clerk stamps here when form is filed.

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This form tells you the court's decision (judgment) in this small claims case. The date the small claims clerk handed or mailed you this form is very important. That date sets the deadline for the parties to take legal steps to protect or enforce their rights.

If the court ordered you to pay money, your wages, money, or property can be taken, if you do not pay the judgment within 30 days. You may also have to pay interest. If the court decided that you owe money because of an auto accident, the Department of Motor Vehicles (DMV) can suspend your driver's license.

If you disagree with the judgment, you may have the right to appeal or to ask the court to cancel or correct the judgment. To protect these rights, you must file papers with the court within 30 days after this notice was mailed or handed to you.

Read pages 3 and 4. They explain your rights and responsibilities, whether you won or lost the case.

Fill in the court name and street address:

Superior Court of California, County of

Fill in your case number and case name:

Case Number:

Case Name:

1 The judgment (decision) in this small claims case was entered on (date):

2 The judgment cannot be enforced until after the 30-day right to appeal or file a motion to vacate (cancel) or correct the judgment has ended. If an appeal or a motion to cancel or correct the judgment is properly filed, the judgment cannot be enforced until the appeal or motion is decided.

3 Judgment on the Plaintiff's Claim

Plaintiff's name, if more than one:

Defendant's name, if more than one:

- a. The plaintiff's claim against (check one): all parties (name) is dismissed and (1) may not be filed again. (The claim is dismissed with prejudice.) (2) may be filed again, if filed by the legal deadline. (The claim is dismissed without prejudice.)

b. The defendant (name) does not have to pay the plaintiff anything.

c. The defendant (name) must pay the plaintiff (name) (total amount): \$, which includes: principal: \$ + interest: \$ + court costs: \$ - offset: \$ Reason for offset, if any:

- d. More than one person owes money on this claim. The liability of each person is: (1) Joint and several. (The judgment creditor may collect the entire judgment from any judgment debtor.) (2) Other (specify):

e. The defendant (name) must give the plaintiff (name) (specify property): by (date): The property is specified on Attachment 3e.

4 Judgment on the Defendant's Claim

Defendant's name, if more than one:

Plaintiff's name, if more than one:

Case Number: _____

Case Name: _____

- 4 a. The defendant's claim against (check one): all parties (name): _____ is dismissed and
 - (1) may not be filed again. (The claim is dismissed with prejudice.)
 - (2) may be filed again, if filed by the legal deadline. (The claim is dismissed without prejudice.)
- b. The plaintiff (name): _____ does not owe any money on this claim.
- c. The plaintiff (name): _____ must pay the defendant (name): _____

(total amount): \$ _____, which includes:

principal: \$ _____ + interest: \$ _____ + court costs: \$ _____ - offset: \$ _____

Reason for offset, if any: _____
- d. More than one person owes money on this claim. The liability of each person is:
 - (1) Joint and several. (The judgment creditor may collect the entire judgment from any judgment debtor.)
 - (2) Other (specify): _____
- e. The plaintiff (name): _____ must give the defendant (name): _____

(specify property): _____ by (date): _____

The property is specified on Attachment 4e.

- 5 Payments (Name): _____

may pay the judgment to (name): _____ as follows:

 - a. Payments of: \$ _____ on the _____ day of each (month, week, other) _____

starting (date): _____ and a final payment of: \$ _____ on (date): _____
 - b. Other payment schedule (specify): _____
 - c. The total amount of payments is: \$ _____, which includes interest on the unpaid balance of the judgment. The actual amount of that interest may be different if payments are made late or early.
 - d. The total amount of the payments is the same as the judgment. If all payments are made in full and on time, no interest will be owed on the judgment and the judgment will have been paid in full.
 - e. If any payment is not made in full and on time, the judgment creditor may notify the court to cancel the payment plan, and the entire unpaid balance will become due and collectible.

Other Orders

- 6 Decisions on other claims or parties are stated in Attachment 6.
- 7 After offsetting the judgments on the claims, (name): _____

owes (name): _____ \$ _____
- 8 This judgment against (name): _____

is for damage or injury because of an automobile vehicle accident on a California highway caused by the judgment debtor or by another party for whose conduct the judgment debtor is liable (other than liability because the party signed a minor's driver's license application).
- 9 Judgment debtor is a natural person, and as provided in the relevant statute,

\$ _____ of this judgment is on a claim related to medical expenses (Code Civ. Proc., §§ 683.110, 685.010)

\$ _____ of this judgment is on a claim related to personal debt (Code Civ. Proc., §§ 683.110, 685.010),

which includes \$ _____ concerning consumer debt (Code Civ. Proc., § 708.111).
- 10 The court finds that the defendant's rights under the Servicemembers Civil Relief Act were not prejudiced by the entering of a judgment against the defendant because the defendant was not a servicemember or had notice and was available to defend this action.
- 11 Form SC-202A, Decision on Attorney-Client Fee Dispute, is attached.
- 12 Other (specify): _____

Continued on Attachment 11.

Date: _____ Clerk, by _____, Deputy



What to Do After the Court Decides Your Small Claims Case

First, read the court's decisions on pages 1 and 2. They will tell you the court's judgment in this case. **Then read this form.** It will help you protect or enforce your rights, whether you won or lost the case.

Warning! You may lose important rights if you do not act within 30 days after the court handed or mailed you this *Notice of Entry of Judgment*. If the court mailed the *Notice of Entry of Judgment*, the date of mailing is on the *Clerk's Certificate of Mailing* that came with the notice.

If the court did not award you any money on a claim that you filed... The court's decision on your claim is *normally* final. You cannot appeal the decision on your own claim, but you may be allowed to ask the court to correct a mistake in the judgment.

If the court ordered you to pay money...

You are the *judgment debtor*. The law requires you to pay the judgment. You **can**:

- Pay the judgment creditor directly;
- Pay the court (to do so, file form SC-145, *Request to Pay Judgment to Court*); or
- Ask the court to let you make payments (to do so, file form SC-220, *Request to Make Payments*).

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

Warning! If you do not pay the judgment or file an appeal or a motion to vacate (cancel) or correct the judgment **within 30 days** after *Notice of Entry of Judgment* was handed or mailed to you, your wages, money, and property can be taken to pay the claim. You may also have to pay interest. If your case involves an auto accident on a California highway, the Department of Motor Vehicles (DMV) can suspend your driver's license.

After you pay the judgment in full, you can ask the judgment creditor to file a form saying the judgment is paid. (See form SC-290, *Acknowledgment of Satisfaction of Judgment*.) If the judgment creditor does not do this, they may have to pay you damages and a penalty.

If you disagree with the judgment ordering you to pay money and you went to your small claims trial, you can appeal that decision. (You cannot appeal the decision on your own claim.) To do so, file form SC-140, *Notice of Appeal*, within 30 days after *Notice of Entry of Judgment* was handed or mailed to you. There will be a new trial in the superior court on all claims in the case. Each side will present evidence again. This time, each side can have a lawyer at the trial.

(Continued on page 4)

If the court ordered the other side to pay you...

You are the *judgment creditor*. **You** must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to <https://selfhelp.courts.ca.gov/small-claims/after-trial/if-you-win>.

Important! The judgment debtor has **30 days** after being mailed or handed *Notice of Entry of Judgment* to appeal or pay or ask the court to cancel or correct the judgment. You cannot take legal steps to collect the judgment during this time.

Ask the judgment debtor to pay you the money. If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

If the judgment debtor does not pay, you can find out about the debtor's income or property that the sheriff can take to satisfy the judgment.

- If the debtor does not pay within 30 days after the court clerk delivered or mailed *Notice of Entry of Judgment*, the debtor must send you form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what property the debtor has that may be used to pay the judgment.
- **If the debtor does not send you the completed form SC-133**, you can file form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can also ask the court to award you your attorney fees, expenses, and other appropriate relief. **If item 9 on page 2 of this form says the judgment includes an amount "concerning consumer debt," file form SC-136, *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt*, instead of form SC-134.**

(Continued on page 4)



If the court ordered you to pay money...

(continued)

If you disagree with the judgment ordering you to pay money, and you did not go to your trial, you can ask the court to vacate (cancel) the judgment. To do so, file form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, within 30 days* after the *Notice of Entry of Judgment* was handed or mailed to you. If the court denies your request, you have until 10 days from the date the notice of denial is mailed to file an appeal.

***Exception:** If the claim against you was not properly served, you have **180 days** from the date that you found out (or should have found out) about the judgment against you to file a request to cancel the judgment.

Unless you pay the judgment or file an appeal or a motion as discussed above, you must complete form SC-133, *Judgment Debtor's Statement of Assets*, and deliver it to the judgment creditor within 30 days after the clerk delivered or mailed *Notice of Entry of Judgment*.

Warning! If you do not deliver the completed form SC-133, the court can order you to pay attorney fees and impose other penalties.

If the court ordered the other side to pay you...

(continued)

- If the debtor does send you form SC-133, you can still have the debtor come to court to answer questions about income and property. To do so, file form EJ-125, *Application and Order for Appearance and Examination*. If item 9 on page 2 of this form says the judgment includes an amount "concerning consumer debt," file *Application and Order to Appear for Examination—Consumer Debt* (form EJ-141) instead of form EJ-125.
- To obtain the judgment debtor's financial records from another person or a company at a hearing, fill out form SC-107, *Small Claims Subpoena and Declaration*, take it to the small claims court clerk to be issued, and then have it served.

Once you know about the judgment debtor's income and property, you can ask the sheriff to take that property to pay you. (Property that may be taken includes wages, bank accounts, automobiles, business property, and rental income.) To do so, fill out and ask the court clerk to issue form EJ-130, *Writ of Execution*. Then, take the form to the sheriff's office with a description of the debtor's property.

You can also put a lien on the judgment debtor's house or other real estate. To do so, fill out and ask the court clerk to issue form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Then, take or mail form EJ-001 to the county recorder's office in the county where you think the debtor owns real property. If the judgment debtor sells, refinances, or buys real property in that county, your judgment should be paid from the debtor's funds.

After the judgment has been paid in full, you must fill out an *Acknowledgment of Satisfaction of Judgment* and file it with the court clerk. If *Abstract of Judgment* has not been recorded, you may use form SC-290. If an abstract has been recorded, use form EJ-100.

Warning! If you do not file an *Acknowledgment of Satisfaction of Judgment*, you may have to pay the judgment debtor damages and a penalty.

You may need to pay fees to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order the other side to repay you for these expenses.



Need help?

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

Or go to <https://selfhelp.courts.ca.gov/small-claims-advisor>

First, read the court's decisions on *Notice of Entry of Judgment* (either form SC-130 or form SC-200). It will tell you the court's judgment in this case. **Then read this form.** It will help you protect or enforce your rights, whether you won or lost the case.

Warning! You may lose important rights if you do not act within 30 days after the court handed or mailed you *Notice of Entry of Judgment*. If the court mailed *Notice of Entry of Judgment*, the date of mailing is on *Clerk's Certificate of Mailing* that came with the notice.

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If the court did not award you any money on a claim that you filed... The court's decision on your claim is *normally* final. You cannot appeal the decision on your own claim, but you may be allowed to ask the court to correct a mistake in the judgment.

If the court ordered you to pay money...

You are the *judgment debtor*. The law requires you to pay the judgment. You **can**:

- Pay the judgment creditor directly;
- Pay the court (to do so, file form SC-145, *Request to Pay Judgment to Court*); or
- Ask the court to let you make payments (to do so, file form SC-220, *Request to Make Payments*).

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

Warning! If you do not pay the judgment or file an appeal or a motion to vacate (cancel) or correct the judgment **within 30 days** after *Notice of Entry of Judgment* was handed or mailed to you, your wages, money, and property can be taken to pay the claim. You may also have to pay interest. If your case involves an auto accident on a California highway, the Department of Motor Vehicles (DMV) can suspend your driver's license.

After you pay the judgment in full, you can ask the judgment creditor to file a form saying the judgment is paid. (See form SC-290, *Acknowledgment of Satisfaction of Judgment*.) If the judgment creditor does not do this, they may have to pay you damages and a penalty.

If you disagree with the judgment ordering you to pay money and you went to the small claims trial, you can appeal that decision. (You cannot appeal the decision on your own claim.) To do so, file form SC-140, *Notice of Appeal*, within 30 days after *Notice of Entry of Judgment* was handed or mailed to you. There will be a new trial in the superior court on all claims in the case. Each side will present evidence again. This time, each side can have a lawyer at the trial.

(Continued on page 2)

If the court ordered the other side to pay you...

You are the *judgment creditor*. **You** must collect your judgment. The court will not collect it for you. Some steps you can take to collect your money are summarized below. For more information, go to <https://selfhelp.courts.ca.gov/small-claims/after-trial/if-you-win>.

Important! The judgment debtor has **30 days** after being handed or mailed *Notice of Entry of Judgment* to appeal or pay or ask the court to cancel or correct the judgment. You cannot take legal steps to collect the judgment during this time.

Ask the judgment debtor to pay you the money. If the judgment debtor cannot afford to pay the judgment all at once, consider offering to take payments. If your claim was for possession of property, ask the judgment debtor to return the property to you.

If the judgment debtor does not pay, you can find out about the debtor's income or property that the sheriff can take to satisfy the judgment.

- If the debtor does not pay within 30 days after the court clerk delivered or mailed *Notice of Entry of Judgment*, the debtor must send you form SC-133, *Judgment Debtor's Statement of Assets*. This form will tell you what money and property the debtor has that may be used to pay the judgment.
- **If the debtor does not send you the completed form SC-133**, you can file form SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*. In this form, you can also ask the court to award you your attorney fees, expenses, and other appropriate relief. If *Notice of Entry of Judgment* says the judgment includes an amount "concerning consumer debt," file form SC-136, *Application and Order to Produce Financial Statement or Appear for Examination—Consumer Debt*, instead of form SC-134.

(Continued on page 2)



If the court ordered you to pay money...

(continued)

If you disagree with the judgment ordering you to pay money, and you did not go to the trial, you can ask the court to vacate (cancel) the judgment. To do so, file form SC-135, *Notice of Motion to Vacate Judgment*, within 30 days* after *Notice of Entry of Judgment and Declaration* was handed or mailed to you. If the court denies your request, you have until 10 days from the date the notice of denial is mailed to file an appeal.

Exception:* If the claim against you was not properly served, you have **180 days from the date that you found out (or should have found out) about the judgment against you to file a request to cancel the judgment.

Unless you pay the judgment or file an appeal or a motion as discussed above, you must complete form SC-133, *Judgment Debtor's Statement of Assets*, and deliver it to the judgment creditor within 30 days after the clerk delivered or mailed *Notice of Entry of Judgment*.

Warning! If you do not deliver the completed form SC-133, the court can order you to pay attorney fees and impose other penalties.

If the court ordered the other side to pay

you... (continued)

- If the debtor **does** send you form SC-133, you can still have the debtor come to court to answer questions about income and property. To do so, file form EJ-125, *Application and Order for Appearance and Examination*. If *Notice of Entry of Judgment* says the judgment includes an amount "concerning consumer debt," file form EJ-141, *Application and Order to Appear for Examination—Consumer Debt*, instead of form EJ-125.
- To obtain the judgment debtor's financial records from another person or a company at a hearing, fill out form SC-107, *Small Claims Subpoena and Declaration*, take it to the small claims court clerk to be issued, and then have it served.

Once you know about the judgment debtor's income and property, you can ask the sheriff to take that property to pay you. (Property that may be taken includes wages, bank accounts, automobiles, business property, and rental income.) To do so, fill out and ask the court clerk to issue form EJ-130, *Writ of Execution*. Then, take the form to the sheriff's office with a description of the debtor's property.

You can also put a lien on the judgment debtor's house or other real estate. To do so, fill out and ask the court clerk to issue form EJ-001, *Abstract of Judgment—Civil and Small Claims*. Then, take or mail the *Abstract* to the county recorder's office in the county where you think the debtor owns real property. If the judgment debtor sells, refinances, or buys real property in that county, your judgment should be paid from the debtor's funds.

After the judgment has been paid in full, you must fill out an *Acknowledgment of Satisfaction of Judgment* and file it with the court clerk. If *Abstract of Judgment—Civil and Small Claims* (form EJ-001) has not been recorded, you may use form SC-130 or form SC-290. If an abstract has been recorded, use form EJ-100.

Warning! If you do not file an *Acknowledgment of Satisfaction of Judgment*, you may have to pay the judgment debtor damages and a penalty.

You may need to pay fees to the court, the county recorder's office, or the sheriff for filing, issuing, and recording papers and doing the other things discussed above. Sometimes, you can ask the court to order the other side to repay you for these expenses.



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

Or go to "County-Specific Court Information" at <https://selfhelp.courts.ca.gov/small-claims-advisor>.

SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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

	Commenter	Position	Comment	Committee Response
<p>Please note that the committee changed the form numbers in this proposal after the forms were circulated for public comment, so the form numbers mentioned in the public comments are different from the numbers in the committee’s recommendations to the Judicial Council.</p> <p>The committee’s responses to the public comments use the form numbers from the recommendations to the council.</p> <ul style="list-style-type: none"> • Form EJ-140-INFO was form EJ-127-INFO in the Invitation to Comment • Form EJ-141 was form EJ-126 • Form EJ-143 was form EJ-140 • Form EJ-144 was form EJ-141 • Form EJ-146 was form EJ-143 • Form EJ-147 was form EJ-144 				
1.	California Association of Judgment Professionals by Gretchen D. Lichtenberger, Legislative Chairperson	NI	<p>On behalf of the California Association of Judgment Professionals, we would like to submit our comments regarding your proposed adoption of one rule and six mandatory forms and the revision of one form to implement Assembly Bill 1119. Our suggested additions are in blue italicized text and deletions are noted with red text strike-throughs.</p> <p><u>Suggestions for the new Rule 3.1905:</u></p> <p>We suggest in this Rule and throughout all these forms that you track the language of the statute and use the term “Financial Affidavit” rather than “Financial Statement”. Section 708.111(h) provides “The Judicial Council shall adopt a notice of financial <u>affidavit</u> form and a financial <u>affidavit</u> form...” {emphasis</p>	<p>No response required.</p> <hr/> <p>The committee is not recommending changes in response to this suggestion. The committee chose to use the term “financial statement” rather than “financial affidavit” because it will be less confusing for self-represented litigants, who may not be familiar with the term “affidavit.” The committee believes it is clear</p>

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

SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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

	Commenter	Position	Comment	Committee Response
			<p>added} Not only will the use of “Affidavit” instead of “Statement” provide clarity and consistency with Section 708.111, it will avoid any potential confusion with the <i>Financial Statement</i> form EJ-165.</p> <p>Thus, we suggest you change the words “Financial Statement” to “Financial <i>Affidavit</i>” where it appears in this new proposed Rule of Court.</p> <p><u>Suggestions for the revision of <i>Application and Order for Appearance and Examination (form AT-138/EJ-125)</i>:</u></p> <p><u>Page 1, item 2:</u> This form is used for examination proceedings in <i>both</i> post-judgment enforcement under Code of Civil Procedure¹ §708.110 et seq. <i>and</i> in pre-</p>	<p>that form EJ-144, <i>Financial Statement—Consumer Debt</i>, is the “financial affidavit” referred to in Code of Civil Procedure section 708.111 because the form name and number are provided in the “Information for Judgment Creditors” and the form number is provided in the “Notice to Judgment Debtors” on page 2 of <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141), which is the first form that both the judgment creditor and judgment debtor will see in the debtor’s examination process. Additionally, <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) explains that form EJ-144 is what judgment debtors should use to provide their information in writing in response to form EJ-141, and judgment creditors and debtors are directed to form EJ-140-INFO in the instructions on page 1 of all the forms in this proposal.</p> <p>No response required.</p>

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

SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p>judgment attachment proceedings under Section 491.110 et seq. Item 2a on the existing form is checked when examining a Judgment Debtor under Section 708.110. Item 2b on the existing form is checked when examining a Third Person² who has money or property of the Judgment Debtor under Section 708.120. Item 2c on the existing form is checked when examining a Third Person who has money or property of the Defendant (prior to entry of judgment) under Section 491.110</p> <hr/> <p><i>Footnote 1:</i> All statutory references are to Code of Civil Procedure unless otherwise indicated.</p> <p><i>Footnote 2:</i> The correct terminology for this proceeding is “Third Person”, not “Third Party”. The Third Person is not a party to the case because that person is not coming before the Court seeking adjudication of anything. Compare to a Third-Party Claim where that Third Person becomes a Party by asking the Court to determine that Person’s right to certain levied upon property.</p> <hr/> <p>We understand why you combined items 2b and 2c, presumably to be like in item 5b, and to shorten the form, however, it is important in the Order portion of this form that each box</p>	<p>The committee agrees and has modified the recommended revisions to item 2b on form AT-138/EJ-125 to read: “give information about property of the judgment debtor in your</p>

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SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p>checked corresponds to the statute used to provide clarity to the litigants, the Clerks and to the Courts. We suggest instead:</p> <p>2b. <i>“provide information about property of, or a debt owed to, the Judgment Debtor in your possession or control.”</i></p> <p>2c. <i>“provide information about property of, or a debt owed to, the Defendant in your possession or control.”</i></p> <p>Capitalizing “Judgment Debtor” & “Defendant” makes those words stand out in each sentence.</p> <p>Page 1, “Important Notices” box: The change to “30 days” notice created by AB 1119 <i>only affects</i> judgment debtor examinations under Section 708.110, however, AB 1119 <i>made no change</i> to Third Person post-judgment exams under Section 708.120(b) or to Third Person attachment exams under Section 491.110(b), which both remain at 10 days’ notice.</p> <p>The reason AB 1119 increased the notice period for judgment debtor exams under Section 708.110 was to permit the debtor time to submit the financial affidavit under Section 708.111 and the creditor to file a motion</p>	<p>possession or control or a debt you owe the judgment debtor” and item 2c to read: “give information about property of the defendant in your possession or control or a debt you owe the defendant.”</p> <p>“Judgment debtor” and “defendant” were left uncapitalized in accordance with the Judicial Council’s style manual for forms.</p> <p>The committee agrees and is recommending revisions to the “Important Notices” box on page 1 of form AT-138/EJ-125 and the “Information for Judgment Creditor Regarding Service” box on page 2 to reflect the 10-day deadline to serve an order for examination of a third person.</p>

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SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p>challenging that affidavit. Section 708.111 has no application to either type of Third Person examination. We suggest the first line inside the <i>Important Notices</i> box instead say:</p> <p>“This order must be served no less than 30 days before the <i>hearing regarding the Judgment Debtor, or no less than 10 days before the hearing regarding any Third Person.</i>”</p> <p>Page 1, item 4: Though not highlighted, we believe you also added the words “<i>in court</i>” after “<i>to appear</i>” on the third line. We like that and concur with the addition of those words there.</p> <p>Page 2, item 8: We suggest you instead insert the new check box regarding consumer debt as item 6; hence your current item 6 will become item 7, and both will appear on page 1. Then, your current item 7 will become item 8 and move to page 2 above your current item 9. Your current items 7 and 9 (formerly item 7 & 8 on the existing form) are rarely used so both should appear on page 2.</p> <p>This repositioning of the new sentence regarding consumer debt, permits the applying party to check something in items 4, 5, and 6,</p>	<p>No response required.</p> <p>In light of all the comments received on this proposal, the committee has moved the entire “Application for Order to Appear for Examination” section of form AT-138/EJ-125 to page 2 because the committee believes it will be less confusing for people receiving the form after it has been signed by the court. The instructions at the top of page 1 direct judgment creditors to page 2 of the form.</p> <p>The committee has also moved the question about consumer debt so that it is now item 6</p>

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SPR24-08

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	Commenter	Position	Comment	Committee Response
			<p>which flows better than having the new item 8 on page 2, which will be often overlooked thus causing unnecessary rejections by the Clerk.</p> <p><u>Page 2, Information for Judgment Creditor Regarding Service box:</u> See our comments above regarding the “Important Notices” box on page 1. We suggest the following changes:</p> <p>“If you want to be able to ask the court to enforce the order on the judgment debtor or any third party <i>person</i>, you must have a copy of the order personally served on the judgment debtor <i>at least 30 calendar days before the hearing date or on any third person at least 10 calendar days before the hearing date, done by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order</i> at least 30 calendar days before the date of the hearing, and have a proof of service filed with the court.”</p> <p>To make more room for this additional language, in the “<i>Appearance of a Third Person (Enforcement of Judgment)</i>” box, you can shorten the blank area where the Creditor is describing the property or debt. A majority of Creditors simply type 1-2 lines there, if</p>	<p>instead of item 8, and has reworded this question to make it easier to understand.</p> <p>Please see previous response on this issue.</p>

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SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p>any. If they need more space, they can use the MC-025 Attachment form.</p> <p><u>Page 2, Appearance of Judgment Debtor and Appearance of a Third Person boxes:</u> Section 1992 provides a person failing to appear for a court order forfeits \$500 to the aggrieved party. All five Judicial Council Subpoena forms contain the warning regarding this \$500. We would like to add that warning onto this form as well. We suggest the following addition into each of these two boxes:</p> <p>“...the court may make an order requiring you to pay the reasonable attorney fees Incurred by the judgment creditor in this proceeding, <i>as well as \$500.00 and all resulting damages.</i></p> <p><u>Suggestions for the new Application and Order to Appear for Examination – Consumer Debt (form EJ-126):</u></p> <p><u>Page 2, item 10:</u> We suggest you move this item to item 5 and move all other items down one. The check box you currently have as item 10 is important and should be the second item in the Creditor’s “Application” section, not buried between to check boxes that are rarely used. Item 10 will likely be overlooked where</p>	<p>The committee is not recommending changes in response to this suggestion because the content of the “Appearance of Judgment Debtor” and “Appearance of a Third Person” boxes is mandated by statute. (Code Civ. Proc., §§ 491.110(d), 708.110(e), 708.120(e).)</p> <hr/> <p>The committee agrees and has made this item 8, so that it appears directly after the other items that establish whether Code of Civil procedure section 708.111 applies.</p>

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SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p>you currently have it, but is more likely to be seen and checked if it is item 5.</p> <p>In keeping with our suggestion of using the word “Affidavit” rather than “Statement”, we suggest you correct the sentence of your current item 10 (which we prefer be moved item 5) to read as follows:</p> <p>“Within the past year, an examination of the judgment debtor has not been canceled after the judgment debtor filed a <i>notice of financial statement affidavit</i> in response to an order to appear for examination.”</p> <p><u>Page 3, Information for Judgment Creditor Regarding Service box:</u></p> <p>In keeping with our suggestion of using the word “Affidavit” rather than “Statement”, we suggest you correct the words “Financial Statement” to read “Financial <i>Affidavit</i>” in both places it appears in this box.</p> <p><u>Page 3, Notice to Judgment Debtor box:</u></p> <p>We suggest the following slight alteration to the information in this box:</p>	<p>The committee has modified the recommended wording for this item to make it less confusing, and it now reads: “Within the past year, the court has not canceled an examination of the judgment debtor in this case after the judgment debtor filed a notice of financial statement in response to an order to appear for examination. (Code Civ. Proc., § 708.111(d)(7).)”</p> <p>Please see previous response on this issue.</p> <p>The committee is not recommending changes in response to this suggestion because the text of the “Notice to Judgment Debtor” box is</p>

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SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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			<p>“Instead of appearing at the examination, you may file a notice of judgment debtor’s financial affidavit, <i>signed under penalty of perjury</i>, in a form prescribed by the court (form EJ-140) and signed under penalty of perjury and serve copies of all filed documents and the financial affidavit (form EJ-141) on the judgment creditor no later than 15 days prior to the date set for the examination.”</p> <p><u>Suggestions for the new <i>Information on Debtor’s Examinations Regarding Consumer Debt (form EJ-127-INFO)</i>:</u></p> <p>We suggest you give the form a form number of “EJ-126-INFO” so it correlated to the new EJ-126 form. Typically, the Council numbers the “INFO” forms the same as the form number for which the INFO form relates. Take for example, SC-100-INFO, SC-200-INFO, SC-300-INFO, CH-100-INFO, CH-115-INFO, CH-120-INFO, APP-009-INFO, APP-014-INFO, etc.</p> <p><u>Page 1, item 2:</u> We suggest the following corrections:</p> <p>“This information sheet tells the judgment debtor <i>creditor</i> how to ask the court to</p>	<p>mandated by statute. (Code Civ. Proc., § 708.111(c).)</p> <hr/> <p>The committee is not recommending changes in response to this suggestion because information sheets are given the same number as another form only when the information sheet explains how to use that particular form and no others. For example, an information sheet numbered EJ-126-INFO would provide information about form EJ-126 only.</p> <p>The committee has corrected this error on the form.</p>

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SPR24-08

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			<p>order a debtor’s examination and tells the judgment creditor <i>debtor</i> how they can respond to that request by providing written information rather than going to court. “</p> <p><u>Page 1, item 3:</u> We suggest the following corrections:</p> <p>In keeping with our suggestion of using the word “Affidavit” rather than “Statement”, we suggest you correct the words “Financial Statement” to read “Financial <i>Affidavit</i>” in both places it appears in this item.</p> <p><u>Page 2, item 4:</u> We suggest the following corrections:</p> <p>In keeping with our suggestion of using the word “Affidavit” rather than “Statement”, we suggest you correct the words “Financial Statement” to read “Financial <i>Affidavit</i>” in all places it appears in this item.</p> <p><u>Page 2, item 5:</u> We suggest the following corrections:</p> <p>In keeping with our suggestion of using the word “Affidavit” rather than “Statement”, we suggest you correct the words “Financial</p>	<p>Please see previous response on this issue.</p> <p>Please see previous response on this issue.</p> <p>Please see previous response on this issue.</p>

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SPR24-08

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			<p>Statement” to read “Financial <i>Affidavit</i>” in all places it appears in this item.</p> <p>Pages 2 & 3, item 6: We suggest the following corrections:</p> <p>In keeping with our suggestion of using the word “Affidavit” rather than “Statement”, we suggest you correct the words “Financial Statement” to read “Financial <i>Affidavit</i>” in all places it appears in this item.</p> <p>Section 708.111(d)(3) refers to Section 1005 for service requirements. Section 1005 requires personal service to be at least 16 court days prior to the hearing, whereas your form merely says “16 days”, so it should be changed to “16 <i>court</i> days”. And, if served by fax, overnight delivery you add two calendar dayd and if served by mail, you add 5 calendar days to the 16th court day, it is not “18 days” and “21 days” before the hearing”.</p> <p>Page 3, item 7: We suggest the following: “<i>There is no fee to file the Application and Order for Post-Hearing Examination.</i>”</p>	<p>Please see previous response on this issue.</p> <p>The committee agrees and has modified this section of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) to correctly reflect the wording of Code of Civil Procedure section 1005.</p> <p>The committee agrees and has added this language to the section of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) that explains how to file <i>Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt</i> (form EJ-147).</p>

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SPR24-08

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			<p><u>Page 3, item 9:</u> We suggest the following corrections:</p> <p>In keeping with our suggestion of using the word “Affidavit” rather than “Statement”, we suggest you correct the words “Financial Statement” to read “Financial <i>Affidavit</i>” in all places it appears in this item.</p> <p><u>Pages 4-6, items 10-15:</u> We suggest the following corrections:</p> <p>In keeping with our suggestion of using the word “Affidavit” rather than “Statement”, we suggest you correct the words “Financial Statement” to read “Financial <i>Affidavit</i>” in all places it appears in these items.</p>	<p>Please see previous response on this issue.</p> <p>Please see previous response on this issue.</p>
			<p><u>Suggestions for the new <i>Notice of Financial Statement (form EJ-140):</i></u></p> <p>We suggest throughout all these forms that you track the language of the statute and use the term “<i>Financial Affidavit</i>” rather than “<i>Financial Statement</i>”. Section 708.111(h) provides “<i>The Judicial Council shall adopt a notice of financial affidavit form and a financial affidavit form...</i>” {emphasis added} Not only will the use of Affidavit instead of</p>	<p>Please see previous response on this issue.</p>

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SPR24-08

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			<p>Statement provide clarity and consistency with Section 708.111, it will avoid any potential confusion with the <i>Financial Statement</i> form EJ-165.</p> <p>Thus, we suggest you change the words “Financial Statement” to “Financial <i>Affidavit</i>” everywhere it appears on the new EJ-140 form, including in the title and footer.</p> <p>Page 1, item 1a: this item states “<i>none of the money....is exempt (cannot be collected by a judgment creditor)</i>”. This does not make sense. If “<i>none of the money/assets is exempt</i>”, then that money/assets can be collected by a judgment creditor????</p> <p>Page 1, item 2: Though Section 708.111 only uses the term “spouse”, we suggest you include a * after the word “Spouse” in the text of item 2 with a notation at the bottom of the page that says “<i>*Spouse, as used herein, includes Registered Domestic Partner</i>”. Section 17(b)(12) provides this definition for all statutes within the CCP.</p> <p>Page 1, items 3-4: we respectfully disagree with these items. This financial affidavit procedure is not another claim of exemption procedure. The financial affidavit is <i>in lieu of</i></p>	<p>The committee agrees and has modified the parenthetical in item 1.a to read, “‘exempt’ means it cannot be collected by a judgment creditor.”</p> <p>The committee agrees and has added a parenthetical to item 2 that reads, “As used in this form, ‘spouse’ includes registered domestic partners. (Code Civ. Proc., § 17(b)(12).)”</p> <p>The committee agrees and has removed items 3 from <i>Financial Statement—Consumer Debt</i> (form EJ-144). Judgment debtors can provide the statutes under which they claim exemption</p>

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SPR24-08

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			<p>the judgment creditor examining and asking questions of the judgment debtor to uncover the income and assets of the debtor, in an attempt to uncover anything that may be seized and sold to apply towards the satisfaction of the judgment. The judgment debtor is not claiming exemption under Sections 703.010 et seq., the debtor is merely claiming, in advance, that he/she has no assets or income that would be subject to garnishment.</p> <p>Page 3, item 7: Section 708.111(e)(4) requires the judgment debtor also disclose any “entity ownership” and “life insurance policies”, yet item 7 of your form does not have a place for those assets. I see that page 3 is full so I don’t know where we can squeeze that in. In section 7d, maybe you can add “business ownership” to “Real estate, <i>business ownership interests</i>: In section 7e, maybe you can add “life insurance” to “Other personal property (jewelry, furniture, furs, stocks, bonds, <i>life insurance</i>, etc.):”</p> <p>Suggestions for a new Notice of Motion and Motion to Require Examination (form EJ-143): We suggest throughout all these forms that you track the language of the statute and use</p>	<p>if they make a claim of exemption after levy or wage garnishment and do not need to provide that information on this form. The committee has also removed item 4 because it is redundant: Judgment debtors can provide any additional facts relevant to their financial statement, including their answers to items 1 and 2, in item 8.</p> <p>The committee agrees and has added “life insurance policies” and “business ownership interests” to the parenthetical explaining “other personal property” in this item. However, “tax refunds” were not added because the committee believes this could be confusing and could result in tax refunds being included twice, once in items 6.a or 6.b (cash, bank accounts) and once in item 6.e.</p> <p>Please see previous response on this issue.</p>

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			<p>the term “<i>Financial Affidavit</i>” rather than “<i>Financial Statement</i>”. Section 708.111(h) provides “<i>The Judicial Council shall adopt a notice of financial affidavit form and a financial affidavit form... </i>” {emphasis added} Not only will the use of Affidavit instead of Statement provide clarity and consistency with Section 708.111, it will avoid any potential confusion with the <i>Financial Statement</i> form EJ-165.</p> <p>Thus, we suggest you change the words “Financial Statement” to “Financial <i>Affidavit</i>” everywhere it appears on the new EJ-143 form.</p> <p><u>Page 1, “Instructions” box below title:</u> Section 708.111(d)(3) refers to Section 1005 for service requirements. Section 1005 requires personal service to be at least 16 <i>court</i> days prior to the hearing, whereas your form merely says “16 days”, so it should be changed to “16 <i>court</i> days”. And, if served by mail, you add 5 calendar days to the 16th court day, it is not “<i>21 days before the hearing</i>”. Therefore, the rest of that sentence should be altered also, so the entire sentence should read:</p>	<p>The committee has modified the instructions on <i>Notice of Motion and Motion to Require Examination—Consumer Debt</i> (form EJ-146) to direct users to <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO), rather than explaining the service deadlines on form EJ-146 itself. The explanation in form EJ-140-INFO of the service deadline for form EJ-146 has been revised to correctly reflect the wording of Code of Civil Procedure section 1005.</p>

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			<p>“A copy of this form must be served on the judgment debtor at least 16 <i>court</i> days before the hearing if it is personally served, and 21 days before the hearing <i>add 5 additional calendar days</i> if it is served by mail. (Code Civ. Proc., §§ 708.111(d), 1005.)”</p> <p>Page 1, item 6: This process is not a true “claim of exemption”. Item 6 should read:</p> <p>“The court canceled the debtor’s examination because of <i>the filing of</i> the judgment debtor’s claim of exemption <i>financial affidavit</i>.”</p> <p>Page 2, signature area at bottom: This <i>Notice of Motion</i> is being filed by the</p>	<p>Because Code of Civil Procedure section 708.111(d) states that the court must cancel the examination only if the judgment debtor states in their financial statement “that all of their income and assets are exempt,” item 6 on form EJ-143 must refer to this stated exemption in some way. However, the committee has modified item 6 to make it clearer that the claim in the financial statement is not the same as a claim of exemption made in, e.g., <i>Claim of Exemption</i> (form EJ-160). Item 6 now reads: “The court canceled the debtor’s examination because the judgment debtor stated in their financial statement that all of their income and assets are exempt from enforcement of judgment.” The committee made a similar change to item 5, and to items 8 and 9 on <i>Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt</i> (form EJ-147).</p> <p>The committee has corrected this error on the form.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Judgment Creditor. Therefore, the sentence above the Attorney signature line is incorrect. It should state:</p> <p>“(If the judgment debtor creditor is represented by an attorney, the attorney's signature follows):”</p> <p>We are unsure if you are requiring the judgment creditor to sign the form in every instance or only if not represented by counsel. Typically, represented party do not sign pleading or motions. We suggest you also add, for clarity, below the attorney’s signature line but above the “penalty of perjury” sentence either of the following, depending on your intent:</p> <p>“ <i>(If the judgment creditor is not represented by an attorney, the creditor's signature follows):</i> ”</p> <p>or</p> <p>“ <i>(Whether or not represented by an attorney, the creditor must always sign this form):</i> ”</p>	<p>The committee has recommended inclusion of signature lines for both the judgment creditor’s attorney and the judgment creditor because Code of Civil Procedure section 708.111(d)(2) requires the “statement of facts showing good cause” for an examination to be signed under penalty of perjury, and the declarant might not be the judgment creditor’s attorney.</p> <p>The committee has made it clearer that both an attorney signature (if there is an attorney) and a declarant’s signature are needed by adding a “Declaration” heading above the signature attesting to the truth and correctness of the facts stated in the form. The committee has also changed the instruction above the attorney signature line to read: “If the judgment creditor is represented by an attorney, the attorney must sign below.”</p>

