



RULES COMMITTEE

MINUTES OF OPEN VIDEOCONFERENCE MEETING

Tuesday, June 3, 2025
12:10 – 12:40 p.m.

Rules Committee Members Present:	Hon. Carin T. Fujisaki (Chair), Hon. Joan K. Irion (Vice-chair), Hon. Khymberli S. Apaloo, Hon. Bunmi O. Awoniyi, Hon. Charles S. Crompton, Hon. Ryan Davis, Mr. Charles Johnson, Hon. Ricardo R. Ocampo, and Mr. Craig M. Peters
Rules Committee Members Absent:	Ms. Kate Bieker and Mr. Maxwell V. Pritt
Rules Committee Staff Present:	Mr. Eric Long and Ms. Benita Downs
Advisory Bodies Chair(s) and Staff Present	Jenny Grantz and Eric Long
Other JC Staff Present	James Barolo, Kristin Burford, and Michael Giden

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m., and Ms. Downs took roll call.

Approved minutes of the April 10 and April 11, 2025, meetings.

DISCUSSION AND ACTION ITEMS (ITEMS 01 – 03)

JUDICIAL BRANCH ADMINISTRATION

Judicial Council Report–Recommend Council Action

Item 01

Judicial Branch Administration: Rule and Standard for Use of Generative Artificial Intelligence in Court-Related Work

The committee reviewed a recommendation from the Artificial Intelligence Task Force that the Judicial Council adopt one rule of court and one standard of judicial administration to address the use of generative artificial intelligence for court-related work. The task force developed this proposal as part of its charge from the Chief Justice to oversee the development of policy recommendations on the use of artificial intelligence in the judicial branch. Adoption of the proposed rule and standard will help to promote

responsible innovation in court operations while protecting confidential information, ensuring appropriate oversight, and maintaining public trust in the judicial branch.

Action: The committee unanimously approved the recommendation of the Artificial Intelligence Task Force, which is to go to the Judicial Council for action at the July council meeting.

ADVISORY COMMITTEE ON CIVIL JURY INSTRUCTIONS (CACI)

Judicial Council Report–Recommend Council Action

Item 02

Jury Instructions: Civil Jury Instructions (release 47)

The committee reviewed a recommendation from the Advisory Committee on Civil Jury Instructions for the approval of new and revised civil jury instructions and verdict forms prepared by the committee. Among other things, these changes bring the instructions up to date with developments in the law over the previous six months. Upon Judicial Council approval, the instructions will be published in the midyear supplement to the official 2025 edition of the Judicial Council of California Civil Jury Instructions (CACI).

Action: The committee unanimously approved the recommendation of the Advisory Committee on Civil Jury Instructions, which is to go to the Judicial Council for action at the July council meeting.

Memorandum-Rules Committee Action Only

Item 03

Jury Instructions: Civil Jury Instructions With Minor or Nonsubstantive Revisions (Release 47)

The committee reviewed a recommendation from the Advisory Committee on Civil Jury Instructions for final action by the Rules Committee for minor or nonsubstantive revisions to the Judicial Council of California Civil Jury Instructions (CACI), which the council has delegated authority to the Rules Committee to approve.

Action: The committee took final action in unanimously approving the recommendation of the Advisory Committee on Civil Jury Instructions for minor and nonsubstantive revisions to the civil jury instructions.

I. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

The Next Rules Committee meeting will be held on: September 4, 2025.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:40 p.m.

Approved by the committee on



Judicial Council of California
Rules Committee

courts.ca.gov/rulescomm.htm
rulesmeetings@jud.ca.gov

RULES COMMITTEE

MINUTES OF ACTION BY EMAIL

Friday, June 13, 2025

**Rules Committee
Members Who
Participated:**

Hon. Carin T. Fujisaki (Chair), Hon. Joan K Irion (Vice-chair), Hon. Khymberli S. Apaloo, Hon. Bunmi O. Awoniyi, Ms. Kate Bieker, Hon. Charles S. Crompton, Hon. Ryan Davis, Mr. Charles Johnson, Hon. Ricardo R. Ocampo, Mr. Craig M. Peters, and Mr. Maxwell V. Pritt

**Rules Committee
Staff:**

Mr. James Barolo, Mr. Eric Long, and Ms. Benita Downs

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by email concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Wednesday, June 11, 2025, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN ACTION AND DISCUSSION ITEMS (01)

JUDICIAL COUNCIL STAFF

Judicial Council Report–Recommend Council Action

Item 01

Rules and Forms: Adjustment to Deposit Account Exemption from Enforcement of Judgment

The committee reviewed a recommendation from Judicial Council staff that the council, effective July 21, 2025, revise *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ 156) to reflect increases in the minimum basic standard of care for a family of four.

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

CLOSURE OF ACTION

The action by email concluded on Friday, June 13, 2025, at 5:00 p.m.

Approved by the committee on

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 9/4/2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division

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

Amend rules 8.885 and 8.929

Committee or other entity submitting the proposal:

Appellate Advisory Committee

Staff contact (name, phone and email): Jeremy Varon, 415-865-7424, jeremy.varon@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 22, 2024

Project description from annual agenda: Consider amending rules 8.885 and 8.929 in light of Code of Civil Procedure section 367.75 and rules 3.672 and 10.635, and to facilitate remote appearances. It is the understanding of the committee that efforts to facilitate remote appearances remain a priority for the judicial branch.

Out of Cycle/Early Implementation: *If requesting July 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.)

This proposal was deferred from the 2022-2023 annual agenda pending council rulemaking establishing standards for when a judicial officer may preside over a remote court proceeding in a location other than a courtroom (Code of Civ. Proc., § 367.10). New rule 10.635 regarding such proceedings was adopted by the council effective July 1, 2024.

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) July 11, 2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) August 4, 2025

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.).

(11/1/24)

- **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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-132

For business meeting on October 24, 2025

Title

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 8.885 and 8.929

Date of Report

August 5, 2025

Recommended by

Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Contact

Jeremy T. Varon, 415-865-7424
jeremy.varon@jud.ca.gov

Executive Summary

The Appellate Advisory Committee recommends updating the California Rules of Court regarding oral argument in superior court appellate divisions to reflect modern videoconferencing technology and allow broader authorization for remote participation by both parties and appellate division judges. The recommended amendments will enhance access to the courts for self-represented litigants who lack resources or the ability to travel to court in person, along with saving travel costs for courts and simplifying scheduling, ultimately reducing delays for parties.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2026, amend rules 8.885 and 8.929 of the California Rules of Court regarding oral argument in the appellate division to authorize remote appearances by parties and more broadly authorize remote participation by appellate division judges.

The text of the proposed amended rules is attached at pages 6–14.

Relevant Previous Council Action

Rule 8.885 governs oral argument in misdemeanor and limited civil appeals. The corresponding rule for infraction appeals is rule 8.929. Effective January 1, 2010, rules 8.885 and 8.929 were amended to authorize oral argument by videoconference. The proposal followed a successful program involving the Superior Courts of Lassen, Modoc, Plumas, and Sierra Counties in which one judge was selected from each county to sit on a regional appellate division. When a matter came before the regional appellate division, it was heard by a panel of the judges from the other three counties. The program utilized videoconferencing to enable the judges to participate from their home courts rather than spend the time traveling long distances to one courthouse. This innovation saved travel costs for the courts and facilitated scheduling, reducing delay for the parties.

Adopted in 2022 and since amended to conform to statutory changes, rule 3.672 governs remote appearances by parties in civil cases subject to Code of Civil Procedure section 367.75. In July 2024, the Judicial Council adopted rule 10.635, which prescribes when a judicial officer of a superior court may use remote technology to effectuate their own participation in a such a proceeding from a location other than a courtroom. These rules, however, do not apply to the appellate division of a superior court.

Analysis/Rationale

The current oral argument by videoconferencing provisions, which have not been amended since 2010, authorize appellate divisions to provide videoconferencing for parties on order of the court's presiding judge or the presiding judge's designee or, if permitted, by a local rule. If oral argument will be conducted by videoconference, each judge must participate at either the court that issued the order or judgment being appealed or from another court. Unless otherwise allowed, all parties must participate from the court that issued the order or judgment being appealed. The oral argument must be open to the public at the court that issued the judgment or order being appealed; public attendance may also be allowed at a court from which a judge is participating. The rules contain provisions requiring individuals who speak to be visible, audible, and identified by name, and prohibiting participation by unauthorized persons. Parties may not be charged a fee to attend oral argument by videoconference in the court that issued the judgment or order or in another court from which a judge is participating.