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SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p><u>Suggestions for the new <i>Application and Order for Post-Hearing Examination (form EJ-144)</i>:</u></p> <p>We suggest throughout all these forms that you track the language of the statute and use the term “<i>Financial Affidavit</i>” rather than “<i>Financial Statement</i>”. Section 708.111(h) provides “<i>The Judicial Council shall adopt a notice of financial affidavit form and a financial affidavit form...</i>” {emphasis added} Not only will the use of “Affidavit” instead of “Statement” provide clarity and consistency with Section 708.111, it will avoid any potential confusion with the <i>Financial Statement</i> form EJ-165.</p> <p>Thus, we suggest you change the words “Financial Statement” to “Financial <i>Affidavit</i>” everywhere it appears on the new EJ-144 form.</p> <p><u>Page 1, Instructions box below title:</u> Pursuant to Section 708.111(d)((6), we suggest you add the words “<i>There is no fee to file this Application.</i>”</p>	<p>Please see previous response on this issue.</p> <p>The committee is not recommending changes in response to this issue because filing fees are typically not explained on forms. However, <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) has been revised to explain that there is no fee to file <i>Application and Order to Require Examination After Submission of</i></p>

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SPR24-08

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			<p>Page 2, item 9: This process is not a true “claim of exemption”. Item 9 should read: “The court canceled the debtor’s examination because of <i>the filing of</i> the judgment debtor’s claim of exemption <i>financial affidavit.</i>”</p> <p>Page 2, Notice to Judgment Debtor box: Pursuant to Section 708.111(i)(1), we suggest you add “<i>The Court may issue an order to show cause whether to issue a warrant to compel your attendance.</i>”</p>	<p><i>Financial Statement—Consumer Debt</i> (form EJ-147), and the instruction box on form EJ-147 directs users to form EJ-140-INFO for more instructions.</p> <p>Please see the committee’s response to the related suggestion for <i>Notice of Motion and Motion to Require Examination</i> (form EJ-146).</p> <p>The committee is not recommending changes in response to this suggestion because the committee believes that, to the extent possible, the “Notice to Judgment Debtor” box on <i>Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt</i> (form EJ-147) should match the statutorily mandated text for the “Notice to Judgment Debtor” box on <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141). (Code Civ. Proc., § 708.111(d).)</p>

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			<p><u>Suggestions for Amendments to Judgment Forms</u></p> <p>As pointed out in Footnote 3 of this Invitation to Comment, AB 1119’s definition of “consumer debt” is unique and not the same as Senate Bill 1200’s definition of “personal debt” nor the FDCPA’s definition of “consumer debt”. Therefore, it is important that the Judicial Officer entering every judgment state ON THE JUDGMENT whether the judgment meets this particular definition of consumer debt.</p> <p>Last year, the Council posted Invitation to Comment SPR23-09 for <i>Revisions to Implement Senate Bill 1200</i> in which the Council revised several judgment forms (JUD-100, SC-130, SC-200) to include the addition of a check box for the Court to indicate whether the judgment being entered met the definitions of certain claims, as described in CCP §§683.110 and 685.010.</p> <p>We now suggest the Council add yet another check box to these Judgment forms to indicate that the judgment entered is “<i>on a claim for consumer debt, as described in CCP §708.111</i>”.</p>	<p>The committee circulated a separate proposal that included revisions to form JUD-100 to implement Assembly Bill 1119. That proposal was circulated for public comment after public comment closed on the proposal discussed in this comment chart.</p>

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			<p>To make room on the JUD-100 form, on Page 2, the Council could change the boxes for lines 5b and 5d so they look like the single lines in 5a and 5c, with a check box for “Continued on Attachment 5b” and “Continued on Attachment 5d” respectively. Alternatively, the Council could lower item 8 by making it just one line, or removing that fillable area altogether and instead write for item 8 the following:</p> <p>Other (specify on Attachment 8) {With no space to type anything}</p> <p>This is a very important issue. In order to implement AB 1119 at the time of every Judgment Debtor Examination, a Court must be able to easily and quickly determine whether the judgment in question meets the definition of “consumer debt” as provided in CCP §708.111. Unless the judgment itself indicates that fact, the Court will have to waste valuable resources combing through the file to try to determine whether that particular claim meets this unique definition of “consumer debt”. We assure you that there will be chaos in the Courts if they have to expend time reviewing every single file for which a Judgment Debtor Examination is calendared.</p>	

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			<p>Whether any particular judgment meets that definition as provided in CCP §708.111 <u>is a judicial determination</u> to be made by a Judicial Officer, and cannot be made by a ministerial clerk. It will be an additional burden on every Judicial Officer if there is not an easy way for the Courts to determine whether CCP §708.111 applies at the time of <i>each</i> Judgment Debtor Examination.</p>	
			<p><u>Suggestions for the Creation of a New Order to Show Cause form:</u></p> <p>CCP §708.111(h) provides “<i>The Judicial Council shall adopt a notice of financial affidavit form and a financial affidavit form and revise any existing forms as necessary to implement the requirements of this section.</i>”</p> <p>CCP §708.111(i)(1) and (2) provide for an “<i>order to show cause</i>” to be issued by the court. Who will be creating that document at the time it is needed? Will the Court have to take time to produce such a document which contains all requirements of those Sections? Will the Court rely upon the Judgment Creditor to create such a document? Will the Creditor include all the necessary statutory information? To answer all these questions,</p>	<p>A new order to show cause form would require public comment and therefore cannot be included in this proposal, but the committee will consider this suggestion as time and resources permit.</p>

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			<p>the best solution is for the Judicial Council to create and adopt a standardized <i>Order to Show Cause Regarding Debtor Examination</i> form.</p> <p>Currently, whenever any judgment debtor fails to appear at a judgment debtor examination, the Court will not immediately release a warrant, they will issue and hold the warrant subject to a continued examination and notice provided by the Creditor to the Debtor to appear at the continued examination. There is no standardized form for use by a Creditor to give this notice to the Debtor, so one is needed.</p> <p>We suggest the Council consider creating and adopting such a form that would not only fulfill the requirement under CCP §708.111(h) regarding the needed form for CCP §708.111(i), it would also create a standardized form for all Judgment Creditors to use for a failure to appear at a debtor’s examination.</p> <p>We have taken the liberty of creating a mock-up example of such an <i>Order to Show Cause Regarding Debtor Examination</i> form and attached it herewith. We fashioned it similar to the Council’s current RC-300 form.</p>	

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			<p>We strive to acquire consistency throughout California in the implementation of Title 9 of the Code of Civil Procedure, the Enforcement of Judgments Law. Our goal is to alleviate any burden on the Courts by streamlining all possible processes and eliminating the calendaring of unnecessary hearings. We also have the goal of making the forms as easy to understand as possible for all litigants.</p>	
2.	<p>National Consumer Law Center, Neighborhood Legal Services of Los Angeles County (NLSLA), OneJustice, and Public Law Center by Leigh Ferrin, Program Director at One Justice (San Francisco, CA) by Michael Best, Senior Attorney at National Consumer Law Center (Boston, MA)</p>	NI	<p>We are providing comments in response to the Judicial Council’s Invitation to Comment SPR24-08, the Civil Practice and Procedure Implementation of Assembly Bill 1119. The undersigned organizations are consumer advocates that co-sponsored and supported AB 1119, and have clients who will be directly impacted by the new law.</p> <p>Our comments are by section, to make it easier to connect the comments to the proposal.</p>	No response required.
			<p><u>New Examination Procedure</u> We recognize that the phrase “good cause” was not specifically defined in AB 1119. In general, good cause means that a court has sufficient grounds to act. We think the judicial council handled it appropriately, as courts should be able to ascertain what “good cause” is on a case-by-case basis, as they do with</p>	No response required.

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			<p>other motions and proceedings that require a finding of good cause.</p>	
			<p>The Proposal <u>Application and Order to Appear for Examination - Consumer Debt (form EJ-126)</u> We appreciate that the Judicial Council has decided to create a new form, EJ-126, rather than trying to cram extra information into an existing form. We also very much appreciate that the application and order are on two separate pages. We actually think it makes sense to amend EJ-125 to mirror the new form EJ-126, so that the application and order in EJ-125 are also split into two pages.</p>	<p>The committee agrees and has modified its recommended revisions for form AT-138/EJ-125 to put the entire application section on the second page.</p>
			<p><u>Information on Debtor’s Examination Regarding Consumer Debt (form EJ-127-INFO)</u> We suggest that EJ-127-INFO be split into two separate info sheets, one for judgment creditors and one for judgment debtors. Self-represented litigants in particular may have trouble understanding the difference between creditors and debtors, so having it in one form can be confusing. Plus, if it remains on one form, the debtor will have to wade through a lot of technical and daunting information that does not even apply to them, likely causing more confusion. Separating the forms means that someone at a self-help center can provide</p>	<p>In light of all the comments received on this question, the committee has not split Information on Debtor’s Examinations Regarding Consumer Debt (form EJ-140-INFO) into two separate information sheets. The committee believes it will be helpful to judgment creditors and judgment debtors to have easy access to information about the entire process for debtor’s examinations in consumer debt cases, including information about forms completed by the other party. The committee is also concerned that having two</p>

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			<p>the correct form to the litigant requesting it. And litigants can always view both forms, if they would prefer, to be able to understand the information being provided to the other side.</p> <p>We believe that the committee covered the questions on the form quite well. The only other possible question we would propose is “what do I do if the judgment creditor uses the wrong form?” Especially in the beginning, if the judgment creditor uses EJ-125 to order an examination in a case involving consumer debt, the judgment debtor should understand what their options are to dispute the examination. We believe the judgment debtor should be able to treat that application as an application under EJ-126, and still submit the notice and financial statement (forms EJ-140 and EJ-141) to the court and judgment creditor.</p>	<p>separate information sheets could result in confusion if parties receive copies of the wrong information sheet. The committee has added introductory information to the “Information for the Judgment Creditor” and “Information for the Judgment Debtor” sections on the information sheet to explain their purpose and help readers understand which section they should read.</p> <p>The committee is not recommending changes in response to this suggestion because it believes that adding this question to the information sheet is more likely to be confusing than helpful. Judgment creditors seeking debtor’s examinations after January 1, 2025, should be using the updated version of <i>Application and Order for Appearance and Examination</i> (form AT-138/EJ-125) or <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141), both of which contain items confirming whether the judgment concerns consumer debt. Judgment debtors who receive one of these forms should not make their own decision about whether the judgment concerns consumer debt, but a question on the information sheet about receiving the “wrong form” might mislead these judgment debtors into believing they may do so. It would also</p>

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			<p><u>Notice of Financial Statement (form EJ-140)</u> We believe that the instructions should only remain on EJ-140 if simplified. We think the instructions on EJ-140 are overly complex and could be simplified to make the form clearer, especially since the instructions are primarily for judgment creditors, while EJ-140 is a judgment debtor’s form.</p> <p>The instructions at the very top of EJ-140 for judgment debtors are overly dense, the font is too small, and they are phrased in technical terms. For instance, they instruct the judgment debtor to “serve” the form on the judgment creditor, but provide no explanation of what that means, and no reference to the Proof of Service by Mail portion of the form.</p> <p>We believe that if any instructions remain on EJ-140, the instructions for the judgment debtor should be in larger font and in more accessible language. If the instructions for the judgment creditor remain on EJ-140, there should be very clear language that indicates that the instructions are for judgment</p>	<p>be difficult to clearly describe how to identify an old version of AT-138/EJ-125 in a way that would not confuse judgment debtors receiving an up-to-date version of the form.</p> <p>The committee agrees and has modified form <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) to include basic instructions for the judgment debtor, rather than instructions for the judgment creditor. The instructions outline the basic procedure and the filing and service deadlines for providing a financial statement instead of appearing for examination, and direct the judgment debtor to <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) for more detailed instructions.</p>

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			<p>creditors, who would be responding to this form.</p> <p>While the process is complex, we think there is a risk that providing the current amount of detail in the instructions in the form will make it even more confusing.</p> <p>As an alternative, we believe that some basic information about the process could be provided on form EJ-140, with a reference to the EJ-140-INFO form for a more detailed explanation. The basic information about the process could include the instructions to the debtor that they must serve the form on the judgment creditor, including a reference to the Proof of Service by Mail form that is included. In addition, the form could include that a judgment creditor has the right to dispute the claim of exemption, that they have a short timeframe in which to do so, and that the judgment debtor will get notice of the dispute if the judgment creditor files one. Judgment debtors and creditors would then have a basic understanding of the process and timelines, and could refer to EJ-140-INFO for the more detailed instructions.</p>	
			<p><u>Financial Statement - Consumer Debt (form EJ-141)</u></p>	

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			<p>We appreciate that the Judicial Council mirrored EJ-141 off of EJ-165, to maintain some similarities for litigants, but also for court staff and advocates who will be answering questions and providing support to self-represented litigants completing these forms. We believe that listing the initial questions on EJ-141 is helpful, so that litigants are clear on what the threshold questions are. We believe that it is best if EJ-140 is a purely notice form, with no analysis.</p> <p>We suggest that the committee clarify that the form is asking the judgment debtor about monthly deductions. There are simple instructions that could be provided to the judgment debtor about how to calculate their monthly deductions: “If you are paid weekly, multiply the weekly deduction amounts by 4.3. If you are paid every two weeks, multiply the amounts on the paycheck by 2.15. If you are paid twice a month, add the amounts on the two paychecks together.”</p> <p>We suggest that the Judicial Council consider implementing an online calculator, much like the one on the California courts website for employers calculating wage garnishments, https://www.courts.ca.gov/34894.htm?rdeLocaleAttr=en. Such a calculator could be used by</p>	<p>No response required.</p> <p>The committee agrees and has revised this item to refer to “My monthly payroll deductions” and “My TOTAL monthly payroll deduction.” However the committee has not included an instruction for calculating deduction amounts because this instruction might not account for all situations.</p> <p>This suggestion is beyond the scope of this proposal, but the committee will consider it as time and resources permit.</p>

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			<p>judgment debtors to determine whether or not their employment income is exempt. This would greatly improve the judgment debtors' accuracy in determining their exempt status, and would also assist the court and the judgment creditors with understanding the judgment debtors' calculations. While we recognize this is outside the scope of the current proposal, we wanted to suggest it as a possibility for future collaboration.</p>	
			<p><u>Notice of Motion and Motion to Require Examination (form EJ-143)</u> The proposal states that the bill did not require creditors to explain their objections to the debtor's claim of exemption in order to show good cause. However, the bill does require the creditor to provide a statement of facts supporting the creditor's claims. The form, in number 7, specifically requests that the creditor provide facts supporting the good cause required to order an examination. We believe that this section will provide an opportunity for creditors to explain their objections, with supporting facts, and we appreciate the Judicial Council implementing the requirement.</p> <p>Although the bill does not specifically require objections, we do believe that courts would</p>	<p>No response required.</p> <p>The committee agrees and has modified the instructions for item 7 to include: "if you</p>

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			<p>appreciate a question that specifically asks for the creditor’s objections to the claims of exemption. It could be part of number 7 on form EJ-143, so that the question would read “Even though the judgment debtor has filed a financial statement, an examination of the judgment debtor is still necessary. The facts supporting good cause for an examination are listed below (be specific). The creditor may list out specific objections in this section.”</p>	<p>object to the judgment debtor’s claimed exemptions from enforcement of judgment, you can describe your objections here.”</p>
			<p><u>Application and Order for Post-Hearing Examination (form EJ-144)</u> We support the committee’s proposal to separate the forms into two parts, the Application and the Order. As stated above, we believe that clearly separating the two documents is better for all litigants and the court, but particularly for self-represented litigants who may be confused otherwise.</p>	<p>No response required.</p>
			<p><u>Rule 3.1905</u> We agree with the committee’s proposal that requires the judgment creditor to attach a copy of the judgment debtor’s financial statement (form EJ-141) to their Motion for Examination (form EJ-143). The court will need to be able to see form EJ-141 to be able to make a finding of good cause (or not) and having the judgment creditor attach it to their motion is the most efficient way to do that.</p>	<p>The committee acknowledges the commenter’s support for adoption of rule 3.1905.</p>

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			<p>We also support the recommendation to add in language that requires the judgment creditor to attach blank copies of the information sheet (form EJ-127-INFO) and the current dollar amounts of exemptions (form EJ-156) when serving the application and order to appear for examination (form EJ-126). We think this will be very helpful, particularly for self-represented litigants who regularly receive these examination notices.</p>	<p>In light of all the comments received on this question, the committee is recommending that rule 3.1905 include a provision requiring the judgment creditor to include blank copies of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) and <i>Current Dollar Amounts of Exemptions from Enforcement of Judgments</i> (form EJ-156) when serving <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141).</p>
			<p>Forms <u>Application and Order for Appearance and Examination (form EJ-125)</u> We appreciate that the committee included instructions at the top of form EJ-125 so that judgment creditors will be more likely to use the correct form. This practice is similar to other judicial council forms that are used specifically for consumer debt cases (for instance, the limitations on when a general denial can be used), and we think it generally works well.</p>	<p>No response required.</p>
			<p><u>Application and Order to Appear for Examination - Consumer Debt (form EJ-126)</u> We appreciate that the committee included the box titled “Information for Judgment Creditor Regarding Service” on the application and</p>	<p>No response required.</p>

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			<p>order form. We think it will help all parties better understand which documents must be served.</p> <p><u>Information on Debtor’s Examinations Regarding Consumer Debt (form EJ-127-INFO)</u></p> <p>In question #1, What is a Debtor’s Examination?, we believe that the committee should consider revising the definitions of judgment creditor and judgment debtor. We believe the description of “the party who is owed money” for judgment creditor is sufficient. There is enough confusion, especially for self-represented litigants, about debtor versus creditor and plaintiff versus defendant, so the more plain-language descriptions that can be used, the better.</p> <p>We suggest revising the last sentence of question #1 to read “At the debtor’s examination, the judgment creditor or their attorney asks their judgment debtor questions about what they earn <i>from employment</i> (income) or own (assets).” (proposed language in italics). The wage garnishment statute specifically defines “income” as money earned from employment, which is why we are suggesting this change. [See Footnote 1]</p>	<p>The committee agrees and has deleted “generally the plaintiff in the case” and “generally the defendant in the case” from the definitions of “judgment creditor” and “judgment debtor” on page 1 of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO).</p> <p>The committee is not recommending changes in response to this suggestion because Code of Civil Procedure section 708.111(e) requires the judgment debtor’s financial statement to include both “monthly income from employment” and “total monthly income from all sources other than employment.” Although question 1 on <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) is describing a debtor’s examination rather than the financial</p>

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			<p><i>Footnote 1:</i> Cal. Code Civ. Proc. 706.011(b) reads “Earnings’ means compensation payable by an employer to an employee for personal services performed by such employee, whether denominated as wages, salary, commission, bonus, or otherwise.”</p> <hr/> <p>In question #5, we believe that the information provided about the timing of the hearing is incorrect. We believe the hearing must be scheduled (and service completed) in accordance with section 1005 of the California Code of Civil Procedure. Section 1005 requires moving papers to be filed and served at least 16 days before the date set for the hearing.</p> <p>In section 708.110(d) of the California Code of Civil Procedure, the judgment creditor is required to serve the initial order for examination not less than 30 days before the date set for the hearing. But in section 708.111(d)(3), the language requires the judgment creditor to file and serve the Motion for Examination “pursuant to Section 1005.” And it states that “the hearing shall be held pursuant to the same section.”</p> <p>We believe the second sentence of the first bullet point in question #5 should read “The</p>	<p>statement form, form EJ-140-INFO describes the financial statement form as a substitute for the debtor’s examination, and the committee believes it would be confusing if the examination and financial statement were described with different scopes.</p> <p>The committee agrees and has modified the sections of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) explaining how to complete and serve <i>Notice of Motion and Motion to Require Examination</i> (form EJ-146). The section explaining how to serve the form now correctly reflects the language of Code of Civil Procedure section 1005, and the section explaining how to complete the form explains that the hearing date should be set with “enough time to serve [the form].”</p>

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	Commenter	Position	Comment	Committee Response
			<p>date of the hearing must be scheduled in accordance with CCP 1005, meaning that the motion must be filed and served at least 16 days, and up to 26 days, before the date of the hearing, depending on how the motion is served on the judgment debtor.” The committee can amend our proposed language, of course, but we believe the correct timeline should be in accordance with Section 1005, not Section 708.110(d).</p> <p>We suggest amending the response to question #8. We believe that in the two instances (once in each paragraph) where the response says “must provide financial information in writing,” we suggest adding on “to the judgment creditor” so that it is clear that the financial information is going directly to the judgment creditor.</p> <p>In the first sentence of the response to question #11, we suggest amending the language to say “Some types of money you earn <i>from employment</i> (income) and money and property you own (assets) are exempt...” (proposed language in italics). As in the first question, adding in “from employment” aligns the language with the wage garnishment statute, section 706.011(b).</p>	<p>The committee agrees and has modified the answers to the questions “What do I do if I receive <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141)?” and “How do I provide my financial information in writing?” to explain that the judgment debtor’s written financial information is provided to the judgment creditor.</p> <p>Please see previous response on this issue.</p>

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			<p>Also in question #11, in paragraphs 2 and 5, there is language about how judgment debtors can access forms. The language reads “A copy of this form should be included with the form EJ-126 you received from the judgment debtor.” We suggest adding in a second sentence in both cases that reads “You can also get a copy of this form from the self-help center at your local courthouse, or on the Judicial Council’s website, www.jud.ca.gov.” If judgment debtors are only expecting to receive the form from the judgment creditor, they may try to reach out to the creditor to request the form, which likely would result in a delay in accessing the form. It would be much more efficient to get the form directly from the court.</p> <p>For question #12, in the second to last bullet point and in the last paragraph, the language states that the judgment debtor must “serve (give) a copy on the judgment creditor no later than...” We suggest that the instruction include “by mail” to make clear that the judgment debtor may mail the form to the judgment creditor. We suggest including language that indicates that the judgment debtor can use the address of the judgment creditor’s attorney, if there is one, to complete</p>	<p>The committee agrees and has modified <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) accordingly.</p> <p>The committee agrees and, in the answer to the question “How do I complete <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143)?”, has modified the bullet point explaining how to serve form EJ-143 to include: “Form EJ-143 can be served by mail.” The committee has also modified the instruction to “Enter the name and address of the judgment creditor” to include: “You can use the address the judgment creditor provided on form EJ-141.”</p>

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	Commenter	Position	Comment	Committee Response
			<p>service. Another option would be to indicate that the judgment debtor may use the address that the judgment creditor provided in their form EJ-126, which may be the address of the judgment creditor’s attorney.</p>	
			<p><u>Notice of Financial Statement (form EJ-140)</u> We reiterate our suggestion above, that the full text of the instructions be removed from form EJ-140, or at least be summarized rather than provided in whole. The size of the text, and the content seems like it could cause more confusion than help. We think the fact that the instructions are for a judgment creditor and the form is for a judgment debtor weighs in favor of simplifying/removing the instructional language.</p>	<p>Please see previous response on this issue.</p>
			<p><u>Financial Statement - Consumer Debt (form EJ-141)</u> We are not sure that #1.a. is necessary. This form is for judgment debtors who have exempt income. If none of their income is exempt, then they should not be using this form to claim an exemption. We are worried that including the question will cause more confusion, such as causing folks who are not eligible for an exemption to file a financial statement erroneously.</p>	<p>Although Code of Civil Procedure section 708.111(d) requires the court to cancel the examination only if the judgment debtor claims in their financial statement that all of their income and assets are exempt from enforcement of judgment, Code of Civil Procedure section 708.111(c) requires <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141) to notify all judgment debtors that “Instead of</p>

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	Commenter	Position	Comment	Committee Response
			<p>If the committee believes it is important to reference judgment debtors who do not have exempt income or assets, we suggest including an instruction at the top of the form instead, articulating that “If none of the judgment debtor’s income and assets are exempt, then the judgment debtor should not use this form and should appear at the debtor’s examination hearing as scheduled.”</p> <p>We do not believe that questions #3 and #4 need to require judgment debtors to provide the code sections. The list of exemptions on form EJ-155 is not easy to understand. For instance, one category is “Servicemembers property,” and another is “Property not subject to enforcement of money judgments.” How is</p>	<p>appearing at the examination, you may file a notice of judgment debtor’s financial affidavit....”</p> <p>The committee has therefore drafted form EJ-141 for use by all judgment debtors in consumer debt cases and included item 1 to determine whether the judgment debtor claims that any of their income and assets are exempt from enforcement of judgment. The judgment debtor then indicates in item 2 on <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) whether they have claimed that all of their income and assets are exempt from enforcement of judgment, so that the court can determine whether to cancel the examination. Code of Civil Procedure section 708.111 does not explain what the court should do if the judgment debtor files a notice of financial statement but does not claim that all of their income and assets are exempt from enforcement of judgment.</p> <p>The committee agrees and has removed items 3 from <i>Financial Statement—Consumer Debt</i> (form EJ-144). Judgment debtors can provide the statutes under which they claim exemption if they make a claim of exemption after levy or wage garnishment and do not need to provide that information on this form. The</p>

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	Commenter	Position	Comment	Committee Response
			<p>a self-represented judgment debtor supposed to know if a piece of property fits into one of those categories? The wage garnishment claim of exemption and financial statement (forms WG-006 and WG-007) do not require the judgment debtor to specify code sections. On Form EJ-141, both questions #1.c. and #7 request that the judgment debtor describe their exempt property, which should be sufficient for the judgment creditor and their lawyer to determine the code section that applies to that property.</p> <p>If the committee feels strongly that there should be a section for the judgment debtor to identify the relevant exemption code section(s), we suggest that the question be optional, and that the instructions for the question be very straightforward, such as “The property is claimed to be exempt under the following code and section (refer to form EJ-155 for a list of code sections).” The committee can still require the judgment debtor to provide a description and value of the property claimed to be exempt, which is really what the judgment creditor needs to determine its exempt status.</p> <p>Questions #4 and #10 seem to be asking for the same information. We think those two</p>	<p>committee has also removed item 4 because it is redundant: Judgment debtors can provide any additional facts relevant to their financial statement, including their answers to items 1 and 2, in item 8.</p>

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			<p>questions should be combined so that the judgment debtor is not confused when asked to provide facts to support their claim twice.</p> <p>We propose a separate question directed at judgment debtors who make the exemption claim based on property needed to support the judgment debtor, their spouse, or their dependents, so that it is even more clear that additional information is needed for that claim.</p>	<p>The committee is not recommending changes in response to this suggestion because, in light of all the comments received on this issue, the committee believes that item 8 on <i>Financial Statement—Consumer Debt</i> (form EJ-144) (which asks for “other relevant facts”) is sufficient to provide support for the judgment debtor’s claimed exemptions.</p>
			<p><u>Notice of Motion and Motion to Require Examination (form EJ-143)</u></p> <p>We want to recognize that we appreciate the way the committee worded question #7 to address the issue of the judgment creditor providing facts supporting good cause for an examination. And we appreciate question #9, which also requires facts to support the allegation for secured debt as well.</p>	<p>No response required.</p>
			<p><u>Conclusion</u></p> <p>Overall, we are very appreciative of the work done by the committee, and believe that the forms and rule will be very effective in implementing AB 1119. We appreciate the committee considering our suggestions to clarify some of the processes and ensure that all litigants, including the low-income and</p>	<p>No response required.</p>

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			<p>self-represented litigants that so many of our organizations serve, have access to the courts.</p> <p>We want to reiterate our willingness to collaborate with the Judicial Council and the courts in potentially creating a calculator tool that judgment debtors could use to determine their exempt status. We believe the technology is out there, and that not only judgment debtors, but judgment creditors and courts would greatly benefit from such a tool.</p>	
3.	Orange County Bar Association by Christina Zabat-Fran, President	A	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes.</p> <p>Should forms EJ-126 and EJ-144 each be split into separate application and order forms?</p> <p>Separate forms would help ensure consistency with the Judicial Council’s current practice of separating forms that are filed with the court and forms that are issued by the court.</p>	<p>The committee appreciates the response.</p> <p>In light of all the comments received on this question, the committee has not split Application and <i>Order to Appear for Examination—Consumer Debt</i> (form EJ-141) or <i>Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt</i> (form EJ-147) into separate application and order forms. The committee will consider whether to propose splitting the forms in the future, when separate application and order forms can be circulated for public comment.</p>

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			<p>Should form EJ-127-INFO be split into two separate information sheets, one for judgment creditors and one for judgment debtors?</p> <p>Additional information would be helpful to the parties and separate forms would help ensure consistency with the Judicial Council’s current practice of separating forms that are filed with the court and forms that are issued by the court.</p>	<p>In light of all the comments received on this question, the committee has not split Information on Debtor’s Examinations Regarding Consumer Debt (form EJ-140-INFO) into two separate information sheets. The committee believes it will be helpful to judgment creditors and judgment debtors to have easy access to information about the entire process for debtor’s examinations in consumer debt cases, including information about forms completed by the other party. The committee is also concerned that having two separate information sheets could result in confusion if parties receive copies of the wrong information sheet. The committee has added introductory information to the “Information for the Judgment Creditor” and “Information for the Judgment Debtor” sections on the information sheet to explain their purpose and help readers understand which section they should read.</p>
			<p>Are there more questions that should be addressed on form EJ-127-INFO?</p> <p>Not presently.</p>	<p>The committee appreciates the response.</p>
			<p>Should the instructions to the judgment creditor on page 2 of form EJ-140 remain on that form, or should form EJ-127-INFO</p>	<p>In light of all the comments received on this question, the committee has modified <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) to include basic instructions for</p>

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			<p>be the only source of instructions for form EJ-140?</p> <p>Additional information would be helpful to the parties and separate forms would help ensure consistency with the Judicial Council’s current practice of separating forms that are filed with the court and forms that are issued by the court.</p>	<p>the judgment debtor and has removed the instructions for the judgment creditor.</p>
			<p>Should a second subdivision be added to rule 3.1905 requiring the judgment creditor to include blank copies of forms EJ-127-INFO and EJ-156 when serving form EJ-126 on the judgment debtor?</p> <p>A second subdivision requiring additional information including blank copies of forms would be helpful.</p>	<p>In light of all the comments received on this question, the committee is recommending that rule 3.1905 include a provision requiring the judgment creditor to include blank copies of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) and <i>Current Dollar Amounts of Exemptions from Enforcement of Judgments</i> (form EJ-156) when serving <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141).</p>
4.	Cheryl Siler Director, Docketing Operations Aderant Encino, CA	NI	<p>I am writing regarding Invitation to Comment SPR24-08 – Civil Practice and Procedure: Implementation of Assembly Bill 1119. Specifically, my comments relate to new forms EJ-127-INFO and EJ-140.</p> <p>Section 6 of proposed new form EJ-127-INFO states in part:</p>	<p>The committee agrees and has modified the explanation in <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) of the service deadline for <i>Notice of Motion and Motion to Require Examination</i> (form EJ-146) to correctly reflect the wording of Code of Civil Procedure section 1005. The committee has modified the instructions on form EJ-146 to direct users to</p>

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			<p>The <i>Notice of Motion and Motion to Require Examination</i> must be served at least 16 days before the hearing if it is personally served. If the notice is sent by fax, express mail, or other method of overnight delivery, it must be served at least 18 days before the hearing. If the notice is served by mail from and to an address within California, it must be mailed at least 21 days before the hearing. For more information on the time to serve the notice, read Code of Civil Procedure sections 708.111(d)(3) and 1005.</p> <p>This information misstates the requirements of CCP 1005 as it relates to the time for service of the motion. Under CCP 1005(b), the motion must be served 16 <u>court</u> days before the hearing if personally served. By using the language “16 days” in the proposed form, it is misleading as parties may interpret that to mean “calendar” days instead of the required “court” days.</p> <p>Furthermore, the time to service notice by fax, express mail, or other method of overnight delivery is not 18 days as stated in the proposed form. According to CCP 1005(b), “the required 16-day period of notice before</p>	<p>form EJ-140-INFO, rather than explaining the service deadline on form EJ-146.</p>

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			<p>the hearing shall be increased by two calendar days.” Since the initial 16-day period is calculated in court days and the additional 2 days for the service method is counted in calendar days, these two calculations cannot be combined into one 18-day period. Instead, the parties must first count the 16-day period in court days and then extend that time by 2 calendar days. The same issue arises for the time to serve the notice by mail within California. The time is not 21 days as stated in the proposed form, but rather 16 court days and then 5 calendar days.</p> <p>The same issues arise in proposed new form EJ-140 at page 2.</p> <p>I suggest that these forms be revised to accurately reflect the requirements of CCP 1005. For instance, the language could be revised to state:</p> <p><i>The Notice of Motion and Motion to Require Examination</i> must be served at least 16 court days before the hearing if it is personally served. If the notice is sent by fax, express mail, or other method of overnight delivery, it must be served at least 18 days before the hearing. the 16-court day period is increased by 2 calendar days. If the notice is served by</p>	

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			<p>mail from and to an address within California, it must be mailed at least 21 days before the hearing. the 16-court day period is increased by 5 calendar days. For more information on the time to serve the notice, read Code of Civil Procedure sections 708.111(d)(3) and 1005.</p>	
5.	<p>Superior Court of California, County of Orange Training and Analyst Group on behalf of Civil, Probate and Language Access Services by Sean Lillywhite</p>	NI	<p>The proposal appropriately addresses the stated purpose and the need for new forms.</p> <p>Forms EJ-126 and EJ-144 should remain split so that there is no confusion by the debtor of having a duplicate form being served on them. Form EJ-144 stating it is post-hearing eliminates any confusion.</p> <p>From EJ-127-INFO should be split into two separate information sheets. One that addresses information for the creditor and the other that addresses information for the debtor.</p>	<p>The committee appreciates the response.</p> <p>The committee appreciates the response.</p> <p>In light of all the comments received on this question, the committee has not split Information on Debtor’s Examinations Regarding Consumer Debt (form EJ-140-INFO) into two separate information sheets. The committee believes it will be helpful to judgment creditors and judgment debtors to have easy access to information about the entire process for debtor’s examinations in consumer debt cases, including information about forms completed by the other party. The committee is also concerned that having two separate information sheets could result in confusion if parties receive copies of the</p>

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			<p>Form EJ-127-INFO addresses all questions accurately.</p> <p>Form EJ-140 should keep instructions to the judgment creditor on page 2 and also be listed on form EJ-127-INFO.</p>	<p>wrong information sheet. The committee has added introductory information to the “Information for the Judgment Creditor” and “Information for the Judgment Debtor” sections on the information sheet to explain their purpose and help readers understand which section they should read.</p> <p>The committee appreciates the response.</p> <p>In light of all the comments received on this question, the committee has modified <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) to include basic instructions for the judgment debtor and has removed the instructions for the judgment creditor.</p>
6.	<p>Superior Court of California, County of Orange Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst</p>	NI	<p><i>Does the proposal appropriately address the stated purpose?</i></p> <p>Yes, the proposal appropriately addresses the stated purpose.</p> <p><i>Should forms EJ-126 and EJ-144 each be split into separate application and order forms?</i></p> <p>Both forms can remain together for ease of the judgment debtor’s understanding of the forms. The Request for Order (FL-300) is set up in</p>	<p>The committee appreciates the response.</p> <p>In light of all the comments received on this question, the committee has not split <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141) or <i>Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt</i> (form EJ-147)</p>

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			the same way, with the order to appear on the first page and the application pages following.	into separate application and order forms. The committee will consider whether to propose splitting the forms in the future, when separate application and order forms can be circulated for public comment.
			<p><i>Should form EJ-127-INFO be split into two separate information sheets, one for judgment creditors and one for judgment debtors?</i></p> <p>No, the form EJ-127-INFO should not be split into two separate information sheets.</p>	<p>In light of all the comments received on this question, the committee has not split Information on Debtor’s Examinations Regarding Consumer Debt (form EJ-140-INFO) into two separate information sheets. The committee believes it will be helpful to judgment creditors and judgment debtors to have easy access to information about the entire process for debtor’s examinations in consumer debt cases, including information about forms completed by the other party. The committee is also concerned that having two separate information sheets could result in confusion if parties receive copies of the wrong information sheet. The committee has added introductory information to the “Information for the Judgment Creditor” and “Information for the Judgment Debtor” sections on the information sheet to explain their purpose and help readers understand which section they should read.</p>
			<p><i>Are there more questions that should be addressed on form EJ-127-INFO?</i></p>	<p>The committee appreciates the response.</p>

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			There are no more questions that should be addressed in form EJ-127-INFO.	
			<p><i>Should the instructions to the judgment creditor on page 2 of form EJ-140 remain on that form, or should form EJ-127-INFO be the only source of instructions for form EJ-140?</i></p> <p>Instructions should remain on both the EJ-140 and EJ-127-INFO.</p>	In light of all the comments received on this question, the committee has modified <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) to include basic instructions for the judgment debtor and has removed the instructions for the judgment creditor.
			<p><i>Should a second subdivision be added to rule 3.1905 requiring the judgment creditor to include blank copies of forms EJ-127-INFO and EJ-156 when serving form EJ-126 on the judgment debtor?</i></p> <p>Yes, there should be a second subdivision to CRC 3.1905 to include blank copies of forms EJ-127-Info and EJ-156 to be served upon the judgment debtor.</p>	In light of all the comments received on this question, the committee is recommending that rule 3.1905 include a provision requiring the judgment creditor to include blank copies of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) and <i>Current Dollar Amounts of Exemptions from Enforcement of Judgments</i> (form EJ-156) when serving <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141).
			<p><i>Would the proposal provide cost savings? If so, please quantify.</i></p> <p>No, the proposal does not appear to provide any cost savings.</p>	The committee appreciates the response.
			<p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of</i></p>	The committee appreciates the response.

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			<p><i>training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i></p> <p>Implementation would require revising procedures, providing communication to judicial officers and staff, conducting staff training, and updating the case management system.</p> <hr/> <p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>Yes, three months would provide sufficient time for implementation in Orange County.</p> <hr/> <p><i>How well would this proposal work in courts of different sizes?</i></p> <p>Our court is a large court, and this could work for Orange County.</p>	<p></p> <hr/> <p>The committee appreciates the response.</p> <hr/> <p>The committee appreciates the response.</p>
7.	Superior Court of California, County of Riverside by Sarah Hodgson, Chief Deputy of Legal Services / General Counsel	NI	Question: New form EJ-126 excludes the option for 3 rd party examinations which also means that a judgment debtor’s spouse cannot be examined, would they not be liable for the community consumer debt? This issue could be resolved if the Financial Statement is	The committee has modified the instructions on <i>Application and Order for Appearance and Examination</i> (form AT-138/EJ-125), <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141), and <i>Information on Debtor’s Examinations</i>

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Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p>completed, but if the judgment debtor never submits a Financial Statement with a spouse’s signature, how else could the judgment creditor ascertain a spouse’s assets?</p> <p>Suggestion: Remove Application and Order for Post-Hearing Examination (EJ-144) from the proposal. This form is almost identical to the EJ-126 and it seems EJ-144 would cause more confusion for courts and litigants as this would be the 4th application and order for judgment debtor examination form (AT-138/EJ-125, SC-134, EJ-126, EJ-144). Currently the AT-138/EJ-125 form is used when a judgment creditor wishes to schedule a debtor examination hearing, and can be re-filed after 120 days. Using the EJ-126 for before and after the motion hearing would be more in line with the current process and help streamline this new process.</p> <p><i>Suggestion:</i> For EJ-126, add a checkbox underneath the title labeled “After Motion to Require Examination Hearing” to help distinguish the pre and post hearing application and order documents. Also</p>	<p><i>Regarding Consumer Debt</i> (form EJ-140-INFO) to explain that form EJ-141 can only be used to request an examination of the judgment debtor and not a third person. Form AT-138/EJ-125 should be used for examinations of a third person, even if the judgment is on a claim related to consumer debt. (Code Civ. Proc., § 708.111(c), (d).)</p> <p>The committee considered having the judgment creditor use <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141) to schedule an examination after the court hears the motion to require examination (form EJ-146) but believes it might be confusing for judgment debtors to receive two separate orders, both on form EJ-141, within a relatively short period of time. These judgment debtors might not realize that the second EJ-141 is a new order and not a duplicate of the first. The committee was also concerned that judgment debtors receiving form EJ-141 after a motion to require examination might believe they could provide another financial statement, even if the instructions and notices on form EJ-141 explain otherwise. For these reasons, the committee believes that using a separate form to order examinations after a motion to require examination will be less confusing, even</p>

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SPR24-08

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	Commenter	Position	Comment	Committee Response
			<p>creating an “After Motion to Require Examination Hearing” section on the EJ-126 would still give judgment debtor’s the information that they need and including both sets of instructions (pre and post hearing) on one form could help judgment debtors understand the process better.</p>	<p>though it does mean that there will be several different forms for ordering debtor’s examinations.</p>
			<p>Suggestion: Correction needed on the EJ-127-INFO form, item 2, paragraph 1: “This information sheet tells the judgment debtor creditor how to ask the court to order a debtor’s examination and tells the judgment creditor debtor how they can respond to that request”.</p>	<p>The committee has made this correction to <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO).</p>
			<p>Suggestion: On the EJ-140, page 2, the statement “filing a Notice of Motion and Motion to Require examination (form EJ-143) within 15 days of the filing of this Notice of Financial Statement” is mentioned 3 times. The first mention of this timeframe in the top paragraph of page 2 and the second mention in the first bullet point on page 2 can both be deleted as they are repetitive. The last mention of this timeframe is in the last bullet point on page 2 and contains the most complete and accurate information.</p>	<p>In light of all the comments received on this question, the committee has modified <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) to include basic instructions for the judgment debtor and has removed the instructions for the judgment creditor.</p>
			<p>Suggestion: On the EJ-140 page 2, 1st bullet, remove “Contact the clerk of the court about</p>	<p>Please see previous response.</p>

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	Commenter	Position	Comment	Committee Response
			<p>setting a hearing date, time and place.” Each court set hearings differently.</p>	
			<p>Suggestion: Correction needed on the EJ-140, page 3, the Proof of Service statement: “I am over the age of 18 and not a party to this cause legal action”. This correction is consistent with other judicial council forms where a proof of service is incorporated into the document.</p>	<p>The committee removed the Proof of Service page from <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143). Current best practice is to use separate proof of service forms, rather than including proofs of service at the end of a form.</p>
			<p>Suggestion: On the EJ-141, there is a space for the file stamp marked “For Court Use Only”. This section must be removed as this document is not directly filed with the court. The proposal indicates EJ-141 is served on the judgment creditor and attached to the Notice of Motion and Motion to Require Examination when the motion is filed. Making the format of this form more like the EJ-165 and adding a statement “DO NOT file with the court – complete and mail this form to the judgment creditor” at the top would help clarify the process for this form.</p>	<p>The committee agrees and has added “SERVE ON JUDGMENT CREDITOR. DO NOT FILE WITH COURT” to the top of <i>Financial Statement—Consumer Debt</i> (form EJ-144). This notice is modeled on the notice at the top of <i>Claim of Exemption</i> (form EJ-160). The committee has also modified the instructions at the top of form EJ-144 to include: “If you are the judgment debtor (the person completing this form), do not file this form with the court.”</p>
			<p>Suggestion: If the EJ-141 is not filed with the court, the proof of service on page 5 could be removed and instead include a statement on the EJ-140, on page 1, to this effect: “3. This form and form EJ-141 were served together on the judgment creditor (see proof of service on</p>	<p>The committee removed the Proof of Service page from <i>Financial Statement—Consumer Debt</i> (form EJ-144). Current best practice is to use separate proof of service forms, rather than including proofs of service at the end of a form. The committee also modified the</p>

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SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			page 3)”. This would help clarify the process for the judgment debtor and streamline notice to the court regarding service of the EJ-140 and EJ-141.	instructions on <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) to make it clearer that the judgment debtor must file form EJ-143 in addition to providing form EJ-144 to the judgment creditor.
			Suggestion: Correction needed on the EJ-141, page 3, item 7: “check here and create and attach a page labeled Attachment 7, and label the information on the attachment with the with the relevant subdivision letter”.	The committee has made this correction on <i>Financial Statement—Consumer Debt</i> (form EJ-144).
			Suggestion: Correction needed on the EJ-143, page 2, first signature section: “(If the judgment debtor creditor is represented by an attorney, the attorney’s signature follows):”.	The committee has made this correction on <i>Notice of Motion and Motion to Require Examination</i> (form EJ-146).
			Suggestion: Correction needed on the EJ-143, page 3, the Proof of Service statement: “I am over the age of 18 and not a party to this cause legal action”. This correction is consistent with other judicial council forms where a proof of service is incorporated into the document.	The committee removed the Proof of Service page from <i>Notice of Motion and Motion to Require Examination</i> (form EJ-146). Current best practice is to use separate proof of service forms, rather than including proofs of service at the end of a form.
			Should forms EJ-126 and EJ-144 each be split into separate application and order forms? Forms EJ-126, EJ-144 (if approved), and EJ-127-INFO should not be split up, this could cause more confusion for litigants.	In light of all the comments received on this question, the committee has not split <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141) or <i>Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt</i> (form EJ-147)

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Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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

	Commenter	Position	Comment	Committee Response
				into separate application and order forms. The committee will consider whether to propose splitting the forms in the future, when separate application and order forms can be circulated for public comment.
			Should form EJ-127-INFO be split into two separate information sheets, one for judgment creditors and one for judgment debtors? Yes, it could eliminate confusion for the litigants.	In light of all the comments received on this question, the committee has not split Information on Debtor’s Examinations Regarding Consumer Debt (form EJ-140-INFO) into two separate information sheets. The committee believes it will be helpful to judgment creditors and judgment debtors to have easy access to information about the entire process for debtor’s examinations in consumer debt cases, including information about forms completed by the other party. The committee is also concerned that having two separate information sheets could result in confusion if parties receive copies of the wrong information sheet. The committee has added introductory information to the “Information for the Judgment Creditor” and “Information for the Judgment Debtor” sections on the information sheet to explain their purpose and help readers understand which section they should read.
			Should the instructions to the judgment creditor on page 2 of form EJ-140 remain on	In light of all the comments received on this question, the committee has modified <i>Notice of Financial Statement—Consumer Debt</i>

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Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p>that form, or should form EJ-127-INFO be the only source of instructions for form EJ-140?</p> <p>Instructions for the judgment creditor on EJ-127-INFO and page 2 of EJ-140 may be redundant, but could be beneficial to pro per litigants</p> <hr/> <p>Should a second subdivision be added to rule 3.1905 requiring the judgment creditor to include blank copies of forms EJ-127-INFO and EJ-156 when serving form EJ-126 on the judgment debtor?</p> <p>Agree with adding subdivision to the new rule 3.1905</p>	<p>(form EJ-143) to include basic instructions for the judgment debtor and has removed the instructions for the judgment creditor.</p> <hr/> <p>In light of all the comments received on this question, the committee is recommending that rule 3.1905 include a provision requiring the judgment creditor to include blank copies of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) and <i>Current Dollar Amounts of Exemptions from Enforcement of Judgments</i> (form EJ-156) when serving <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141).</p>
8.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	<p>Q: Does the proposal appropriately address the state purpose?</p> <p>A: Yes. However, should language also be added to the Application and Order to Produce Statement of Assets and to Appear for Examination (JC Form #SC-134) to instruct litigants in Small Claims actions to use the new EJ-126 for judgments regarding consumer debt awarded after 1/1/25?</p>	The committee circulated a separate proposal that included revisions to form SC-134 to implement Assembly Bill 1119. That proposal was circulated for public comment after public comment closed on the proposal discussed in this comment chart.

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Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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	Commenter	Position	Comment	Committee Response
			<p>Q: Should forms EJ-126 and EJ-144 each be split into separate application and order forms?</p> <p>A: No.</p>	<p>In light of all the comments received on this question, the committee has not split <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141) or <i>Application and Order to Require Examination After Submission of Financial Statement—Consumer Debt</i> (form EJ-147) into separate application and order forms. The committee will consider whether to propose splitting the forms in the future, when separate application and order forms can be circulated for public comment.</p>
			<p>Q: Should form EJ-127-INFO be split into two separate information sheets, one for judgment creditors and one for judgment debtors?</p> <p>A: No.</p>	<p>In light of all the comments received on this question, the committee has not split <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) into two separate information sheets. The committee believes it will be helpful to judgment creditors and judgment debtors to have easy access to information about the entire process for debtor’s examinations in consumer debt cases, including information about forms completed by the other party. The committee is also concerned that having two separate information sheets could result in confusion if parties receive copies of the wrong information sheet. The committee has added introductory information to the “Information for the Judgment Creditor” and</p>

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	Commenter	Position	Comment	Committee Response
				<p>“Information for the Judgment Debtor” sections on the information sheet to explain their purpose and help readers understand which section they should read.</p>
			<p>Q: Are there more questions that should be addressed on form EJ-127-INFO?</p> <p>A: No, the included questions are sufficient.</p>	<p>The committee appreciates the response.</p>
			<p>Q: Should the instructions to the judgment creditor on page 2 of form EJ-140 remain on that form, or should form EJ-127-INFO be the only source of instructions for form EJ-140?</p> <p>A: The instructions should be removed from EJ-140 and only appear on EJ-127-INFO. Since the EJ-140 is only filed by the debtor it may create confusion, especially among self-represented litigants, why the form includes instructions for the opposing party.</p>	<p>In light of all the comments received on this question, the committee has modified <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) to include basic instructions for the judgment debtor and has removed the instructions for the judgment creditor.</p>
			<p>Q: Should a second subdivision be added to rule 3.1905 requiring the judgment creditor to include blank copies of forms EJ-127-INFO and EJ-156 when serving form EJ-126 on the judgment debtor?</p> <p>A: Yes</p>	<p>In light of all the comments received on this question, the committee is recommending that rule 3.1905 include a provision requiring the judgment creditor to include blank copies of <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO) and <i>Current Dollar Amounts of</i></p>

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Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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				<p><i>Exemptions from Enforcement of Judgments</i> (form EJ-156) when serving <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141).</p>
			<p>Q: Would the proposal provide cost savings? If so, please quantify.</p> <p>A: No.</p>	<p>The committee appreciates the response.</p>
			<p>Q: 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?</p> <p>A: Implementation will require updating the case management system and internal procedures to reflect changes to include new/revised forms and training business office and courtroom staff.</p>	<p>The committee appreciates the response.</p>
			<p>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>A: Yes, provided the final versions of the forms are provided to the court at that</p>	<p>The committee appreciates the response.</p>

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

SPR24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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			<p>time. This will ensure that the court is able to provide training to staff and update its case management system and internal procedures.</p> <p>Q: How well would this proposal work in courts of different sizes?</p> <p>A: This proposal should work well, regardless of the size of the court.</p> <p>EJ-127-INFO:</p> <p>Item 2:</p> <p>It appears that “creditor” and “debtor” were inadvertently switched in the second sentence. “This information sheet tells the judgment debtor how to ask the court to order a debtor’s examination and tells the judgment creditor how they can respond to that request by providing written information rather than going to court.</p> <p>Propose adding the following to the first sentence of the second paragraph, “The forms described here may be used only if the judgment is for consumer debt and judgment was awarded on or after January 1, 2025.”</p>	<p>The committee appreciates the response.</p> <p>The committee has made this correction to <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO).</p> <p>The committee agrees and has modified the answer to the question, “How can I tell if this process applies to my case?” to explain that the procedures and forms described in <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-</p>

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Civil Practice and Procedure: Implementation of Assembly Bill 1119 (adopt Cal. Rules of Court, rule 3.1905; approve forms EJ-140-INFO, EJ-141, EJ-143, EJ-144, EJ-146, and EJ-147; revise form AT-138/EJ-125)

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

	Commenter	Position	Comment	Committee Response
			<p>Propose adding the following language to the box in item 2: “If the judgment is not for consumer debt <u>awarded on or after January 1, 2025</u>, do not use the procedure or forms that are described in this information sheet.”</p> <p>Item 4: Propose adding the following to the last sentence of the second paragraph to reflect the complete form name, “...and file a Notice of Motion and Motion for to Require Examination (form EJ-143).”</p> <p>Item 5: Propose adding the following to the seventh bullet, “You will need to bring a copy of the completed form with you to the hearing <u>unless you checked item 10</u>.”</p> <p>Item 6: Propose adding the following to first sentence of the last paragraph, “Bring a completed copy of form EJ-143 and a copy of the judgment debtor’s Financial Statement – Consumer Debt (form EJ-141) with you to the hearing on your motion for to require examination <u>unless you checked item 10</u>.”</p> <p>Item 7: Propose renaming section “What do I do after the hearing on my motion to require examination.”</p>	<p>INFO) apply only to judgments awarded on or after January 1, 2025.</p> <p>The committee has made this correction.</p> <p>The committee agrees and has modified the last bullet point in the answer to “How do I complete <i>Notice of Motion and Motion to Require Examination</i> (form EJ-146)?” to explain that the judgment creditor should bring a completed copy of form EJ-146 “if you appear at the hearing.”</p> <p>The committee has also added “if you go to the hearing on your motion for examination” to the last paragraph of the answer to “How do I serve and file form EJ-146?”</p> <p>The committee has made this correction.</p>

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			<p>Propose adding the following to the first sentence, “If the court has heard your motion for to require examination and ruled that...”</p> <hr/> <p>EJ-141:</p> <p>Propose adding “DO NOT FILE WITH THE COURT” under the form title in the header. This is consistent with language used on the Claim of Exemption (form EJ-160).</p>	<p>The committee has made this correction.</p> <hr/> <p>The committee agrees and has added “SERVE ON JUDGMENT CREDITOR. DO NOT FILE WITH COURT” to the top of <i>Financial Statement—Consumer Debt</i> (form EJ-144). This notice is modeled on the notice at the top of <i>Claim of Exemption</i> (form EJ-160). The committee has also modified the instructions at the top of form EJ-144 to include: “If you are the judgment debtor (the person completing this form), do not file this form with the court.”</p>
9.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)	A	<p><u>Suggested Modifications</u></p> <p>Regarding EJ-127-INFO: In Section 2, the second sentence should read “This information sheet tells the judgment debtor creditor how to ask the court to order a debtor’s examination and tells the judgment creditor debtor how they can respond to that request by providing...”</p>	<p>The committee has made this correction to <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO).</p>

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
1.	California Association of Judgment Professionals by Gretchen D. Lichtenberger, Legislative Chairperson	NI	<p>Suggestions for Amendments to EJ-140-INFO Form:</p> <p>On Page 2, Item 5, first bullet item: It says: “Have a copy of the form personally served by a sheriff, marshal or registered process server.” It should say something like: “Have the form served to the debtor in person by a sheriff, marshal or registered process server.”</p> <p>The words “personally served by” can be misconstrued that the Sheriff is the one who must “personally serve” the document rather than that the Debtor must be the one who “personally receives” the document.</p> <p>Suggestions for Amendments to Judgment Forms: JUD-100, SC-130 and SC-200</p> <p>As pointed out in Footnote 3 of Invitation to Comment SPR24-08, AB 1119’s definition of “consumer debt” is unique and not the same as Senate Bill 1200’s definition of “personal debt” nor the FDCPA’s definition of “consumer debt”. Therefore, it is important that the Judicial Officer entering every judgment state ON THE JUDGMENT whether the judgment meets this particular definition of consumer debt. We submitted</p>	<p>The committee agrees and has revised the second bullet of Question 6 accordingly. (The question number was changed after the comment was submitted.) The committee also revised a similar instruction on forms SC-134 and SC-136.</p> <hr/> <p>The committee is not recommending changes in response to this suggestion. The committee is concerned that making the consumer debt finding separate rather than a subset of the personal debt finding could cause confusion due to the overlap in the definitions of personal debt and consumer debt. If a judgment includes both personal debt and consumer debt, the amounts of both could add up to more than the total amount of the judgment. Including consumer debt as a subset</p>

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>comments and additional comments for that session.</p> <p>We strongly oppose the “consumer debt” on the same line as “personal debt” the way you have it on each of the three judgment forms. This will cause huge confusion because if the judgment is for “personal debt”, as it is defined in §683.110, it would not qualify for the provisions of §708.111 as “consumer debt” and would not be entitled to be deemed “exempt from examination”. The statutes are poorly written and in need of being reconciled but in the meantime, these two types of debt have very different meanings under each relevant statute. We suggest the alternative look something like this:</p> <p style="color: green;">\$ of this judgment is on a claim related to medical expenses (Code Civ. Proc., §683.110, 685.010)</p> <p style="color: green;">\$ of this judgment is on a claim related to personal debt (Code Civ. Proc. §§683.110, 685.010)</p> <p style="color: green;">\$ of this judgment is concerning consumer debt (Code Civ. Proc. §§708.111)</p> <p>It is imperative that the Court distinguish between each type of debt at the time entry of the judgment. Whether any particular</p>	<p>of personal debt should help the person completing the form to understand that these definitions have elements in common.</p> <p>Additionally, the forms requiring the judgment creditor to confirm whether the judgment concerns consumer debt (forms EJ-125, EJ-141, SC-134, and SC-136) quote the entire consumer debt finding, including the citation to Code of Civil Procedure section 708.111. This should help judgment creditors and judgment debtors distinguish between the personal and consumer debt findings on forms JUD-100, SC-130, and SC-200 because the personal debt finding includes a citation to different Code of Civil Procedure sections.</p>

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SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>judgment meets that definition as provided in CCP §708.111 is a judicial determination to be made by a Judicial Officer, and cannot be made by a ministerial clerk. It will be an additional burden on every Judicial Officer if there is not an easy way for the Courts to determine whether CCP §708.111 applies at the time of <i>each</i> Judgment Debtor Examination.</p>	
			<p>On both the JUD-100, in item 7 and the SC-130, in item 10, the medical expense line should end with “;” removing the word “<i>and</i>”. I can’t think of a situation where a judgment would consist of both “medical expenses” and “personal debt”, but I suppose it is possible. If you leave that word “and” at the end of the sentence about “medical expenses”, that means the Court will always have to put “\$0.00” into the next line for all judgments based upon “medical expenses”. The lines should be an either-or situation. Oddly, the SC-200 does not have the word “and” after the parenthesis.</p>	<p>The committee agrees and has modified forms JUD-100 and SC-130 accordingly.</p>

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>Suggestions for the Creation of a New Order to Show Cause form:</p> <p>CCP §708.111(h) provides “The Judicial Council shall adopt a notice of financial affidavit form and a financial affidavit form and revise any existing forms as necessary to implement the requirements of this section.”</p> <p>CCP §708.111(i)(1) and (2) provide for an “order to show cause” to be issued by the court. Who will be creating that document at the time it is needed? Will the Court have to take time to produce such a document which contains all requirements of those Sections? Will the Court rely upon the Judgment Creditor to create such a document? Will the Creditor include all the necessary statutory information? To answer all these questions, the best solution is for the Judicial Council to create and adopt a standardized Order to Show Cause Regarding Debtor Examination form.</p> <p>Currently, whenever any judgment debtor fails to appear at a judgment debtor examination, the Court will not immediately release a warrant, they will issue and hold the warrant subject to a continued examination and notice provided by the Creditor to the Debtor to appear at the continued examination. There is</p>	<p>A new order to show cause form would require public comment and therefore cannot be included in this proposal, but the committee will consider this suggestion as time and resources permit.</p>

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>no standardized form for use by a Creditor to give this notice to the Debtor, so one is needed.</p> <p>We suggest the Council consider creating and adopting such a form that would not only fulfill the requirement under CCP §708.111(h) regarding the needed form for CCP §708.111(i), it would also create a standardized form for all Judgment Creditors to use for a failure to appear at a debtor’s examination.</p> <p>We have taken the liberty of creating a mock-up example of such an Order to Show Cause Regarding Debtor Examination form and attached it herewith. We fashioned it similar to the Council’s current RC-300 form.</p>	
2.	OneJustice, by Leigh Ferrin, Program Director at One Justice (San Francisco, CA)	AM	We are providing comments in response to the Judicial Council’s Invitation to Comment SPR24-08, the Civil Practice and Procedure Implementation of Assembly Bill 1119 (Wicks). The undersigned are consumer advocates that either co-sponsored or supported AB 1119, and have clients who will be directly impacted by the new law. Overall, we agree with the proposed changes and appreciate how thoughtfully the committee approached the subject.	No response required.

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SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>Our comments are by form, to make it easier to connect the comments to the proposal.</p>	
			<p>Application and Order to produce financial statement or appear for exam (SC-136)</p> <p>We understand the goals with this form. We just have one question, about why the statutorily mandated notice on SC-136 is on page 3, but the same notice on SC-134 is on page 1. We suggest that the notice be in the same place on both forms.</p>	<p>The committee is not recommending changes in response to this suggestion. The committee agrees that it would be helpful to have the notice to the judgment debtor on page 1 of the form. However, the type size of the notice is statutorily mandated (Code Civ. Proc., § 708.111(c)), making the notice too large to fit on page 1. The committee compromised by placing a prominent statement on page 1 that there is an “Important Notice on Page 3.”</p>
			<p>What to do after the court decides your small claims case (SC-200-INFO)</p> <p>A point of clarification to be clear: the proposed language in SC-200-INFO makes sense, so long as small claims judgment creditors can use either SC-134 or EJ-125 to request a debtor’s exam. If small claims judgment creditors are supposed to use one particular form, then the language should be clarified to specify which form is supposed to be used.</p>	<p>It is correct that judgment creditors can use either form EJ-125 or form SC-134 to request a debtor’s examination. If the judgment creditor has not received a completed form SC-133 from the judgment debtor and wishes to enforce their right to receive that form, they should use form SC-134 to ask the court to require the judgment debtor to appear for examination and provide a completed form SC-133. If the judgment creditor has received</p>

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SP24-08

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	Commenter	Position	Comment	Committee Response
			<p>EJ-140-INFO</p> <p>In the first paragraph, we suggest consistency in the language. The paragraph says “the person who won the case and is owed money,” and then “the party who owes the money.” We suggest using either “party” for both phrases or “person” for both phrases, but not switching between the two.</p> <p>We appreciate setting the information out for the judgment creditor separately from the information for the judgment debtor. We think it makes the information much easier to read for all parties.</p> <p>We are proposing a change to the language in the description of EJ-141, which is the second bullet point under (3). We suggest that the bullet point read “If you want the judgment debtor to come to court for a debtor’s</p>	<p>a completed form SC-133 or does not wish to enforce their right to receive that form, they should use form EJ-125 to request an examination of the judgment debtor. If the judgment concerns consumer debt, then the judgment creditor should use form EJ-126 instead of form EJ-125 and form SC-136 instead of form SC-134.</p> <p>The committee agrees and has changed “party” to “person or business” in the introductory paragraphs in the General Information, Information for the Judgment Creditor, and Information for the Judgment Debtor sections, as well as in Question 2.</p> <p>No response required.</p> <p>The committee agrees and has changed this paragraph of Question 4 accordingly. (The question number has changed since the comment was submitted.)</p>

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SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>examination, and you do not wish to enforce your right to receive form SC-133, or you already received form SC-133, then use form EJ-141.”</p> <p>We appreciate the changes made in the description of the requirements for service.</p> <p>At the top of page 13 of the PDF, where it reads “INFORMATION FOR THE JUDGMENT DEBTOR,” we suggest using “money you earn and property you own” in place of “income and assets.”</p> <p>We found a few more instances of this within the INFO sheet, including on page 14 of the PDF, under “How do I complete Financial Statement - Consumer Debt,” in the third bullet point, where we suggest saying “decide if any of the money you earn or the property you own” instead of “decide of any of the income or assets.” If the Financial Statement specifically uses the terms Income and Assets, then we agree that those terms should be referenced in the INFO sheet, but maybe could be described or defined so that plain language is used more often than not.</p> <p>Under the instructions for service, we suggest using more plain language, so instead of, or in</p>	<p>No response required.</p> <p>The committee agrees and has changed the introductory paragraph in the “Information for the Judgment Debtor” section accordingly.</p> <p>The committee agrees and has changed “income or assets” to “money or property” throughout Question 15. The committee did not change the title of Question 15 or the text of Question 14 because <i>Financial Statement—Consumer Debt</i> (form EJ-144) uses “income and assets,” so the committee believes it will be helpful to judgment debtors to title the question “How do I determine if my income or assets are exempt?” and then define income and assets in the first paragraph of that question.</p> <p>The committee agrees and has changed “someone who is not a party to the action” to</p>

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SP24-08

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	Commenter	Position	Comment	Committee Response
			<p>addition to saying “not a party to the action,” use language like “someone who is not one of the names on the lawsuit” or something similar.</p> <p>On page 15 of the PDF, there are two proofs of service. We are wondering if there could be one proof of service, that shows that both EJ-143 and EJ-144 were served on the judgment creditor. We suppose the documents could be served at separate times, but it seems most likely that they would be served together, and combining the proof of service forms would be more efficient.</p>	<p>“someone who is not one of the people involved in the lawsuit” in Questions 9 and 16.</p> <p>The committee agrees that form EJ-140-INFO should explain that judgment debtors can serve forms EJ-143 and EJ-144 at the same time and can use the same proof of service for both. The committee has revised Questions 14 and 16 accordingly.</p>
3.	Superior Court of California, County of Los Angeles by Robert Oftring, Director of Communications & Legislative Affairs	AM	<p>In response to the Judicial Council of California’s “ITC SP24-08 Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal if the listed modifications below are incorporated.</p> <p>The Court believes there is a general need to improve communication to the public on what qualifies as “Consumer Debt.” It would streamline the overall process and ensure a determination is made when the judgment is awarded (Item 10 on the Notice of Entry of Judgment). Neither the revised nor new examination forms include a definition in the</p>	<p>No response required.</p> <p>Revisions to forms SC-100 and SC-100-INFO would require public comment and therefore cannot be included in this proposal, but the committee will consider this suggestion as time and resources permit.</p>

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SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>instructions. Currently, the definition is listed in Item 2 of the EJ-140-INFO form.</p> <p>The Court suggests adding information to the SC-100-INFO regarding consumer debt and revising Item 3 of SC-100 – Plaintiff’s Claim and ORDER to Go to Small Claims Court to identify up front that the monies owed does include medical, personal or consumer debt.</p>	
			<p>In addition, the Court has comments on the proposed revised forms:</p> <p>SC-134 - Application and Order to Produce Statement of Assets and to Appear for Examination</p> <p>Add verbiage regarding the requirement to serve at least 30 days in advance of the scheduled hearing date, as stated on the SC-136.</p> <p>2b(2) – incomplete name of the Judgment Debtor’s Statement of Assets. Should be “Judgment Debtor’s Statement of Assets (Small Claims)”</p>	<p>The committee agrees and has added a notice to the bottom of page 1 of form SC-134 stating that the form must be served at least 30 days before the date of the examination.</p> <p>The committee is not recommending changes in response to this suggestion because parentheticals that indicate the form category, such as “(Small Claims),” are not considered part of the form name and are not included when referring to a form on other Judicial Council forms.</p>

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SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>2b(2) – second bullet - incomplete name of the Notice of Entry of Judgment. Should be “Notice of Entry of Judgment (Small Claims)”</p> <p>Include Code of Civil Procedure section 708.110 in the referenced authorities – lower right corner.</p> <p>Application for this order: None of the small claims forms referenced include “(Small Claims)” in the title.</p> <p><u>Instructions for Applicant section:</u></p> <p>Item 2 – do not need to contact clerk in advance to reserve a hearing date. Clerk will enter the hearing information – Date, Time, Dept, and Room number at the time of issuance.</p> <p>Item 3 – SC-134 is submitted to the Court for issuance, not filed.</p>	<p>Please see previous response on this issue.</p> <p>The committee agrees and has added a citation to Code of Civil Procedure section 708.110 to the footer of forms SC-134 and SC-136.</p> <p>Please see previous response on this issue.</p> <p>The subcommittee is not recommending changes in response to this suggestion because some courts will want the judgment creditor to contact the court to set a hearing date. The judgment creditor can find out when calling the court whether they need to ask for a hearing date or whether the court will enter that information for them.</p> <p>The committee is not recommending changes in response to this suggestion because “file” is the plain language term that describes the action to be taken, and “file” is typically used to describe both filings and submissions when writing instructions for using Judicial Council forms.</p>

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SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>Item 6 – SC-290 Acknowledgement of Satisfaction of Judgment (Small Claims) is also a valid optional form, as is EJ-100 Acknowledgement of Satisfaction of Judgment, if an Abstract was issued. Should provide alternatives if applicable.</p>	<p>The committee agrees that forms EJ-100 and SC-290 should be included when explaining the requirement to file an acknowledgment of satisfaction of judgment. However, instead of revising forms SC-134 and SC-136 to include this information, the committee has deleted this instruction from the form because it is not relevant to understanding how to complete forms SC-134 and SC-136. The committee has instead revised the relevant section of <i>What to Do After the Court Decides Your Small Claims Case</i> (form SC-200-INFO) to include all three options for filing an acknowledgement (forms EJ-100, SC-130, and SC-290).</p>
			<p>SC-136 - Application and Order to Produce Financial Statement or Appear for Examination – Consumer Debt</p> <p>Boxed information for the judgment creditor – consider formatting and providing information as consistent with the SC-134 form (Instructions to the judgment creditor ...)</p> <p>2b(2) second paragraph – incomplete name of the Notice of Entry of Judgment. Should be “Notice of Entry of Judgment (Small Claims)”</p>	<p>The committee agrees and has reformatted the instructions on page 1 of form SC-136 to match the formatting of the instructions on page 1 of form SC-134.</p> <p>Please see previous response on this issue.</p>

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SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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	Commenter	Position	Comment	Committee Response
			<p>Application for this order: None of the small claims forms referenced include “(Small Claims)” in the title.</p> <p><u>Instructions for Applicant section:</u></p> <p>Item 4 – “bring a copy of your completed form” – for clarity identify the form (this form [as stated in Item 5] or SC-136)</p> <p>Item 5 – SC-290 Acknowledgement of Satisfaction of Judgment (Small Claims) is also a valid optional form, as is EJ-100 Acknowledgement of Satisfaction of Judgment, if an Abstract was issued. Should provide alternatives if applicable.</p>	<p>Please see previous response on this issue.</p> <p>The committee agrees and has changed item 4 in the Instructions for Applicant to say, “your completed form SC-136.”</p> <p>Please see previous response on this issue.</p>
			<p>EJ-140-INFO Information on Debtor’s Examinations Regarding Consumer Debt.</p> <p>The form also references SC-136, perhaps adding to the title to identify information may apply to both forms.</p>	<p><i>Note: Due to changes made to form EJ-140-INFO after the public comment period, some of the question numbers on form EJ-140-INFO differ between the comment and the response.</i></p> <p>The committee agrees that it will be helpful for this form to have a SC form number in addition to its EJ form number, and it is now numbered EJ-140-INFO/SC-136-INFO. References to this form on other forms in the AB 1119 proposals have also been revised accordingly.</p>

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SP24-08

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	Commenter	Position	Comment	Committee Response
			<p>Item 2 - Definition of “consumer debt” is buried, suggest moving to first paragraph and bold for emphasis.</p> <p>Item 4 – bullet 2 - No need to obtain a hearing date in advance, the clerk will schedule at the time of issuance. Also, (last paragraph) the form should be submitted for issuance and not “file.”</p> <p>Last sentence – “After you complete ... file.” The form is submitted to the Court for issuance and not filed.</p> <p>Item 5 – bullet 3 – “no later than the time of the hearing.” Staff needs time to review and prepare the calendar. Just as the POS is due “at least 5 days” prior to the hearing for the Claim, [CCP 116.340] it would be consistent to indicate the same time period or offer a sufficient time period to file the proof of service.</p> <p>Item 6 – Need to state a time period for the submission of the Notice to the Court to</p>	<p>The committee agrees has reorganized page 1 of form EJ-140-INFO. The definition of consumer debt is now provided in Question 1, “How can I tell if a judgment concerns consumer debt?” to make it easier for readers to find this information.</p> <p>Please see previous responses on these issues.</p> <p>Please see previous response on this issue.</p> <p>The committee agrees that the information sheet should not give a specific deadline to file the proof of service because there is no statutory deadline to file proofs of service for the forms discussed in the information sheet. Questions 6, 9, and 16 have been revised to say, “You must file the original proof of service with the court. Ask your court if they have a deadline for filing the proof of service.”</p> <p>The committee has revised the first paragraph in Question 7 to include the judgment debtor’s</p>

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	Commenter	Position	Comment	Committee Response
			<p>ensure the document is received prior to the hearing. The determination of assets being exempt from enforcement is a very involved process (Item 16). Are the judgment debtors able to determine what is exempt or will they automatically indicate all of the money and property are exempt? AB 1119 requires the Court to acknowledge receipt of the notice [EJ-143]; suggest that the Court review prior to vacating the hearing, especially if the judgment creditor makes an appearance.</p> <p>Item 7 – Is there a fee associated with the Motion to Require Examination – Consumer Debt? The 15 day time period is calculated based upon the filing with the Court. What if the judgment creditor is not served with the Notice and does not learn of the filing until the day of the hearing?</p> <p>[Item 7] Bullet 1 – “Contact the clerk about setting a hearing.” Is the hearing reserved versus scheduled? No need to contact the clerk regarding the hearing unless reserved. Otherwise, the clerk will schedule at the time of issuance. See item 8 – bullet.</p>	<p>deadline to file and serve <i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143).</p> <p>The procedure described by the commenter—cancelling the examination if the judgment debtor states in their financial statement that all of their income and assets are exempt from enforcement of judgment—is required by the statute (Code of Civil Procedure 708.111(d)).</p> <p>A filing fee is required for the judgment creditor’s motion for examination. (Gov. Code, § 70617(a).) The committee has revised Question 9 to state that the judgment creditor must pay a filing fee when filing <i>Notice of Motion and Motion to Require Examination—Consumer Debt</i> (form EJ-146). The deadline for the judgment creditor to file a motion to require examination is established in Code of Civil Procedure section 708.111(d)(1) and cannot be changed by the Judicial Council.</p> <p>Please see previous response on this issue.</p>

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SP24-08

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	Commenter	Position	Comment	Committee Response
			<p>[Item 7] Bullet 5 - If represented, are both signatures required?</p> <p>Item 8 – bullet 2 - Is electronic service a valid method if the judgment debtor has opted into electronic service and notification?</p> <p>[Item 8] Bullet 4 - The Court secures the hearing date upon filing of the motion. The information sheet indicates the motion does not need to be filed with the Court until after service.</p> <p>Item 8 – Last paragraph - Introduces “judge” but prior reference has been “Court.” Not all small claims Courts have an assigned judge. Some have commissioners – for consistency refer to “Court” or “judicial officer.”</p>	<p>The committee has recommended inclusion of signature lines for both the judgment creditor’s attorney and the judgment creditor on <i>Notice of Motion and Motion to Require Examination</i> (form EJ-146) because Code of Civil Procedure section 708.111(d)(2) requires the “statement of facts showing good cause” for an examination to be signed under penalty of perjury, and the declarant might not be the judgment creditor’s attorney. A separate attorney signature is required to comply with Code of Civil Procedure Section 128.7(a).</p> <p>The committee has revised Question 9 to include information about electronic service.</p> <p>The committee agrees that the information sheet should not say that form EJ-146 must be served before it is filed, and has revised Question 9 to say that “in addition to serving” the form, it must also be filed with the court.</p> <p>The committee agrees and has changed “judge” to “court” in Questions 9, 12, and 19.</p>

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SP24-08

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			<p>Item 9 – second paragraph - first reference to electronic service. Should clarify – if the judgment debtor has opted into and filed EFS-005-CV – Consent to Electronic Service and Notice of Electronic Service Address.</p> <p>Item 10 – “If the Court ordered the judgment debtor to come to Court ... and then canceled the examination for any reason, you cannot file another application until one year from the date you filed your previous application.” The cancellation of the examination is a Court action. It is unclear why the judgment creditor is penalized.</p> <p>Item 13 – AB 1119 states that the affidavit is to be served on the judgment creditor no less than 15 days prior to the date set for examination and if not timely served and files, the Court must continue to conduct the examination.</p> <p>[Item 13] Second paragraph – referenced “judge” see earlier reference to “judge” in item 8.</p> <p>Item 16 – calculating exempt income or assets is a complicated process for a self-represented litigant. Many will default to the “exempt to the extent necessary for the support of the</p>	<p>The committee has revised Question 10 to explain that electronic service may be allowed and directing readers to Code of Civil Procedure section 1010.6 for more information.</p> <p>Code of Civil Procedure section 708.111(d)(7) prohibits the judgment creditor from filing another application for a debtor’s examination of the judgment debtor for one year after the date the previous application was filed.</p> <p>The committee has revised Question 12 to say: “You do not have to appear in court for the examination if you provide your financial information in writing to the judgment creditor and file a notice with the court no later than 15 days before the examination.”</p> <p>Please see previous response on this issue.</p> <p>Please see previous response on this issue.</p>