The existing videoconferencing provisions of rule 8.885 and rule 8.929 were primarily intended to address the challenges of regional appellate divisions with judges having to travel long distances to appear together in person at one court; the rules provide similar benefits in large counties with appellate division judges located in distant courthouses. However, in the years since the current rules took effect, videoconferencing technology has advanced to the point that remote video appearances using a computer, smart phone, or tablet are now possible from wherever one is located. Since 2020 and the COVID-19 pandemic, remote technology use in superior courts has expanded, as reflected by the adoption of rules 3.672 and 10.635. Videoconferencing also no longer needs to be limited to the panel judges. Under the recommended amendments, the videoconferencing provisions will be replaced by a subdivision

regarding remote appearances at oral argument using remote technology. “Remote technology” is defined as “technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer, tablet, telephone, cellphone, or other electronic or communications device.” This definition matches the definition of “remote technology” in rule 3.672, the rule regarding remote proceedings in civil cases.

Consistent with the current rules authorizing videoconferencing, this recommendation will allow appellate divisions to conduct oral argument in whole or in part through the use of remote technology if either a local rule authorizes it or a court orders it on the court’s own motion or on application of a party. An application from a party requesting to appear remotely at oral argument would be required to be filed within 10 days after the court sends notice of oral argument.

Like rule 3.672, the recommended amendments to the rules for appellate division proceedings will provide that no party can be mandated to appear remotely. Any local rules will need to include procedures for self-represented litigants to agree to remote appearances and procedures for opting out of remote appearances. The recommended amendments also retain the requirement from the current videoconference rules that at least one of the judges hearing the oral argument must be present in the courtroom for the proceedings. To maintain consistency with rules 3.672 and 10.635 and encompass remote participation by judges and parties, the committee recommends the title of “Remote proceedings” instead of “Remote appearance” for rules 8.885(b) and 8.929(b).

Provisions regarding fees again parallel those in rule 3.672. Parties who by statute are not charged court fees may not be charged a videoconference fee under Government Code section 70630. Parties with a fee waiver may not be charged a fee for remote appearances.

Policy implications

Updating the rules for oral argument in the appellate division will provide significant cost savings and efficiencies. Remote appearances expand access to justice by allowing parties and their attorneys to appear remotely from locations of their choosing, saving travel time and costs. Additionally, proceedings in the appellate division are limited to oral argument, which does not include factors weighing in favor of in-person proceedings, such as juries, witness testimony, evidentiary exhibits, or court reporters. Remote participation by judges is necessary in counties with insufficient numbers of judges to empanel a full bench for appellate division oral arguments and is practical and efficient even in large counties where appellate division panel judges may be sitting in multiple and geographically distant court locations. Despite these changes, the recommended rule amendments maintain a requirement for public access to oral argument.

Comments

The committee solicited public comments on this proposal from April 14 to May 23, 2025, as part of the council’s regular spring 2025 invitation-to-comment cycle. Of the eight comments received, two were from courts, one was from the Joint Rules Subcommittee of the Trial Court

Presiding Judges Advisory Committee and the Court Executives Advisory Committee, one was from the California Lawyers Association, one was from the Legal Aid Association of California, one was from the Orange County Bar Association, and two were from individuals. All the commenters either agreed with the proposal or did not indicate a position. The substantive comments and the committees' responses are summarized below.

The California Lawyers Association, Litigation Section, Committee on Appellate Courts (CAC) largely supports the proposal but made three suggestions. First, the CAC proposed additional language to clarify the requirement that at least one of the judges hearing the oral argument must be present in the courtroom for the proceedings. The committee agrees that additional language is necessary to clarify the requirement but recommends different language, adding a separate clarifying subdivision to both rules. Second, the CAC suggests including checkbox options in the notice of oral argument for litigants to easily request remote appearances. Because there currently is no statewide form for notices of oral argument, and adoption of a new form is beyond the scope of this proposal, the committee has not recommended the suggestion. The committee may consider the issue in the future. Third, the CAC suggests removing the provision requiring that a lien be placed on the judgment of parties with a fee waiver. The committee elected to maintain the lien requirement because the corresponding rule for other remote proceedings before the superior court (rule 3.672(k)(2)(C)) includes the same requirement for parties with a fee waiver.

A chart of comments and the committee's responses is attached at pages 15–23.

Alternatives considered

The committee considered simply repealing the outdated videoconferencing provisions in the current rules but decided that expanding and updating them was a better approach. The proposed amendments would continue to authorize oral argument by videoconference but, would improve access to justice and authorize the broader use of remote technology, consistent with modern business and court practices.

The committee also considered taking no action to amend the videoconferencing rules but concluded that the rules are not only outdated, but also could hinder remote appearances by parties and their attorneys. The rules regarding videoconferencing currently require parties to appear in person at the court that issued the judgment or order that is being appealed unless otherwise allowed by court order or local rule. In-person appearances as the standard procedure, with the use of remote technology available only by exception, no longer makes sense within the current technological landscape.

In addition, the committee considered amending the rules to include the same or similar provisions to those in rule 10.635 but concluded that the differences between trial and appellate proceedings necessitate different rules. For example, oral arguments do not involve juries, witness testimony, evidentiary exhibits, or court reporters. Further, the procedural needs for appellate division proceedings vary widely from county to county. For these reasons, the

committee concluded that increased flexibility for remote appearances by parties and remote participation by judges is appropriate for oral argument in superior court appellate divisions.

Fiscal and Operational Impacts

The rule amendments would not impose any fiscal impacts on the courts. They do not require courts to allow the use of remote technology and do not require the purchase of any equipment or provider platform. Courts may choose to incur costs related to videoconferencing service providers or platforms (and may charge some parties a videoconference fee as provided by statute), or remote appearances more generally, but the committee expects that any costs would be offset by the time and cost savings and efficiencies discussed above.

Implementation impacts on courts may include the need for training, changes to case management systems, and changes to procedures for oral argument. The committee concluded these operational impacts are outweighed by the benefits to courts and court users of facilitating the use of remote technology.

Attachments and Links

1. Cal. Rules of Court, rules 8.885 and 8.929, at pages 6–14
2. Chart of comments, at pages 15–23

Rules 8.885 and 8.929 of the California Rules of Court are amended, effective January 1, 2026, to read:

Rule 8.885. Oral argument

(a) Calendaring and sessions

(1) Unless otherwise ordered, and except as provided in (2), all appeals in which the last reply brief was filed or the time for filing this brief expired 45 or more days before the date of a regular appellate division session must be placed on the calendar for that session by the appellate division clerk. By order of the presiding judge or the appellate division, any appeal may be placed on the calendar for oral argument at any session.

(2) Oral argument will not be set in appeals under *People v. Wende* (1979) 25 Cal.3d 436 where no arguable issue is raised.

~~(b) Oral argument by videoconference~~

~~(1) Oral argument may be conducted by videoconference if:~~

~~(A) It is ordered by the presiding judge of the appellate division or the presiding judge's designee on application of any party or on the court's own motion. An application from a party requesting that oral argument be conducted by videoconference must be filed within 10 days after the court sends notice of oral argument under (c)(1); or~~

~~(B) A local rule authorizes oral argument to be conducted by videoconference consistent with these rules.~~

~~(2) If oral argument is conducted by videoconference:~~

~~(A) Each judge of the appellate division panel assigned to the case must participate in the entire oral argument either in person at the superior court that issued the judgment or order that is being appealed or by videoconference from another court.~~

~~(B) Unless otherwise allowed by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, all the parties must appear at oral argument in person at the superior court that issued the judgment or order that is being appealed.~~

~~(C) The oral argument must be open to the public at the superior court that issued the judgment or order that is being appealed. If provided by local rule or ordered by the presiding judge of the appellate division or the~~

1 ~~presiding judge’s designee, oral argument may also be open to the~~
2 ~~public at any of the locations from which a judge of the appellate~~
3 ~~division is participating in oral argument.~~

4
5 ~~(D) The appellate division must ensure that:~~

6
7 ~~(i) During oral argument, the participants in oral argument are~~
8 ~~visible and their statements are audible to all other participants,~~
9 ~~court staff, and any members of the public attending the oral~~
10 ~~argument;~~

11
12 ~~(ii) Participants are identified when they speak; and~~

13
14 ~~(iii) Only persons who are authorized to participate in the proceedings~~
15 ~~speak.~~

16
17 ~~(E) A party must not be charged any fee to participate in oral argument by~~
18 ~~videoconference if the party participates from the superior court that~~
19 ~~issued the judgment or order that is being appealed or from a location~~
20 ~~from which a judge of the appellate division panel is participating in~~
21 ~~oral argument.~~

22
23 **(b) Remote proceedings**

24
25 **(1) Definitions**

26
27 (A) “Court facility” has the same meaning as that provided in Government
28 Code section 70301(d).

29
30 (B) “Party” is as defined in rule 1.6(15), meaning any person appearing in
31 an action and that person’s counsel.

32
33 (C) “Remote appearance” or “appear remotely” means the appearance of a
34 party at oral argument through the use of remote technology.

35
36 (D) “Remote technology” means technology that provides for the
37 transmission of video and audio signals or audio signals alone. This
38 phrase is meant to be interpreted broadly and includes a computer,
39 tablet, telephone, cellphone, or other electronic or communications
40 device.