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SP24-08

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	Commenter	Position	Comment	Committee Response
			<p>judgment debtor and the spouse and dependents of the judgment debtor.”</p> <p>Item 17 – bullets 6 & 7 – clarify if electronic service is a valid method if the judgment debtor has opted into electronic service and notification.</p> <p>[Item 17] Bullet 8 – clarify the “Original” proof of service must be filed with the Court. “No later than the date schedule for the examination” and provide a time frame when the POS should be filed. Staff needs time to review and prepare the calendar. Just as the POS is due “at least 5 days” prior to the hearing for the Claim, [CCP 116.340] it would be consistent to indicate the same time period.</p> <p>Item 18 – should state when the deadline is for clarity.</p> <p>Item 20 – suggest removing or rewording, “typically the Court will tell you and the judgment creditor to go to the hall or another room,” if there is a concern of confidentiality with responses to financial questions.</p>	<p>The committee has revised Question 16 to include information about electronic service.</p> <p>The committee agrees that because the information sheet specifies that the original of other documents must be filed, it should also say that the original proof of service must be filed. Questions 6, 9, and 16 have been revised accordingly.</p> <p>Please see previous response regarding the time to file the proof of service.</p> <p>The committee agrees and has revised the first paragraph of Question 17 accordingly.</p> <p>The committee has revised Question 19 to say, “Then, typically, the court will tell you and the judgment creditor where you can meet privately to conduct the examination.”</p>
			<p>SC-130 – Notice of Entry of Judgment (Small Claims)</p>	

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SP24-08

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	Commenter	Position	Comment	Committee Response
			(Mandatory) Modified 01/01/24 to address medical debt and/or personal debt – consumer debt is a subset of personal debt. Ensure reference to the form is properly identified by the complete title.	Please see previous response on this issue.
			<p>JUD-100 - Judgment</p> <p>This is an optional form – need judicial officer’s determination if a different judgment form is offered.</p>	No response required.
			<p>Anticipated Costs of Proposal</p> <p>The Court anticipates higher costs for litigants and the Court. There will need to be additional hearings scheduled, in which some require appearances and others are vacated. Also, there is no indication as to when the EJ-143 - Notice of Financial Statement – Consumer Debtor should be served upon the judgment creditor and filed with the Court. If filed with sufficient notice, the Court may be able to reuse the calendar slot. AB 1119 states that the affidavit is to be served to the judgment creditor no less than 15 days prior to the date set for examination and if not timely served and filed, the Court must continue to conduct the examination.</p>	<p>The committee appreciates the response.</p> <p><i>Notice of Financial Statement—Consumer Debt</i> (form EJ-143) must be filed with the court no later than 15 days before the date of the examination. (Code Civ. Proc., § 708.111(c).) This deadline is stated on form EJ-143; in the “Notice to Judgment Debtor” on <i>Application and Order to Appear for Examination—Consumer Debt</i> (form EJ-141) and <i>Order to Produce Financial Statement or Appear for Examination—Consumer Debt</i> (form SC-136); and on <i>Information on Debtor’s Examinations Regarding Consumer Debt</i> (form EJ-140-INFO).</p>

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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

	Commenter	Position	Comment	Committee Response
			<p>Furthermore, if the judgment debtor submits a notice claiming all their money and property are exempt, the Court is required to vacate the hearing. There does not seem to be any review and determination from the judicial officer if the assets are truly exempt. AB 1119 requires the Court to acknowledge receipt. It is unclear if a line-item entry on the Register of Actions is sufficient. It places an undue burden on the judgment creditor to object by filing an EJ-146 - Notice of Motion and Motion to Require Examination – Consumer Debt and causes additional hearings.</p>	<p>The procedure described by the commenter—cancelling the examination if the judgment debtor states in their financial statement that all of their income and assets are exempt from enforcement of judgment, and requiring the judgment creditor to object by filing a motion to require examination—is required by the statute (Code of Civil Procedure 708.111(d)).</p>
			<p>Anticipated Time to Implement Proposal</p> <p>The Court anticipates it will take approximately four months to draft, publish, and implement the revised procedures. The Court will need to establish and educate a small claims working group to review the existing procedures for issuance of a SC-134 – Application and Order to Produce Statement of Assets and to Appear for Examination and modify as appropriate to address any changes to the 2025 version of the form; develop a related procedure for the SC-136 – Application and Order to Produce Financial Statement or to Appear for Examination – Consumer Debt.</p>	<p>The committee appreciates the response. AB 1119’s procedures apply to judgments entered on or after January 1, 2025, so the forms in this proposal must take effect on that date.</p>

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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

	Commenter	Position	Comment	Committee Response
			<p>The Court anticipates it will take approximately one month to train staff and external partners on the new procedures.</p> <p>The Court anticipates it will take approximately six months to configure and test its Case Management System to comply with the new procedures. Configuration and testing to permit submission electronically or conventionally of the forms involves two systems. The Court would need to modify the system generated Notice of Entry of Judgment form to add items in #10; need to create additional Doc codes to correspond to the new forms; need to create specific hearing codes (motion to require examination and OSC); modify the Calendar Slot Management for each small claims judicial officer; create unique minute codes for the hearings; and need ability to track one year from the cancellation of a judgment debtor examination from the date of the previous application. The Court may consider adding a case flag re: Consumer Debt to alert staff that Claim involves Consumer Debt and to apply the appropriate process when judgment creditor is applying for an application and order to appear for examination.</p>	

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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

	Commenter	Position	Comment	Committee Response
			<p>Assessment of Proposed Three Month Implementation Period</p> <p>The Court does not believe that three months from Judicial Council approval of the proposal until its effective date provides sufficient time to implement. Eight to ten months would be ideal to implement the proposals.</p>	<p>The committee appreciates the response. AB 1119’s procedures apply to judgments entered on or after January 1, 2025, so the forms in this proposal must take effect on that date.</p>
			<p>Impact of the Proposal on Courts of Varying Sizes</p> <p>It is hard to determine how the proposal would work in courts of different sizes because the extent of the impact will depend on the volume of filings. Courts will likely see an increased number of calendared events and need more time for judicial consideration, which will impact operations.</p>	<p>The committee appreciates the response.</p>
4.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	<p>Q: Does the proposal appropriately address the state purpose?</p> <p>A: Yes.</p>	<p>The committee appreciates the response.</p>
			<p>Q: 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</p>	<p>The committee appreciates the response.</p>

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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

	Commenter	Position	Comment	Committee Response
			<p>docket codes in case management systems, or modifying case management systems?</p> <p>A: Updating case management system and internal procedures to include new/revised forms and training business office and courtroom staff.</p>	
			<p>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>A: Yes, provided the final versions of the forms are provided to the court at that time. This will ensure that the court is able to provide training to staff and update its case management system and internal procedures.</p>	<p>The committee appreciates the response.</p>
			<p>Q: How well would this proposal work in courts of different sizes?</p> <p>A: It appears that the proposal would work for courts of all sizes.</p>	<p>The committee appreciates the response.</p>

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

SP24-08

Civil Practice and Procedure: Implementation of Assembly Bill 1119 in Small Claims Cases (Approve forms EJ-140-INFO and SC-136; revise forms JUD-100, SC-130, SC-134, SC-200, and SC-200-INFO)

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

	Commenter	Position	Comment	Committee Response
			<p>SC-134: Propose adding language regarding Code of Civil Procedure section 708.150 (AB1580 (2021)) to the form. This would be consistent with the language on page three of Application and Order for Appearance and Examination (JC Form #EJ-125).</p>	<p>Adding the complete Code of Civil Procedure section 708.150 notice to form SC-134 is beyond the scope of the current proposal because it would require public comment. However, the committee has revised form SC-134 to include the notice, “If the judgment debtor is a corporation, partnership, or other organization, they should read the notice on page 3 of form AT-138/EJ-125.” This notice is located under item 1 on page 1 of the form.</p> <p>The committee will consider adding the complete Code of Civil Procedure section 708.150 notice to form SC-134 as time and resources permit.</p>

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: August 30, 2024

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

Title of proposal: Family Law: Adoption Forms

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

Adopt form ADOPT-203; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-230, and ADOPT-310

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and e-mail): Kerry Doyle, 415-865-8791, kerry.doyle@jud.ca.gov

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

Annual agenda approved by Rules Committee on (date): October 26, 2023

Project description from annual agenda:

Item 1(e)

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 act only where necessary to allow courts to implement the legislation efficiently.

AB 1650 (Patterson) Family law proceedings: custody, parentage, and adoption (Stats. of 2023, Ch. 851)

Requires, in an adoption proceeding, each petitioner to inform the court in writing using specified Judicial Council forms, whether the petitioner has entered, or has agreed to enter, into a postadoption contact agreement with any person or persons.

Item 5. Revision of Adoption Forms. Revisions to adoption forms will be required if AB 1650 and AB 20 are signed by the Governor (see pending legislation above, items 1e and 1h). The committee has prioritized developing a separate form for stepparent adoptions because these adoptions have different requirements and the current single form for all adoption types is confusing. The committee also plans to develop an information sheet to provide guidance on understanding and using the different adoption forms.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

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

Additional Information for JC Staff

- **Director Approval** (required for all invitations to comment and reports)
This report or invitation to comment was
 - reviewed by EGG on (date) 6/21/24; 8/20/24
 - approved by Office Director (or Designee) (name) Audrey Fancy on (date) August 21, 2024

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **Form Translations** (check all that apply)

This proposal:

- includes forms that have been translated.
- includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
- includes forms that staff will request be translated.

- **Form Descriptions** (for any report with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-160

For business meeting on September 20, 2024

Title

Family Law: Adoption Forms

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Adopt form ADOPT-203; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-230, and ADOPT-310

Effective Date

January 1, 2025

Date of Report

August 19, 2024

Recommended by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulseley, Chair

Contact

Kerry Doyle, Attorney
415-865-8791
kerry.doyle@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting one new form and revising six forms to simplify, clarify, and provide additional guidance necessary during the adoption process for all adopting parents, and their counsel if represented. The committee further recommends revising the adoption request form to conform to Assembly Bill 1650 (Patterson; Stats. 2023, ch.76), which requires that the petitioner inform the court, in writing, whether the petitioner has entered, or has agreed to enter, into a postadoption contact agreement.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2025:

1. Adopt *Stepparent Adoption Request* (form ADOPT-203) as an adoption request form to be used only for stepparent adoptions and stepparent adoptions to confirm parentage;
2. Revise *How to Adopt a Child in California* (form ADOPT-050-INFO) to clarify the specific procedures necessary to finalize distinct types of adoptions, provide additional information

and links to adoption resources available on the California Courts Self-Help Guide, and to reference the new separate form for stepparent adoptions;

3. Revise *Adoption Request* (form ADOPT-200) to remove items related solely to the stepparent adoption process and reconfigure the section on consents and termination of parental rights;
4. Revise *Adoption Agreement* (form ADOPT-210) to clarify where an adopting stepparent should sign this form and to include language for adopting parents' signatures added during a remote hearing;
5. Revise *Adoption Order* (form ADOPT-215) to include proper notification language and to clarify language pertaining to adoptions where a parent or parents maintain their parental rights;
6. Revise *Adoption Expenses* (form ADOPT-230) to add instructions regarding which costs should be listed and remove expense categories to allow filers to comply with Family Code section 8610, which requires the itemization of each payment, not each type of service; and
7. Revise *Contact After Adoption Agreement* (form ADOPT-310) to add language referring to all types of siblings who could potentially be a party to the agreement, and include instructions indicating that a copy of the agreement must be provided to all adult parties within 30 days.

The proposed new form and the revised forms are attached at pages 11–35.

Relevant Previous Council Action

The *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) were adopted by the Judicial Council in October 1998 as part of a proposal for mandatory uniform adoption forms for all minor children subject to adoption proceedings.

Also in 1998, the Judicial Council adopted a rule of court and several forms, including what is now numbered as California Rules of Court, rule 5.451 and *Contact After Adoption Agreement* (form ADOPT-310) to implement procedures for “kinship” adoption agreements, which allowed for ongoing contact between adopted children and their birth relatives. All references to “kinship adoption agreement” were revised to “postadoption contact agreement” based on legislative changes in 2001. Forms ADOPT-200 and ADOPT-215 were revised in April 2001 to provide information on postadoption contact. Form ADOPT-310 was updated effective January 1, 2002, with a table employing icons to signify the type of postadoption contact agreed upon by the parties, and effective January 1, 2024, it was revised to correct an erroneous code citation and to reconfigure the table to facilitate accessibility for screen readers.

The council adopted the information sheet *How to Adopt a Child in California* (form ADOPT-050-INFO) in 1999 to provide basic information on the adoption process.

Form ADOPT-230 was adopted with the other adoption forms in 1998, but its original title was *Accounting Report—Adoptions*. By 2002, it had been renamed *Adoption Expenses*. The form has been revised multiple times to account for legislative changes and plain-language improvements and was last revised with an effective date of January 1, 2007.

Effective January 1, 2021, forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215 were revised in response to two important pieces of legislation affecting international adoptions and adoptions of children born to gestational surrogates in states that do not recognize both intended parents on the child’s birth certificate.

Effective January 1, 2024, form ADOPT-050-INFO was revised to clarify the steps necessary for a stepparent adoption to confirm parentage, and *Adoption Request* (form ADOPT-200) was revised to respond to new legislation.

Analysis/Rationale

California law sets forth the procedures for four categories of adoptions. Within each category, there are subcategories of adoption types, each of which has unique requirements. They are as follows:

- Agency Adoptions (Fam. Code, § 8700 et seq.)
 - Nondependent child
 - Relative
 - Nonrelative
 - Dependent child or nonminor dependent
- Independent Adoptions (Fam. Code, § 8900 et seq.)
 - Relative
 - Nonrelative
- Intercountry Adoptions (Fam. Code, § 8900 et seq.)
 - International
 - Re-adoption of child adopted outside of the U.S.
- Stepparent Adoptions (Fam. Code, § 9000 et seq.)
 - Adoption of spouse/domestic partner’s child
 - Adoption to confirm parentage (Fam. Code, § 9000.5)

Since the form was adopted in 1998, all four of these adoption types have been initiated using form ADOPT-200, *Adoption Request*. The committee now recommends the adoption of the new mandatory *Stepparent Adoption Request* (form ADOPT-203), to be used only for stepparent adoptions, including stepparent adoptions to confirm parentage. The committee further recommends removing all items that specifically reference the stepparent adoption process from form ADOPT-200. The committee further recommends revisions to the remainder of the

adoption forms to respond to concerns expressed by self-help attorneys, courts, and stakeholders.¹

Assembly Bill 1650 (Patterson; Stats. 2023, ch.76) made several changes to the Family Code relating to custody, parentage, and adoption. Revisions to Family Code section 8616.5 require that the petitioner inform the court, in writing, whether a contact after adoption agreement has or will be entered. This section further requires that before the finalization of the adoption, the petitioner must file the agreement with the court and provide a file-marked copy of the form to all signatories of the agreement within 30 days of receipt of the filed-marked copy. These changes require minor changes to form ADOPT-310.

Proposed adoption of new form and form revisions

How to Adopt a Child in California (form ADOPT-050-INFO)

The current version of this information sheet lists the forms that need to be completed to start the adoption process and to prepare for the final hearing. The committee recommends adding information that helps an adoptive parent determine what type of adoption they are filing, what agency will be handling their home-study or investigation, and information that there may be additional forms and processes necessary based upon the participation of the parent who is not filing or joining in the adoption request.

The committee also recommends additional guidance and definitions within this form if the child may be of Native American ancestry.

The committee recommends revising the section pertaining to “Open” adoption to refer to the *Contact After Adoption Agreement*. This section will now include the purpose and use of the form when it should be filed (in accordance with the provisions of AB 1650), and who are or can be parties to this agreement.

Adoption Request (form ADOPT-200)

The committee recommends revising this form to remove all information related to the filing of a Stepparent Adoption; this information will be contained within the new form ADOPT-203. The committee also recommends significant changes to the items relating to consent and termination of parental rights. These questions have been replaced with an instruction box on page one of the form and an additional information box on page 4. There is also a reference to information to

¹ As part of the development of this proposal, the advisory committee sought the input of staff attorneys at court self-help centers, the Academy of California Adoption Lawyers (ACAL), court clerks, judicial officers beyond those on the committee, and the California Department of Social Services (CDSS). The self-help centers identified stepparent adoptions as both the most common adoption types for which they provide assistance and the ones having the most confusing processes for self-represented litigants. This proposal includes a new *Stepparent Adoption Request* (form ADOPT-203).

The self-help centers and court clerks also pointed out the numerous continuances required when self-help litigants arrived at court without the statutorily required pleadings and documents, depending on the status of the birth parent. The committee is proposing extensive changes to *How to Adopt a Child in California* (form ADOPT-050-INFO) to help inform self-represented litigants of all the necessary requirements to proceed with an adoption request.

consult the Judicial Council’s Self-Help Guide to the California Courts, and that there may be additional paperwork necessary to proceed.

The committee also recommends revising the form so that the assertions made by the adopting parents are placed at the beginning of the form, and removing the names of birth parents as they are not required to be contained within the petition. These proposed changes may also eliminate misunderstandings about who qualifies as a person with parental rights, rather than referring to them as birth parents.

The committee recommends adding a question to item 12 to determine whether and when a *Contact After Adoption Agreement* (form ADOPT-310) will be filed. This language includes additional options that comply with Family Code section 8714.5 for dependent child agency adoptions and Welfare and Institutions Code section 16002 for contact between siblings, and that the form must be filed before the adoption hearing.

Stepparent Adoption Request (form ADOPT-203)

The committee recommends adopting this new form, which will only be used for stepparent adoptions, including those filed to confirm parentage. This will eliminate any confusion for the court, court clerk, or self-represented litigants since much of the information contained in the current version of form ADOPT-200 is not applicable to stepparent adoptions. This new form will only be used for stepparent adoptions, and all items pertain to stepparent adoption or to confirm parentage only.

Adoption Agreement (form ADOPT-210)

The committee recommends revising this form and adding language to clarify that the signature line at item 4, which is for one adopting parent, is also where a stepparent would sign the form. This will clarify where an adopting stepparent would sign this form. Also recommended are additional boxes and language under item 9 to allow for the signing of the form by adopting parents who appear remotely (in 9c) or outside of the hearing (in 9a).

Adoption Order (form ADOPT-215)

The committee recommends adding language within item 6 that includes the assertion that proper notice to all persons with actual or possible parental rights has been provided, and their voluntary or nonvoluntary participation is documented in the court file. This language was not contained in the prior form versions. The committee also recommends including language that allows the court to identify any persons with parental rights who agree to this adoption and who will maintain their existing parental rights, and who have executed an agreement waiving termination of parental rights. This language applies to all adoptions pursuant to Family Code section 8617(b) and which could be applicable for those adoptions with more than one additional parent, and would not apply to those situations where a person with parental rights either signed a consent to the adoption or where their parental rights were terminated.

Adoption Expenses (form ADOPT-230)

The committee recommends that item 3 of this form be revised to allow the adopting parent to write in all types of services provided as well as the ability to include more than one payee for a particular service. The existing form only allows one entry per service, such as attorney fees or medical care. The recommended form changes allow for the inclusion of many professionals who have provided the same service, such as different doctors, and more than one attorney. Typically, there are legal fees for the adoptive parent and separate legal fees for the birth mother or father. This will allow the adoptive parent to comply with Family Code section 8610 that requires the itemization of each payee, not just each type of service.

The committee also recommends that the instructions for item 3 include examples of the types of services that need to be listed, such as court filing fees, pregnancy expenses, and counseling.

Contact After Adoption Agreement (form ADOPT-310)

The committee recommends including language to describe the different types of siblings who may want to maintain contact and become a party to this agreement. This includes siblings who may be dependents and currently in foster care, or nonminor dependents who are over 18 years of age and continue in extended foster care. The committee also recommends including language to alert siblings that there is an additional form available through the California Department of Social Services (DSS) that can be signed by each sibling. It can be used in the event this agreement becomes unenforceable and the siblings want to maintain contact. The committee recommends including the website address and the DSS form numbers on this form.

The committee further recommends the addition of language on page 2 in the Notice box that provides instructions that the adopting parents must file this form before the adoption finalization hearing and that within 30 days of the filing of the form they must provide a file-marked copy to each person who signed the agreement and to any licensed adoption agency that placed the child for adoption or consented to the adoption.²

Policy implications

This proposal responds to Judicial Branch Goal I: Access, Fairness, Diversity, and Inclusion; and Goal IV: Quality of Justice and Service to the Public. The committee is recommending a dedicated form for stepparent adoptions and stepparent adoptions to confirm parentage, as these are processes that are widely undertaken by self-represented adopting parents. The dedicated form will allow self-represented litigants to pursue these types of adoptions without having to sort through multiple requirements and additional forms that do not apply to this type of adoption. This will improve both access to the court process and the quality of the forms for the public seeking this type of adoption.

² Fam. Code, § 8616.5(m)(2)(B).

In addition, the proposal responds to recent legislative changes in AB 1650. The committee's recommendations are designed to ensure that court rules, forms, and processes are consistent with the legislative requirements presented in the Family Code.

Comments

The proposal was circulated for comment from March 29 to May 3, 2024, and received comments from six commenters. Three commenters agreed with the proposals as written, two agreed if modified, and one did not indicate a position. Comments were received from four superior courts, a county bar association, and the Family Law Section of the California Lawyers Association. The comments were all supportive of the proposal and several commenters provided minor recommendations for revisions to the forms, most of which were accepted and incorporated into the proposal.

In addition to the comments discussed below, the substantive comments and feedback largely indicated that the implementation of the new *Stepparent Adoption Request* (form ADOPT-203) will greatly benefit litigants by providing them with a clear and distinct petition tailored to their circumstances. The proposal will also enhance clarity and efficiency in the adoption process, ultimately benefiting both litigants and court personnel.

A chart with the full text of the comments received and the committee's responses is attached at pages 36–50.

***How to Adopt a Child in California* (form ADOPT-050-INFO)**

Comments received suggested (1) including directives to fill out the forms only in blue or black; (2) specifying the amount of the filing fee and how that is set; (3) rewording language on page 2, under the note after petition to terminate parental rights, to state: In some courts, this can be filed within the adoption case but in other courts it is a separate court action; and (4) that the adoptive parent or their legal representative should receive a copy of the filed forms and an instruction to complete form VS-44, a California Department of Social Services form used to produce the amended new birth certificate at the time of the final hearing.

Although the committee initially agreed to include language to complete the forms using blue or black ink only, the committee has now determined it may not be necessary. Upon review of the California Rules of Court, rule 2.106, which states that the font on papers presented for filing must be black or blue-black, as well as rule 2.118, which states that a clerk may not reject a filing that is in handwriting in a color other than black or blue-black, the committee has decided not to include the proposed language. The remainder of the above suggestions were accepted and incorporated into the revisions the committee is recommending.

Another commenter suggested that where the filing fee is mentioned within this document, to include language to alert the adoptive parents that a fee waiver may be sought. While the committee appreciates this suggestion, it is unclear whether this will create the need for an entirely separate paragraph within the form to include information, hyperlinks to the self-help website on when and how to file a request for a fee waiver—and the possibility of the additional

opportunity to request fee waivers for court investigations—and other costs that may be associated with an adoption request. The committee carefully considered this request and included the actual filing fee for forms ADOPT-200 and ADOPT-203, and stated that the filing fee is set by the Health and Safety Code.

Adoption Request (form ADOPT-200)

In response to a request in the invitation to comment for input as to whether there should be space on the request forms for more than two adoptive parents' names, some commenters suggested including instructions to attach a sheet of paper to be used for any additional adoptive parents listed in item 1. A few typographical errors were also highlighted. All these suggestions and corrections were implemented.³

Three commenters suggested leaving in the child's name after the adoption is finalized. One large court stated that they use the child's new name to initiate the case in its case management system, and another large court stated that the information is used by the court to refer to the child throughout the life of the case. One commenter did not state a reason for their suggestion.

The committee initially determined that the name the child will have after the adoption should not be included in form ADOPT-200 and that pursuant to relevant Family Code sections, the name is not required to be included. After careful consideration of the comments received about how some courts use the child's adoptive name for case management purposes, the committee determined that leaving the option of including the child's name after the adoption could be helpful, and therefore this information will remain in form ADOPT-200.

One comment suggested that the information regarding the birth parents' names not be removed from the form. The commenter explained that their court uses the names of the birth parents to verify court-received consents. The committee carefully considered this suggestion and determined that removing the names of the birth parents will reduce the possibility for confusion in instances where the listed individuals may not meet the statutory requirements of the term "birth parent," and thus would not be required to sign a consent or other documentation. Because the court receives supplemental information, such as reports and investigations, which identifies any persons who have or may have parental rights and what types of documentation or consents are necessary, the committee determined that there would be sufficient information in the file for the court to decide whether the court had received the appropriate consents.

The committee also reviewed the relevant family law statutory language regarding the information required to be provided within the requests for adoption—including Family Code sections 8802(d), 8714(d), 8912(b), and 9000(c)—which favors limiting information that can be

³ The committee is also recommending the same instruction regarding more than two adoptive parents at item 1 on forms ADOPT-203, ADOPT-210, and ADOPT-230; a similar instruction on ADOPT-210 at items 7 and 8; that an additional signature line for adoptions where there are more than two adopting parents be added to forms ADOPT-200, ADOPT-210, and ADOPT-230; and that the option for a third parent be added to the order form ADOPT-215 at item 1.

contained within the caption and body of form ADOPT-200. Although the names of the birth parents are not prohibited to be provided within the requests for adoption, their names are not required to be included.

The committee also included informational boxes within the request for adoption form as well as within form ADOPT-050-INFO to alert prospective adoptive parents of these possible birth parents or other determinations of those who may have parental rights. The form also includes hyperlinks to the Judicial Council's Self-Help Guide to the California Courts on parentage and adoption procedures.

A large court suggested that the committee consider leaving in the hearing box on the face of the adoption request. The commenter stated that their county completes this box at the time the adoption request is filed, and removing it will impact their adoption case initiation process in their juvenile court. The committee noted that before the distribution of the request for comment, it reached out to adoption professionals who indicated that the hearing is not typically set at the time of filing this form, except in some adult adoptions. The committee carefully reviewed the statutory requirements for information to be included in the requests for adoption either by the adoptive parents or the court, and there is no requirement that the information contained within the hearing box be included. However, the committee recommends leaving in the hearing box and any court that utilizes this hearing box information will be able to do so.

Adoption Order (form ADOPT-215)

The committee received a question, rather than a comment, which asked if the address of the adoptive parents is needed if the adoptive parents have an attorney representing them. While the committee appreciates this question, this question is outside the scope of the proposed changes and modifications during this review cycle. Additionally, such a change would require additional public comment and therefore the committee determined that it may seek to address this comment in a future proposal.

Alternatives considered

The committee considered not making any changes to the forms. However, the committee concluded that a separate form would assist parties, the courts, and self-help center staff by simplifying the process of a frequent adoption request and one that is often pursued by self-represented litigants. The commenters were supportive of a separate form for stepparent adoptions and stepparent adoptions to confirm parentage.

The committee also considered developing a new information sheet specific to stepparent adoptions, but instead added significant new material and clarifications to the current form ADOPT-050-INFO so that all the information would be contained on one form. The committee also considered adding information to form ADOPT-050-INFO regarding remote hearings to finalize adoptions but concluded that it would be too confusing to include information about remote hearings while also ensuring self-represented litigants bring the required documents to the court hearing when it is held in person.

Fiscal and Operational Impacts

Three commenters indicated that the proposal does not appear to provide any cost savings. Two commenters indicated that the proposal would require one-to-two or two-to-four hours of training for judicial officers and court staff.

The committee anticipates that this proposal will require courts to train court staff and judicial officers on the newly adopted and revised forms. Courts may also incur costs to incorporate the forms into the paper or electronic processes.

The committee received information from the self-help centers before this proposal, which alerted the committee that on a regular basis the self-help centers were required to assist self-represented litigants with their adoption requests and with additional documentation such as consents and termination of parental rights. This includes help in completing forms, making corrections, and follow-up after their request was denied or continued by the court for lack of sufficient documentation. The committee anticipates that a separate stepparent adoption form will alleviate many of the issues self-litigants face and lessen the workload of the self-help centers. The committee also anticipates that by including more information in form ADOPT-50-INFO about the necessary paperwork, the number of continuances granted to gather the correct paperwork will decline.

Attachments and Links

1. Forms ADOPT-050-INFO, ADOPT-200, ADOPT-203, ADOPT-210, ADOPT-215, ADOPT-230, and ADOPT-310, at pages 11–35
2. Chart of comments, at pages 36–50
3. Link A: Assembly Bill 1650,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1650

General Information on Adoptions

Before you begin

Seek legal advice about your family's options before beginning any adoption. Every family is different and adoption may not be necessary for some families. Visit the Self-Help Guide to the California Courts adoption page to get copies of adoption forms, look for organizations that provide legal help with adoptions, and learn how to complete the adoption process on your own if you do not have a lawyer: www.courts.ca.gov/selfhelp-adoption.htm. You can also get copies of adoption forms at your local court clerk's office.

What type of adoption will you be filing? In California there are several kinds of adoptions. This information sheet provides steps for the following types:

- Stepparent and domestic partnership
- Stepparent and domestic partnership confirmation of parentage
- Independent
- Agency (within the United States) and includes:
 - Agency placement or agency joinder
- Intercountry

For more information and definitions on these types of adoptions, see selfhelp.courts.ca.gov/adoptions.

What department or agency will be handling your home study or investigation?

In most adoptions, a home study or an investigation will be necessary.

- For independent adoptions
 - A regional office of the Department of Social Services (DSS).
 - An adoption agency.
 - For an independent adoption of a newborn, you must also choose an adoption services provider (ASP).

The ASP is an individual or an adoption agency personnel licensed and certified by the State of California. The role of this person is to explain to the birth parent their rights in the adoption process (before "placing" the child with you), and will witness the signing of documents and consent.

There is a listing of all providers who have been licensed as an ASP on the California Department of Social Services website. You can see the list by agency or the list by individual. The ASP will charge a fee. You must pay the fee as the adoptive parent.

- For more information on a home study or ASP, see selfhelp.courts.ca.gov/independent-adoption/placed.
- For stepparent adoptions, the court investigator or a privately hired, licensed clinical social worker or other appropriate licensed individual will be handling your home study or investigation. See selfhelp.courts.ca.gov/stepparent-adoption.

If you need more information about what office or agency can conduct your home study, you can visit the California Department of Social Services website. Find out what paperwork they will need from you and when it must be sent to them once you file your *Adoption Request*.

Documents needed in addition to the *Adoption Request*

For most adoptions, the adopting parent, their legal representative, or the agency will be required to obtain additional signed forms or certified documents. These documents can include:

- Consent or relinquishment for adoption
- Death certificate (if applies)
- Other court orders
- Waiver of notice or denial of parentage

In certain situations additional court proceedings may be necessary. These may include:

- Petition freeing the child from parental custody and control and an order. (Note: This is a separate court action.)
- Petition to terminate parental rights of an alleged parent and an order. (Note: In some courts, this can be filed within the adoption case but in other courts it is a separate court action.)

Each of the above are specific procedures which must be followed based on the determination of the status of the parent. If this is an agency adoption, the agency will obtain the above information for the court.

This paperwork is needed to complete your adoption home-study or investigation.

The status of a parent is based on the relationship of that parent to the child and other factors. For definitions and more information about status of parent and what additional involvement or paperwork is needed, go to selfhelp.courts.ca.gov/adoptions.

Stepparent/Domestic Partner Adoptions

If you wish to adopt the child of your spouse or domestic partner, you may be eligible for a stepparent adoption. There are two types of stepparent adoptions. Answer these questions to figure out which process is right for you:

- ➔ Were you in a union with the child’s legal parent **at the time the child was born** and are you **still in a union** with the legal parent? (A “union” means a marriage, a California registered domestic partnership, or a registered domestic partnership or civil union from another state that is legally equivalent to a marriage.)
- ➔ Did your **spouse or domestic partner give birth to the child** or was the child born through a **gestational surrogacy process** brought about by one or both of you?

If you answered no to **either** question, complete the items below for a **stepparent/domestic partner adoption**.

If you answered yes to **both** questions, complete the items below for a **stepparent adoption to confirm parentage**.

1 Fill out court forms

- | | | |
|---------------|---|--|
| • ADOPT-203 | <i>Stepparent Adoption Request</i> | This tells the judge about you and the child you are adopting. |
| • ADOPT-210 | <i>Adoption Agreement</i> | This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it. |
| • ADOPT-215 | <i>Adoption Order</i> | The judge signs this form if your adoption is approved. |
| • ICWA-010(A) | <i>Indian Child Inquiry Attachment</i> | This lets the judge know that you have asked whether the child may be an Indian child. |
| • ICWA-020 | <i>Parental Notification of Indian Status</i> | One form is required for each birth parent. This shows that the child’s parents have been asked about potential Indian status. |

Additional Forms for Stepparent Adoption to Confirm Parentage

- | | | |
|--|--|--|
| • ADOPT-205 (or an equivalent declaration) | <i>Declaration Confirming Parentage in Stepparent Adoption</i> | This tells the court how you conceived your child and whether there are any other parents. Only use this if you are seeking a stepparent adoption to confirm parentage. See above for more information on this type of adoption. Both the birth parent and the adopting parent must complete a separate declaration. |
|--|--|--|

-OR-

- | | | |
|--|---|--|
| • ADOPT-206 (or an equivalent declaration) | <i>Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy</i> | This tells the court how you conceived your child and whether there are any other parents. Only use this if you are seeking a stepparent adoption to confirm parentage because the child was conceived through a gestational surrogate and was born outside of California, and the state where the child was born only allowed one intended parent to be named as a legal parent on the child’s birth certificate. |
|--|---|--|



2 Take your forms to court

Take the completed forms to the court clerk in the county where you live. The court will charge a \$20 filing fee (set by Health and Safety Code section 103730). Or take the forms to your lawyer or adoption agency, if you are using one. If there is no hearing, form ADOPT-210 must be signed in front of the court clerk or a notary.

Note: In a stepparent adoption to confirm parentage, no home investigation or hearing is required unless ordered by the court for good cause. Sign form ADOPT-210 in front of a notary or the court clerk when you file the forms and a judge will review your request. If the paperwork is complete and you meet the requirements, the judge will sign the *Adoption Order* (form ADOPT-215) and the adoption is complete. You and your attorney will receive copies. If the judge orders an investigation and hearing, go to the next steps.

3 An investigation is completed

In most stepparent adoptions an investigation or a report must be completed before the final hearing. This will be completed by either someone you identified in the request or who was ordered by the court. To begin the investigation you will be required to send the *Adoption Request* and supporting documentation to the investigator. A home visit may also be required.

4 Go to court on the date of your hearing

Bring:

- The child you are adopting;
- Form ADOPT-210;
- Form ADOPT-215;
- A camera, if you want a photo of you and your child with the judge (*optional*); and
- Friends/relatives (*optional*).
- California Department of Social Services form VS-44 may be needed (see selfhelp.courts.ca.gov/stepparent-adoption/prepare-lodge-forms).

Independent or Agency Adoptions in the United States

If this is an independent or agency adoption in the United States, complete items 1 through 4 below.

Note: The rights of the existing parents usually terminate with adoptions. In an independent adoption, if the existing and adopting parents agree, the rights of the existing parents do not have to be terminated. See Family Code section 8617(b).

1 Fill out court forms

- | | | |
|----------------|---|--|
| • ADOPT-200 | <i>Adoption Request</i> | This tells the judge about you and the child you are adopting. |
| • ADOPT-210 | <i>Adoption Agreement</i> | This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it. |
| • ADOPT-215 | <i>Adoption Order</i> | The judge signs this form if your adoption is approved. |
| • ADOPT-230 | <i>Adoption Expenses</i> | This lets the judge know what payments were made that relate to the child you are adopting. |
| • ICWA-010(A)* | <i>Indian Child Inquiry Attachment</i> | This lets the judge know that the required questions have been asked to determine whether the child may be an Indian child. |
| • ICWA-020* | <i>Parental Notification of Indian Status</i> | One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status. |

*The agency or adoption service provider is responsible for getting these forms completed and making them part of the adoption file for adoptions under the Welfare and Institutions Code; other evidence, including court orders regarding ICWA may be necessary.



2 Take your forms to court

Take the completed forms to the court clerk in the county where you live. The court will charge a \$20.00 filing fee (set by Health and Safety Code section 103730). Or take the forms to your lawyer or adoption agency, if you are using one.

3 The social worker writes a report

In most adoptions, a social worker writes a report. This report gives important information to the judge about the adopting parents and the child. The social worker will ask you questions. You may have to fill out forms. You may be required to pay a fee for this report. The social worker will file the report with the court and send you and your attorney a copy. When you get the report, ask the clerk for a date for your adoption hearing.

4 Go to court on the date of your hearing

Bring:

- The child you are adopting;
- Form ADOPT-210;
- Form ADOPT-215;
- Form ADOPT-230;
- A camera, if you want a photo of you and your child with the judge (*optional*); and
- Friends/relatives (*optional*).

Intercountry Adoptions

If this is an intercountry (international) adoption, complete items 1 through 6 below.

Note: You must follow this process to adopt your child under California law, even if the adoption was previously finalized in a foreign country. If the child's adoption was finalized in a foreign country, you must file the *Adoption Request* within the earlier of 60 days of the child's entry to the United States, or the child's 16th birthday.

1 Fill out court forms

- | | | |
|---------------|---|--|
| • ADOPT-200 | <i>Adoption Request</i> | This tells the judge about you and the child you are adopting. |
| • ADOPT-210 | <i>Adoption Agreement</i> | This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it. |
| • ADOPT-215 | <i>Adoption Order</i> | The judge signs this form if your adoption is approved. |
| • ADOPT-230 | <i>Adoption Expenses</i> | This lets the judge know what payments were made that relate to the child you are adopting. |
| • ICWA-010(A) | <i>Indian Child Inquiry Attachment</i> | This lets the judge know that you have asked whether the child may be an Indian child. |
| • ICWA-020 | <i>Parental Notification of Indian Status</i> | One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status. |

2 Postadoption or postplacement visits and reports

If the child's adoption was finalized in a foreign country, there will be at least one postadoption visit provided by the international adoption agency. The report of this visit must be submitted to the court as described below. If the child was born in a foreign country and placed with a California family for adoption in this state, the adoption agency must provide postplacement supervision with up to four visits. These reports are also provided to the court.

3 Attach documentation

If the child's adoption was finalized in a foreign country, you must attach the following documents to your *Adoption Request*:

- A certified or otherwise official copy of the foreign decree, order, or certification of adoption that reflects finalization of the adoption in the foreign country;
- A certified or otherwise official copy of the child's foreign birth certificate;
- A certified translation of all required documents that are not written in English;
- Proof that the child was granted lawful entry into the United States as an immediate relative of the adoptive parent or parents;
- A report from at least one postplacement home visit by an intercountry adoption agency or a contractor of that agency licensed to provide intercountry adoption services in the state of California; and
- A copy of the home study report previously completed for the international finalized adoption by an adoption agency authorized to provide intercountry adoption services, in accordance with Family Code section 8900.