41
42 (2) Oral argument may be conducted in whole or in part through the use of
43 remote technology if:

- 1
2 (A) It is ordered by the presiding judge of the appellate division or the
3 presiding judge's designee on application of any party or on the court's
4 own motion. An application from a party requesting to appear remotely
5 at oral argument must be filed within 10 days after the court sends
6 notice of oral argument under (c). The court may not require a party to
7 appear through remote technology; or
8
9 (B) A local rule authorizes remote appearances consistent with these rules,
10 so long as the court procedure includes a process for self-represented
11 parties to agree to their remote appearance and for parties to show why
12 remote appearances should not be allowed.
13
14 (3) The appellate division must ensure that:
15
16 (A) Participants are identified when they speak.
17
18 (B) Only persons who are authorized to participate in the proceedings
19 speak.
20
21 (C) The oral argument is open to the public at the superior court that issued
22 the judgment or order that is being appealed. If provided by local rule
23 or ordered by the presiding judge of the appellate division or the
24 presiding judge's designee, public access to oral argument may in
25 addition be provided to the public through remote technology or at any
26 of the locations from which a judge of the appellate division is
27 participating in oral argument.
28
29 (4) Remote appearance fees
30
31 (A) Parties who, by statute, are not charged filing fees or fees for court
32 services may not be charged a videoconference fee under Government
33 Code section 70630 or otherwise.
34
35 (B) Parties with a fee waiver may not be charged fees for remote
36 appearances.
37
38 (i) To obtain remote appearance services without payment of a fee
39 from a vendor or a court that provides such services, a party must
40 advise the vendor or the court that they have received a fee
41 waiver from the court. If a vendor requests, the party must
42 transmit a copy of the order granting the fee waiver to the vendor.
43

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

(5) Location of judicial officer

(A) A judicial officer may preside from the following locations:

(i) In person from a courtroom;

(ii) Remotely from within a court facility other than a courtroom; or

(iii) Remotely from outside a court facility, with the approval of the court's presiding judge.

(B) If one or more parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.

(c) **Notice of argument**

(1) Except for appeals covered by (a)(2), as soon as all parties' briefs are filed or the time for filing these briefs has expired, the appellate division clerk must send a notice of the time and place of oral argument to all parties. The notice must be sent at least 20 days before the date for oral argument. The presiding judge may shorten the notice period for good cause; in that event, the clerk must immediately notify the parties by telephone or other expeditious method.

~~(2) If oral argument will be conducted by videoconference under (b), the clerk must specify, either in the notice required under (1) or in a supplemental notice sent to all parties at least 5 days before the date for oral argument, the location from which each judge of the appellate division panel assigned to the case will participate in oral argument.~~

(d)–(e) * * *

Advisory Committee Comment

Subdivision (a). * * *

1 **Subdivision (b)(4).** Statutes currently provide that courts are not to charge fees to certain types of
2 parties, such as governmental entities; representatives of tribes in cases covered by the Indian
3 Child Welfare Act; and parties in certain types of cases, such as juvenile cases or actions to
4 prevent domestic violence. This rule would preclude courts from charging videoconference fees
5 to such parties as well.

6
7
8 **Rule 8.929. Oral argument**

9
10 **(a) Calendaring and sessions**

11
12 Unless otherwise ordered, all appeals in which the last reply brief was filed or the
13 time for filing this brief expired 45 or more days before the date of a regular
14 appellate division session must be placed on the calendar for that session by the
15 appellate division clerk. By order of the presiding judge or the appellate division,
16 any appeal may be placed on the calendar for oral argument at any session.

17
18 ~~**(b) Oral argument by videoconference**~~

19
20 ~~(1) Oral argument may be conducted by videoconference if:~~

21
22 ~~(A) It is ordered by the presiding judge of the appellate division or the~~
23 ~~presiding judge's designee on application of any party or on the court's~~
24 ~~own motion. An application from a party requesting that oral argument~~
25 ~~be conducted by videoconference must be filed within 10 days after the~~
26 ~~court sends notice of oral argument under (c)(1); or~~

27
28 ~~(B) A local rule authorizes oral argument to be conducted by~~
29 ~~videoconference consistent with these rules.~~

30
31 ~~(2) If oral argument is conducted by videoconference:~~

32
33 ~~(A) Each judge of the appellate division panel assigned to the case must~~
34 ~~participate in the entire oral argument either in person at the superior~~
35 ~~court that issued the judgment or order that is being appealed or by~~
36 ~~videoconference from another court.~~

37
38 ~~(B) Unless otherwise allowed by local rule or ordered by the presiding~~
39 ~~judge of the appellate division or the presiding judge's designee, all of~~
40 ~~the parties must appear at oral argument in person at the superior court~~
41 ~~that issued the judgment or order that is being appealed.~~
42

1 ~~(C) — The oral argument must be open to the public at the superior court that~~
2 ~~issued the judgment or order that is being appealed. If provided by local~~
3 ~~rule or ordered by the presiding judge of the appellate division or the~~
4 ~~presiding judge’s designee, oral argument may also be open to the~~
5 ~~public at any of the locations from which a judge of the appellate~~
6 ~~division is participating in oral argument.~~

7
8 ~~(D) — The appellate division must ensure that:~~

9
10 ~~(i) — During oral argument, the participants in oral argument are~~
11 ~~visible and their statements are audible to all other participants,~~
12 ~~court staff, and any members of the public attending the oral~~
13 ~~argument;~~

14 ~~(ii) — Participants are identified when they speak; and~~

15 ~~(iii) — Only persons who are authorized to participate in the proceedings~~
16 ~~speak.~~

17 ~~(E) — A party must not be charged any fee to participate in oral argument by~~
18 ~~videoconference if the party participates from the superior court that~~
19 ~~issued the judgment or order that is being appealed or from a location~~
20 ~~from which a judge of the appellate division panel is participating in~~
21 ~~oral argument.~~

22
23
24
25
26 **(b) Remote proceedings**

27
28 **(1) Definitions**

29
30 ~~(A) “Court facility” has the same meaning as that provided in Government~~
31 ~~Code section 70301(d).~~

32
33 ~~(B) “Party” is as defined in rule 1.6(15), meaning any person appearing in~~
34 ~~an action and that person’s counsel.~~

35
36 ~~(C) “Remote appearance” or “appear remotely” means the appearance of a~~
37 ~~party at oral argument through the use of remote technology.~~

38
39 ~~(D) “Remote technology” means technology that provides for the~~
40 ~~transmission of video and audio signals or audio signals alone. This~~
41 ~~phrase is meant to be interpreted broadly and includes a computer,~~
42 ~~tablet, telephone, cellphone, or other electronic or communications~~
43 ~~device.~~

- 1
2 (2) Oral argument may be conducted in whole or in part through the use of
3 remote technology if:
4
5 (A) It is ordered by the presiding judge of the appellate division or the
6 presiding judge's designee on application of any party or on the court's
7 own motion. An application from a party requesting to appear remotely
8 at oral argument must be filed within 10 days after the court sends
9 notice of oral argument under (c). The court may not require a party to
10 appear through remote technology; or
11
12 (B) A local rule authorizes remote appearances consistent with these rules,
13 so long as the court procedure includes a process for self-represented
14 parties to agree to their remote appearance and for parties to show why
15 remote appearances should not be allowed.
16
17 (3) The appellate division must ensure that:
18
19 (A) Participants are identified when they speak.
20
21 (B) Only persons who are authorized to participate in the proceedings
22 speak.
23
24 (C) The oral argument is open to the public at the superior court that issued
25 the judgment or order that is being appealed. If provided by local rule
26 or ordered by the presiding judge of the appellate division or the
27 presiding judge's designee, public access to oral argument may in
28 addition be provided to the public through remote technology or at any
29 of the locations from which a judge of the appellate division is
30 participating in oral argument.
31
32 (4) Remote appearance fees
33
34 (A) Parties who, by statute, are not charged filing fees or fees for court
35 services may not be charged a videoconference fee under Government
36 Code section 70630 or otherwise.
37
38 (B) Parties with a fee waiver may not be charged fees for remote
39 appearances.
40
41 (i) To obtain remote appearance services without payment of a fee
42 from a vendor or a court that provides such services, a party must
43 advise the vendor or the court that they have received a fee

1 waiver from the court. If a vendor requests, the party must
2 transmit a copy of the order granting the fee waiver to the vendor.

3
4 (ii) If a party, based on a fee waiver, receives remote appearance
5 services under this rule without payment of a fee, the vendor or
6 court that provides the remote appearance services has a lien on
7 any judgment, including a judgment for costs, that the party may
8 receive, in the amount of the fee that the party would have paid
9 for the remote appearance. There is no charge for filing the lien.

10
11 (5) Location of judicial officer

12
13 (A) A judicial officer may preside from the following locations:

14
15 (i) In person from a courtroom;

16
17 (ii) Remotely from within a court facility other than a courtroom; or

18
19 (iii) Remotely from outside a court facility, with the approval of the
20 court's presiding judge.