4 Take your forms to court

Take the completed forms and any required documents to the court clerk in the county where you live. The court will charge a \$20.00 filing fee (set by Health and Safety Code section 103730). Or take the forms to your lawyer or adoption agency, if you are using one.

5 Provide a copy of the forms and documents

If the child's adoption was finalized in a foreign country, provide a copy of the forms and documentation you filed with the court to any adoption agency that provided services to you for your international adoption.

6 Go to court on the date of your hearing

Bring:

- The child you are adopting;
- Form ADOPT-210;
- Form ADOPT-215;
- Form ADOPT-230;
- A camera, if you want a photo of you and your child with the judge (*optional*); and
- Friends/relatives (*optional*).

Inquiry and Notice Under the Indian Child Welfare Act (ICWA)

- The child and other people in the child's life (parents and extended family members, see definition below) must be asked specific questions in order to determine whether the child may be an Indian child. The *Indian Child Inquiry Attachment* (form [ICWA-010\(A\)](#)) should be attached to the *Adoption Request*. In agency adoptions, it is the responsibility of the agency to ensure that this inquiry is conducted and that the form is made part of the adoption file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible. For more information about the duty of inquiry, see form [ICWA-005-INFO](#).
- Extended family member is defined by law or custom of the Indian child's tribe or, if no law or custom, must be a person who is 18 years or older and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent. (25 U.S.C. § 1903(2)(2).)
- A completed version of *Parental Notification of Indian Status* (form [ICWA-020](#)) for each birth parent should be attached to the *Adoption Request*, OR it should be shown that a good faith attempt was made to provide the form to each birth parent, the Indian custodian, or guardian of the child and inform them that they are required to complete and submit the form to the court. In agency adoptions, it is the responsibility of the agency to ensure that this form is provided to the birth parents and made part of the adoption file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible.



- If there is **reason to believe** that the child is or may be an Indian child, additional inquiry is required. For more information about the duty of inquiry, see form [ICWA-005-INFO](#).
- If, at any time during the proceeding, there is **reason to know** that the child is an Indian child, notice must be provided of the adoption request to the child's tribe or tribes, parents, Indian custodian, and the Bureau of Indian Affairs, using *Notice of Child Custody Proceeding for Indian Child* (form [ICWA-030](#)). This form must be served by registered or certified mail, with return receipt requested.
 - Reason to know a child is an Indian child means that (1) a person having an interest in the child, including the child, informs the court the child is an Indian child; or (2) the child, the child's parents, or Indian custodian lives on a reservation or in an Alaska Native village; or (3) any person, tribe, or organization informs the court that it has discovered information indicating that the child is an Indian child. The court must proceed per rule 5.481(b)(3) of the California Rules of Court.
- If it is determined that the child is an **Indian child** or this is a tribal customary adoption, see Adoption of an Indian Child, below.

Adoption of an Indian Child

If you are adopting an Indian child, fill out and bring to court the following additional forms:

- Adoption of Indian Child* (form ADOPT-220); and
- Parent of Indian Child Agrees to End Parental Rights* (form ADOPT-225).

If this is a tribal customary adoption, a copy of the tribal customary adoption order must be attached to the petition (form ADOPT-200) and the order (form ADOPT-215).

Note: An Indian child who has reached the age of 18 and who was placed for adoption, may apply to the court which entered the final order or decree. That court shall inform that child of their tribal affiliation, if any, of the child's biological parents and provide such other information as may be necessary to protect any rights flowing from the child's tribal relationship. [USC 25, Chpt.21,Section 1917]

“Open” Adoption and Use of *Contact After Adoption Agreement* (Family Code Section 8616.5)

If you want your child to have contact with their birth relatives after the adoption, you can use *Contact After Adoption Agreement* (form ADOPT-310). This form describes the kind of contact the birth relatives will have with your child after the adoption is finalized. If you use this form, fill it out and file this form with the court before the finalization hearing or order of the court. A file-marked copy of this agreement must be provided within 30 days of filing to all adult parties to this agreement and any licensed agency that placed the child or consented to the adoption, and the child, if over the age of 12.

Important: This is a voluntary agreement and is not required for the finalization of the adoption. If you chose to use this form, it will become part of the adoption file and will be enforceable by the court.

The adoptive parents, the child, and the child's birth relatives can agree to continuing contact without using this form, but unless that agreement is in writing and attached to the *Contact After Adoption Agreement* (form ADOPT-310) it may not be enforced by the court if it is not followed.

Birth relatives are birth parents, siblings, and other birth relatives. For Indian children, this can also include the child's Indian tribe.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
ADOPT-200.v23.082024.jh

Instructions

This request must be completed for agency, independent, intercountry, and tribal customary adoptions. For a stepparent adoption or a stepparent adoption to confirm parentage, use [Stepparent Adoption Request \(form ADOPT-203\)](#). Fill out one adoption request for each child to be adopted.

You may also need to provide additional forms, certified documents, or other paperwork to inform the judge of the status of a parent or possible parent who may have parental rights in these proceedings and how that parent will or will not participate in these proceedings.

For more information on the different types of adoptions and how to determine the status of a parent and the documentation that may be required, see form [ADOPT-050- INFO](#), selfhelp.courts.ca.gov/adoptions, or visit your local county court self-help center before filling out this form.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**1 Adopting parents**

- a. Name: _____
- b. Name: _____
- c. Street address: _____
 City: _____ State: _____ Zip: _____
 Telephone number: _____
- d. Relationship to child (if any): _____
- e. Lawyer (if any) (name, address, telephone numbers, email address, and State Bar number): _____

(Note: For any additional adoptive parents, attach a sheet of paper, write "ADOPT-200, Item **1**," and complete a–e.)

2 Hearing is set for:

(To be completed by the clerk of the superior court if a hearing date is available.)



Date: _____ Time: _____ a.m. p.m. Dept.: _____ Room: _____
 Name and address of court if different from above: _____

To the person served with this request: If you do not come to this hearing, the judge can order the adoption without your input.

3 Each adopting parent:

- a. Is at least 10 years older than the child or meets the criteria in Family Code section 8601(b);
- b. Will treat the child as their own;
- c. Will support and care for the child;
- d. Has a suitable home for the child; *and*
- e. Agrees to adopt the child.



Name of adopting parent: _____

Case Number: _____

4 County of filing

This *Adoption Request* is filed in this court because (*check all that apply*):

- a. An adopting parent lives in this county;
- b. The child was born in or the child now lives in this county;
- c. An office of the agency that placed the child or is filing the request for adoption is located in this county;
- d. An office of the department or public adoption agency that is investigating the request is located in this county;
- e. A placing birth parent lived in this county when the adoptive placement agreement, consent, or relinquishment was signed;
- f. A placing birth parent lived in this county when the request was filed;
- g. The child was freed for adoption in this county.

(Note: If the child is a dependent of the court (in foster care), this *Adoption Request* must be filed in the county where the child was freed for adoption or the county where the adopting parents reside. See Family Code sections 8714 and 8714.5). For more information on dependent children, selfhelp.courts.ca.gov/juvenile-dependency.

5 Type of adoption

Check one of the following:

- a. Agency (name): _____ Relative Nonrelative
 Tribal customary adoption (*attach tribal customary adoption order*)
- b. Independent: Relative Nonrelative Additional Parent
- c. Intercountry (name of agency): _____

6 Information about the child

- a. Child's name before adoption (only for independent, intercountry, tribal customary adoption, or dependent child's adoption by a relative (Family Code, § 8714.5):

- b. Gender: Female Male Nonbinary
- c. Date of birth: _____
- d. Child's address (*if different from address of adopting parent or parents*):
Street: _____ City: _____ State: _____ Zip: _____
- e. Place of birth (*if known*): City: _____ State: _____ Country: _____
- f. If the child is 12 or older, does the child agree to the adoption? Yes No
- g. Date child was placed in the physical care of the adopting parent: _____
- h. The child was conceived by assisted reproduction in compliance with Family Code section 7613. Yes No
- i. The child is a dependent of the court. Yes No (If yes, add Juvenile Case No. and County)
Juvenile Case No. _____ County: _____
- j. The child's new name will be: _____



Name of adopting parent: _____

Case Number:

7 Legal guardian

Does the child have a legal guardian? Yes No (If yes, attach *Letters of Guardianship* or fill out below.)

- a. Date guardianship ordered: _____
- b. County: _____
- c. Case number: _____

8 Inquiry and notice under the Indian Child Welfare Act (ICWA)

- a. The inquiry required under law to determine whether the child may be an Indian child has been made, and a completed *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.
Note: In agency adoptions, it is the responsibility of the agency to ensure that this inquiry is conducted and the form is made part of the file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible. For adoptions of a dependent child under the **Welfare and Institutions Code**, other evidence, including court orders regarding ICWA, may be necessary.
- b. A completed version of *Parental Notification of Indian Status* (form ICWA-020) is attached OR a good faith attempt has been made to provide the form to the parents, Indian custodian, or guardian of the child and inform them that they are required to complete and submit the form to the court.
Note: In agency adoptions, it is the responsibility of the agency to ensure that these forms are made part of the file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible.
- c. There is **reason to know** that this child is an Indian child. Notice of the adoption request will be provided to the child's tribe or tribes, parents, Indian custodian, and the Bureau of Indian Affairs, using *Notice of Child Custody Proceeding for Indian Child* (form ICWA-030).

For more information on these requirements and for definitions, see form [ADOPT-050-INFO](#).

9 Adoption of an Indian child

- a. This is an adoption of an Indian child. The adopting parents have filled out and attached *Adoption of Indian Child* (form ADOPT-220) and will bring *Parent of Indian Child Agrees to End Parental Rights* (form ADOPT-225) to the hearing.
- b. This is a tribal customary adoption under Welfare and Institutions Code section 366.24. Parental rights have been modified under and in accordance with the attached tribal customary adoption order, and the child has been ordered placed for adoption.

10 Agency adoption information

- a. The adopting parents have received information about the Adoption Assistance Program, the Regional Center, mental health services available through Medi-Cal or other programs, and federal and state tax credits that may be available.
- b. Joinder is being filed at same time as this *Adoption Request*.
- c. Joinder will be filed.



Name of adopting parent: _____

Case Number:

11 Independent adoption information

- a. The adopting parents will file promptly with the department or delegated county adoption agency the information required by the department in the investigation of the proposed adoption.
- b. A copy of the *Independent Adoption Placement Agreement* from the California Department of Social Services is attached. (This is required in most independent adoptions; see Family Code section 8802.) Yes No
- c. All persons with parental rights agree to the adoption and have signed the *Independent Adoptive Placement Agreement* or consent on the appropriate California Department of Social Services form. Yes No
(If no, list the name and relationship to child of each person who has not signed the agreement form):

- d. This is an independent adoption involving additional parent: Yes No If yes,
 - The following person with existing parental rights agree to this adoption and will maintain their existing parental rights: Name: _____ Relationship to child: _____
 - An agreement waiving termination of parental rights, signed by both the existing parents and the adopting parent is attached.

Note: If a person who may have parental rights has not signed a consent or relinquishment, the adopting parent or parents must obtain other signed documents or file for termination of parental rights or other action.

12 Intercountry and California re-adoption questions

- a. This adoption may be subject to the Hague Adoption Convention (form [ADOPT-216](#) may be required to be filed with this request. See Calif. Rules of Court 5.490-5.493).
- b. This is an adoption conducted under the requirements of the Hague Adoption Convention and the child has already moved with the adopting parents to another Hague Convention member country or will be moving at the conclusion of this adoption.
Child will be moving or has moved to (name of country): _____
Adopting parent: seek(s) a California adoption will be petitioning for a Hague Adoption Certificate
 will be seeking a Hague Custody Declaration.
- c. This is an intercountry re-adoption. The adoption was finalized in another country before the child entered the United States with the adopting parents.
Date the child entered the United States: _____
See form [ADOPT-050-INFO](#) for a list of documents to attach to this *Adoption Request*.

13 Contact after adoption (optional)

- Contact After Adoption Agreement (form [ADOPT-310](#)) (Family Code, § 8616.5)
- a. is attached.
 - b. is attached as required in Family Code section 8714.50 (dependent child agency adoption).
 - c. will be completed as required in Welfare and Institutions Code section 16002 between siblings and filed before the adoption hearing.
 - d. will be filed before the adoption hearing.
 - e. This is a tribal customary adoption. Postadoption contact is governed by the attached tribal customary adoption order.

For more information, see form [ADOPT-050-INFO](#).



Case Number: _____

Name of adopting parent: _____

Additional Information Needed

If there are any other persons who are or may be the child's parent, you will be required to obtain additional forms, submit specified paperwork, and possibly participate in additional court proceedings. Other paperwork or additional court proceedings may be necessary. During the adoption process, you must provide additional documents to the court or the department or agency handling your home study. These documents can include:

- Consent or relinquishment for adoption—properly signed and accepted by court.
- Death certificates, prior court orders, or pending court orders.
- Waiver or denial of parentage—properly signed and accepted by court.

Additional court proceedings can include:

- Filing a petition and order freeing the child from parental custody and control. This is a separate action.
- Filing a petition and order terminating parental rights of an alleged father. This action can be filed within the adoption process.

Important: Seek the advice of an attorney. Refer to form [ADOPT-050-INFO](#), see also <https://selfhelp.courts.ca.gov/adoptions>, or visit your local county court self-help center for more information.


14 Requests to court

- a. The adopting parents ask the court to approve the adoption and to declare that the adopting parents and the child have the legal relationship of parent and child, with all the rights and duties of this relationship, including the right of inheritance.
- b. The adopting parents ask the court to date its order approving the adoption as of an earlier (*date*): _____ for the following reason (Family Code, § 8601.5):


(Enter a date no earlier than the date parental rights were ended.)

- c. This is a tribal customary adoption. The adopting parents ask the court to approve the adoption and to declare that the adopting parents and the child have the legal relationship of parent and child, with all of the rights and duties stated in the attached tribal customary adoption order and in accordance with Welfare and Institutions Code section 366.24.


15 If a lawyer is representing you in this case, the lawyer must sign here:

Date: _____ *Type or print lawyer's name*  _____ *Signature of lawyer for adopting parents*

16 I declare under penalty of perjury under the laws of the State of California that the information in this form and all its attachments is true and correct to my knowledge. This means that if I lie on this form, I am guilty of a crime.

Date: _____ *Type or print your name*  _____ *Signature of adopting parent*

Date: _____ *Type or print your name*  _____ *Signature of adopting parent*

Date: _____ *Type or print your name*  _____ *Signature of adopting parent*

NOTICE—ACCESS TO AFFORDABLE HEALTH INSURANCE: Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality affordable health care. For more information, visit www.coveredca.com, or call Covered California at 1-800-300-1506 (English) or 1-800-300-0213 (Spanish).

Clerk stamps date here when form is filed.

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Not approved by
the Judicial Council
ADOPT-203.v17.082024.jh

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Instructions

Use this form for a stepparent adoption or a stepparent adoption to confirm parentage. If you are adopting more than one child, fill out an adoption request for each child.

For more information on stepparent adoption and how to fill out this form, see form ADOPT-050-INFO and selfhelp.courts.ca.gov/stepparent-adoption.

If there are any other persons who are or may be the child's parent, you will be required to obtain additional forms, submit specified paperwork, and possibly participate in additional court proceedings. You will be required to provide all documentation to the court or the investigator during the adoption process.

For more information, see stepparent adoption in California selfhelp.courts.ca.gov/stepparent-adoption.

1 Adopting parent

- a. Name: _____
- b. Street address: _____
 City: _____ State: _____ Zip: _____
 Telephone number: _____
- c. Lawyer (if any) (Name, State Bar number, address, telephone numbers, email): _____

(Note: For any additional adoptive parents, attach a sheet of paper, write "ADOPT-203, Item ①," and complete a–c).

2 Hearing is set for:

(To be completed by the clerk of the superior court if a hearing date is available.)



Date: _____ Time: _____ a.m. p.m. Dept.: _____ Room: _____
 Name and address of court if different from above: _____

3 The adopting parent

- a. Will treat the child as their own;
- b. Will support and care for the child;
- c. Has a suitable home for the child; *and*
- d. Agrees to adopt the child.

4 County of filing

This *Stepparent Adoption Request* is filed in this court because (check all that apply):

- a. The adopting parent lives in this county;
- b. The child was born in or the child now lives in this county;



Name of adopting parent: _____

Case Number: _____

- 4 c. An office of the department or public adoption agency that is investigating the request is located in this county;
- d. A placing birth parent lived in this county when the consent was signed;
- e. A birth parent who will be retaining custody lived in this county when the request was filed;
- f. The child was freed for adoption in this county.

5 **Type of stepparent adoption (check all that apply):**

- a. The adopting parent is married to or in a registered domestic partnership with the legal parent of a child the adopting parent is seeking to adopt. (*Attach proof of the marriage or domestic partnership.*)
The adopting parent married or entered into a registered domestic partnership with the legal parent on (date): _____
(*For court use only. There is no waiting period.*)
- b. The adopting parent is seeking a stepparent adoption to confirm parentage. At the time the child was born, the adopting parent was married to or in a state-registered domestic partnership with the parent who gave birth or whose parentage was established through a gestational surrogacy process, and we remain in that union. See attached:
- (1) Form ADOPT-205, *Declaration Confirming Parentage in Stepparent Adoption*
 - (2) Form ADOPT-206, *Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy*
 - (3) Declaration describing the circumstances of the child's conception.
- c. This is a stepparent adoption involving an additional parent.
- (1) All persons with existing parental rights agree to this adoption and will maintain their existing parental rights.
 - (2) An agreement waiving termination of parental rights, signed by both the existing parents and the adopting parent, is attached.

6 **Information about the child**

- a. Name before adoption: _____
- b. Gender: Female Male Nonbinary
- c. Date of birth: _____
- d. Address (*if different from address of adopting parent*)
Street: _____ City: _____ State: _____ Zip: _____
- e. Place of birth (*if known*): City: _____ State: _____ Country: _____
- f. If the child is 12 or older, does the child agree to the adoption? Yes No
- g. The child was conceived by assisted reproduction in compliance with Family Code section 7613.

7 **Legal guardian**

- Does the child have a court-ordered guardian appointed? Yes No
(If yes, attach *Letters of Guardianship* or fill out below.)
- a. Date guardianship ordered: _____ b. County: _____ c. Case number: _____

8 **Inquiry and notice under the Indian Child Welfare Act**

- a. The inquiry required under law to determine whether the child may be an Indian child has been made, and a completed *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.



Name of adopting parent: _____

Case Number:

- 8 b. A completed version of *Parental Notification of Indian Status* (form ICWA-020) is attached, OR a good faith attempt has been made to provide the form to the parents, Indian custodian, or guardian of the child and inform them that they are required to complete and submit the form to the court.
- c. There is **reason to know** that this child is an Indian child. Notice of the adoption request will be provided to the child's tribe or tribes, parents, Indian custodian, and the Bureau of Indian Affairs, using *Notice of Child Custody Proceeding for Indian Child* (form ICWA-030).

9 **Adoption of an Indian child**

- a. This is an adoption of an Indian child. The adopting parents have filled out and attached *Adoption of Indian Child* (form ADOPT-220) and will bring *Parent of Indian Child Agrees to End Parental Rights* (form ADOPT-225) to the hearing.
- b. This is a tribal customary adoption under Welfare and Institutions Code section 366.24. Parental rights have been modified under and in accordance with the attached tribal customary adoption order, and the child has been ordered placed for adoption.

10 **Contact after adoption (check any that apply):**

Contact After Adoption Agreement ([form ADOPT-310](#))

- a. is attached
- b. will be filed before the final adoption hearing.
(For more information, see form ADOPT-050-INFO; Family Code section 8616.5)

11 **Investigation or written report (check one):**

The investigation or written report will be completed as follows:

- a. I will choose someone to do an investigation or written report and will pay them directly. I understand that this person must be a licensed clinical social worker, a licensed marriage and family therapist, or work for a licensed private adoption agency.
- b. I would like the court to choose someone to do an investigation. I understand that the court can charge me money for this investigation.
- c. This is an adoption to confirm parentage. No investigation is required unless court-ordered for good cause.

Additional Information Needed

If there are any other persons who are or may be the child's parent, you will be required to obtain additional forms, submit specified paperwork, and possibly participate in additional court proceedings. You must provide additional documents to the court or the investigator during the adoption process. These documents can include:

- Consent or relinquishment for adoption—properly signed and accepted by court.
- Death certificates, prior court orders, or pending court orders.
- Waiver or denial of parentage—properly signed and accepted by court.

Additional court proceedings can include:

- Filing a petition and order freeing the child from parental custody and control. This is a separate action.
- Filing a petition and order terminating parental rights of an alleged father. This action can be filed within the adoption process.

For more information, see: selfhelp.courts.ca.gov/stepparent-adoption.



Name of adopting parent: _____

Case Number: _____


12 Requests to court

a. I or we ask the court to approve the adoption and to declare that the adopting parents and the child have the legal relationship of parent and child, with all the rights and duties of this relationship, including the right of inheritance.


b. I or we ask the court to date its order approving the adoption as of an earlier date (date): _____ for the following reason (Family Code, § 8601.5):


(Enter a date no earlier than the date parental rights were ended.)


13 If a lawyer is representing you in this case, the lawyer must sign here:

Date: _____ *Type or print lawyer's name*  _____ *Signature of lawyer for adopting parent*

14 I declare under penalty of perjury under the laws of the State of California that the information in this form and all its attachments is true and correct to my knowledge. This means that if I lie on this form, I am guilty of a crime.

Date: _____ *Type or print your name*  _____ *Signature of adopting parent*

Date: _____ *Type or print your name*  _____ *Signature of adopting parent*

Date: _____ *Type or print your name*  _____ *Signature of adopting parent*

NOTICE—ACCESS TO AFFORDABLE HEALTH INSURANCE: Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality affordable health care. For more information, visit www.coveredca.com, or call Covered California at 1-800-300-1506 (English) or 1-800-300-0213 (Spanish).

Clerk stamps date here when form is filed.

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the Judicial Council
ADOPT-210.v14.082024.jh

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Adopting parents

- a. Name: _____
- b. Name: _____
- c. Relationship to child (if any): _____
- d. Address (skip this if you have a lawyer): _____
 City: _____ State: _____ Zip: _____
 Telephone number: _____
- e. Lawyer (if any) (name, address, telephone numbers, e-mail address, and State Bar number): _____

(Note: For any additional adoptive parents, attach a sheet of paper, write "ADOPT-210, Item 1," and complete a-e)


2 Information about the child

- Child's name before adoption: _____
- Child's name after adoption: _____
- Date of birth: _____ Age: _____

Signing this form:


- Adoptions usually require a hearing where most signatures on this form must be completed in front of a judge.
- Item 5 may be signed before the hearing.
- If this is a stepparent adoption to confirm parentage involving a spouse or registered domestic partner who gave birth to the child or established parentage over a child born through gestational surrogacy during the union, usually no hearing is required and you may sign this form in front of a proper witness. See item 9a for instructions on having your signature properly witnessed. If the court orders a hearing in this case, you must sign this form at the hearing in front of the judge.
- All other signatures must be signed at a hearing, in front of a judge, unless waived by the judge for good cause.

3 I am the child listed in 2 and I agree to the adoption. (Not required in the case of a tribal customary adoption under Welf. & Inst. Code, § 366.24.)

Date: _____ *Type or print your name*  _____
Signature of child (child must sign if 12 or older; optional if child is under 12)

4 If there is one adopting parent (including stepparent), read and sign:

- I am the adopting parent listed in 1, and I agree that the child will:
 - a. Be adopted and treated as my legal child (Family Code, § 8612(b)) and
 - b. Have the same rights as a natural child born to me, including the right to inherit my estate.

Date: _____ *Type or print your name*  _____
Signature of adopting parent



Name of adopting parents: _____

5 If the adopting parent is married and not separated, the consent of their spouse is required (Family Code, § 8603). Spouse must sign here:

I am married to, or am the registered domestic partner of, the adopting parent listed in 1, and I am not a party to this adoption. I agree to the adoption of the child by the adopting parent listed in 1.

Date: _____ Type or print your name Signature of spouse or registered domestic partner (may be signed before hearing)

6 For stepparent adoptions only: If you are the legal parent of the child listed in 2, read and sign below.

I am the legal parent of the child and am the spouse or registered domestic partner of the adopting parent listed in 1. I agree to the adoption of my child by the adopting parent listed in 1.

Date: _____ Type or print your name Signature of legal parent

7 If there is more than one adopting parent, read and sign below.

We are the adopting parents listed in 1, and we agree that the child will:

- a. Be adopted and treated as our legal child (Family Code, § 8612(b)); and
b. Have the same rights as a natural child born to us, including the right to inherit our estate.

I agree to the other parent's adoption of the child.

Date: _____ Type or print your name Signature of adopting parent

I agree to the other parent's adoption of the child.

Date: _____ Type or print your name Signature of adopting parent

I agree to the other parent's adoption of the child.

Date: _____ Type or print your name Signature of adopting parent

(Note: For any additional adoptive parents, attach a sheet of paper, write "ADOPT-210, Item 7," and include signature and date signed.)

8 If this is a tribal customary adoption, read and sign below.


I/we are the adopting parents listed in 1, and I/we agree that the child will:


- a. Be adopted and treated as my/our legal child (Family Code, § 8612(b)) and
b. Have the same rights and duties stated in the tribal customary adoption order dated _____ (copy attached).



Name of adopting parents: _____

8 If two adopting parents, we agree to the other parent's adoption of the child.

Date: _____ *Type or print your name*  _____
Signature of adopting parent

Date: _____ *Type or print your name*  _____
Signature of adopting parent

(Note: For any additional adoptive parents, attach a sheet of paper, write "ADOPT-210, Item 8," and include signature and date signed.)

9 Executed (check one):

a. This form was signed outside of a hearing. (Select this option for either a stepparent adoption to confirm parentage under Family Code section 9000.5, where the court did not order a hearing for good cause, or if the court waived appearance under Family Code, section 8613 or 8613.5.)

(1) This form was signed in California.

This form was signed in front of the following type of witness (check one):

Notary public (the notary acknowledgment is attached)

Court clerk

Probation officer

Qualified court investigator

Authorized representative of a licensed adoption agency

County welfare department staff member

(2) This form was signed outside of California.

This form was signed in front of the following type of witness (check one):

Notary public (the notary acknowledgment is attached)

Other person authorized to perform notarial acts (proof of notarization is attached)

Authorized representative of an adoption agency that is licensed in the state or country where this form was signed

(3) Witness information

This form was signed in: (county) _____ (state) _____ (country) _____

Name of witness: _____

Agency witness works for (if applicable): _____

Date: _____

Witness signature:  _____

b. This form was signed at a hearing in front of a judicial officer. (The judge will date and sign the form below.)

c. This form was signed by the adopting parent or parents either before or while the adopting parents or parents were attending a remote hearing and was acknowledged by the judicial officer. (The judge will date and sign the form below.)

Date: _____

Judge (or Judicial Officer)

ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
ADOPT-215.v14.082124.jh

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Adopting parents

- a. Name: _____
b. Name: _____
c. Name: _____
d. Relationship to child: _____
e. Street address: _____
City: _____ State: _____ Zip: _____
Daytime telephone number: _____
f. Lawyer (if any) (name, address, telephone number, email address, and State Bar number): _____

2 Information about the child

Child's name after adoption:

- a. First name: _____
b. Middle name: _____
c. Last name: _____
d. Date of birth: _____ Age: _____
e. Place of birth (if known): _____
City: _____ State: _____ Country: _____

3 Name of adoption agency (if any): _____

4 Hearing details

- a. Hearing date: _____ Dept.: _____ Div.: _____ Rm.: _____
b. Judicial officer: _____ Clerk's office telephone number: _____
c. People present at the hearing:
 Adopting parent Lawyer for adopting parent
 Child Child's lawyer
 Parent keeping parental rights: _____
 Other people present (list each name and relationship to child):
(1) _____
(2) _____
 Check here if there are more names. Attach a sheet of paper, write "ADOPT-215, Item 4" at the top, and list the additional names and each person's relationship to child. You may use form MC-025, Attachment.
d. The hearing is waived pursuant to Family Code section 9000.5 (Check this box only if this is an adoption confirming parentage of a parent who was married to or in a state-registered domestic partnership, including a registered domestic partnership or civil union from another jurisdiction, with the legal parent at the time the child was born.)



Name of adopting parents: _____

Case Number: _____

Judge will fill out section below.

- 5 The judge finds that the child (*check all that apply*):
- a. Is 12 or older and agrees to the adoption
 - b. Is under 12
 - c. Is not required to consent because this is a tribal customary adoption.
- 6 The judge has reviewed the report and other documents and evidence and finds that:
- a. Proper notice to all persons with actual or possible parental rights has been provided and their voluntary or nonvoluntary participation is documented in the court file.
 - b. Each adopting parent:
 - (1) Is at least 10 years older than the child or meets the criteria in Family Code section 8601(b);
 - (2) Will treat the child as their own;
 - (3) Will support and care for the child;
 - (4) Has a suitable home for the child; *and*
 - (5) Agrees to adopt the child.
- 7 Child's name before adoption
- Complete for nonrelative agency, independent, intercountry, or stepparent adoption.
If this is an adoption of a dependent child by a relative filed under Family Code section 8714.5, complete only if requested by the adopting relative or by the child being adopted, if 12 years of age or older.*
- First name: _____ Middle name: _____ Last name: _____
- 8 The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act or that there is good cause to give preference to these adopting parents. The clerk will fill out 14 below.
- 9 The judge approves the *Contact After Adoption Agreement* (form [ADOPT-310](#))
- As submitted
 - As amended on form ADOPT-310
- 10 This is a tribal customary adoption. The tribal customary adoption order of the _____ tribe dated _____ containing _____ pages and attached hereto is fully incorporated into this order of adoption.
- 11 This is an adoption under the Hague Adoption Convention. *Verification of Compliance with Hague Adoption Convention Attachment* (form ADOPT-216) is attached and fully incorporated into this order.
- 12 (*Do not complete for stepparent adoptions.*) This is an adoption involving an additional parent. The following persons with existing parental rights agree to this adoption and will maintain their existing parental rights:
- a. Name: _____ Relationship to child: _____
Name: _____ Relationship to child: _____
 - b. An agreement waiving termination of parental rights, signed by both the existing parents and the adoptive parent, was filed with the court.



Name of adopting parents: _____

Case Number: _____

13 The judge believes the adoption is in the child’s best interest and orders this adoption. The child’s name after adoption will be:

First name: _____ Middle name: _____ Last name: _____

The adopting parent or parents and the child are now parent and child under the law, with all the rights and duties of the parent-child relationship or, in the case of a tribal customary adoption, all the rights and duties set out in the tribal customary adoption order and Welfare and Institutions Code section 366.24.

The judge believes it will serve public policy and the best interest of the child to grant the request of the adopting parent or parents for the court to make this order effective as of (date): _____.

Date: _____
(Date of Signature)

Judge (or Judicial Officer)

Clerk will fill out section below.

14 **Clerk’s Certificate of Mailing**

For the adoption of an Indian child, the clerk certifies:

I am not a party to this adoption. I placed a filed copy of:

- Adoption Request (form ADOPT-200) Adoption of Indian Child (form ADOPT-220)
- Adoption Order (form ADOPT-215) Contact After Adoption Agreement (form ADOPT-310)

in a sealed envelope, marked “Confidential” and addressed to:

Chief, Division of Social Services
Bureau of Indian Affairs
1849 C Street, NW
Mail Stop 310-SIB
Washington, DC 20240

The envelope was mailed by U.S. mail, with full postage, from:

Place: _____ on (date): _____

Date: _____ Clerk, by: _____, Deputy

ADOPT-230 Adoption Expenses

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
ADOPT-230.v6.082024.jh

If you are adopting your stepchild, do not fill out this form.

- ① a. Your name (adopting parent):
 (1) _____
 (2) _____
- b. Relationship to child (if any): _____
- c. Address (skip this if you have a lawyer):
 Street: _____
 City: _____ State: _____ Zip: _____
- d. Telephone number: _____
- e. Lawyer (if any): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number if known:

Case Number: _____

(Note: For any additional adoptive parents, attach a sheet of paper, write "ADOPT-230, item ①," and complete a–e.)

② Name of child after adoption: _____

③ List services you received that were related to the adoption of the child listed in ②. Include all medical, hospital, attorney, legal fees and costs, doctors and physicians, surgeons, licensed adoption agency, or any other person or organization that received payment in connection with the birth of the child, expenses, and services received by either birth parent or by the child. (Examples of other services provided: prenatal care, transportation, counseling, adoption service provider, pregnancy expenses, court filing fees, fingerprinting fees.)

Service	Name and address of service provider	How much paid, or value of service	Payment date
a. _____	_____ _____	\$ _____	_____
b. _____	_____ _____	\$ _____	_____
c. _____	_____ _____	\$ _____	_____
d. _____	_____ _____	\$ _____	_____



Your name: _____

Case Number: _____

Service	Name and address of service provider	How much paid, or value of service	Payment date
e. _____	_____ _____	\$ _____	_____
f. _____	_____ _____	\$ _____	_____
g. _____	_____ _____	\$ _____	_____
h. _____	_____ _____	\$ _____	_____
i. _____	_____ _____	\$ _____	_____
j. _____	_____ _____	\$ _____	_____
k. _____	_____ _____	\$ _____	_____
l. _____	_____ _____	\$ _____	_____

If you need more space, attach a sheet of paper and write "ADOPT-230, Item 3—Payment for Services" at the top.

Number of pages attached: _____

4 I declare under penalty of perjury under the laws of the State of California that I have listed all payments (or anything of value) that I have paid or agreed to pay, or that were paid on my behalf, related to the child I want to adopt. I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct, which means that if I lie on this form, I am guilty of a crime.

Date: _____
Type or print your name _____
Signature of adopting parent _____

Date: _____
Type or print your name _____
Signature of adopting parent _____

Date: _____
Type or print your name _____
Signature of adopting parent _____

ADOPT-310

Contact After Adoption Agreement

Original Change

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
ADOPT-310.v10.071824.jh

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Adopting parents names:

a. _____

b. _____

Relationship to child: _____

Your address (skip this if you have a lawyer)

Street: _____

City: _____ State: _____ Zip: _____

Your phone number: _____

Your lawyer (if you have one) (name, address, phone number, and State Bar number):

2 Information about the child

a. Child's name (after adoption): _____

b. Date of birth: _____ Age: _____

c. Is the child a dependent of Juvenile Court? No Yes

If yes, list juvenile court and juvenile case number and attach this form to your *Adoption Request* (form ADOPT-200) (Family Code, §§ 8714.5(d) and 8715):

County: _____ Case number: _____

d. Child's Lawyer (If the child has a lawyer, fill out below. If item 2c is yes, child must have a lawyer. See Family Code section 8616.5(d).)

Name of child's lawyer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone number: _____ State Bar number: _____

3 The birth relatives below agree with the requesting parties in 1 about contact with the child after adoption. If the agreement is confidential, write "Confidential" instead of the person's name. Sibling information may include minor siblings, siblings who are dependents or nonminor dependents, and adult siblings. Consider completion of waiver forms (California Department of Social Services forms AD 904A or AD 904B). See <https://cdss.ca.gov/inforesources/forms-brochures/forms-alphabetic-list/a-d>.

If you need more space, attach a sheet of paper. Write "ADOPT-310, Item 3—Other Relatives" at the top.

Type of Contact (check all that apply):

 Visits  Phone  Email  Letter  Share Info  Other*

Name	Relationship to Child	Visits	Phone	Email	Letter	Share Info	Other*
a.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Explain type of contact on a sheet of paper. Write "ADOPT-310, Item 3—Other Types of Contact" at the top.

Number of pages attached: _____



Name of adopting parents: _____

Case Number: _____


4 If you have a signed, written agreement about Contact After Adoption, attach a copy.
Number of pages attached: _____


5 The parties have discussed the reasons for continued contact between the child and the specified relatives or other parties, considering the best interests of the child.


Notice


1. The adopting parents must file this form with the court before the finalization hearing or order of the court. Within 30 days of the adopting parents receiving a file-marked copy of this agreement, the adopting parents must provide a file marked copy to each person who signed the agreement as well as any licensed adopting agency that placed the child for adoption or consented to the adoption.
2. After the judge signs the Adoption Order for this child, the adoption is final. It can never be canceled or changed, even if anyone who signed this agreement:
 - Does not follow the agreement, and/or
 - Files form ADOPT-315 (to change, end, or enforce this agreement).
3. Before this agreement can be changed by the court, all of the people who signed it have to try to fix any problems with it through a dispute resolution program, like mediation.


6 Everyone involved in this agreement must sign below (including the child, if 12 or older, and the child's attorney).


Date: _____ *Type or print your name and relationship to child*  _____ *Sign your name*

Date: _____ *Type or print your name and relationship to child*  _____ *Sign your name*

Date: _____ *Type or print your name and relationship to child*  _____ *Sign your name*

Date: _____ *Type or print your name and relationship to child*  _____ *Sign your name*

Date: _____ *Type or print your name and relationship to child*  _____ *Sign your name*

Date: _____ *Type or print your name and relationship to child*  _____ *Sign your name*

If more relatives need to sign, attach a sheet of paper. Write "ADOPT-310, Item 6—Signatures of Other Relatives," at the top.

Number of pages attached: _____

Date: _____

Judge (or Judicial Officer)

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
1.	California Lawyers Association The Executive Committee of the Family Law Section	A	FLEXCOM agrees with this proposal. As to the question posed regarding including room for the name of a third parent, FLEXCOM suggests it is not needed. It could create confusion in two-parent cases, and in cases where there are more than two parents an addendum is used in practice to note an additional parent.	The committee appreciates this feedback and has added language to include an attachment for additional adoptive parents on forms ADOPT-200, ADOPT-203, ADOPT 210, and ADOPT-230.
2.	Orange County Bar Association by Christina Zabat-Fran, President	A	YES, THERE SHOULD BE A SPACE OR REFERENCE TO AN ATTACHMENT TO INCLUDE ALL NAMES OF ALL ADOPTING PARENTS	The committee appreciates this feedback and has added language to include an attachment for additional adoptive parents on forms ADOPT-200, ADOPT-203, ADOPT 210, and ADOPT-230.
3.	Superior Court of California, County of Los Angeles by Bryan Borys, Director of Research and Data Management	A	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	No response required.
			In response to the Judicial Council of California’s “ITC SPR24-23 Family Law: Adoption Forms,” the Court agrees with the proposal and its ability to appropriately address its stated purpose.	The committee appreciates this comment.
			The Court agrees that there should be space on the request forms for more than two adoptive parents’ names.	The committee appreciates this feedback and has added language to include an attachment for additional adoptive parents on forms ADOPT-200, ADOPT-203, ADOPT 210, and ADOPT-230.
			Furthermore, the Court would like to provide a suggestion for the new ADOPT-203, item 1, to reflect Adopting Parents and have additional lines for up to two additional parents, as there are three-parent adoptions.	The committee agrees and has added language to include an attachment for additional adoptive parents on forms ADOPT-200, ADOPT-203, ADOPT 210, and ADOPT-230.