21
22 (B) If one or more parties appear in person, at least one judge of the
23 appellate panel must preside in person from the courtroom.

24
25 (c) **Notice of argument**

26
27 (1) As soon as all parties' briefs are filed or the time for filing these briefs has
28 expired, the appellate division clerk must send a notice of the time and place of oral
29 argument to all parties. The notice must be sent at least 20 days before the date for
30 oral argument. The presiding judge may shorten the notice period for good cause;
31 in that event, the clerk must immediately notify the parties by telephone or other
32 expeditious method.

33
34 ~~(2) — If oral argument will be conducted by videoconference under (b), the clerk~~
35 ~~must specify, either in the notice required under (1) or in a supplemental~~
36 ~~notice sent to all parties at least 5 days before the date for oral argument, the~~
37 ~~location from which each judge of the appellate division panel assigned to the~~
38 ~~case will participate in oral argument.~~

39
40 (d)–(e) * * *

41
42 **Advisory Committee Comment**

1 **Subdivision (a).** * * *

2

3 **Subdivision (b)(4).** Statutes currently provide that courts are not to charge fees to certain types of
4 parties, such as governmental entities; representatives of tribes in cases covered by the Indian
5 Child Welfare Act; and parties in certain types of cases, such as juvenile cases or actions to
6 prevent domestic violence. This rule would preclude courts from charging videoconference fees
7 to such parties as well.

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

	Commenter	Position	Comment	Committee Response
1.	California Lawyers Association, Litigation Section, Committee on Appellate Courts by Jocelyn Sperling, Chair, and Saul Bercovitch, Director of Governmental Affairs	NI	The CAC supports expanding the rules regarding remote appearances in the appellate division. The CAC also believes that at least one judge should be present in the courtroom when one or both parties will appear in person. Additionally, rather than requiring litigants to file an application to appear remotely, the CAC suggests checkbox options on the notice of oral argument to facilitate remote appearances. Finally, the CAC cautions against placing a lien on the judgments of parties with fee waivers.	The committee appreciates the information provided. See the committee's responses to CAC's specific comments, below.
			1. The CAC supports the proposal as appropriately addressing the stated purpose The CAC supports the proposal, as it allows parties, both self-represented and represented, to save time and costs by appearing remotely for oral argument in the appellate division. The CAC agrees that the proposal increases access to justice for litigants. The proposal also increases judicial efficiency when appellate division judges are in different court locations. The CAC also supports the substantive differences between the proposal and rules 3.672 and 10.635, which prescribe when parties and judicial officers may use remote technology to participate in superior court proceedings. The broader rules for the appellate division are warranted because those proceedings are limited to oral argument and do not involve juries, witnesses, and exhibits.	The committee appreciates the information provided and acknowledges CAC's support for the proposal.

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

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

Commenter	Position	Comment	Committee Response
		2. The CAC supports the presence of at least one judge in the courtroom when one or both parties will appear in person The proposal states that it would “retain the requirement from the current videoconference rules that at least one of the judges hearing the oral argument must be present in the courtroom for the proceedings.” The proposed amendments, however, do not appear to require that one judge be present. Rather, they would allow judicial officers to preside remotely, either from within a court facility or, with presiding judge approval, from outside a court facility. (See proposed rules 8.885(b)(5), 8.929(b)(5).) The CAC believes that it is necessary for at least one judge on the appellate panel to be physically present in the courtroom when one or both parties elect to appear in person, because the appearance of justice may be diminished if a party appears in person while all judges appear remotely. The physical presence of at least one judge in the courtroom bolsters the parties’ and the public’s confidence in the administration of justice. However, if neither party elects to appear in person, then the CAC sees no reason to require a judge to be present in the courtroom. For these reasons, the CAC suggests the following changes to the proposed	The committee appreciates the information provided and is instead recommending the addition of a subsection to rules 8.885(b)(5), 8.929(b)(5) that reads, “If one or more parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.”

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

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

	Commenter	Position	Comment	Committee Response
			amendments to rules 8.885(b)(5) and 8.929(b)(5): <u>(b)(5)(B): “Remotely from within a court facility other than a courtroom if no party appears in person at the proceeding; but, if one or both parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.”</u> <u>(b)(5)(C): “Remotely from outside a court facility if no party appears in person at the proceeding and with the approval of the court’s presiding judge; but, if one or both parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.”</u> Finally, the CAC supports retaining the requirement that oral argument be open to the public at the court, even when all parties and the judges appear remotely. It is important to retain public access at the court for those without access to remote technology. (See proposed rules 8.885(b)(3)(C), 8.929(b)(3)(C).)	
			3. The CAC suggests changing the proposed amendment to include checkbox options for litigants to easily request remote appearances Under the current proposal, litigants who wish to appear remotely must file an application within 10 days after the court sends notice of	The committee appreciates the information provided. There currently is no statewide form for notice of oral argument, and adoption of a new form is beyond the scope of this invitation to comment. The committee may consider the issue in the future.

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

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

Commenter	Position	Comment	Committee Response
		oral argument. The CAC suggests simplifying this process to further enhance access to justice for litigants, particularly those who are self-represented. Rather than requiring litigants to file an application, the CAC suggests including checkboxes in the notice of oral argument as follows: ☐ I will appear remotely for oral argument. ☐ I will appear in person for oral argument. ☐ I will appear remotely for oral argument unless the opposing party chooses to appear in person. If the opposing party chooses to appear in person, I will also appear in person.	
		4. The CAC cautions against placing a lien on the judgments of parties with fee waivers The current proposal states that under rules 8.885(b)(4)(B)(ii) and 8.929(b)(4)(B)(ii), parties with a fee waiver will have a lien placed on their judgment for the remote appearance vendor or the court to recover costs of the remote appearance. The CAC cautions against this proposal. Fees are waived for appearances by telephone. (See FW-015-INFO, § 2 [if a litigant holds a fee waiver, the court will waive “any court fee for participating in oral argument by telephone”].) Telephone and remote appearances should be treated the same. Litigants with fee waivers are the lowest income litigants in California and are least able to pay, even when they recover monetary judgments. Accordingly, CAC	The committee appreciates the information provided. The committee has elected to recommend keeping the lien requirement for parties with a fee waiver because rule 3.672(k)(2)(C), the corresponding rule for remote proceedings in civil cases in the superior courts, includes the same requirement for parties with a fee waiver in other remote proceedings before the superior courts. Rule 3.670(j), the rule for fee waivers for telephone appearances, likewise provides for a lien on any judgment in the amount of the fee that the party would have paid for the telephone appearance.

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

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

	Commenter	Position	Comment	Committee Response
			suggests removing the lien subdivisions from the proposal.	
2.	Legal Aid Association of California by Zachary Newman, Directing Attorney	NI	The Legal Aid Association of California (LAAC) approves of, and joins in, the Committee on Appellate Courts (CAC) of the California Lawyer's Association Litigation Section's response to the Invitation to Comment on SPR25-01, attached to this letter.	The committee appreciates the information provided. See the committee's responses to CAC's comments, above.
3.	Molljoy Carter Jamestown, CA	A	I live in a rural area. It is 3 hours 360 degrees to get tons of any major city. Remote video anything is a huge benefit whether it's court, a doctor's appointment, or even a job interview. It saves time on travel, it saves money, it is safer it's good for the environment, too. Plus, if I had to face my ex DV charges face to face, I would be scared out of my skin. Remotely, I would just feel safer not being in the same court room. DV IS VERY SCARY and can have a triggering effect even now and it's been 6 years.	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.
4.	Orange County Bar Association by Mei Tsang, President	A	1. The Rule accomplishes its stated purpose.	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.
			2. For the reasons stated in the proposal (e.g., no jury, no evidentiary hearing, etc.), it is appropriate for the appellate division rules to differ from rule 10.635.	The committee appreciates the information provided.
			3. Unless one of the parties is presenting argument in person, it is not necessary to require	The committee appreciates the information provided.

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

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

	Commenter	Position	Comment	Committee Response
			that at least one of the judges be present in the courtroom. Public access can be achieved by giving access to the remote proceedings, and the nature of appellate arguments does not require the judge's presence in a courtroom.	
5.	Steven Ortega Bell, CA	N	* Steven Ortega expressed concern that self-represented litigants are unable to access remote hearings based on an experience where a court entered a failure to appear despite his efforts to log on early for a remote appearance.	The committee appreciates the information provided and acknowledges the commenter's disagreement with the proposal. As written, the rule amendments are aimed to ensure that all litigants, including self-represented litigants, will be able to appear in-person for an oral argument hearing.
6.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "SPR25-01: Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division," the Superior Court of California, County of Los Angeles (Court), agrees with the proposal.	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.
			The appellate division rules do not need to differ substantially from rule 10.635, despite the differences in trial-level proceedings in the superior court and oral argument in the appellate division. However, the appellate rules should clarify how this applies to a panel of judges instead of a single judicial officer.	The committee appreciates the information provided.
			Furthermore, it is not necessary to require that at least one of the judges hearing oral argument be present in the courtroom for the proceedings. The exception under rule 10.635(e)(2) covers the need for remote appearance by the judicial	The committee appreciates the information provided and notes that Rule 10.635 does not apply to the appellate division.