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to 1) Training for staff; 2) Updating policies and procedures; 3) Updating forms and event codes in the case management system.</p>	<p>The committee appreciates this comment.</p>
			<p>Lastly, the Court agrees that three months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation and that this proposal would work well in courts of different sizes.</p>	<p>The committee appreciates this comment.</p>
4.	<p>Superior Court of California, County of Orange by Katie Tobias, Operations Analyst, Family Law, and Juvenile Divisions</p>	NI	<p>Orange County utilizes the hearing box in the ADOPT-200 and completes the box at the time the adoption request is filed. Removing this box will impact the adoption case initiation process in juvenile.</p>	<p>The committee appreciates this feedback. While it had initially determined that the box may not be necessary as adoption hearings are typically not set at the time of filing the adoption request, the committee understands that keeping the hearing box within the document may be helpful to some courts and is recommending retaining the box.</p>
			<p>The removal of the current #4 on the ADOPT-200, Information about the child, specifically "section a. The child's new name will be:" is used for case initiation. First name and last initial of new name is used in creating the party in the case management system.</p>	<p>Although the committee initially determined that the box may not be necessary, after careful consideration of the comments, including this one, about how some courts use the child's adoptive name for case management purposes, the committee determined that leaving the option of including the child's name after the adoption could be helpful, and therefore this information is recommended to remain in the form ADOPT-200.</p>
			<p>In addition, Orange County uses birth parent names to verify court-received consents for family law adoptions. Removing this will affect</p>	<p>The committee appreciates and considered this input but feels that removing the names of the birth parents on the form ADOPT-200 will reduce</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>courtroom procedures for consent identification and verification.</p>	<p>the possibility for confusion as to who needs to sign consents. Additionally, because there is follow-up information provided to the court, such as reports and investigations, those will identify the persons who have or may have parental rights and what types of documentation or consents are necessary. Also, inclusion of the birth parents' name is not required by the Family Code.</p>
			<p>Recommend modifying the language on Section 3 of the ADOPT-050-INFO form to state "The social worker will file the report with the court and send you or your attorney a copy." Also, within the Note on page 3 of the ADOPT-050-INFO form, the italicized form name "Adoption Order" does not include the form number. Recommend including the form number after the form name or replacing the form name with the form number for consistency.</p>	<p>The committee agrees with both comments and has revised the language to include "and your attorney" to Section 3 of the form ADOPT-050-INFO and has added "(form ADOPT-215)" after the form name on form ADOPT-050-INFO on page 3 within the Note.</p>
			<p>Recommend modifying the language on Section 9 of the ADOPT-210 form, checkbox c be revised to state "This form was signed by the judicial officer while the adopting parents or parent were attending a remote hearing."</p>	<p>The committee appreciates this feedback and has modified the proposed language to make it clearer that the purpose of checkbox c is to indicate that the adoptive parents signed a copy of the form while appearing remotely. The proposed revision reads: "This form was signed by the adopting parent or parents either before or while the adopting parent or parents were attending a remote hearing and was acknowledged by the judicial officer. <i>(The judicial officer will date and sign the form below).</i>".</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>On the ADOPT-215 form, Section 12 contains a possible error. Should this state "an additional parent", not "and addition parent"?</p>	<p>The committee appreciates this feedback and will make the correction to form ADOPT-215, item 12 to state: “additional.”</p>
			<p><u>Does the proposal appropriately address the stated purpose?</u> Yes, the proposal appropriately addresses the stated purpose.</p>	<p>The committee appreciates this feedback.</p>
			<p><u>Should there be space on the request forms for more than two adoptive parents’ names?</u> Yes, there should be for more than two adoptive parents' names.</p>	<p>As indicated above, the committee agrees and has added language to include an attachment for additional adoptive parents.</p>
			<p><u>Would the proposal provide cost savings? If so, please quantify.</u> No, the proposal does not appear to provide any cost savings.</p>	<p>The committee appreciates this comment.</p>
			<p><u>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?</u> Implementation would require revising procedures, providing communication to judicial officers and staff, conducting staff training (approximately 1-2 hours), and updating the case management system.</p>	<p>The committee appreciates this information.</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p><u>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> Orange County would need six months to implement based off the requirements and potential changes to current juvenile procedures with the revision of the ADOPT-200 (see additional comments above).</p>	<p>The committee appreciates the concerns around implementation but has determined that implementation of the statutory provisions by January 1, 2025 is needed to ensure that forms are legally accurate.</p>
			<p><u>How well would this proposal work in courts of different sizes?</u> Our court is a large court, and this could work for Orange County.</p>	<p>The committee appreciates this comment.</p>
5.	Superior Court of California, County of Riverside	AM	<p>Introducing a specific form for Stepparent Adoption Requests, such as the ADOPT-203, would greatly benefit litigants by providing them with a clear and distinct petition tailored to their circumstances. This specialization would enhance clarity and efficiency in the adoption process, ultimately benefiting both litigants and court personnel. Clear and understandable forms are crucial for ensuring accessibility and ease of use for all parties involved in the adoption process. The information contained in the information sheet provides the litigants with lots of information regarding the adoption process. This addition would further aid litigants in understanding the adoption process and their rights and responsibilities.</p>	<p>The committee appreciates this feedback and comment.</p>
			<p>ADOPT-050-INFO, Page 2 of 6, “Stepparent/Domestic Partner Adoptions”</p>	<p>The committee appreciates and considered this feedback, but decided not to include the proposed language. Although California Rules of Court, rule</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>suggestion to number this as Section 1 with “Fill out court forms” as Subsection a. Add information that forms must be completed in black or blue ink</p>	<p>2.106 requires the font on papers presented for filing be black or blue-black, rule 2.118 states that a clerk may not reject a filing that is in handwriting in a color other than black or blue-black.</p> <p>The committee recommends maintaining the current large font and bold text as identifying the sections with numbers for the subsections, rather than the suggested numbering of the sections and subsections. This is consistent with other Judicial Council plain language forms and improves readability.</p>
			<p>ADOPT-050-INFO, Page 3 of 6, Section 2, remove the word “small” from the phrase “small filing fee.” The size of the fee is subjective to the individual(s) financial situation.</p>	<p>The committee appreciates this feedback and has removed the word “small” and included the following: The court will charge a \$20.00 filing fee (set by Health and Safety Code section 103730).</p>
			<p>ADOPT-050-INFO, Page 3 of 6, Section 2, Note: does not indicate whether or not the party will receive copies from the court</p>	<p>The committee appreciates this feedback and has modified the form to include language that once the forms are filed with the Clerk, the adoptive parents and their attorney will receive filed copies.</p>
			<p>ADOPT-050-INFO, Page 3 of 6, “Independent or Agency Adoptions in the United States” suggestion to number this as Section 2, with “Fill out court forms” as subsection a. Add information that forms must be completed in black or blue ink</p>	<p>The committee appreciates and considered this feedback, but decided not to include the proposed language. Although California Rules of Court, rule 2.106 requires the font on papers presented for filing be black or blue-black, rule 2.118 states that a clerk may not reject a filing that is in handwriting in a color other than black or blue-black.</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
				<p>The committee recommends maintaining the current large font and bold text as headings identifying the sections with numbers for the individual items, rather than the suggested numbering of the sections and lettering of the items. This is consistent with other Judicial Council plain language forms and improves readability.</p>
			<p>ADOPT-050-INFO, where filing fees are mentioned, also mention Fee Waivers</p>	<p>The committee appreciates this feedback and has incorporated language to include the actual filing fee for the adoption request of \$20 and additional language that the fee is set by Health and Safety Code section 103730.</p>
			<p>ADOPT-050-INFO, Page 4 of 6, item 6-“Go to court on the date of your hearing”, this is a good place to let petitioner know to bring a VS-44 Court Report of Adoption with Items 1 and 2 completed.</p>	<p>The committee appreciates this suggestion. The following language will be added on page 3, item 4, under Stepparent/Domestic partner adoption: (last bullet) Completed and signed, California Department of Social Services form VS-44</p> <p>The language is only added to the Stepparent Adoption section because it is the adoption type most often filed by self-represented persons who may not know that the form VS-44 is completed by the court clerk after the adoption finalization hearing and is needed to generate the child’s new birth certificate.</p>
			<p>ADOPT-050-INFO, pages 5 and 6, the ICWA forms are in blue, suggesting a hyperlink, but there is no option to navigate to a hyperlink.</p>	<p>The committee appreciates this comment about hyperlinks. Once all updates are made to the text of the forms, the hyperlinks will be tested to ensure they are working properly.</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			ADOPT-200-Adoption Request, Page 1 of 5, Instructions, the ADOPT forms are blue in the information section, suggesting a hyperlink, but there is no option to navigate to a hyperlink.	The committee appreciates this comment. Once all updates are made to the text of the forms, the hyperlinks will be tested to ensure they are working properly.
			ADOPT-200-Adoption Request, Page 1 of 5, Section 1, subsection d, part of the underline is missing in the Relationship to Child.	The committee appreciates this comment and has made the correction.
			ADOPT-200-Adoption Request, Page 4 of 5, the ADOPT forms are blue in the information section, suggesting a hyperlink, but there is no option to navigate to a hyperlink.	The committee appreciates this comment. Once all updates are made to the text of the forms, the hyperlinks will be tested to ensure they are working properly.
			ADOPT-203 -Stepparent Adoption Request, page 1 of 4, Box, and text indicating the box is informational	The committee appreciates this suggestion and has added the word “Instructions” at the top of the text within the box on form ADOPT-203.
			ADOPT-203 -Stepparent Adoption Request, page 1 of 4, Box, convert the ADOPT forms to hyperlinks.	The committee appreciates this comment. Once all updates are made to the text of the forms, the hyperlinks will be tested to ensure they are working properly.
			ADOPT-203 -Stepparent Adoption Request, page 3 of 4, section 9 second box, move second box to a separate line so that all the text pertaining to that box appears under it.	The committee appreciates this comment and modified form ADOPT-203 to incorporate this suggestion. Note: This item number is now item 10 as the hearing box was reincorporated into the form ADOPT-203.
			ADOPT-215-Adoption Order, section 1, Does the address of the parents need to be filled out if they have a lawyer?	The committee appreciates this suggestion. Because this would be a substantive change to the proposal, the committee believes public comment should be sought before they are considered for adoption. The committee may seek to address this comment in a future proposal.

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			ADOPT-215-Adoption Order, section 2 Information about the child. Having a line for “Child’s name after adoption” and then separate lines for first, middle and last is often confusing to staff. Can the first line “Child’s name after adoption” be removed.	The committee appreciates this suggestion and will remove the line after “Child’s name after adoption” on form ADOPT-215, item 2 and will keep the remainder of that section.
			ADOPT-215-Adoption Order, section 12, there is a typo. It should read this is an adoption involving an additional parent.	The committee appreciates this feedback and will make the correction to form ADOPT-215, item 12 to state: “additional.”
			ADOPT-310- Contact After Adoption Agreement, page 1 of 2, section 1, sub sections a and b, add an indication that this section should contain the “name”	The committee appreciates this suggestion and has updated form ADOPT-310 Contact After Adoption Agreement, page 1, item 1, caption to read: “Adopting parents’ names”
			<u>Does the proposal appropriately address the stated purpose?</u> Yes, the creating of a separate Stepparent Adoption Request (ADOPT-203) will make the filing of stepparent adoptions simpler, the updates to the ADOPT-050-INFO, ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-230, and the ADOPT-310 make these forms easier to follow and address a lot of common issues and questions.	The committee appreciates these comments regarding operational impacts of form changes on the courts.
			<u>Should there be space on the request forms for more than two adoptive parent’s names?</u> Yes, this adjustment would accommodate various family structures and ensure inclusivity in the adoption process.	As indicated above, the committee agrees and has added language to include an attachment for additional adoptive parents.
			<u>Would the proposal provide cost savings? If so, please quantify?</u>	The committee appreciates this comment.

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>There would be no cost savings.</p> <p><u>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?</u></p> <p>Additional training would be necessary for judges, court clerk’s office, and courtroom staff (2-4 hours), new codes would need to be created in the case management system, desk procedures and training guides for adoptions would need to be modified.</p> <p><u>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u></p> <p>Yes.</p> <p><u>How well would this proposal work in courts of different sizes?</u></p> <p>The proposal should work for courts of all sizes.</p>	<p>The committee appreciates this comment.</p> <p>The committee appreciates this feedback.</p> <p>The committee appreciates this comment.</p>
6.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	<p>Q: Does the proposal appropriately address the state purpose? A: Yes.</p> <p>Q: Should there be space on the request forms for more than two adoptive parents’ names? A: No, we have not had a need for this. In a rare case where we did, the petitioners could put more than one name on a line.</p>	<p>The committee appreciates this feedback.</p> <p>The committee appreciates this comment.</p>

Family Law: Adoption Forms

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	Commenter	Position	Comment	Committee Response
			<p>Q: Would the proposal provide cost savings? If so, please quantify. A: No.</p>	<p>The committee appreciates this feedback.</p>
			<p>Q: 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? A: Implementation will require training of staff, updates to the case management system and local packets, and revising internal procedures.</p>	<p>The committee appreciates this feedback regarding implementation requirements for the courts.</p>
			<p>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.</p>	<p>The committee appreciates this feedback.</p>
			<p>Q: How well would this proposal work in courts of different sizes? A: This proposal should work well, regardless of the size of the court.</p>	<p>The committee appreciates this feedback.</p>
			<p>ADOPT-050-INFO: Recommend verifying the link to the Self-Help Guide is accurate.</p> <p>Suggest capitalizing “Department of Social Services.”</p>	<p>The committee appreciates this comment. Once all updates are made to the text of the forms, the hyperlinks will be tested to ensure they are working properly.</p> <p>The committee appreciates this recommendation and will make the corrections to capitalize</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>Suggest changing “will witness” to “to witness” in role of ASP.</p> <p>Propose modifying the Note following petitions to terminate parental rights to state: “(Note: In some courts, this can be filed within the adoption case but in other courts it is a separate court action.)”</p>	<p>Department of Social Services wherever it appears on form ADOPT-050-INFO</p> <p>The committee appreciates this suggestion but prefers to retain the proposed language.</p> <p>The committee considered this suggestion and will make the change as suggested.</p>
			<p>ADOPT-200: In Instructions box, suggest changing “filing” to “filling” in the last sentence.</p> <p>Item 5: propose adding a place for child’s name after adoption. Although not specified by statute, this is important information for the court, as it is the name by which the child is likely to be referred during the life of the case.</p> <p>Item 7: suggest changing “Welfare and Institutions Code adoptions” to “the adoption of a dependent child.”</p>	<p>The committee appreciates this comment and has made the suggested correction.</p> <p>Although the committee initially determined that the box may not be necessary, after careful consideration of the comments, including this one, about how some courts use the child’s adoptive name for case management purposes, the committee determined that leaving the option of including the child’s name after the adoption could be helpful, and therefore this information is recommended to remain in the form ADOPT-200.</p> <p>The committee appreciates this suggestion and modified Item 7 to include: “For adoptions of a dependent child under the Welfare and Institutions Code...”</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>Item 11: Suggest removing readoption from title and 11c, as it is not necessary and leads to awkward “readoption adoption.”</p> <p>11a: ADOPT-126 is not required in every intercountry case (see CRC 5.490 – 5.493).</p> <p>Item 12: 12b: suggest rewording.</p> <p>12c: suggest rewording to: “filed before the adoption hearing.”</p> <p>Additional Information Needed box: The format of item 15 on the existing form is more helpful to the court, in that it gives information about the birth parents and what will be done about their rights. Perhaps a simplified version of what is on the existing form would be more appropriate.</p> <p>Item 13: suggest referring to either “adopting parent” or “adopting parents” consistently.</p>	<p>Item 11: The committee appreciates this suggestion and modified the wording to: This is an intercountry re-adoption. The adoption was finalized in another country before the child entered the United States with the adopting parent”</p> <p>Item 11(a): The committee appreciates this comment and will change the wording to include: (ADOPT-126 may be required to be filed with this request. See Cal. Rules of Court 5.490-5.493)</p> <p>Item 12(b): The committee appreciates this suggestion and changed the wording to include: is attached as required in Family Code section 8714.50 (dependent child agency adoption)</p> <p>12(c): The committee appreciates and incorporated this suggestion.</p> <p>Additional information needed box: The committee appreciates and considered this input but prefers to remove the names of the birth parents.</p> <p>Item 13: The committee appreciates this suggestion and will revise the form to consistently use adopting parents.</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>ADOPT-203: Item 3: 3a: suggest revising to: “lives” in this county.</p> <p>3c: Propose removing. Relinquishment generally only applies to agency adoptions and would not apply in a stepparent adoption.</p> <p>Item 4a: suggest changing “a child I am seeking to adopt” to “the child to be adopted.”</p> <p>Item 5: suggest adding a place for child’s name after adoption.</p> <p>Additional Information Needed box: Please see comment to form ADOPT-200.</p>	<p>Item 3(a): the committee has made the suggested revision.</p> <p>Item 3(c): the committee has removed the word relinquishment.</p> <p>Item 4a: The committee is retaining the circulated language as the active voice is preferred for plain language forms.</p> <p>Item 5: Although the committee initially determined that the box may not be necessary, after careful consideration of the comments, including this one, about how some courts use the child’s adoptive name for case management purposes, the committee determined that leaving the option of including the child’s name after the adoption could be helpful, and therefore this information is recommended to remain in the form ADOPT-200.</p> <p>Additional information needed box: The committee appreciates and considered this input but prefers to remove the names of the birth parents in order to reduce the chance of confusion as to who needs to sign consents.</p>
			<p>ADOPT-210: In the signing instructions on page 1, suggest changing 8a to 9a.</p>	<p>The committee agrees with this suggestion and has incorporated it into the revised proposed forms.</p>

Family Law: Adoption Forms

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

	Commenter	Position	Comment	Committee Response
			<p>ADOPT-215: Item 8: suggest changing reference to item 13 to item 14.</p> <p>Item 12: The revision to item 12 might introduce some ambiguity for stepparent adoptions. The existing version of item 12 was used only to add a new parent without affecting the rights of the existing parents. This new version makes it seem like it could or should be used in a stepparent adoption.</p>	<p>The committee appreciates and has incorporated the suggestion.</p> <p>The committee appreciates this recommendation and will add the following after the first sentence in item 12: (not used for stepparent adoptions).</p>
			<p>ADOPT-310: Suggest revising reference to Family Code §8714.30 as this section does not exist.</p>	<p>The committee appreciates the comment and has revised the form to read: Family Code section 8714.5(d) and 8715</p>

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: August 30, 2024

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

Title of proposal: Juvenile Law: Harm or Removal

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone and e-mail): Marymichael Smrdeli, 415-865-4220, marymichael.smrdeli@jud.ca.gov

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

Annual agenda approved by Rules Committee on (date): 10/26/2023

Project description from annual agenda: 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 act only where necessary to allow courts to implement the legislation efficiently.

SB 578 (Ashby) Juvenile court: dependents: removal (Stats. of 2023, Ch. 618) Requires a social worker to include, in their report for a detention hearing in a dependency case, information about potential harms a child may experience if removed from their parent or guardian's home, and requires a court to consider the short-term and long-term harms to the child that may result from the continued removal. If the court finds removal is necessary, requires the court to, in a written order or on the record, document the basis for its findings, the evidence it relied on, the child's placement and the basis for determining that it is the least disruptive alternative for the child, and any other measures to be taken to alleviate disruption and minimize the harms to the child.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

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

Additional Information for JC Staff

- **Director Approval** (required for all invitations to comment and reports)

This report or invitation to comment was

reviewed by EGG on (date) 8/9/24

approved by Office Director (or Designee) (name) Audrey Fancy
on (date) August 16, 2024

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **Form Translations** (check all that apply)

This proposal:

includes forms that have been translated.

includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)

includes forms that staff will request be translated.

- **Form Descriptions** (for any report with new or revised forms)

The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.).

- **Self-Help Website** (check if applicable)

This proposal may require changes or additions to self-help web content.



Judicial Council of California

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

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-150

For business meeting on September 19–20, 2024

Title	Agenda Item Type
Juvenile Law: Harm of Removal	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410	January 1, 2025
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee Hon. Stephanie E. Hulse, Chair	August 16, 2024
	Contact
	Marymichael Smrdeli, 415-865-4220 marymichael.smrdei@jud.ca.gov

Executive Summary

To implement recent legislation creating new factors to be considered by the juvenile court at a detention hearing, the Family and Juvenile Law Advisory Committee proposes amending three rules and revising one Judicial Council form, effective January 1, 2025. Senate Bill 578 (Ashby; Stats. 2023, ch. 618) amended Welfare and Institutions Code section 319 to require the court to consider the impact on the child when being separated from their parent or guardian at a detention hearing. The proposed changes to the rules and form related to the detention hearing address the new reporting requirements and clarify the court's role in mitigating harm to the child related to removal from their home.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2025:

1. Amend rule 5.674 of the California Rules of Court to address new reporting requirements created by SB 578;

2. Amend rule 5.676 of the California Rules of Court to update reporting requirements and to reduce statutory redundancy;
3. Amend rule 5.678 of the California Rules of Court to address minor technical updates to references to subdivision numbers in section 319 renumbered by SB 578 and to provide clarification of a new determination on the child’s placement created by SB 578; and
4. Revise *Findings and Orders After Detention Hearing* (form JV-410) to conform it to new requirements related to SB 578.

The proposed amended rules and revised form are attached at pages 11–21.

Relevant Previous Council Action

The Judicial Council has not previously taken action to implement Senate Bill 578.

The Judicial Council adopted rule 5.674 as rule 1444, effective January 1, 1998. It was amended one time effective July 1, 2002, to make technical changes. It was renumbered and amended, effective January 1, 2007.

The Judicial Council adopted rule 5.676 as rule 1445, effective January 1, 1998. It was amended one time, effective July 1, 2002, to make technical changes. It was renumbered and amended, effective January 1, 2007.

The Judicial Council adopted rule 5.678 as rule 1446, effective January 1, 1998. It was amended two times—once, effective January 1, 1999, to expand the definition of “relative” as required by statutory changes, and again, effective July 1, 2002, to make technical changes. It was renumbered and amended, effective January 1, 2007.

Analysis/Rationale

The detention hearing is the first hearing addressing a child’s removal from their parent or guardian for abuse or neglect. The hearing must be held no later than one judicial day after the filing of the Welfare and Institutions Code section 300¹ petition, which must be filed within 48 hours of the child’s removal.² The court must order the release of the child unless there is a prima facie showing that the child comes within the description of section 300,³ that continuance

¹ All unspecified statutory references are to the Welfare and Institutions Code.

² §§ 313, 315.

³ Section 300, subdivisions (a) through (j), are the grounds for the court’s jurisdiction of a child who has suffered, or is in substantial risk of suffering, serious harm, due to factors related to, inter alia, abuse, neglect, relinquishment, or the absence of provisions for support. The petition must state the facts sufficient to show that the child comes within one of the section 300 provisions. (§ 332.) The determination whether the child is a person described by section 300 is addressed at the jurisdiction hearing, which must be set within 15 judicial days after the detention hearing if the child is in custody at the time the petition is filed. (§§ 334, 355(a).)

in the home is contrary to the child’s welfare, and that one of the circumstances in section 319(c)(1)(A)–(D), which addresses various factors related to the child’s safety, is found to exist.

Senate Bill 578 (Link A) creates new responsibilities for the placing agency and for the court at a detention hearing related to mitigating harm to the child because of their removal from their parent or guardian. According to the bill analysis: “There is no disputing that children suffer harm when they are separated from their parents. The highly traumatic experience of family separation can cause irreparable harm, disrupting a child’s brain architecture and affecting their short- and long-term health.”⁴

The bill seeks to ameliorate the impact of removal by creating new reporting requirements addressing the impact on the child from removal, and by requiring the court to determine whether less disruptive alternatives to removal were considered by the placing agency. In a written order or on the record, the court must also state all the following if it finds that removal is necessary (§ 319(c)(2)(B)):

- (i) The basis for its findings and the evidence relied on.
- (ii) Its determination regarding the child’s placement, including whether it complies with the placement preferences set forth in Section 361.31 [if an Indian child is involved] and less disruptive alternatives.
- (iii) Include any orders necessary to alleviate any disruption or harm to the child resulting from removal.

SB 578 also added to section 319 language that requires the court to consider the report from the social worker described in subdivision (b). And subdivision (b) was updated to include new reporting requirements addressing any short-term or long-term harms—or *both* short-term and long-term harms—to the child that may result from their removal from the custody of their parent, guardian, or Indian custodian and measures that may be available to alleviate disruption and minimize the harms of removal.

The bill did not disturb the basic requirements for removal at a detention hearing discussed above. The bill clarified in new paragraph (c)(2)(C) of section 319 that “[n]othing in this paragraph permits a child to be released to a parent, legal guardian, or Indian custodian, or to be placed in an unsafe placement, due solely to the court determining the child was not offered less disruptive alternatives.” The bill addresses mitigating the harm of removal after the decision to remove has been made.

The proposal would amend three rules and revise one form to reflect changes to the detention hearing discussed above made by SB 578.

⁴ Sen. Rules Com., Off. of Sen. Floor Analyses, Rep. on Sen. Bill 578 (2023–2024 Reg. Sess.), Sept. 14, 2023, p. 6, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240SB578.

Rule amendments

The committee recommends amending three rules to reflect the changes made to section 319 by SB 578.

Rule 5.674, Conduct of hearing; admission, no contest, submission

A minor amendment is proposed to subdivision (b) of the rule to reflect new language created by SB 578 requiring the court to review the report for the hearing described in section 319(b). Before SB 578, whether a report from the social worker was required for the hearing was somewhat ambiguous.⁵ Section 319 now requires that the court consider the report described in section 319(b), and the rule should reflect this change because the rule addresses evidence the court must consider at the detention hearing.

Rule 5.676, Requirements for detention

The recommended amendments to this rule relate to the updated reporting requirements and reduce statutory redundancy.

The requirements for removal of the child from the home stated in subdivision (a) are a restatement of the requirements in section 319(c)(1). The committee elected to maintain this language in the rule, with one edit. Subdivision (a)(3) of the rule conditions detention by requiring that “[o]ne or more of the grounds for detention in rule 5.678 is found.” Previous versions of rule 5.678 included the grounds for detention, but they have since been removed from the rule. The committee therefore proposes changing the reference to read that “[o]ne or more of the grounds for detention in section 319(c)(1)(A)–(D) is present.”

The committee also recommends that subdivision (c) be amended to mandate the new report information required in section 319(b).

Subdivision (c) also permits the court to “rely *solely* on written police reports, probation or social worker reports, or other documents” (*italics added*) when determining whether the child must be removed. The committee recommends that this language remain in the rule because, as discussed above, SB 578 does not modify the legal requirements for removal but instead addresses factors related to the child’s well-being after that decision has been made. The committee therefore elected to maintain this language.

In addition, current subdivision (c) includes two items that are already included in section 319: “A statement of the reasons the child was removed from the parent’s custody” in (c)(1) and “Identification of the need, if any, for the child to remain in custody” in (c)(4). Both these

⁵ The previous version of section 319 required only that the social worker report to the court on certain matters without a specific reference to a social worker report. Subdivision (a) required the court to “examine the child’s parents, guardians, Indian custodian, or other persons having relevant knowledge and hear the relevant evidence as the child, the child’s parents or guardians, the child’s Indian custodian, the petitioner, the Indian child’s tribe, or their counsel desires to present.” SB 578 added language to this sentence that the court must also “review the report described in subdivision (b).”

reporting requirements are restatements of requirements stated in section 319(b). The committee therefore recommends deleting these items to reduce the redundancy in the rule.

Subdivision (d) of the rule also restates statutory requirements related to reporting requirements addressing an Indian child. The subdivision is a restatement of the items in section 319(b)(1)–(9). This restatement, however, was a deliberate decision by the committee when it recommended rules implementing Assembly Bill 3176 (Waldron; Stats. 2018, ch. 833), which the council approved effective 2020.⁶ At the time, the committee considered it important to have these requirements restated in the rule because there were significant changes in practice based on the legal requirements of the Indian Child Welfare Act (ICWA). The committee maintains this position and elects to retain the statutory requirements in the rule being recommended. An additional requirement was added to this list by SB 578 as section 319(b)(10), and this new subdivision has been included in subdivision (d) of the rule as well.

Rule 5.678, Findings in support of detention; factors to consider; reasonable efforts; active efforts; detention alternatives

Recommended amendments to this rule address minor technical updates to the references to subdivision numbers in section 319 renumbered by SB 578. In addition, the committee recommends a clarification of a new determination on the child’s placement created by SB 578.

SB 578 added language to section 319 that requires the court to make a determination on the child’s placement: “[The court’s] determination regarding the child’s placement, including whether it complies with the placement preferences set forth in Section 361.31 and less disruptive alternatives.” (§ 319(c)(2)(B)(ii).) However, in making this determination, the court must determine whether less disruptive alternatives to removal were considered by the agency (§ 319(c)(2)(A).)

New subdivision (d) is recommended to clarify this new determination. When making the determination about whether “less disruptive alternatives” were considered by the agency, the social worker, under section 319(b) is required to include information in the report as follows:

- (i) A description of the relationship between the child and their parents, guardians, or Indian custodians, based on the child’s perspective, and the child’s response to removal and, where developmentally appropriate, their perspective on removal.
- (ii) The relationship between the child and any siblings.
- (iii) The relationship between the child and other members of the household.
- (iv) Any disruption to the child’s schooling, social relationships, and physical or emotional health that may result from placement out of the home, and in the case of an Indian child, any impact on the child’s connection to their tribe, extended family members, and tribal community.

⁶ The proposal can be found at <https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>.

(§ 319(c)(2)(A).)

In addition, to address mitigating the impact of removal, subdivision (d) would also require the court, in its order, to consider whether measures are available to alleviate disruption to the child and minimize the impact of removal and whether those measures have been utilized. Information on this issue is also required by SB 578 to be addressed in the social worker report. Finally, new subdivision (d) includes a list of additional factors (beyond those in the statute) related to least disruptive alternatives and the impact of removal that the court may consider in addition to the factors listed in section 319(c)(2)(A)(i)–(iv).

Findings and Orders After Detention Hearing (form JV-410)

There are several recommended revisions to the form addressing the detention hearing.

Less disruptive alternatives

The bill requires the court to determine whether less disruptive alternatives to removal were considered by the placing agency. To address these new findings, items 15m and 15n have been added to the form. The committee elected to also include the factors listed in section 319(c)(2)(A)(i)–(iv) on the form to ensure that courts identify which factors related to the harm of removal were considered by the placing agency.

Determination regarding the child's placement

A finding that the placement complies with section 361.31 already exists on the form in item 16d. The committee recommends that item 16d be revised to indicate the placement is the less disruptive alternative to removal.

Other changes

The committee recommends that both item 15e and item 15f be revised to address the update in section 319(c)(2)(B)(i), which requires the court—on the record or in its written order—to state its basis for its findings and evidence relied on. New item 15o would be added to address section 319(c)(2)(B)(iii) that the court include any orders necessary to alleviate any disruption or harm to the child resulting from removal.

A comment from the Superior Court of San Diego County noted that the list of placement options for the court to order at detention (form JV-410, item 15g) did not include some of the options in statute. As the commenter noted, the list does not include “an extended family member, as defined in Section 224.1 and Section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.)” or “[t]he approved home of a resource family, as described in Section 16519.5, or a home licensed or approved by the Indian child’s tribe.” In response, the committee recommends that the list of placement options in item 15g be revised to *mirror* the list of placement options in section 319(h)(1)(A)(i)–(iv).

Policy implications

The proposal mostly makes nonsubstantive changes to the rules and form related to updates made to the social worker report and the court’s new determinations created by SB 578. The

committee, however, did ask for specific comment to provide more clarification for the court's determination that a placement must comply with less disruptive alternatives to removal, by requiring the court to find that the placement is the least disruptive alternative to return to the parent or guardian.

Comments

The proposal circulated for public comment between March 29 and May 3, 2024, as part of the regular spring comment cycle. Twelve comments were received. Four commenters agreed with the proposal as proposed, 4 agreed if modified, and 4 did not indicate a position. A chart with the full text of all comments received and the committee's responses is attached at pages 22–45.

Below are notable issues that were raised by commenters.

Placement is the least disruptive alternative to return to the home.

Before circulating the proposal for comment, the committee determined that the proposal should include a clarification of the following statutory language created by SB 578: "Its determination regarding the child's placement, including whether it complies with the placement preferences set forth in Section 361.31 and less disruptive alternatives." (§ 319(c)(2)(B)(ii).) The language requires the court to make a determination regarding the child's placement after determining that removal is necessary. In an attempt to provide some clarity on this determination, the committee proposed requiring a finding in rule 5.678 that "the child's placement is the least disruptive alternative to return to the parent, guardian, or Indian custodian."

A request for specific comment was made asking whether this finding should be included in the rule and whether this finding is appropriate to describe the court's consideration of the child's placement required in section 319(c)(2)(B)(ii). Five commenters agreed with the proposed finding, including three superior courts (Riverside, Los Angeles, and San Diego), the Orange County Bar Association, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee. These commenters noted that the finding provided clarity, was an appropriate finding related to section 319(c)(2)(B)(ii), and properly implemented the requirements of SB 578.

Sacramento County Counsel described the challenges that agencies would face attempting to find a suitable placement in the short timelines of a detention hearing. The commenter suggested adding the word "current" before the word "placement" in subdivision (d) "to acknowledge that the child's placement may only be short-term, given the agency's potential limitations, as noted above."

Two commenters did not agree with adding the new finding. The Superior Court of Orange County said the language was not necessary because section 319(c)(1) is listed in subdivision (d) of the rule, which covers these factors and does not need to be separately called out within the rule.

San Diego County Counsel opined that the new finding created a heightened burden that was not envisioned by SB 578, noting that SB 578 essentially requires the court and the placing agency to consider less disruptive alternatives to out-of-home detention. The commenter also emphasized the fluid nature of the initial stage of a dependency proceeding, noting that the court and placing agency would not have sufficient information at the early stage of the proceedings to make a determination comparing different placement options:

The detention hearing often occurs 48–72 hours after the referral was generated or exigent circumstances occurred. Social workers must investigate, meet with family, find a placement, and write a court report in that time. They simply do not have the ability to research multiple possible caregivers and provide information about extracurricular activities and visitation schedules so the court may determine the least disruptive alternative at the detention hearing.

In addition, the commenter noted that, often at detention, the available placement may not be the best long-term placement but is the only person available to take the child in with little to no notice, and that this analysis would be better addressed at the disposition hearing. Sacramento County Counsel also raised many of the same concerns and stressed the limited availability of placements at the initial stage of the detention hearing.

After careful consideration and discussion of the comments, the committee initially elected to maintain the finding in the proposed rule amendments, with two committee members opposed and several committee members abstaining from voting. On further consideration, the committee concluded that the statutory language is susceptible to more than one interpretation and that adding the finding to the rule would exceed the rule-making authority of the Judicial Council. Subdivision (d) was further amended to more closely conform to the statute.

Initial removal at disposition.

Judge Leonard Edwards (Ret.) commented that “[t]he legislation applies any time the court removes a child. That may be at the detention hearing, but it could also be at the disposition hearing. The idea is that the court should put in place orders that ameliorate the trauma a child experiences when removed from parental care.” The committee could not address the application of SB 578 at the disposition hearing through a rule because the bill only amends section 319 and not the dispositional statutes found at section 360 et seq. Thus, no rule related to the disposition hearing circulated for public comment in this proposal, and to address this issue would require a substantive change that would require that it circulate for comment. The committee, however, will consider this comment in a future proposal.

Repeat required determination of section 319(f) regarding relative placement.

The Orange County Bar Association recommended that rule 5.678(d)(1) repeat the requirement from section 319(f)(3) that “the court shall determine if there is a relative who is able and willing to care for the child, and has been assessed pursuant to Section 361.4.” The committee has elected to adopt this language in the rule. Although the Judicial Council seeks to avoid repeating language from statute in rules, exceptions have been made. For instance, in 2019 the committee

recommended, and the council approved, restating statutory language in subdivision (d) of rule 5.676 related to reporting requirements addressing an Indian child because of a significant change in practice created by new legislation and because ICWA requirements are often overlooked. In this proposal, the committee has elected to maintain this restatement of statute in rule 5.676. The committee believes that the restatement related to section 361.4 raised by the commenter fits with the underlying purpose of SB 578 of mitigating harm to the child from removal. The committee also notes the heightened priority that the Legislature has placed on relative placements.

Additional factors related to less disruptive alternatives.

The California CASA Association suggested additional language in rule 5.678(d)(2)(A) and (B), the additional factors that the court may consider when determining whether less disruptive alternatives to removal were considered. One suggestion was to, in the context of the placement’s ability to accommodate the proposed visitation schedule, add “including providing or arranging transportation when needed.” The commenter also suggested specifically mentioning the CASA volunteer as a service provider in the context of “[the child’s] services, including but not limited to medical, dental, mental health, and educational services.”

The committee believes that the language as proposed sufficiently addresses providing and arranging transportation, and that transportation is often a shared responsibility because the placement may not always be in a position to provide transportation. As to including the CASA volunteer relationship as a specific factor in rule 5.678’s list of less disruptive alternative factors, the committee believes that highlighting that relationship would open the door to numerous other service relationships not mentioned. The committee agrees that these relationships are important, but the committee does not believe that they rise to the level of the type of disruption envisioned by the legislation. In addition, because the analysis of least disruptive alternatives under SB 578 will in most cases occur at the initial detention hearing, a service relationship with the CASA volunteer will not typically have been established.

Mandatory form JV-410.

The Executive Committee of the Family Law Section of the California Lawyers Association suggested making the form mandatory, noting recent changes in the law and the level of detail required for all judges to consider on the record. The commenter also noted that there is little opportunity (absent an extraordinary writ) for appellate review in a timely manner for detention hearings, and that the form creates additional safeguards to ensure that all judges are consistently and appropriately considering these new factors. The committee considered this comment and determined to continue to recommend the form as optional because each court has different ways of documenting detention findings and orders and the committee wanted to ensure courts had the flexibility to memorialize findings and orders in a manner that meets their needs.

Alternatives considered

The committee did not consider taking no action because SB 578 created new findings that the court must make at the detention hearing. In conjunction with the legislative mandate, the committee did consider whether statutory redundancies—unnecessary restatements of statutory

language—should be removed from the rules in this proposal. As discussed, the committee elected to remove some restatements of statutory provisions but retained some related to ICWA because these requirements are often overlooked, and it was deemed important to restate them in the rule for that reason.

The committee also considered whether a new subdivision was needed in rule 5.678 addressing the court’s new determination of the child’s placement in section 319(c)(2)(B)(ii), discussed above. The committee considered letting courts implement this provision based on their own reading of the language by not adding a new subdivision to the rule. The committee elected, however, to recommend a new subdivision to clarify the need for courts to consider whether measures are available to alleviate disruption and minimize the impact of removal on the child.

Fiscal and Operational Impacts

New considerations required at the detention hearing are unlikely to create fiscal or operational impacts on courts. Any impact is likely to be negligible and would likely relate more to the implementation of SB 578 than it does to this rules and forms proposal.

Attachments and Links

1. Cal. Rules of Court, rules 5.674, 5.676, and 5.678, at pages 11–14
2. Form JV-410, at pages 15–21
3. Chart of comments, at pages 22–43
4. Link A: Sen. Bill 578 (Stats. 2023, ch. 618),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB578

Rules 5.674, 5.676, and 5.678 of the California Rules of Court are amended, effective January 1, 2025, to read:

1 **Rule 5.674. Conduct of hearing; admission, no contest, submission**

2
3 (a) * * *

4
5 (b) **Detention hearing; general conduct (§ 319; 42 U.S.C. § 600 et seq.)**

6
7 (1) The court must read, consider, and reference the social worker’s report as
8 described in section 319(b), any other reports submitted by the social worker,
9 and any relevant evidence submitted by any party or counsel. All detention
10 findings and orders must appear in the written orders of the court.

11
12 (2) * * *

13
14 (c)–(e) * * *

15
16
17 **Rule 5.676. Requirements for detention**

18
19 (a) **Requirements for detention (§ 319)**

20
21 No child may be ordered detained by the court unless the court finds that:

22
23 (1) A prima facie showing has been made that the child is described by section
24 300;

25
26 (2) Continuance in the home of the parent, Indian custodian, or guardian is
27 contrary to the child’s welfare; and

28
29 (3) One or more of the grounds for detention in ~~rule 5.678~~ section 319(c)(1)(A)–
30 (D) is found present.

31
32 (b) * * *

33
34 (c) **Evidence required at detention hearing**

35
36 In making the findings required to support an order of detention, the court may rely
37 solely on written police reports, probation or social worker reports, or other
38 documents.

39
40 The reports relied on must include the required information in section 319(b) and:

41
42 (1) ~~A statement of the reasons the child was removed from the parent’s custody;~~

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~~(2)~~(1) A description of the services that have been provided, including those under section 306, and of any available services or safety plans that would prevent or eliminate the need for the child to remain in custody;

~~(3)~~(2) If a parent is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with the parent, information and a recommendation regarding whether the child can be returned to the custody of that parent;

~~(4)~~ Identification of the need, if any, for the child to remain in custody; and

~~(5)~~(3) If continued detention is recommended, information about any parent or guardian of the child with whom the child was not residing at the time the child was taken into custody and about any relative or nonrelative extended family member as defined under section 362.7 with whom the child may be detained.

(d) Additional evidence required at detention hearing for Indian child

If it is known, or there is reason to know, that the child is an Indian child, the reports relied on must also include:

- (1) A statement of the risk of imminent physical damage or harm to the Indian child and any evidence that the emergency removal or placement continues to be necessary to prevent the imminent physical damage or harm to the child;
- (2) The steps taken to provide notice to the child’s parents, Indian custodian, and tribe about the hearing under section 224.3;
- (3) If the child’s parents and Indian custodian are unknown, a detailed explanation of what efforts have been made to locate and contact them, including contact with the appropriate Bureau of Indian Affairs regional director;
- (4) The residence and the domicile of the Indian child;
- (5) If either the residence or the domicile of the Indian child is believed to be on a reservation or in an Alaska Native village, the name of the tribe affiliated with that reservation or village;
- (6) The tribal affiliation of the child and of the parents or Indian custodian;

- 1 (7) A specific and detailed account of the circumstances that caused the Indian
2 child to be taken into temporary custody;
3
4 (8) If the child is believed to reside or be domiciled on a reservation in which the
5 tribe exercises exclusive jurisdiction over child custody matters, a statement
6 of efforts that have been made and that are being made to contact the tribe
7 and transfer the child to the tribe's jurisdiction; ~~and~~
8
9 (9) A statement of the efforts that have been taken to assist the parents or Indian
10 custodian so the Indian child may safely be returned to their custody; and
11
12 (10) The steps taken to consult and collaborate with the tribe, and the outcome of
13 that consultation and collaboration.
14
15

16 **Rule 5.678. Findings in support of detention; factors to consider; reasonable efforts;**
17 **active efforts; detention alternatives**
18

19 **(a) Findings in support of detention (§ 319; 42 U.S.C. § 672)**
20

21 The court must order the child released from custody unless the court makes the
22 findings specified in section 319(c)(1), and where it is known, or there is reason to
23 know the child is an Indian child, the additional finding specified in section 319(d).
24

25 **(b)–(c) * * ***
26

27 **(d) Orders of the court (§ 319; 42 U.S.C. § 672)**
28

29 (1) If the court orders the child detained, the court must, in a written order or on
30 the record, order that temporary care and custody of the child be vested with
31 the county welfare department pending disposition or further order of the
32 court and must make the other findings and orders specified in section
33 319(c)(2), (e), and (f)(3).
34

35 (2) When making the determination in section 319(c)(2)(B)(ii) that the placement
36 complies with less disruptive alternatives, the court must also consider
37 whether measures are available to alleviate disruption to the child and
38 minimize the impact of removal and whether those measures have been
39 utilized. In addition to considering the factors listed in section
40 319(c)(2)(A)(i)–(iv) related to the impact of removal and less disruptive
41 alternatives, the court may consider factors that include, but are not limited
42 to, whether the current placement:
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- (A) Can accommodate the proposed visitation schedule;
- (B) Will disrupt the child’s extracurricular activities or other services, including but not limited to medical, dental, mental health, and educational services;
- (C) Will allow the child to observe their religious or cultural practices; and
- (D) Can accommodate the child’s special needs.

(e) * * *

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-410.v13.081624.am
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DETENTION HEARING (Welf. & Inst. Code, § 319)	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other (specify):
 filed on (date):

2. Detention hearing

- a. Date:
- b. Court reporter (name):
- c. Department:
- d. Bailiff (name):
- e. Judicial officer (name):
- f. Interpreter (name and language):
- g. Court clerk (name):

<u>Party (name)</u>	<u>Present</u>	<u>Attorney (name):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom
 - (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

3. The court has read and considered and admits the following into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (specify):
- d. Other (specify):

CHILD'S NAME:	CASE NUMBER:
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

4. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For a child 10 years of age or older who is not present**
- (1) The child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) The child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing or the child wished to be present and was not given an opportunity to be present and
- (a) there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
- (b) it is in the best interest of the child not to continue the hearing.
5. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
6. a. The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
- (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
- (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate **volunteer** is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. A Court Appointed Special Advocate **volunteer** is appointed for the child.
8. **Parentage**
- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):
9. **Indian Child Welfare Act (ICWA) inquiry**
- On the record, the court has
- a. asked each participant present at the hearing
- whether the participant is aware of any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village and if yes, the name of the tribe or village;
 - whether the residence or domicile of the child, either of the child's parents, or Indian custodian is on a reservation or in an Alaska Native village and if yes, the name of the tribe or village;
 - whether the child is or was ever a ward of a tribal court, and if yes, the name of the tribe or village; and
 - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village, and if so, the name of the tribe or village.
- b. instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen of or eligible for membership or citizenship in a tribe or Alaska Native village.

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10. ICWA status

- a. The court finds there is no reason to believe or reason to know the child is an Indian child and ICWA does not apply; or
- b. The court finds there is reason to believe the child is an Indian child; and
 - (1) the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child. ICWA does not apply; or
 - (2) the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. The court finds that there is reason to know that the child is an Indian child, and
 - (1) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
 - (2) the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
 - (3) notice has been provided as required by law; and
 - (4) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. The court finds that the child is an Indian child and a member of the: _____ tribe.

11. ICWA jurisdiction

- a. It is known or there is reason to know that the child is an Indian child. The court finds (*select one*)
 - (1) that it has jurisdiction over the proceeding because
 - (a) the court finds that the residence and domicile of the child are not on a reservation where the tribe exercises exclusive jurisdiction; and
 - (b) the court finds that the child is not already under the jurisdiction of a tribal court; or
 - (2) the court finds that it does not have jurisdiction because the child is under the exclusive jurisdiction of the tribal court; or
 - (3) the court finds that the child is under the exclusive jurisdiction of the tribal court, but that there is a basis for emergency jurisdiction in accordance with section 1922 of title 25 of the United States Code.

Advisements and waivers

12. The court has informed and advised the

- mother biological father legal guardian child
- presumed father alleged father Indian custodian
- Other (*specify*): _____
- Other (*specify*): _____

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of the following:
 - The contents of the petition;
 - The nature of and possible consequences of juvenile court proceedings;
 - The reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - The right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;

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12. b. • That if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
- That the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - That the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; to subpoena witnesses; and to present evidence on their own behalf.

13. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 Other (specify):
 Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

14. **CHILD NOT DETAINED**

- a. Services that would prevent the need for further detention, including those set forth in item 17, are available.
- b. The child is returned to the custody of
 mother biological father legal guardian Other (specify):
 presumed father alleged father Indian custodian Other (specify):

15. **CHILD DETAINED**

- a. Services that would prevent the need for further detention are not available.
- b. A prima facie showing has been made that the child comes within Welf. & Inst. Code, § 300.
- c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare **AND (select at least one)**
- (1) there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
 - (2) there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court, and in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.
 - (3) the child has left a placement in which they were placed by the juvenile court.
 - (4) the child has been physically abused by a person residing in the home and is unwilling to return home.
 - (5) the child has been sexually abused by a person residing in the home and is unwilling to return home.
- d. The child is detained, and temporary placement and care of the child is vested with the county child and family services agency pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons **stated here or** on the record:
- f. The facts on which the court bases its decision to order the child detained are stated **here or were stated** on the record:

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15. g. The child is placed in

- (1) the home of a relative; an extended family member, as defined in Welf. & Inst. Code, § 224.1 and section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. § 1901 et seq.); or a nonrelative extended family member, as defined in Welf. & Inst. Code, § 362.7, that has been assessed under Welf. & Inst. Code, § 361.4;
- (2) the approved home of a resource family, as described in Welf. & Inst. Code, § 16519.5, or a home licensed or approved by the Indian child's tribe;
- (3) an emergency shelter or other suitable licensed place; if a short-term residential therapeutic program or community treatment facility, a hearing to review the placement under Welf. & Inst. Code, § 361.22 is set for *(date)*;
- (4) a place exempt from licensure designated by the juvenile court.
- h. Services, including those stated in item 17, are to be provided to the family as soon as possible to reunify the child with their family.
- i. Reasonable efforts were made to prevent or eliminate the need for removal from the home.
- j. Reasonable efforts were not made to prevent or eliminate the need for removal from the home.
- k. There is a relative who is able, approved, and willing to care for the child.
- l. A relative who is able, approved, and willing to care for the child is not available. This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.
- m. Less disruptive alternatives to removal were considered by the agency.
- n. The impact of removal on the child was considered by the agency, including
- (1) the relationship between the child and their parents, guardians, or Indian custodians, based on the child's perspective.
- (2) the child's response to removal and, where developmentally appropriate, their perspective on removal.
- (3) the relationship between the child and any siblings.
- (4) the relationship between the child and other members of the household.
- (5) any disruption to the child's schooling, social relationships, and physical or emotional health that may result from placement out of the home, and in the case of an Indian child, any impact on the child's connection to their tribe, extended family members, and tribal community.
- (6) Other *(specify)*:
- o. Orders necessary to alleviate any disruption or harm to the child resulting from removal were stated on the record or are stated here:

16. **CHILD DETAINED AND THERE IS REASON TO KNOW CHILD IS AN INDIAN CHILD**

- a. The evidence includes all the requirements of Welf. & Inst. Code, § 319(b).
- b. The agency *(select (1) or (2))*
- (1) has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family as detailed in the record, and these efforts have proved successful or unsuccessful;
- or
- (2) has not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; the agency is ordered to initiate or continue active efforts.
- c. For the reasons stated on the record, detention is necessary to prevent imminent physical damage or harm to the child.
- d. Either *(select (1) or (2))*
- (1) The child's placement complies with the placement preferences stated in Welf. & Inst. Code, § 361.31 and less disruptive alternatives. The child is placed
- (a) with a member of the child's extended family;
- (b) in a foster home licensed, approved, or specified by the child's tribe;
- (c) in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (d) in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

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16. d. For the reasons stated on the record, the court finds by clear and convincing evidence that there is good cause not to follow the placement preferences.

17. The services below will be provided pending further proceedings:

Service	Mother	Presumed father	Biological father	Legal guardian	Indian custodian	Other (specify):
a. <input type="checkbox"/> Alcohol and drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Substance abuse treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Parenting education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. **Contact with the child is ordered as stated in** (check appropriate boxes and attach indicated forms)

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).

19. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 Other (specify):
 Other (specify):

must disclose to the county agency social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child.

20. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 Other (specify):
 Other (specify):

must complete *Your Child's Health and Education* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

21. There is reason to know the child is an Indian child, and the county agency must provide notice under Welf. & Inst. Code, § 224.3 for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

22. **Other findings and orders**

- a. See attached.
- b. (Specify):

23. The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

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24. The next hearing is scheduled as follows:

Hearing date:	Time:	Dept.:	Room:
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- a. Jurisdictional hearing
- b. Dispositional hearing
- c. Settlement conference
- d. Mediation
- e. Other (*specify*):

25. All prior orders not in conflict with this order remain in full force and effect.

26. Number of pages attached: _____

Date: _____

Judicial Officer

Countersignature for detention orders (*if necessary*):

Date: _____

Judge

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

	Commenter	Position	Comment	Committee Response
1.	California CASA Association By Cady Villarreal Executive Assistant	NI	<p><u>In Summary:</u> CRC 5.674: OK as proposed CRC 5. 676: OK as proposed CRC 5.678: See proposed new language to add Form JV-410: OK as proposed, except for inquiry about the word “volunteer” after CASA.</p> <p><u>Amended Rule 5.678:</u> The proposed amendment to this Rule adds language to clarify the court’s decision regarding removal and placement* at detention. The 2023 statutory amendment to WIC sec. 319 requires the court to determine if the removal at detention was the least disruptive option available, and the new language in the Rule requires the court to make that specific finding. In making this finding (that the removal was the least disruptive available option), the court may consider factors that include, but are not limited to those already listed in the statute. The proposed new factors for Rule 5.678 are listed below. Suggested additions to those factors are in red:</p> <p>(d)(2)(A) "Can accommodate the proposed visitation schedule, including providing or arranging transportation when needed;</p> <p>(d)(2)(B) Will disrupt the child’s relationship with a Court Appointed Special Advocate (CASA), extracurricular activities and their services,</p>	<p>No response required.</p> <p>The committee believes that arranging transportation would be sufficiently addressed in the language proposed. In addition, transportation is often a shared responsibility, and it may not always be the case that the placement must be in a position to provide transportation.</p> <p>The committee believes that highlighting the CASA relationship would open the door to numerous other service relationships not</p>

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		<p>including, but not limited to medical, dental, mental health and educational services;</p> <p><i>Form JV-410:</i> The form, a court order, is acceptable, as it tracks the findings that must be made in accord with the statute and the Rules, discussed above; however, the word “volunteer” was inserted without explanation or comment at Items 6 and 7 of the Form after the words “Court Appointed Special Advocate.” This language is not required by the statute. We inquire about the reason for this. Please see new language below in red under the heading Form JV-410.</p> <p>* The Rules and the Judicial Council discussion both refer to removal at detention as “detention” and as “placement,” seemingly using the terms interchangeably. Technically, the words have different legal meanings, as placement generally is used by the courts to refer to a permanent plan, while a detention is a temporary “placement”.</p>	<p>mentioned. These relationships are important, but the committee does not believe that they rise to the level of the type of disruption envisioned by the legislation. In addition, because the analysis of least disruptive alternatives under Senate Bill 578 will in most cases occur at the initial detention hearing, a service relationship with the CASA will typically not have been established yet.</p> <p>Rule 5.655(e)(1) uses the term “volunteer” when referring to the CASA. For this reason, the committee is attempting to update forms to refer to the “CASA volunteer.” Rule 5.655(e)(1): “(1) A CASA volunteer is a person who has been recruited, screened, selected, and trained; is being supervised and supported by a local CASA program; and has been appointed by the juvenile court as a sworn officer of the court to help define the best interest of children or nonminors in juvenile court dependency and wardship proceedings.”</p> <p>Rule of Court 5.502(11) defines “detained” as “any removal of the child from the person or persons legally entitled to the child’s physical custody, or any release of the child on home supervision under section 628.1 or 636.” “Placement” is not specifically defined in rule 5.502 but is generally understood to mean where a child lives after being removed from their home. Welfare and Institutions Code section 14000(k) defines “Placement and care” as “the responsibility for the welfare of a child vested in an agency or organization by virtue of the agency</p>
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			<p>FORM JV-410</p> <p>6. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.</p> <p>a. The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds: (1) the child understands the nature of the proceedings; (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.</p> <p>b. A Court Appointed Special Advocate volunteer (new word) is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.</p> <p>7. A Court Appointed Special Advocate volunteer (new word) is appointed for the child.</p>	<p>or organization having (1) been delegated care, custody, and control of a child by the juvenile court, (2) taken responsibility, pursuant to a relinquishment or termination of parental rights on a child, (3) taken the responsibility of supervising a child detained by the juvenile court pursuant to Section 319 or 636, or (4) signed a voluntary placement agreement for the child's placement; or to the responsibility designated to an individual by virtue of the individual being appointed the child's legal guardian."</p>
2.	California Lawyers Association, Executive Committee of the Family Law Section (FLEXCOM)	A	<p>FLEXCOM agrees with this proposal. FLEXCOM also suggests that the proposed form JV-410 be a mandatory form. Currently, the juvenile dependency findings and orders forms throughout each phase of the case are approved for optional use only. This form is particularly important for judges in all counties to utilize because of the recent changes in the law and the level of detail required for all judges to consider on the record. Furthermore, there is little opportunity (absent an extraordinary writ) for appellate review in a timely manner when a judge does not make the</p>	<p>As the commenter notes, most forms related to dependency hearings are optional, giving courts flexibility to memorialize findings and orders in a manner that suits their particular practice and needs. The committee elects to maintain this position with form JV-410. However, the committee agrees that the detention hearing is unique in the way the comment mentions.</p>

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			appropriate findings at detention hearings. This form creates additional safeguards to ensure that all judges are consistently and appropriately considering these new factors.	
3.	Hon. Leonard Edwards Retired Judge	NI	The legislation applies any time the court removes a child. That may be at the detention hearing, but it could also be at the disposition hearing. The idea is that the court should put in place orders that ameliorate the trauma a child experiences when removed from parental care.	The committee could not address the application of Senate Bill 578 at the disposition hearing through a rule because Senate Bill 578 only amends section 319 and not the dispositional statutes found at sections 360 et. seq. Because of this, no rule related to the disposition hearing circulated for public comment in this proposal, and to address this issue would require a substantive change that would require it circulate for comment. The committee, however, will consider this comment in a future proposal.
4.	Orange County Bar Association by Christina Zabat-Fran President	AM	<p>Comments: Should rule 5.678 include the proposed subdivision (d)(1) addressing the court’s determination regarding the child’s placement and that it “is the least disruptive alternative to return to the parent, guardian, or Indian custodian”?</p> <p>Yes.</p> <p>Is this finding appropriate to describe the court’s determination regarding the child’s placement required in section 319(c)(2)(B)(ii)?</p> <p>Yes.</p> <p>Additionally, the following language should be added to the first sentence of subdivision (d)(1):</p>	<p>No response required.</p> <p>The committee has elected to recommend adding this language in the rule. While the Judicial</p>

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		<p>“and determine if there is a relative who is able and willing to care for the child, and has been assessed pursuant to Section 361.4.” This is a direct quote from 319(f)(3), which is specifically referenced in rule 5.678(d)(1).</p> <p>Adding this language emphasizes the court’s duty to mitigate the harm of removal (the whole purpose of the statutory amendment) by prioritizing relative placement. The proposed additional language is also in line with other provisions within 319. For instances, 319(h)(1)(A) states: “If the child is not released from custody, the court may order the temporary placement of the child in any of the following for a period not to exceed 15 judicial days: (i) The home of a relative, an extended family member, as defined in Section 224.1 and Section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.), or a nonrelative extended family member, as defined in Section 362.7, that has been assessed pursuant to Section 361.4.” Also, section 319(h)(3) provides: “The court may authorize the placement of a child on a temporary basis in the home of a relative, regardless of the status of any criminal record exemption or resource family approval, if the court finds that the placement does not pose a risk to the health and safety of the child.”</p> <p>Adding this proposed language is consistent with the legislative preference for relative placement expressed in 361.3, which states: “In any case in which a child is removed from the physical custody of his or her parents pursuant to Section</p>	<p>Council seeks to avoid repeating language from statute in rules, exceptions have been made. For instance, in 2019 the committee recommended, and the council approved, to restate statutory language in subdivision (d) of rule 5.676 related to reporting requirements addressing an Indian child because of a significant change in practice created by new legislation and because Indian Child Welfare Act requirements are often overlooked. In this proposal, the committee has elected to maintain this restatement of statute in rule 5.676. The committee believes that the restatement related to section 361.4 raised by the commenter fits with the underlining purpose of Senate Bill 578 of mitigating harm to the child from removal. The committee also notes the heightened priority that the legislature has placed on relative placements.</p>
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		<p>361, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative, regardless of the relative’s immigration status.” Further, in 2021, the State passed SB 354, which amended relative placement provisions to “facilitate juvenile dependency courts placement of foster youth with relatives and NREFMs” and made changes “intended to remove barriers to relative placements.” Notably, the bill’s author stated, “[I]t is well known that children living with family members or relatives rather than institutional or non-familial foster care experience better outcomes,” and recognized “[i]t has long been the goal of the CWS system to preserve familial ties whenever possible.”</p> <p>• Should rule 5.678 include the additional factors listed in subdivision (d)(2)(A)–(D) that the court may consider when addressing the impact of removal and least disruptive alternatives? Are there other factors that should be considered as well?</p> <p>Yes, 319(c)(2)(A) requires courts to determine if the agency considered “factors related to the impact of removal on the child, including, but not limited to (i) A description of the relationship between the child and their parents, guardians, or Indian custodians, based on the child’s perspective, and the child’s response to removal and, where developmentally appropriate, their perspective on removal. (ii) The relationship between the child and any siblings. (iii) The relationship between the child and other members</p>	<p>As discussed above, the Judicial Council seeks to avoid restating statutory language in the rules. In this case, the committee believes that the factors listed in (d)(2) provide further guidance on factors that can be considered when the court is considering less disruptive alternatives. The rule is clear that these factors can be considered in addition to the factors listed in the statute. The</p>
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All comments are verbatim unless indicated by an asterisk (*).

			<p>of the household.” These factors, although referenced, should be listed out in the rule.</p> <p>The proposed wording of 5.678 (d)(2) alone gives short shrift to the harm of removal factors (making sure these factors are actually considered was the whole point of the amendment). The inclusion of non-statutory factors alone on “least disruptive alternatives” detracts from the importance of the statutory factors. If we’re leaving these factors in, then we should also separately add the specific “impact of removal” factors from 319.</p>	<p>committee therefore believes that the statutory restatement is not necessary.</p>
5.	Sacramento County Counsel’s Office by Tina Roberts	AM	<p>Regarding SPR24-19 and amendments to Rule 5.678 at subsection (d)(2):</p> <p>While the factors that the court may consider when assessing whether the placement is the least disruptive alternative to return to the parent/guardian/Indian custodian are relevant to the well-being of a child, there are challenges that are worth noting. For example, cases involving children who are removed via exigent circumstances or even a Protective Custody Warrant, have challenges to include short timelines for the completion of referral investigation, location and approval of available and willing relatives pursuant to WIC § 361.4 and 309, and the filing of a detention report. (The hearing must be held no later than one judicial day after the filing of the Welfare and Institutions Code section 3001 petition, which must be filed within 48 hours of the child’s removal. WIC §§ 313, 315). Although counties strive to locate the most appropriate and least disruptive placement</p>	<p>The committee fully appreciates the concerns raised and agrees that they present major challenges that placing agencies face at the initial stage of a case. The committee however notes that the requirement to consider and document less disruptive alternatives to removal is a requirement created by the legislature in Senate Bill 578, not in this rule proposal. The legislation has required that the placing agency consider less disruptive alternatives to removal and the court must find that the placing agency has done so. The analysis must be made on a case-by-case basis. The rules proposal in rule 5.678(d)(2) adds additional criteria that may be considered when making this analysis. Section 319(b) was also updated by SB 578 to require the social workers report include “...an assessment of the <i>least disruptive alternatives</i> to returning the child to the custody of their parent, guardian...” (italics added).</p>

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

			<p>for each child in these time-limited circumstances, limitations on time and the availability of willing relatives or NREFMs who clear emergency placement criteria are often a tremendous challenge. Although relative placements are preferred, if foster care is the only option initially, at the detention hearing, there is also a statewide shortage of available foster placements that each California county contends with on a daily basis. Placement of large sibling sets is yet another challenge. So while the proposed additions to subsection (d)(2) are what every county strives for, the reality, based upon the aforementioned challenges, is that some cases may have very limited, initially available options for placement.</p> <p>Therefore, subsection (d)(2) should be modified to add the word “current” before the word “placement” to acknowledge that the child’s placement may only be short-term, given the agency’s potential limitations, as noted above.</p>	<p>The committee agrees that the analysis on the child’s placement at issue in this proposal would only be addressed towards the placement the child is in at the time of the detention hearing. The committee therefore has followed the suggestion and added the word “current” before “placement” in rule 5.678(d)(2).</p>
6.	San Diego County Office of County Counsel	NI	<p>Rule 5.674. Conduct of hearing; admission, no contest, submission</p> <p>...</p> <p>(b) Detention hearing; general conduct (§ 319; 42 U.S.C. § 600 et seq.)</p> <p>(1) The court must read, consider, and reference any reports submitted by the social worker, <u>the required report described in section 319(b)</u>, and any relevant evidence submitted by any party or counsel. All detention findings and orders must appear in the written orders of the court.</p>	

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

		<p>San Diego County Counsel recommends adopting the below language for better clarity:</p> <p>The court must read, consider, and reference <u>the social worker’s report as described in section 319(b)</u>, any <u>other</u> reports submitted by the social worker, and any relevant evidence submitted by any party or counsel. All detention findings and orders must appear in the written orders of the court.</p> <p>Rule 5.676. Requirements for detention (a) Requirements for detention (§ 319) No child may be ordered detained by the court unless the court finds that:</p> <ul style="list-style-type: none"> (1) A prima facie showing has been made that the child is described by section 300; (2) Continuance in the home of the parent, Indian custodian, or guardian is contrary to the child's welfare; and (3) One or more of the grounds for detention in section <u>319(c)(1)(A)-(D)</u> rule 5.678 is <u>present found</u> <p>....</p> <p>(c) Evidence required at detention hearing In making the findings required to support an order of detention, the court may rely solely on written police reports, probation or social worker reports, or other documents. The reports relied on must include the required information in section 319(b), and:</p> <ul style="list-style-type: none"> (1) A statement of the reasons the child was removed from the parent's custody; 	<p>The committee agrees that this language would provide more clarity and has added it to the recommended rule.</p>
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Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

		<p>(1) (2) A description of the services that have been provided, including those under section 306, and of any available services or safety plans that would prevent or eliminate the need for the child to remain in custody;</p> <p>(2) (3) If a parent is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with his or her parent, information and a recommendation regarding whether the child can be returned to the custody of that parent;</p> <p>(4) Identification of the need, if any, for the child to remain in custody; and</p> <p>(3) (5) If continued detention is recommended, information about any parent or guardian of the child with whom the child was not residing at the time the child was taken into custody and about any relative or nonrelative extended family member as defined under section 362.7 with whom the child may be detained.</p> <p>(d) Additional evidence required at detention hearing for Indian child</p> <p>....</p> <p><u>(10) The steps taken to consult and collaborate with the tribe and the outcome of that consultation and collaboration.</u></p> <p>San Diego County counsel supports this change.</p> <p>Rule 5.678. Findings in support of detention; factors to consider; reasonable efforts; active efforts; detention alternatives</p> <p>(a) Findings in support of detention (§ 319; 42 U.S.C. § 672)The court must order the child released from custody unless the court makes the</p>	<p>No response required.</p>
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Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

		<p>findings specified in section 319(c)(1), and where it is known, or there is reason to know the child is an Indian child, the additional finding specified in section 319(d).</p> <p><i>(Subd (a) amended effective January 1, 2020; previously amended effective July 1, 2002, January 1, 2007, and January 1, 2019.)</i></p> <p>(d) Orders of the court (§ 319; 42 U.S.C. § 672)</p> <p>If the court orders the child detained, the court must order that temporary care and custody of the child be vested with the county welfare department pending disposition or further order of the court and must make the other findings and orders specified in section 319(c)(2), (e) and (f)(3).</p> <p><u>(1) When making the finding in section 319(c)(2)(B)(i), the court must determine whether the placement is the least disruptive alternative to return to the parent, guardian, or Indian custodian. The court must also consider whether measures are available to alleviate disruption to the child and minimize the impact of removal and whether those measures have been utilized.</u></p> <p><u>(2) When making that finding, in addition to considering the factors listed in section 319(c)(2)(A)(i) to (iv) related to the impact of removal and least disruptive alternatives, the court may consider factors that include, but are not limited to whether a placement:</u></p> <p><u>(A) Can accommodate the proposed visitation schedule.</u></p> <p><u>(B) Will disrupt the child’s extracurricular activities and their services, including but not limited to medical, dental, mental health, and educational services.</u></p>	
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Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

		<p><u>(C) Will allow the child to observe their religious or cultural practices.</u> <u>(D) Can accommodate the child’s special needs</u></p> <p>San Diego County Counsel opposes the proposed language. The language in this rule of court creates a heightened standard not codified by SB 578. SB 578 essentially requires the court and the Agency to consider less disruptive alternatives to out-of-home detention. However, this rule of court puts an extra burden on the court to not just consider less disruptive alternatives but to determine at the detention stage of the proceedings, whether the proposed temporary placement is the least disruptive alternative to out-of-home detention.</p> <p>Courts are unlikely to have sufficient information to make such a determination at the detention hearing which is an emergency hearing. The detention hearing often occurs 48-72 hours after the referral was generated or exigent circumstances occurred. Social workers must investigate, meet with family, find a placement, and write a court report in that time. They simply do not have the ability to research multiple possible caregivers and provide information about extracurricular activities and visitation schedules so the court may determine the least disruptive alternative at the detention hearing.</p> <p>Children are detained from their parents only if there is a substantial risk of imminent harm to the child and there are no reasonable means to protect</p>	<p>This point is well taken. The committee has modified the rule language to conform more closely to the statute.</p>
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SPR24-19

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

			<p>the child from such harm. At the detention hearing the juvenile court is tasked with making a temporary placement order which provides for immediate safety. Often the most immediately available option is a relative or foster parent who may not be the best long-term placement, but who is the only person available to take the child in with little to no notice. The time to deal with the best possible and least disruptive placement is the disposition hearing.</p> <p>While the proposed factors in this rule of court are important and should be considered when contrasting two possible available placements, they are best addressed at the dispositional stage of the proceedings where there is more time to determine the best placement, what the visitation schedule should be, and what extracurricular activities the children participate in. The proposed factors would certainly be excellent factors to consider when making a best-interest determination under WIC 361.3.</p> <p>At this time, County Counsel encourages the Judicial Council to let SB 578 do what it was intended to do – require the court and the agency to consider less disruptive alternatives when considering temporary detention orders without adding heightened standards that require more information than is generally available at the detention stage of the proceeding.</p>	<p>The committee agrees that these factors are important to consider at the disposition hearing. Since the scope of this proposal is limited to SB 578 and rules and a form regarding the detention hearing, the committee will retain this comment for consideration in a future proposal.</p>
7.	Superior Court of California, County of Los Angeles by Bryan Borys	A	In response to the Judicial Council of California’s “ITC SPR24-19 Juvenile Law: Harm of Removal,” the Court agrees with the proposal and	No response required.

SPR24-19

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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			<p>its ability to appropriately address its stated purpose.</p> <p>The Court agrees that rule 5.678 should include the proposed subdivision (d)(1) addressing the Court’s determination regarding the child’s placement and that it “is the least disruptive alternative to return to the parent, guardian, or Indian custodian.”</p> <p>Furthermore, the Court also agrees that this finding is appropriate to describe the Court’s determination regarding the child’s placement required in section 319(c)(2)(B)(ii). Rule 5.678 should include the additional factors listed in subdivision (d)(2)(A)-(D).</p> <p>Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: 1) Training for judicial assistants to use the appropriate macro; 2) Updating macros and event codes to include the required language in the case management system; 3) Updating policies, procedures, and reference materials.</p> <p>Lastly, the Court agrees that three months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation and that this proposal would work well in courts of different sizes.</p>	
8.	Superior Court of California, County of Orange	NI	Comments N/A.	

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

		<p>Request for Specific Comments In addition to comments on the proposal as a whole, the advisory committee [or other proponent] is interested in comments on the following:</p> <ul style="list-style-type: none"> ▪ <u>Does the proposal appropriately address the stated purpose?</u> <p>Yes, the proposal appropriately addresses the stated purpose.</p> <ul style="list-style-type: none"> ▪ <u>Should rule 5.678 include the proposed subdivision (d)(1) addressing the court’s determination regarding the child’s placement and that it “is the least disruptive alternative to return to the parent, guardian, or Indian custodian”? Is this finding appropriate to describe the court’s determination regarding the child’s placement required in section 319(c)(2)(B)(ii)?</u> <p>It is not necessary to include subdivision (d)(1) since 319(c)(2) is listed in subdivision (d), which covers these factors and does not need to be separately called out within the rule.</p> <ul style="list-style-type: none"> ▪ <u>Should rule 5.678 include the additional factors listed in subdivision (d)(2)(A)–(D) that the court may consider when addressing the impact of removal and least disruptive alternatives? Are there other factors that should be considered as well?</u> 	<p>No response required.</p> <p>The committee agrees and has removed the proposed finding from the rule.</p>
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Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

		<p>These factors can be included, but issues or changes of circumstances relating to these factors may not be known until placement has occurred.</p> <p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <ul style="list-style-type: none"> ▪ <u>Would the proposal provide cost savings? If so, please quantify.</u> <p>No, the proposal does not appear to provide any cost savings.</p> <ul style="list-style-type: none"> ▪ <u>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?</u> <p>Implementation would require providing communication to judicial officers and staff.</p> <ul style="list-style-type: none"> ▪ <u>Would an effective date of January 1, 2025, three months from Judicial Council approval of this proposal until its effective date, provide sufficient time for implementation?</u> <p>Yes, three months would provide sufficient time for implementation in Orange County.</p> <ul style="list-style-type: none"> ▪ <u>How well would this proposal work in courts of different sizes?</u> 	<p>The committee appreciates this fact. It is noted however that SB 578 required the placing agency to provide information on the placement. (See section 319(b)).</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
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Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

			Our court is a large court, and this could work for Orange County.	No response required.
9.	Superior Court of California, County of Riverside by Susan Ryan Chief Deputy of Legal Services	A	<p>Position on Proposal: Agree with the proposal.</p> <p>Specific Comments</p> <p><u>Does the proposal appropriately address the stated purpose?</u></p> <p>Yes, the updates to Cal. Rules of Court, rules 5.674, 5.676, and 5.678, and the revision to the JV-410 form will implement the requirements of SB 578.</p> <p><u>Should rule 5.678 include the proposed subdivision (d)(1) addressing the court’s determination regarding the child’s placement and that it “is the least disruptive alternative to return to the parent, guardian, or Indian custodian”? Is this finding appropriate to describe the court’s determination regarding the child’s placement required in section 319 (c)(2)(B)(II)?</u></p> <p>Yes, this implements the requirements of SB 578.</p> <p><u>Should rule 5.678 include the additional factors listed in subdivision (d)(2)(A)-(D) that the court may consider when addressing the impact of removal and least disruptive alternatives? Are there other factors that should be considered as well?</u></p> <p>Yes, this implements the requirements of SB 578.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

SPR24-19

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

			<p><u>Would the proposal provide cost savings? If so, please quantify?</u></p> <p>There would be no cost savings to the court.</p> <p><u>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?</u></p> <p>Judicial officers will need to be made aware of these additional findings. Minute codes will need to be updated in the case management system.</p> <p><u>Would an effective date of January 1, 2025, three months from Judicial Council approval of this proposal until its effective date, provide sufficient time for implementation?</u></p> <p>Yes</p> <p><u>How well would this proposal work in courts of different sizes?</u></p> <p>The proposal should work for courts of all sizes.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
10	Superior Court of California, County of San Diego by Mike Ruddy Executive Officer	AM	<p>Specific Comments</p> <p>Q: Does the proposal appropriately address the state purpose?</p> <p>A: Yes.</p>	<p>No response required.</p>

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

		<p>Q: Should rule 5.678 include the proposed subdivision (d)(1) addressing the court’s determination regarding the child’s placement and that it “is the least disruptive alternative to return to the parent, guardian, or Indian custodian”? Is this finding appropriate to describe the court’s determination regarding the child’s placement required in section 319(c)(2)(B)(ii)?</p> <p>A: Yes, proposed subdivision (d)(1) helps clarify the statutory language in WIC §319(c)(2)(B)(ii). Suggest modifying the wording in subdivision (d)(2). Does “When making that finding” refer to the finding in §319(c)(2)(B)(ii) or does it refer to one of the two additional findings described in proposed subdivision (d)(1): whether the placement is the least disruptive alternative or whether measures are available to alleviate disruption?</p> <p>Q: Should rule 5.678 include the additional factors listed in subdivision (d)(2)(A)–(D) that the court may consider when addressing the impact of removal and least disruptive alternatives? Are there other factors that should be considered as well?</p> <p>A: Yes, rule 5.678 should include the additional factors listed in subdivision (d)(2)(A)–(D).</p> <p>Q: Would the proposal provide cost savings? If so, please quantify.</p> <p>A: No.</p>	<p>The committee has modified subdivision (d) to no longer require the court to make a finding that the child’s placement is the least disruptive alternative. This is discussed in the report.</p> <p>No response required.</p> <p>No response required.</p>
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Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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

		<p>Q: 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?</p> <p>A: Implementation will require training of staff, updates to the case management system, and revising internal procedures. In addition, courts would need to inform their judicial officers and their justice partners (child welfare agency, probation department, tribal agencies, attorney offices, CASA offices, et al.) of the amended rules of court and the new form.</p> <p>Q: Would an effective date of January 1, 2025, three months from Judicial Council approval of this proposal until its effective date, provide sufficient time for implementation?</p> <p>A: Yes.</p> <p>Q: How well would this proposal work in courts of different sizes?</p> <p>A: This proposal should work well, regardless of the size of the court.</p> <p>General Comments JV-410, Item 15.g: Should a check box be added for “an extended family member, as defined in Section 224.1 and Section 1903 of the federal Indian Child Welfare</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee agrees that the forms should reflect the list of placement options in section 319(h)(1)(A)(i)-(iv). The form has been modified</p>
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SPR24-19

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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			<p>Act of 1978 (25 U.S.C. Sec. 1901 et seq.)”? (See WIC § 319(h)(1)(A)(i).)</p> <p>Should a check box be added for “The approved home of a resource family, as described in Section 16519.5, or a home licensed or approved by the Indian child’s tribe”? (See WIC § 319(h)(1)(A)(ii).)</p> <p>Should a check box be added for “a home that complies with the placement preferences set forth in Section 361.31 and in the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.)”? (See WIC § 319(h)(1)(C).)</p> <p>No additional Comments.</p>	<p>to mirror the statutory language for placement options in item 14(g).</p> <p>Yes, for the same reason discussed above.</p>
11	TCPJAC/CEAC Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	A	<p>JRS Position: Agree with proposed changes.</p> <p>This proposal does address the stated purpose – implementation of recent legislation creating new factors to be considered by the juvenile court at a detention hearing in WIC 300 proceedings.</p> <p>The proposed amendments and modifications to existing Rules (5.674, 5.676, 5.678), including the amendment of subdivision (d) to Rule 5.676 along with the modification to form JV-410 align with the stated purpose of the proposal.</p> <p>Given the nature of the proposed changes, fiscal and operational impacts on our Court and other interested parties are, as presented, negligible.</p>	No response required.
12	Michael Ward Retired Disabled Veteran	AM	<p>* The commenter described his frustrating experience as a parent navigating the child welfare system and his service in the US military,</p>	The committee appreciates this comment and hopes that this proposal can help to reduce the harm caused by family separation.