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

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

	Commenter	Position	Comment	Committee Response
			officer when the distance, or any other reason arises that may require one or more of the judges on the panel to preside remotely when it is essential to prevent a significant delay that would substantially prejudice the litigants.	
			The proposed rule amendments maintain a requirement for public access to oral argument, and this access may be in person or remote to the extent it is feasible to do so. If the Council proposes additional provisions or procedures, then it should specify what those are.	The committee appreciates the information provided.
			The Court finds that the proposal would not provide cost savings. To implement the proposal, there would be very minimal changes because the panel of appellate judicial officers preside in person over the oral argument. If it should be necessary for one or more of the judicial officers to preside remotely, then the proposed rule could be implemented without changes to the system except to add the appearance model of the judicial officer to the header of the minute order. Three months from Judicial Council approval should be sufficient to implement the proposal.	The committee appreciates the information provided.
7.	Superior Court of California, County of Orange, Appellate Operation Management by Janay Marks, Operations Analyst	NI	<i>Should Appellate Division Rules Differ Substantively from Rule 10.635?</i> Yes, it is appropriate for appellate division rules to differ because: Appellate oral arguments involve legal issues and do not require the	The committee appreciates the information provided.

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

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

	Commenter	Position	Comment	Committee Response
			presentation of evidence, testimony, or jury interactions, which are central to trial-level proceedings. • The appellate division's emphasis on legal argument allows greater flexibility for remote participation without compromising procedural integrity. • Rules should reflect the unique needs of appellate courts, such as addressing geographic challenges and the limited availability of appellate judges.	
			<i>Is It Necessary for One Judge to Be Present in the Courtroom?</i> No, this is unnecessary: • Advances in secure and reliable videoconferencing make fully remote proceedings feasible without undermining procedural fairness or public access. • Removing the in-person requirement could address scheduling constraints and resource limitations in smaller or rural courts. • Courts can ensure public access through live streaming or designated viewing rooms.	The committee appreciates the information provided.
8.	Trial Court Presiding Judges Advisory Committee and the Court Executives	A	The JRS notes that the proposal is intended to provide significant cost savings or efficiencies.	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.

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

ITC SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

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

	Commenter	Position	Comment	Committee Response
	Advisory Committee Joint Rules Subcommittee (TCPJAC/CEAC JRS)		The JRS also notes the following impact to court operations: • Impact on existing automated systems. • Increases court staff workload ○ Remote appearance technology requires additional training and check-in tasks. These are consistent with existing use of remote technology.	The committee appreciates the information provided.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals

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

Approve form CR-127

Committee or other entity submitting the proposal:

Appellate Advisory Committee

Staff contact (name, phone and email): Jeremy Varon, 415-865-7424, jeremy.varon@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 22, 2024

Project description from annual agenda: Consider development of a new form to apply for an extension of time to file a brief in misdemeanor and infraction appeals. This proposal is part of the committee's consideration of the following recommendation of the Appellate Caseflow Workgroup referred to the Appellate Advisory Committee by the Executive and Planning Committee:

Consider amending the rules of court to require litigants who request extensions of time without using the council's optional forms to include in their request some or all of the information contained on the request forms, or making the request forms (forms APP-006, APP-106, CR-126, JV-816, and JV-817) mandatory. The workgroup encouraged the council to consider requiring litigants to provide certain information in extension of time requests to enable courts to better evaluate whether the moving party has demonstrated good cause.

Out of Cycle/Early Implementation: *If requesting July 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.)

This proposal was deferred from last year's annual agenda to include infraction appeals in addition to misdemeanor appeals on the new form. The other parts of the Appellate Caseflow Workgroup's recommendation have already been completed.

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) July 14, 2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) July 29, 2025

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

(11/1/24)

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-131

For business meeting on October 24, 2025

Title

Appellate Procedure: Extension of Time in
Misdemeanor and Infraction Appeals

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Approve form CR-127

Date of Report

July 29, 2025

Recommended by

Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Contact

Jeremy T. Varon, 415-865-7424
jeremy.varon@jud.ca.gov

Executive Summary

The Appellate Advisory Committee recommends approving a new form for requesting extensions of time to file a brief in misdemeanor and infraction appeals. This recommendation originated with suggestions from the former Chief Justice's Appellate Caseflow Workgroup and a committee member.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2026, approve *Application for Extension of Time to File Brief—Misdemeanor or Infraction Case* (form CR-127), a new form for requesting extensions of time to file a brief in misdemeanor and infraction appeals.

The proposed new form is attached at pages 5–6.

Relevant Previous Council Action

The council has not adopted a form for requesting extensions of time in misdemeanor and infraction appeals. Last year, the council approved *Application for Extension of Time to File Brief—Criminal Case* (form CR-126) for criminal appeals in the Court of Appeal and *Application for Extension of Time to File Brief—Limited Civil Case* (form APP-106) for limited civil cases in the appellate division.

Analysis/Rationale

Currently, there is no council form by which the parties in a misdemeanor or infraction appeal, which is heard in the appellate division of the superior court, can request an extension of time to file their briefs. There are, however, forms for requesting extensions of time both in criminal cases before the Court of Appeal and in limited civil cases before the appellate division. Form CR-126 is applicable in criminal appeals and is for use in the Court of Appeal. On the other hand, form APP-106 is formatted for use in the appellate division but it is applicable only in limited civil appeals. The committee therefore recommends the adoption of a new form, *Application for Extension of Time to File Brief—Misdemeanor or Infraction Case* (form CR-127). This form is substantively similar to form CR-126 but employs the council's plain-language format because there is no right to counsel in misdemeanor or infraction appeals and many appellants in these matters, accordingly, are self-represented.

Based on comments on the previously circulated proposal for extension-of-time forms, the committee recommends that form CR-127 be used for both misdemeanor and infraction appeals in the appellate division. Further, in keeping with the council's decision to keep other extension-of-time forms optional, the committee recommends that new form CR-127 also be optional.

Background

The Appellate Advisory Committee previously circulated proposed *Application for Extension of Time to File Brief—Misdemeanor Case* (form CR-127) for public comment in spring 2024 as part of a proposal that included the amendment of other related rules and forms.¹

In that invitation to comment, the committee proposed that the Judicial Council's extension-of-time forms be mandatory. Mandating the use of these forms was intended to help ensure that all extension-of-time requests contain the information the reviewing court needs to determine whether the requested extension is supported by good cause. Such a requirement would also ensure that this information is provided in a consistent, easy-to-read format.

Comments received on the previously circulated proposal, however, differed on whether the extension-of-time forms should be mandatory. In light of these comments, the committee concluded that keeping these forms optional will help ensure that all parties are able to efficiently access the courts to request an extension to file a brief without encountering technology-based problems or inconveniences. Additionally, optional forms will help ensure that otherwise valid requests for extensions of time will not be rejected simply because the required form was not used. Accordingly, the committee decided not to recommend that the council's extension-of-time forms be made mandatory.

While the other related rules and forms in the proposal were amended by the council and remained optional, the committee chose to reconsider proposed form CR-127. The initial version of proposed form CR-127 was limited to misdemeanor appeals, but a public comment suggested that the form also include infraction appeals. Based on this suggestion, the committee chose to recirculate the form with that addition.

¹ See SPR24-02, *Appellate Procedure: Civil Case Information Statement, Calendar Preference, and Extension of Time*, <https://courts.ca.gov/system/files/itc/spr24-02.pdf>.

Policy implications

The recommended new form will increase the likelihood that an application for extension of time will include all the necessary information a court will need to make its decision, which will, in turn, make it more likely that a court will reach the merits of a litigant's appeal. These revisions are therefore 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 committee solicited public comments on this proposal from April 14 to May 23 as part of the council's spring 2025 invitation-to-comment cycle. Of the five comments received, one was from a court, one was from a county bar association, one was from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, one was from the Litigation Section of the California Lawyers Association, and one was from an individual. The commenters agreed with the proposal, agreed if it were modified, or did not indicate a position. The substantive comments and the committees' responses are summarized below.

The Committee on Appellate Courts of the Litigation Section of the California Lawyers Association (CAC) largely supports the approval of form CR-127 but made three suggestions. First, the CAC suggests that the form contain an order at the end for the court to rule on the application by checking a box and adding a signature. Because form CR-127 employs the council's plain-language format, like form APP-106, it does not include a section for the court to issue an order. Forms for orders in the plain-language format are separate from the application forms. The committee will consider this suggestion in the future. Second, the CAC suggests that the lines in the response field for item 7 be removed. To make it clear on printed versions of the form that this item requires a written response from the applicant, and to maintain consistency with other plain-language forms, the committee elected to keep the lines in the proposed form. Third, the CAC suggests adding a proof-of-service at the end of the form. To maintain consistency with other plain-language forms, however, proposed form CR-127 only includes proof-of-service instructions on the first page. Consistent with council practice on plain-language forms, the committee recommends that this instruction section include a bullet point containing a link to *What Is Proof of Service?* (form APP-109-INFO).