SPR24-19

Juvenile Law: Harm of Removal (amend Cal. Rules of Court, rules 5.674, 5.676, and 5.678; revise form JV-410)

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			including overseas tours of duty. He expressed anger and resentment toward what he saw as the system's hypocrisy and corruption, his conviction that the system did not reflect the values that he had fought to protect, and his support for the legislation implemented by this proposal.	
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RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: August 30, 2024

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

Title of proposal: Probate Conservatorship: Care Plan

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Adopt form GC-356; revise form GC-355

Committee or other entity submitting the proposal:
Probate and Mental Health Advisory Committee

Staff contact (name, phone and e-mail): Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov

Identify project(s) on the committee's annual agenda that is the basis for this item:
Annual agenda approved by Rules Committee on (date): October 26, 2023
Project description from annual agenda: The committee will develop a recommendation for revisions to form GC-355, Determination of Conservatee's Appropriate Level of Care, to incorporate the requirements for a care plan in Probate Code sections 2351.2 (added by SB 280 [Stats. 2023, ch. 705, § 1]) and 2352.5 and to make technical and conforming changes.

Out of Cycle: *If requesting September 1 effective date or out of cycle, explain why:*

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

Additional Information for JC Staff

- **Director Approval** (required for all invitations to comment and reports)
This report or invitation to comment was
 - reviewed by EGG on (date) June 27, 2024, and August 21, 2024
 - approved by Office Director (or Designee) (name) Audrey Fancy on (date) June 28, 2024, and August 16, 2024*If either of above not checked, explain why:*

Complete the following for all reports to be submitted to council (optional for ITCs):

- **Form Translations** (check all that apply)
This proposal:
 - includes forms that have been translated.
 - includes forms or content that are required by statute to be translated. Provide the code section that mandates translation: [Click or tap here to enter text.](#)
 - includes forms that staff will request be translated.
- **Form Descriptions** (for any report with new or revised forms)
 - The forms in this proposal will require new or revised form descriptions on the JC forms webpage. (If this is checked, the form descriptions should be approved by a supervisor before submitting this RAR.)

- **Self-Help Website** (check if applicable)
 - This proposal may require changes or additions to self-help web content.



Judicial Council of California

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

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-136

For business meeting on September 20, 2024

Title

Probate Conservatorship: Care Plan

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Adopt form GC-356; revise form GC-355

Effective Date

January 1, 2025

Recommended by

Probate and Mental Health Advisory
Committee

Hon. Jayne Chong-Soon Lee, Chair

Date of Report

August 19, 2024

Contact

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Julia Kaufman, 916-263-5814
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Executive Summary

To implement recent legislation, the Probate and Mental Health Advisory Committee recommends revising one form and adopting one form for mandatory use by a conservator of the person to prepare and file the confidential conservatorship care plan required by Probate Code section 2351.2, effective January 1, 2025. As required by Probate Code section 2352.5, the revised form also includes the conservator's determination of the conservatee's level of care.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2025:

1. Revise form GC-355 to retitle it as *Confidential Conservatorship Care Plan—Part 1*, incorporate the elements of the care plan required by Probate Code section 2351.2(b), and provide instructions to the conservator for completing, delivering, and filing the plan.

2. Adopt *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* as form GC-356 to capture the confidential medical information required in the care plan by section 2351.2(b) separately from the other information in the plan to promote the conservator’s compliance with the requirement in section 2351.2(a)(1)(B) to exclude confidential medical information from copies of the plan delivered to the conservatee’s spouse or registered domestic partner and relatives.

The recommended forms are attached at pages 7–14.

Relevant Previous Council Action

The Judicial Council adopted *Determination of Conservatee’s Appropriate Level of Care* (form GC-355), effective July 1, 2011, for mandatory use to document and file the determination of the conservatee’s appropriate level of care required by Probate Code section 2352.5(c).¹ The council has never revised the form.

Analysis/Rationale

Senate Bill 280 (Stats. 2023, ch. 705) added section 2351.2 to the Probate Code to require a conservator of the person, effective January 1, 2025, to file with the court a confidential “care plan” for the conservatee. The care plan must contain statutorily specified elements, including confidential medical information that must be further protected from disclosure to some of the persons otherwise entitled to receive copies of the care plan. (§ 2351.2(e).)

To facilitate the preparation of the care plan, section 2351.2(c) requires the Judicial Council, also effective January 1, 2025, to develop and adopt a mandatory form for the conservator’s use to prepare the care plan. The statute requires this form to be combined with the form used to document the conservatee’s appropriate level of care as required by section 2352.5(b). (See also § 2352.5(c).) As noted above, form GC-355 must currently be used for the latter purpose.

Form GC-355

The committee recommends substantial revisions to form GC-355 to implement the requirements of SB 280. The first revision retitles the form as *Confidential Conservatorship Care Plan—Part I* to indicate that its scope has expanded, that its contents are confidential, and that it constitutes only part of a completed care plan. The recommended revisions incorporate all statutorily required elements of the plan except for confidential medical information, which must be further protected from disclosure. The revised form retains the elements of the written determination of the conservatee’s appropriate level of care required by section 2352.5(b).

¹ Judicial Council of Cal., Advisory Com. Rep., *Probate Conservatorship: Determining the Conservatee’s Appropriate Level of Care* (Feb. 24, 2011), www.courts.ca.gov/documents/20110429itema7.pdf. Section 2352 was added to the Probate Code by Senate Bill 1116 (Stats. 2006, ch. 490, § 2), effective January 1, 2007.

All further statutory references are to the Probate Code unless otherwise specified.

The revised form begins with a new set of instructions that guides the conservator of the person in completing the plan and outlines the steps required to sign, deliver, and file the plan. (§ 2351.2(a).) The new instructions also discuss statutory exceptions to the requirement to file a plan and warn of the potential consequences of not filing a plan as required. (§ 2351.2(d) & (h).)

After the instructions, items 1 and 2 now ask for basic information such as the conservator's name, date of appointment, the date on which the proceedings began, and, as required by section 2352.5(b)(1), an evaluation of the conservatee's level of care on that date.² Item 3 then asks for information about the conservatee's current living arrangement, including the address, the date the conservatee began living there, the type of residence, whether the living arrangement is the least restrictive residence appropriate for the conservatee, whether the conservator plans to move the conservatee within 12 months, and whether the residence is the conservatee's "personal residence," as defined. (§ 2351.2(b)(1); see Cal. Rules of Court, rule 7.1063.)

Item 4 asks the conservator to provide information required by section 2352.5(b). Although this information is already included on existing form GC-355, the committee recommends restructuring it to integrate it into the care plan. If the conservatee is living in the personal residence, the conservator must describe the measures needed to allow the conservatee to stay in the residence. (§ 2352.5(b)(1).) If the conservatee is not living in the personal residence, the conservator must give the address of the personal residence and either describe the plan to help the conservatee return to live in the personal residence or, if the conservatee will not be able to return to live in the personal residence in the foreseeable future, explain the reasons for that inability. (§ 2352.5(b)(2).)

The balance of the revised form, with the exception of item 7, seeks information required by SB 280. Items 5 and 6 ask the conservator to describe the conservatee's current care, to state whether that care is sufficient to meet the conservatee's needs, and, if it is not, to describe the care arranged or planned to meet the conservatee's needs. (§ 2351.2(b)(2).) Item 7 updates item 3b on the existing form, asking whether a professional has assessed the conservatee's needs and, if so, directing the conservator to attach a copy of the evaluation with confidential medical information redacted. The conservator must then, in items 8 and 9, describe their visitation schedule with the conservatee, their actions to ensure that the conservatee is able to exercise the rights to visitation and communication with family and friends, and the conservatee's normal social and recreational activities. (§ 2351.2(b)(4) & (5).)

In item 10, the conservator must identify any special problems raised by the court investigator, the court, or an interested person and describe how the conservator has addressed or plans to address those problems. (§ 2351.2(b)(6).) To the extent the conservator has access to the

² The date of the commencement of the proceedings is also important because the conservatee's permanent residence on that date is deemed the conservatee's personal residence for purposes of the conservatorship proceedings. (See Cal. Rules of Court, rule 7.1063.)

information, item 11 asks the conservator to describe the conservatee's financial needs, giving estimated monthly expenses.³ (§ 2351.2(b)(7).)

Form GC-356

To implement the statute's mandate that the conservatorship care plan include confidential medical information (§ 2351.2(b)(3) & (8); see also § 2351.2(b)(2) & (7)) and that such information be redacted from copies of the plan delivered to the conservatee's spouse or domestic partner and any relatives (§ 2351.2(a)(2)(B)), the committee recommends adopting *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356). The conservator must use this form to describe the status of the conservatee's health, any medications currently prescribed, and any medical treatments received, supports provided, or devices used. (§ 2351.2(b)(3).) The form would also include the required list of all health care providers caring for the conservatee with license type and number, contact information, and a description of the treatment provided (§ 2351.2(b)(8)) and any other confidential medical information the conservator wishes to report.⁴

Delivery of the care plan

On completing the plan, the conservator must deliver a copy of both part 1 (form GC-355) and part 2 (form GC-356) to the conservatee and the conservatee's attorney, any conservator of the estate, and that conservator's attorney. (See § 2351.2(a)(2)(A).) Unless the court has determined that delivery of the plan will result in harm to the conservatee, the conservator must also deliver a copy of part 1 (form GC-355) *without* part 2 (form GC-356) to the conservatee's spouse or domestic partner and each relative within the first degree (parent or child) or, if the conservatee does not have a spouse or domestic partner or any first-degree relatives, to relatives within the second degree (sibling, grandchild, grandparent) to the greatest extent possible. (§ 2351.2(a)(2)(A) & (B).)

These complex statutory requirements and prohibitions require detailed instructions to the conservator. The last two pages of revised form GC-355 provide a proof of delivery by mail and instructions intended to assist the conservator in properly completing the delivery requirements. These instructions, and additional instructions on form GC-356, emphasize that the conservator should discuss medical information exclusively on form GC-356. The delivery instructions also make clear that form GC-356 is to be delivered only to the conservatee, the conservatee's attorney, the conservator of the estate, and the attorney for the conservator of the estate.

³ The statute lists "food, entertainment, rent or mortgage, transportation, utilities, medication, clothing, and other relevant health care and living expenses" as examples of expenses to be included. § 2351.2(b)(7).

⁴ The discussion of the conservatee's level of care and financial needs may also touch on confidential medical information.

Policy implications

The recommended action is needed to conform to changes in the law. In addition, the revisions to form GC-355 and adoption of form GC-356 will improve the quality of service to the public and promote greater transparency in the care of conservatees.

Comments

The recommended amendments and revisions circulated for public comment in the spring 2024 invitation-to-comment cycle. The committee received six comments. Two commenters agreed with the recommendation as circulated, three commenters agreed and suggested modifications, and one commenter did not indicate a position. A chart of comments and the committee's responses is attached at pages 15–20.

Two commenters suggested adopting the confidential medical information form as a standalone form instead of an attachment, as it was circulated; one commenter suggested adding space for a file stamp to that form to facilitate separate filing. The committee agrees that use of a separate form would better protect the confidentiality of medical information than would an attachment and has modified its initial proposal to recommend adoption of a separate form for discussion of that information. The committee also recommends adding instructions to the clerk on form GC-356 to file that form separately from form GC-355. At the same time, to promote compliance with the statute's requirement of a single, comprehensive care plan, the committee also recommends adding "part 1" to the title of form GC-355 and "part 2" to the title of form GC-356 as well as revising the instructions on both forms to state that the conservator must file both forms GC-355 and GC-356 to complete the care plan.

Commenters also requested clarification on whether and how many times a limited conservator was required to file the forms. Because the governing statutes, sections 2351.2 and 2352.5, exclude some but not all limited conservators from the duty to file a care plan or part of one, complete clarity has been elusive. The committee has revised the form consistent with the commenters' suggestions and made further revisions in the spirit of those suggestions.

Alternatives considered

The committee did not consider taking no action, because SB 280 mandated the adoption or revision of forms for the conservator's use to complete the care plan. The committee considered recommending revisions to form GC-355 that contained all the required elements of the care plan, including confidential medical information. That would have left the redaction of such information from some but not all copies of the care plan up to the conservator. Because most conservators of the person are not professionals and might have difficulty determining which information to redact, however, the committee decided that recommending adoption of a separate form on which to provide medical information would reduce the likelihood of overly narrow redaction and the inadvertent disclosure of private health information. As discussed above, the committee also considered recommending provision of confidential medical information in an attachment.

Fiscal and Operational Impacts

Conservators of the person will need to complete and file the forms. Courts may need to program their case management systems to accept filing of the form, though conservators have used form GC-355 to file the determination of level of care required by section 2352.5 since 2011. The costs associated with the proposed form result from the underlying statutory requirements.

Attachments and Links

1. Forms GC-355 and GC-356, at pages 7–14
2. Chart of comments, at pages 15–20
3. Link A: Prob. Code, § 2351.2,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=2351.2
4. Link B: Prob. Code, § 2352.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=2352.5

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p>	<p>FOR COURT USE ONLY</p> <p>DRAFT 081324</p> <p>Not approved by</p> <p>the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>CONSERVATORSHIP OF THE PERSON <input type="checkbox"/> AND ESTATE OF <input type="checkbox"/></p> <p>(name): CONSERVATEE</p>	<p>CASE NUMBER:</p>
<p>CONFIDENTIAL CONSERVATORSHIP CARE PLAN—PART 1</p> <p><input type="checkbox"/> Initial <input type="checkbox"/> Update <input type="checkbox"/> Limited Conservatorship</p>	
<p>To the Conservator of the Person</p> <p>Use this form and <i>Confidential Conservatorship Care Plan—Part 2 (Medical Information)</i> (form GC-356) to prepare a care plan for the conservatee. Complete each item on this form and items 1–4 on form GC-356 unless one of the following two exceptions applies:</p> <ul style="list-style-type: none"> • If you are a limited conservator who is the conservatee's parent or child, you are required to complete this form once, within 120 days of your appointment, and only items 1–4. The other items are optional unless the court ordered you to complete one or more. • If you are the Director of Developmental Services or the director's designee and the conservatee has developmental disabilities and is a regional center consumer, you must complete items 1, 3a–3f, and 5–12 on this form and items 1–4 on form GC-356. <p>Note: If you are a limited conservator who is not the conservatee's parent or child and is not the state Director of Developmental Services or the director's designee, you must complete each item on this form and items 1–4 on form GC-356.</p> <p>Do not discuss confidential medical information on this form. Discuss confidential medical information only on <i>Confidential Conservatorship Care Plan—Part 2 (Medical Information)</i> (form GC-356); deliver form GC-356 with this form only to the conservatee, the conservatee's attorney, the conservator of the estate, if any, and that conservator's attorney as instructed on page 6.</p> <p>When you have completed Part 1 and Part 2 of the care plan:</p> <ul style="list-style-type: none"> • Sign page 4 of this form and page 2 of <i>Confidential Conservatorship Care Plan—Part 2 (Medical Information)</i> (form GC-356); • Deliver the care plan to the persons and in the manner described in the instructions on page 6; and • File both parts of the care plan and a completed Proof of Delivery by Mail (page 5 of this form) or other proof with the court: <ul style="list-style-type: none"> o no later than 120 days after the date of the court order appointing you conservator (initial plan); o no later than 10 days before a hearing to consider whether to continue or terminate the conservatorship (updated plan); or o as directed by the court. <p>For more information about developing, completing, and filing a care plan, see chapters 4 and 6 of the Handbook for Conservators.</p> <p>WARNING: If you do not file a completed care plan by the applicable deadline, the court can remove you as conservator, order you to pay a penalty of up to \$500, and, if you are a professional fiduciary, refer you to the Professional Fiduciaries Bureau for investigation.</p>	

1. I, (name):
am the conservator of the person of the conservatee named above. I was appointed on (date of order):

2. a. These conservatorship proceedings began on (date of filing of first petition for appointment of conservator):
b. The conservatee's care on that date was was not sufficient to meet the conservatee's needs for the reasons given below on Attachment 2b.

3. a. The conservatee is currently living at the following address (street, city, state, and zip code; if it is a care facility, give the name):

Telephone number: Email address:
b. The conservatee has been living at this location since (date):

CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

3. c. The location in item 3a is (check all that apply):

- (1) The conservatee's single family home, condominium, or apartment.
- (2) A relative's or friend's single family home, condominium, or apartment.
- (3) An acute care (a) hospital (b) psychiatric hospital.
- (4) A skilled nursing facility.
- (5) A licensed unlicensed care facility that provides (if you know):
- (a) intermediate care for adults with developmental disabilities.
- (b) residential care for older adults.
- (c) assisted-living services (with 7 or more beds).
- (d) board and care (with 6 or fewer beds).
- (6) Another type of residence described below. on Attachment 3c.

d. The location in item 3a uses a secured (locked) perimeter delayed egress system to regulate the departure of residents.

e. The location in item 3a is is **not** the least restrictive residence appropriate for the conservatee for the reasons given below. on Attachment 3e.

f. I plan do **not** plan to move the conservatee or change the conservatee's residence within the next 12 months for the reasons given below. on Attachment 3f.

g. The location in item 3a

- (1) **is** the conservatee's **personal residence** because the conservatee understands or believes, or appears to understand or believe, that it was their permanent residence on the date in item 2; **or** the conservatee cannot form or communicate an understanding or belief about their permanent residence, and it is the residence they last understood or believed, or appeared to understand or believe, to be their permanent residence.
- (2) **is not** the conservatee's **personal residence** because the conservatee understands or believes, or last understood or believed, that a **different** home or care facility was their permanent residence on the date in item 2.
The conservatee's personal residence is located at (street, city, state, and zip code, and, if a care facility, name):

- (3) **is not** the conservatee's **personal residence** because the conservatee does not understand or believe, and has never understood or believed, that they had a permanent residence on the date in item 2.

4. a. The conservatee is living in their personal residence. The measures necessary to allow the conservatee to stay in that residence are described (check all that apply): below on Attachment 4a in item 5 in item 6 in Confidential Conservatorship Care Plan—Part 2 (Medical Information) (form GC-356).

b. (1) The conservatee is not living in their personal residence but **will** be able to return to live in that residence in the foreseeable future. My plan to help the conservatee return to live in their personal residence is described (check all that apply): below in Attachment 4b(1) in item 5 in item 6 in Confidential Conservatorship Care Plan—Part 2 (Medical Information) (form GC-356).

(2) The conservatee is not living in their personal residence and **will not** be able to return to live in that residence in the foreseeable future for the reasons described below. on Attachment 4b(2).

CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

5. The conservatee is currently receiving the following care or assistance. (Check all that apply; you may provide additional information about any item in the space after "other care or assistance" or on Attachment 5j. **Note: Do not discuss confidential medical information on this form. Discuss that information only in Part 2 (form GC-356).**)

- a. No care or assistance.
- b. Light housekeeping help.
- c. Personal caregivers for _____ hours per day. 24-hour care.
- d. Assistance with daily living skills.
- e. Nursing care.
- f. Meal preparation assistance.
- g. Assistance with medication: Administering. Setup only.
- h. Assistance with mobility: Hands-on. Standby only.
- i. In-home hospice services.
- j. Other care or assistance, as described below. on Attachment 5j.

6. a. The conservatee's current care and treatment are sufficient to meet the conservatee's needs. I plan to continue the care and treatment described in item 5 and *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356).
- b. The conservatee's current care and treatment are **not** sufficient to meet the conservatee's needs. I have arranged or plan to arrange the care described (check all that apply): below on Attachment 6b in item 3b of *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356) to meet those needs. **Note: Do not discuss confidential medical information on this form. Discuss that information only in form GC-356.)**

7. The conservatee's care needs have been evaluated by a professional. A copy of the evaluation, including a description of the professional's qualifications, is included as Attachment 7.

IMPORTANT: You must complete and file Part 2 of the care plan (form GC-356) even if you attach a professional evaluation.

If the professional evaluation includes confidential medical information, make sure to redact (block out so no one can read) that information from all copies except the copy filed with the court and the copies delivered to the conservatee, the conservatee's attorney, the conservator of the estate, and the conservator of the estate's attorney.

A professional evaluation of the conservatee's care needs is not required, but is recommended if the circumstances and the conservatee's condition warrant it and the conservatee can afford it.

Note: Include any written evaluation by a professional fiduciary appointed as conservator or proposed for appointment.

CONSERVATORSHIP OF (name): _____ <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER: _____
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8. a. (1) I live with the conservatee.
 (2) I plan to visit the conservatee on the schedule described below. on Attachment 8a.

b. The steps that I plan to take to ensure that the conservatee is able to visit and communicate with family and friends, consistent with the conservatee's preferences, are described below. on Attachment 8b.

9. a. The conservatee engages in the social or recreational activities described, including location, below. on Attachment 9a.

b. The conservatee is not able to engage in social or recreational activities for the reasons explained below. on Attachment 9b.

10. a. Any problems brought to my attention by the court, the investigator, or an interested person and my plans to address each of those problems are described below. on Attachment 10a.

b. No specific problems have been brought to my attention.

11. a. The conservatee's estimated monthly expenses, to the extent I have access to the information needed to estimate them, in each category listed in Probate Code section 2351.2(b)(7), are stated below. on Attachment 11a.

b. Except for the expenses stated in item 11a, I do not have access to the information needed to estimate the conservatee's monthly expenses.

12. Number of pages attached: _____

Date: _____

 (TYPE OR PRINT NAME OF CONSERVATOR OF THE PERSON)



 (SIGNATURE OF CONSERVATOR OF THE PERSON)

CONSERVATORSHIP OF <i>(name):</i>	CASE NUMBER:
	CONSERVATEE

PROOF OF DELIVERY BY MAIL

- I am over the age of 18. I am the appointed conservator of the conservatee named above, the conservator's attorney, or an employee of the conservator's attorney. I am a resident of or employed in the county where the mailing occurred.
- My residence or business address is *(specify)*:
- I delivered a copy of this form (GC-355) and a copy of *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356) to each person in items 1 to 4 below the signature line. I delivered a copy of this form without form GC-356 to the persons in items 5 to 9 below and on any attachment. I enclosed each copy in an envelope addressed as shown below **and**
 - deposited** the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
 - placed the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- Date mailed:
 - Place mailed *(city, state)*:

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

Date:

_____		_____
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)		(SIGNATURE OF PERSON COMPLETING THIS FORM)

NAME AND ADDRESS OF EACH PERSON TO WHOM A COPY OF THE PLAN WAS MAILED

<u>Name and relationship to conservatee</u>	<u>Address</u> <i>(number, street, city, state, and zip code)</i>
1. _____ The conservatee	_____
2. _____ The conservatee's attorney	_____
3. _____ The conservator of the estate (if not you)	_____
4. _____ The attorney for the conservator of the estate	_____

ALERT: Do **not** deliver a copy of the care plan to any person if the court found that delivery to that person would pose a risk of harm to the conservatee. Do not, under **any** circumstances, deliver a copy of form GC-356 to anyone except the persons in 1–4.

5. _____ The conservatee's spouse or registered domestic partner	_____
6. _____ Relationship: _____	_____
7. _____ Relationship: _____	_____
8. _____ Relationship: _____	_____
9. _____ Relationship: _____	_____

Continued on an attachment. *(List the name, mailing address, and relationship to the conservatee of each additional person.)*

CONSERVATORSHIP OF <i>(name)</i> :	CASE NUMBER: CONSERVATEE
INSTRUCTIONS FOR DELIVERING COPIES OF CONFIDENTIAL CONSERVATORSHIP CARE PLAN—PART 1 AND CONFIDENTIAL CONSERVATORSHIP CARE PLAN—PART 2 (MEDICAL INFORMATION) BY MAIL	

You (the conservator, your attorney, or an employee of your attorney) must deliver a copy of *Confidential Conservatorship Care Plan—Part 1* (this form) and *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356) to each person in item 1, below. You must also deliver a copy of this form **without** form GC-356 to each living person in item 2, below, as applicable.

You may send each copy of the care plan by mail; these instructions describe how to do that. Alternatively, you may deliver a copy to someone in person or send a copy electronically to someone who has consented to receive electronic service and provided an electronic service address on *Consent to Electronic Service and Notice of Electronic Service Address* (form EFS-005-CV).

1. **Who must receive the mailing:** You must mail a copy of this form (GC-355) and *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356) to each of the following persons:
 - a. The conservatee;
 - b. The conservatee's attorney;
 - c. The conservator of the estate (if the court appointed one); and
 - d. The attorney for the conservator of the estate.

2. You must **also** mail a copy of this form *without* form GC-356 to each of the persons in the following categories. **But** if the court found that delivery of the care plan to one or more of those persons would result in harm to the conservatee, do not mail a copy of either Part 1 (form GC-355) or Part 2 (form GC-356) to that person or those persons.
 - a. The conservatee's spouse or domestic partner;
 - b. All the conservatee's relatives in the first degree (parents and children 12 years of age and older);
 - c. If the conservatee has no spouse or registered domestic partner *and* no relatives in the first degree, then all the relatives in the second degree (siblings, grandchildren 12 years of age and older, grandparents);
 - d. If the conservatee has a child, sibling, or grandchild under 12 years of age, then a parent, guardian, or other person having legal custody of the child, sibling, or grandchild with whom the child, sibling, or grandchild resides.

3. **When the mailing must be completed:** If the care plan is an initial plan, you must complete the mailing described above no later than the end of the 120th day after the filing date of the *Order Appointing Probate Conservator* (form GC-340) issued in your case. If the care plan is an update, you must complete the mailing no later than the end of the 10th day before the hearing to consider terminating the conservatorship or no later than the date the court orders.

4. **Before you mail:** Make enough copies of pages 1–4 of this form to be able to send one to each person in the categories in items 1 and 2, above. Make enough copies of form GC-356 to be able to send one to each person in item 1, above.
IMPORTANT: Do **not** send *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356) to anyone except the persons in item 1.

5. **Fill out Proof of Delivery by Mail:** You (the conservator) or your attorney must fill out the Proof of Delivery by Mail on page 5 of this form, including the names, relationships to the conservatee, and mailing addresses of the persons in the categories in items 1 and 2, above, who are entitled to receive a copy of the plan. If the Proof of Delivery by Mail does not have enough space for the names, relationships, and addresses of all the persons who will receive a copy of the plan, you must show the additional names, relationships, and addresses on one or more additional pages and attach those pages to the Proof of Delivery.
 After completing the mailing as described in item 6 below, you or your attorney must date and sign the Proof of Delivery by Mail on page 5 of this form.

6. **How to mail:** You (the conservator), your attorney, or an employee of the attorney, must do the following:
 - a. Place copies of this form and—only to the persons listed in item 1 above—form GC-356 in sealed envelopes with postage fully prepaid addressed to each person at the address shown for that person on the Proof of Delivery by Mail on page 5 of this form or on attached additional pages.
 - b. Deposit (mail) the sealed envelope(s) with the United States Postal Service on the date and from the place (city and state) shown in item 4 at the top of the Proof of Delivery by Mail on page 5 of this form.

7. **File the care plan:** You (the conservator or your attorney) must file with the court the original *Confidential Conservatorship Care Plan—Part 1* (this form) **and** *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356) and a signed and dated Proof of Delivery by Mail (page 5 of this form) with any additional address pages attached.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 082124 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (name):	CONSERVATEE
CONFIDENTIAL CONSERVATORSHIP CARE PLAN—PART 2 (MEDICAL INFORMATION)	CASE NUMBER:

To the conservator of the person: Complete items 1–4; if you want to discuss additional medical information, complete item 5; and sign the form on page 2. Deliver this form as instructed on page 6 of form GC-355, then file this form, *Confidential Conservatorship Care Plan—Part 1* (form GC-355), and proof of delivery with the court. A care plan is not complete without this form and form GC-355.

To the clerk: File this form separately from *Confidential Conservatorship Care Plan—Part 1* (form GC-355) to ensure that the confidential medical information contained in this form is not improperly disclosed.

1. The conservatee has been diagnosed with the following physical or mental health conditions (*check all that apply*):

- a. No known health conditions.
- b. Physical health conditions described
 below. on Attachment 1b.
- c. Mental health conditions described
 below. on Attachment 1c.

2. The conservatee is receiving or using the following medical treatment, medications, supports, or devices for one or more of the conditions described in item 1 (*complete all that apply*):

- a. No medical treatment, medications, supports, or devices.
- b. All medical treatments and the conditions treated by each are described below. on Attachment 2b.
- c. All medications taken and the conditions treated by each are described below. on Attachment 2c.
- d. All services and supports received, including the reason for each, are described below. on Attachment 2d.
- e. All devices used and the purpose of each are described below. on Attachment 2e.

CONSERVATORSHIP OF <i>(name):</i>	CASE NUMBER:
CONSERVATEE	

3. a. The medical treatment, medications, supports, and devices described in item 2 are sufficient to meet the conservatee's current and foreseeable medical needs.
- b. The additional medical treatment, medications, supports, or devices described below on Attachment 3b are necessary to meet the conservatee's current and foreseeable medical needs.

4. The following health care providers are currently providing treatment or care to the conservatee (*give name, professional license type [e.g., physician, cardiologist or other specialist, dentist, psychotherapist] and license number, and contact information for each; if you know, describe the treatment and care provided*):

a. Name: _____ License number: _____
 Professional license type: _____
 Mailing address: _____

Telephone number: _____ Email address: _____
 Treatment or care provided (*if known*): _____

b. Name: _____ License number: _____
 Professional license type: _____
 Mailing address: _____

Telephone number: _____ Email address: _____
 Treatment or care provided (*if known*): _____

c. Name: _____ License number: _____
 Professional license type: _____
 Mailing address: _____

Telephone number: _____ Email address: _____
 Treatment or care provided (*if known*): _____

Additional providers listed on Attachment 4.

5. Additional confidential medical information is discussed below. on Attachment 5.

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE)

SPR24-28

Probate Conservatorship: Care Plan (Adopt form GC-355A, revise form GC-355)

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

	Commenter	Position	Comment	Committee Response
1.	Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	AM	It is suggested that GC-355A not be an attachment to GC-355, but instead be filed separately as a standalone form with its own instructions for service. This would make it easier for filers to be clearer on who gets what form.	The committee agrees generally and recommends adoption of standalone form GC-356 to document the elements of the care plan that require discussion of confidential medical information. The committee also recommends adding “part 1” to the title of form GC-355 and “part 2” to the title of form GC-356 to indicate that each form constitutes only part of the single, comprehensive care plan intended by the Legislature. The committee does not, however, recommend repeating all the instructions for delivering and filing the care plan on form GC-356. Abbreviated directions on form GC-356, with references to the full instructions on form GC-355, will more effectively indicate that a care plan is not complete unless and until the conservator has completed and filed both form GC-355 and form GC-356.
2.	Orange County Bar Association by Christina Zabat-Fran, President	A	This proposal appropriately addresses the stated purpose of implementing the conservatorship care plan requirements of Probate Code § 2351.2, and the care plan forms with instructions appropriately address the statute's mandates to provide medical information in the plan while maintaining the full confidentiality of that information.	The committee appreciates this comment. No further response required.
3.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	AM	<p>The Court agrees with the proposal in SPR24-28, “Probate Conservatorship: Care Plan,” if modified.</p> <p>It is suggested that GC-355A not be an attachment to GC-355, but instead be filed separately as a standalone form, with its own</p>	<p>The committee appreciates these comments.</p> <p>The committee agrees generally and recommends adoption of standalone form GC-356 to document the elements of the care plan that require</p>

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

SPR24-28

Probate Conservatorship: Care Plan (Adopt form GC-355A, revise form GC-355)

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			instructions for service. This would make it easier for filers to be clearer on who gets what form.	discussion of confidential medical information. The committee also recommends adding “part 1” to the title of form GC-355 and “part 2” to the title of form GC-356 to indicate that each form constitutes only part of the single, comprehensive care plan intended by the Legislature. The committee does not, however, recommend repeating all the instructions for delivering and filing the care plan on form GC-356. Abbreviated directions on form GC-356, with references to the full instructions on form GC-355, will more effectively indicate that a care plan is not complete unless and until the conservator has completed and filed both form GC-355 and form GC-356.
4.	Superior Court of Orange County	NI	Page 2 of GC-335A is missing the A in the header. Are these forms for use in both General and Limited Conservatorships of the Person?	The committee has modified the number of the recommended form from GC-355A to GC-356. The form is intended for use by both limited and general conservators to file a care plan to the extent required by statute. The committee has revised recommended form GC-355 in an attempt clarify the application of these statutory requirements.
5.	Superior Court of Riverside County	A	The proposal addresses the stated purpose and the statute’s mandate regarding medical information and confidentiality. Would the proposal provide cost savings? If so, please quantify. A: No cost savings What would the implementation requirements be for courts—for example, training staff	The committee appreciates this comment. No further response is required. No further response is required. No further response is required.

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			<p>(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? A: Update procedure, clerk alert, training of staff, update existing CMS code/description, create new CMS code.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Depend on vendor time tables. No sooner than 3 but up to 6 months may be needed.</p> <p>How well would this proposal work in courts of different sizes? A: This proposal should work well in courts of different sizes.</p> <p><i>Additional comments:</i> Can the name of the form be changed to remove “care”? The proposed form name can easily be mistaken for CARE Court.</p> <p>Also, form GC-355A indicates it is a mandatory form, but form GC-355 allows for other options; this could be confusing.</p>	<p>No further response is required.</p> <p>No further response is required.</p> <p>The committee does not recommend the suggested change. Probate Code section 2351.2 expressly requires the conservator of the person to develop a “care plan” and file it with the court. The forms’ numbers, GC-355 and GC-356, and their title, <i>Confidential Conservatorship Care Plan</i>, should adequately indicate that the form is intended for use in conservatorship proceedings, not in proceedings under the CARE Act.</p> <p>The committee has modified its recommendation to make clear that form GC-356 must be <i>filed</i> as part of every completed care plan. To the extent</p>

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			<p>Since parties may file form GC-355A separately (not as an attachment), there should be space for a file stamp.</p>	<p>that the commenter is referring to item 7, regarding a professional evaluation, the committee has modified the instructions to clarify that a conservator who filed a professional evaluation would also be required to file a completed form GC-356 with form GC-355.</p> <p>The committee has modified the recommended medical information form, circulated as form GC-355A, to give it number GC-356 and make it a standalone form with a full caption, including a stamp box. The committee has also added instructions to the clerk to file form GC-356 separately from form GC-355 to ensure that confidential information is not improperly disclosed. At the same time, to promote compliance with the statute’s requirement of a single, comprehensive care plan, the committee has also revised the instructions on both forms to state that the conservator must file both forms GC-355 and GC-356 to complete the care plan.</p>
6.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p>Q: Does the proposal appropriately address the state purpose? A: Yes.</p> <p>Q: Does the proposed division of the care plan into a primary form to be delivered to all recipients and a confidential medical information attachment to be delivered only to designated recipients appropriately address the statute’s mandates to provide medical information in the plan and to maintain the confidentiality of that information? A: Yes.</p>	<p>The committee appreciates this comment. No further response is required.</p> <p>The committee appreciates this comment but has nevertheless, in response to other comments, modified the recommended medical information form to make it a standalone form so that it may be filed separately from (though simultaneously with) form GC-355 to more effectively prevent inadvertent disclosure of confidential information.</p>

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			<p>Q: Would the proposal provide cost savings? If so, please quantify. A: No.</p> <p>Q: 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? A: Implementation will require training of staff, updates to the case management system to rename the form and add a tracking mechanism for the reoccurring requirement.</p> <p>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.</p> <p>Q: How well would this proposal work in courts of different sizes? A: This proposal should work well, regardless of the size of the court.</p> <p>General Comments Probate Code section 2351.2(h) indicates these requirements do not apply to a limited conservator appointed for a developmentally disabled adult, if the limited conservator is a relative within the first degree of the conservatee; however, revised form GC-355</p>	<p>No further response is required.</p> <p>No further response is required.</p> <p>No further response is required.</p> <p>No further response is required.</p> <p>The committee appreciates this comment and has modified the instructions to indicate more clearly that:</p> <ul style="list-style-type: none"> a limited conservator who is the conservatee’s relative within the first degree—that is, the conservatee’s parent or

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			does not clearly indicate that these conservators must only file this revised form “initially” within 120-days after appointment to comply with Probate Code section 2352.5.	child—must complete only items 1–4 on form GC-355 and do so only one time, within 120 days of appointment; <ul style="list-style-type: none">• the state Director of Developmental Services or the director’s designee who is the conservator or limited conservator of a conservatee who has a developmental disability and is a regional center consumer must complete items 1, 3a–3f, and 5–12 on form GC-355 and items 1–4 on form GC-356;• a limited conservator who does not fall within the previous two descriptions must complete every item on form GC-355 and items 1–4 on form GC-356.

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