The Superior Court of Los Angeles County agrees with the proposal if modified. The first suggested modification is to add a clarification that the address of record will not be changed unless a Notice of Change of Address is filed with the court. The committee concluded that this clarification was unnecessary, does not recommend it to maintain consistency with other plain-language forms. The second suggested modification is to clarify specific issues about defaults. The committee elected not to include additional information about defaults because form CR-127 already provides references to rules 8.882(c) and 8.927(b), and including the suggested clarifications is counter to the goal of keeping plain-language forms as simple as possible.

A chart of comments and the committee's responses is attached at pages 7–10.

As mentioned above, a previous version of proposed form CR-127 circulated as part of a Spring 2024 proposal to revise various related forms. That version of the form applied only to

misdemeanor appeals. One commenter suggested revising proposed form CR-127 to include infraction appeals in addition to misdemeanor appeals. Based on this comment, the committee took proposed form CR-127 under advisement for further revision, which resulted in the committee circulating the proposal that is the subject of this report.

A chart containing the relevant comment for the SPR24-02 proposal is attached at page 11.

Alternatives considered

The committee considered not recommending the approval of a new form for requesting extensions of time to file a brief in misdemeanor and infraction appeals but rejected this option because the recommended new form will aid appellate efficiency. In addition to the comments discussed above, the committee also considered including sections about the defendant's conviction but decided against this because courts do not use this information in deciding whether to grant an extension of time.

Fiscal and Operational Impacts

The committee anticipates minimal fiscal or operational impacts on the courts as a result of the proposed new form. This form could, in fact, make operations more efficient by providing courts with a standardized way of processing a routine request. Implementation by the courts will involve making litigants, court staff, and judicial officers aware of the new form.

Attachments and Links

1. Form CR-127, at pages 5–6
2. Chart of comments for SPR25-02, at pages 7–10
3. Chart of comments for SPR24-02, at page 11

Application for Extension of Time to File Brief—Misdemeanor or Infraction Case

Clerk stamps date here when form is filed.

DRAFT

2025-07-15

**Not approved by
Judicial Council**

Instructions

- This form is only for requesting an extension of time to file a brief in an appeal in a **misdemeanor or infraction case**. Note that any rules referenced in this form are from the California Rules of Court.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form [CR-131-INFO](#)) or *Information on Appeal Procedures for Infractions* (form [CR-141-INFO](#)) to know your rights and responsibilities. You can get forms CR-131-INFO and CR-141-INFO at any courthouse or county law library or online at courts.ca.gov/rules-forms/find-your-court-forms.
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form [APP-109-INFO](#)) and on the Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/court-basics/service.
- Take or mail the completed form and proof of service on the other parties to the appellate division clerk's office. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order that is being appealed:

Superior Court of California, County of

You fill in the number and name of the trial court case in which the judgment or order is being appealed:

Trial Court Case Number:

Trial Court Case Name:

You fill in the appellate division case number:

Appellate Division Case Number:

1 Your Information

- a. Name of party requesting extension of time to file brief:

- b. Party's contact information (*skip this if the party has a lawyer for this appeal*):

Street address: _____

_____ Street _____ City _____ State _____ Zip

Mailing address (*if different*): _____

_____ Street _____ City _____ State _____ Zip

Phone: _____ Email: _____

- c. Party's lawyer (*skip this if the party does not have a lawyer for this appeal*):

Name: _____ State Bar number: _____

Street address: _____

_____ Street _____ City _____ State _____ Zip

Mailing address (*if different*): _____

_____ Street _____ City _____ State _____ Zip

Phone: _____ Email: _____

Fax: _____



(2) I am requesting an extension on the time to file:

- ☐ Appellant's opening brief, which is now due on *(date)*: _____
- ☐ Respondent's brief, which is now due on *(date)*: _____
- ☐ Appellant's reply brief, which is now due on *(date)*: _____
- ☐ Supplemental or other brief, which is now due on *(date)*: _____

③ I am requesting that the time to file the brief identified in ② be extended to (date): _____
for a total extension of (number of days requested): _____ days.

④ I have received a default notice under rule [8.882\(c\)](#) or [8.927\(b\)](#). ☐ Yes ☐ No

(5) The time to file the brief (*check all that apply*):

- ☐ Has not been extended before.
- ☐ Has been extended before by the court. The court granted *(number of extensions)* _____ totaling *(number of days)* _____

Did the court mark any previous extension “no further”? ☐ Yes ☐ No

(6) The last brief filed by any party in this case was:

- ☐ The appellant's opening brief, filed on *(date)*: _____
- ☐ The respondent's brief, filed on *(date)*: _____
- ☐ The appellant's reply brief, filed on *(date)*: _____
- ☐ A supplemental or other brief, filed on *(date)*: _____

7 The reason I need an extension to file this brief is *(describe the reason you need an extension; please address the rule 8.811(b) factors, including possible prejudice to the parties)*:

[illegible]

- ☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write “Attachment 7” for a title. You may use form [APP-031A](#).

Date: _____

Type or print your name

Signature of party or attorney

ITC SPR25-02

Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals (Approve form CR-127)

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

	Commenter	Position	Comment	Committee Response
1.	California Lawyers Association, Litigation Section, Committee on Appellate Courts by Jocelyn Sperling, Chair, and Saul Bercovitch, Director of Governmental Affairs	NI	This proposal would approve an optional form for requesting extensions of time to file briefs in misdemeanor and infraction appeals. The CAC believes this is a useful, simple form that attorneys and self-represented litigants could easily file when requesting additional time. The CAC supports the adoption of the form for optional, rather than mandatory, use.	The committee appreciates the information provided and acknowledges CAC's support of the proposal.
			The CAC has a few suggestions for the form. First, the form for an extension of time in criminal appeals in the Court of Appeal (form CR-126) contains an order at the end for the court to rule on the application by checking a box and adding a signature. The CAC believes that it would promote judicial efficiency to include a similar order on the proposed misdemeanor and infraction form, because it would reduce court time to prepare a separate order.	The committee appreciates the information provided. Because this form employs the plain-language format, like form APP-106, the committee does not recommend including an order portion on the form. Forms for orders in the plain-language format are separate forms. The committee will consider this suggestion in the future.
			Second, the CAC suggests that the lines in item 7 be eliminated, so the answer is easier to complete if handwritten or typed separately.	The committee appreciates the information provided. To maintain consistency with other plain-language forms, the committee does not recommend eliminating the lines in item 7.
			Third, the CAC suggests adding a proof of service at the end of the form. The CAC recognizes that Judicial Council forms generally do not include a proof of service, but it notes that the Second District form for an application for extension of time does (form 2DCA-04). Including a proof of service would avoid the need to file two documents or avoid any	The committee appreciates the information provided. To maintain consistency with other plain-language forms, proposed form CR-127 includes proof-of-service instructions on the first page, including a bullet containing a link to <i>What Is Proof of Service?</i> (form APP-109-INFO).

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

ITC SPR25-02

Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals (Approve form CR-127)

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

	Commenter	Position	Comment	Committee Response
			technical difficulties that users might have combining two PDFs into one. Also, including a proof of service acts as a reminder (particularly to self-represented litigants) to serve the document. Thus, it would increase access to justice, and save the court resources expended in rejecting filings without a proof of service. Alternatively, the CAC recommends adding a sentence as item 8 in the proposed form about the proof of service, similar to item 11 on form CR-126. Item 8 would read: “A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.60(c)). You may use <i>Proof of Service (Appellate Division)</i> (form APP-109) or <i>Proof of Electronic Service (Appellate Division)</i> (form APP-109E) for this purpose.”	
2.	Jacqueline Greene San Jose, California	A	No specific comment.	The committee appreciates the comment and acknowledges the commenter’s agreement with the proposal.
3.	Orange County Bar Association by Mei Tsang, President	A	The proposed form to request extensions meets the stated objective.	The committee appreciates the information provided and acknowledges the commenter’s agreement with the proposal.
4.	Superior Court of California, County of Los Angeles by Stephanie Kuo	AM	In response to the Judicial Council of California’s ITC, “SPR25-02: Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposed additions if the following modifications are incorporated.	The committee appreciates the information provided and acknowledges the commenter’s support for the proposal.

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

ITC SPR25-02

Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals (Approve form CR-127)

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

Commenter	Position	Comment	Committee Response
		The Court recommends reconsideration of two areas included in the CR-127 form which could be confusing: Page 1 #1b: Party's contact information is requested. It should be clear that the address of record will not be changed absent filing of a Notice of Change of Address with the Court. Page 2 #4: It should be clarified whether the time for entry of default and/or noncompliance is extended if an application for extension of time to file the brief is granted. It should also be clarified if this form may no longer be used if a default has already been entered because the party must seek to address the status of the case before they may file a brief.	The committee appreciates the information provided. To maintain consistency with other plain-language forms, the committee does not recommend including a reference to a notice of change of address. The committee also elected not to include additional information about defaults because form CR-127 already provides references to rules 8.882(c) and 8.927(b).
		The proposal will not provide cost savings. To implement the proposal, staff who process incoming documents and the panel of appointed counsel would need to be trained on the new form. A new event code will not be needed in the case management system because this filing type already exists and is already electronically routed to a judicial officer for a determination through electronic workflows. The only difference will be that some of these requests will be received on the new option CR-127 form. Two months from Judicial Council approval should be sufficient to implement the proposal.	The committee appreciates the information provided.

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

ITC SPR25-02

Appellate Procedure: Extension of Time in Misdemeanor and Infraction Appeals (Approve form CR-127)

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

	Commenter	Position	Comment	Committee Response
5.	TCPJAC/CEAC Joint Rules Subcommittee (JRS) (no name provided)	A	The JRS notes that the proposal is intended to provide significant cost savings or efficiencies. The JRS also notes the following impact to court operations: • Results in additional training, which requires the commitment of staff time and court resources. • Increases court staff workload - o Minor increase in staff workload to process extension forms	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Rules and Forms: Comprehensive Adjudications of Groundwater Rights

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

Adopt Cal. Rules of Court, rule 3.404; amend rule 3.400

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): Kristin Burford, 916-263-2989, kristin.burford@jud.ca.gov

Jeremy Varon, 415-865-7424, jeremy.varon@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): Oct. 22, 2024

Project description from annual agenda:

Develop rule and form recommendations as appropriate. Code of Civil Procedure section 838 requires the Chair of the Judicial Council to assign a judge in a comprehensive adjudication of a groundwater basin. Rule amendments to rule 3.400 and form revisions to form CM-010 to implement the statute may be beneficial.

Out of Cycle/Early Implementation: *If requesting July 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.)

There is a separate, associated proposal to revise the Civil Cover Sheet to add comprehensive groundwater adjudication as a case type under the Provisionally Complex Civil Litigation category.

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) July 17, 2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) August 5, 2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-135

For business meeting on October 24, 2025

Title

Rules and Forms: Comprehensive
Adjudications of Groundwater Rights

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 3.404; amend
rule 3.400

Date of Report

August 12, 2025

Recommended by

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

Contact

Kristin Burford, 916-263-2989

kristin.burford@jud.ca.gov

Jeremy Varon, 415-865-7424

jeremy.varon@jud.ca.gov

Executive Summary

The Civil and Small Claims Advisory Committee recommends amending the rule of court that designates certain case types as provisionally complex to include comprehensive groundwater adjudications. This change conforms the rule to Code of Civil Procedure section 838. The committee also recommends adopting a rule specifying the procedure by which the presiding judge of the court in a county overlying the groundwater basin at issue requests that the Chair of the Judicial Council assign a judge to adjudicate the dispute.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2026, adopt California Rules of Court, rule 3.404 and amend rule 3.400, related to comprehensive groundwater adjudications.

The text of the proposed new and revised rules is attached at pages 6–7.

Relevant Previous Council Action

The Judicial Council adopted rule 1800, effective January 1, 2000, as part of a broader proposal addressing complex civil litigation.¹ The substance of subdivision (c), which lists actions provisionally designated as complex, has not changed since the rule's original adoption. In 2007, the rule was renumbered as rule 3.400.²

Analysis/Rationale

The Legislature passed the Sustainable Groundwater Management Act (SGMA) in 2014, setting forth a framework to protect groundwater resources, the state's largest form of water storage. SGMA uses the groundwater basin boundaries specified in Bulletin 118 from the Department of Water Resources, which identifies 515 groundwater basins in California and designates each basin as high, medium, low, or very low priority.³ For the high- and medium-priority groundwater basins, SGMA requires local authorities to form groundwater sustainability agencies, which develop and implement groundwater sustainability plans.

Following the passage of SGMA, the Legislature passed Assembly Bill 1390 (Stats. 2015, ch. 672), which set out a framework for the comprehensive adjudication of groundwater rights in a basin. AB 1390 added Code of Civil Procedure section 838. This report recommends changes to the California Rules of Court to improve the administration of cases filed for comprehensive groundwater adjudications under section 838.

Rule 3.400 amendment

This proposal recommends amending rule 3.400 to expressly designate comprehensive adjudications of groundwater rights as provisionally complex. This change would conform to section 838(b), which provides that “[a] comprehensive adjudication is presumed to be a complex action under Rule 3.400 of the California Rules of Court.”

Rule 3.400(c) lists the different types of claims that are considered provisionally complex. The proposed amendment to rule 3.400 adds comprehensive adjudications of groundwater rights as one of these types. The committee decided that the best location in the rule to add this claim type is immediately following “Environmental or toxic tort claims involving many parties” (subdivision (c)(3)) because comprehensive adjudications of groundwater rights are similar to environmental claims involving many parties.

In the separate joint proposal to amend *Civil Case Cover Sheet* (form CM-010), a checkbox labeled “Comprehensive groundwater adjudication” is similarly added immediately following

¹ Judicial Council of Cal., Advisory Com. Rep., *Final Report of the Complex Civil Litigation Task Force* (Sept. 20, 1999); Judicial Council of Cal., mins. (Oct. 22, 1999), item 3, pp. 17–19.

² Judicial Council of Cal., Staff Rep., *Reorganization of the California Rules of Court* (June 15, 2006); Judicial Council of Cal., mins. (June 30, 2006), item 5, p. 10.

³ Wat. Code, § 10722; Department of Water Resources, *California's Groundwater* (Bulletin 118), <https://water.ca.gov/programs/groundwater-management/bulletin-118>.

the “Environmental/Toxic tort” case type in the Provisionally Complex Civil Litigation category in item 1 on the form.⁴

Rule 3.404 adoption

This proposal also recommends a new rule of court to provide an appropriate process for requesting judicial assignment as specified in section 838. Section 838(a)(1) provides that a judge is disqualified from presiding over a comprehensive adjudication of any groundwater basin underlying the county of the judge’s court. In such situations, section 838(a)(1) requires the Chair of the Judicial Council to assign a judge to the adjudication proceeding. Unlike some other statutory schemes,⁵ however, AB 1390 did not specify how the court would notify the Chair of the disqualification and need for assignment of another judge.

New rule 3.404 will establish a process by which the Chair of the Judicial Council is notified of a disqualification in a comprehensive adjudication of groundwater rights. It will provide clear direction to a presiding judge who is made aware that section 838(a)(1) applies to a specific comprehensive groundwater adjudication while allowing each superior court the flexibility to create its own internal process for how the presiding judge is made aware that the court is subject to disqualification.

Because the Chair of the Judicial Council already has an existing process for receiving requests for judicial assignments through the Temporary Assigned Judges Program (TAJP), a portal with which superior courts are already familiar, the procedure specified in the proposed rule would direct requests for judicial assignments in comprehensive adjudications through that existing portal. To ensure that TAJF staff receiving the request know how to handle comprehensive adjudications of groundwater rights, the proposed rule requires that the request from the presiding judge “[i]ndicate that the request is for ‘Comprehensive groundwater adjudication assignment under Code of Civil Procedure section 838(a)(1).’ ”

The proposed new rule would be the first rule of court for comprehensive adjudications of groundwater rights. For this reason, the committee proposes including a comment to clarify the rules for the administration of this type of adjudication. The comment would, among other things, indicate that the rules for the assignment of judges in Coordination of Complex Actions (title 3, division 4, chapter 7) do not apply to comprehensive adjudications of groundwater rights because section 838(a)(1) requires that such an assignment be made by the Chair of the Judicial Council.

⁴ See Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: New Case Categories for Civil Case Cover Sheet*, item 25-133 (pending).

⁵ For example, Code of Civil Procedure section 404.3, relating to coordination of complex actions, provides that the judge who determines that coordination is appropriate is the individual responsible for reporting that fact to the Chair of the Judicial Council.

Policy implications

The committee recommends amending rule 3.400 and adopting rule 3.404 to be consistent with Code of Civil Procedure section 838. This change will avoid confusion by conforming the rules to applicable statutory law, facilitate the administration of complaints seeking comprehensive adjudication of groundwater rights, and improve efficiency by establishing a process for judicial assignment consistent with the statute.

Comments

The committee solicited public comments on this proposal from April 14 to May 23, 2025, as part of the council's regular spring invitation-to-comment cycle. The proposal received four comments; two were from courts, one was from a county bar association, and one was from the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. All the commenters expressed general support for the proposal; none of the commenters opposed the proposal. The significant comments are summarized below, and a chart of all comments and the committee's responses is attached at pages 8–10.

The committee sought feedback on whether the new rule, which was originally proposed as rule 10.640, should be located in title 3 (civil rules) instead of title 10 (judicial administration). Two commenters (Superior Court of Los Angeles County and JRS) favored title 3, while one commenter (Superior Court of San Bernardino County) indicated that title 10 would be appropriate. Given that the balance of comments favored locating the new rule in title 3 and title 3 contains the rules governing complex civil cases, the committee recommends the new rule be located in that title.

The two commenters in favor of placing the rule in title 3 also suggested a specific location for the rule, existing rule 3.400(c). Rule 3.400 is a general rule that defines a complex case and provides guidance applicable to complex cases generally. The new rule applies specifically to comprehensive adjudications of groundwater rights, one of several types of provisionally complex cases identified in rule 3.400(c). Given that the new rule applies only to a subset of the cases identified in rule 3.400(c), the committee recommends a separate stand-alone rule (rule 3.404) near rule 3.400.

Alternatives considered

The committee did not consider the alternative of not taking action because amending rule 3.400 is needed to conform to an existing statute.

The committee considered the alternative of not adopting new rule 3.404 but concluded that a rule would provide necessary clarification and establish a process required by statute. As discussed above, the committee considered placing the new rule in different locations. The committee requested and considered comments on the location for this new rule.

Fiscal and Operational Impacts

The proposed amendment will require courts to train court staff and judicial officers on the new and amended rule. The committee anticipates minimal operational impacts because rule 3.400 reflects a statutory designation that has been in place since 2016, and rule 3.404 creates a new process but uses an existing mechanism and does not necessitate any significant modification to that mechanism.

Attachments and Links

1. Cal. Rules of Court, rules 3.400, 3.404, at pages 6–7
2. Chart of comments, at pages 8–10
3. Link A: Code Civ. Proc., § 838,
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=838

Rule 3.404 is adopted and rule 3.400 is amended, effective January 1, 2026, to read:

Title 3. Civil Rules

Division 4. Parties and Actions

Chapter 5. Complex Cases

Rule 3.400. Definition

(a)–(b) ***

(c) Provisional designation

Except as provided in (d), an action is provisionally a complex case if it involves one or more of the following types of claims:

- (1) Antitrust or trade regulation claims;
- (2) Construction defect claims involving many parties or structures;
- (3) Securities claims or investment losses involving many parties;
- (4) Environmental or toxic tort claims involving many parties;
- (5) Comprehensive adjudications of groundwater rights;
- ~~(5)(6)~~ Claims involving mass torts;
- ~~(6)(7)~~ Claims involving class actions; or
- ~~(7)(8)~~ Insurance coverage claims arising out of any of the claims listed in (c)(1) through ~~(e)(6)(7)~~.

(d) ***

1 **Rule 3.404. Requesting assignment of judge when a comprehensive groundwater**
2 **adjudication is filed in a court overlying the groundwater basin at issue**
3

4 If a comprehensive adjudication of groundwater rights under Code of Civil Procedure
5 section 833 is filed in the superior court of a county that overlies any portion of the groundwater
6 basin at issue, the presiding judge of that court must:
7

- 8 (1) Submit a request for judicial assignment to the Temporary Assigned Judges Program; and
9
10 (2) Indicate that the request is for “Comprehensive groundwater adjudication assignment under
11 Code of Civil Procedure section 838(a)(1).”
12

13 **Advisory Committee Comment**
14

15 Under Code of Civil Procedure section 838(a)(1), a judge of a superior court of a county that overlies all
16 or any portion of the groundwater basin at issue in the comprehensive adjudication is disqualified, and the
17 Chair of the Judicial Council must assign a judge to preside over the proceedings. In such circumstances,
18 only a presiding judge may submit a request to the Chair for assignment of a new judge. If the complaint
19 is filed in the superior court of a county not overlying any portion of the groundwater basin at issue, the
20 judges of that court are not disqualified under section 838(a)(1), and a presiding judge has no basis to
21 request that the Chair of the Judicial Council assign a judge to preside in the action under that section.
22 The definitions in Code of Civil Procedure section 832 apply to this rule.
23

24 A comprehensive adjudication of groundwater rights is presumed to be a “complex case” under rule 3.400
25 of the California Rules of Court, but because the underlying statutes differ concerning assignment of
26 judges, the rules for assignment of judges in Coordination of Complex Actions (title 3, division 4, chapter
27 7) do not apply to such adjudications.

SPR25-03

Rules and Forms: Comprehensive Adjudications of Groundwater Rights (Amend Cal. Rules of Court, rule 3.400; adopt rule 10.640)

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

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Mei Tsang, President	AM	The reference to “(c)(6)” in Proposed Rule 3.400(c)(8), should be changed to “(c)(7)”. The revision is needed to ensure that “insurance coverage claims” involving “class action claims,” continue to be considered Complex Cases. That the reference to “(c)(6)” within Proposed Rule 3.400(c)(8) was not changed to “(c)(7)”, appears to have been a mere oversight.	The committee recommends this change.
2.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	In response to the Judicial Council of California’s ITC, “SPR25-03 Rules and Forms: Comprehensive Adjudications of Groundwater Rights,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and believes it is appropriate to make groundwater adjudications provisionally complex.	The committee appreciates the response.
			In regard to the insertion of the new rule, Title 3, specifically Rule 3.400(C) would be more appropriate than Title 10.	The committee appreciates the response. On balance, the comments weigh in favor of placing the rule in Title 3. Given that, the committee recommends locating the new rule in Title 3. Existing rule 3.400 relates to complex cases generally, while the new rule applies only to comprehensive adjudications. For this reason, the committee recommends the new rule be separate from, but located near, rule 3.400.
			The proposal may provide cost savings because the cases would be the subject of a complex case questionnaire anyway and would find their way to complex courts. Implementation would be minimal since staff are familiar with provisionally complex filings. Two months from Judicial Council should be sufficient time for implementation. For the courts that operate complex courts, the proposal should work well.	The committee appreciates the response.

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

SPR25-03**Rules and Forms: Comprehensive Adjudications of Groundwater Rights** (Amend Cal. Rules of Court, rule 3.400; adopt rule 10.640)

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

	Commenter	Position	Comment	Committee Response
3.	Superior Court of California, County of San Bernardino	NI	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the response.
			Would Title 10, relating to judicial administration, be the appropriate location for the proposed new rule or would Title 3, where other rules on complex civil cases are located, be more appropriate? Title 10 relating to judicial administration is appropriate.	The committee appreciates the response. On balance, the comments weigh in favor of placing the rule in Title 3. Given that, the committee recommends locating the new rule in Title 3 (as rule 3.404).
			Would the proposal provide cost savings? If so, please quantify No costs savings.	The committee appreciates the response.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Minimal change will be required. Clerk's Office, Judicial Assistants, and Judges would need to be informed of the change and any process that the court would be required to do. No changes in the case management system would be needed.	The committee appreciates the response.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the response.
			How well would this proposal work in courts of different sizes? This will work well in any size court.	The committee appreciates the response.

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

SPR25-03

Rules and Forms: Comprehensive Adjudications of Groundwater Rights (Amend Cal. Rules of Court, rule 3.400; adopt rule 10.640)

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

	Commenter	Position	Comment	Committee Response
4.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee (JRS))	A	The JRS agrees with the proposal and believes it is appropriate to make groundwater adjudications provisionally complex.	The committee appreciates the response.
			In regard to the insertion of the new rule, Title 3, specifically Rule 3.400(C) would be more appropriate than Title 10.	The committee appreciates the response. On balance, the comments weigh in favor of placing the rule in Title 3. Given that, the committee recommends locating the new rule in Title 3. Existing rule 3.400 relates to complex cases generally, while the new rule applies only to comprehensive adjudications. For this reason, the committee recommends the new rule be separate from, but located near, rule 3.400.
			The proposal may provide cost savings because the cases would be the subject of a complex case questionnaire anyway and would find their way to complex courts. Implementation would be minimal since staff are familiar with provisionally complex filings. Two months from Judicial Council should be sufficient time for implementation. For the courts that operate complex courts, the proposal should work well.	The committee appreciates the response.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Rules and Forms: New Case Categories for Civil Case Cover Sheet

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

Revise Civil Case Cover Sheet (form CM-010)

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee & Court Executives Advisory Committee

Staff contact (name, phone and email): Kristin Burford, 916-263-2989, kristin.burford@jud.ca.gov

Paarth Malkan, 415-865-7588, paarth.malkan@jud.ca.gov

Jeremy Varon, 415-865-7424, jeremy.varon@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): CEAC annual agenda approved by Executive and Planning Committee on December 5, 2024; CSCAC annual agenda approved by Rules Committee on October 22, 2024

Project description from annual agenda: Updating the Civil Case Cover Sheet (CM-010) to Reflect JBSIS 4.0 (one-time): To reflect the approved JBSIS 4.0 elements in the Civil Case Cover Sheet, the JBSIS Subcommittee will review and propose a change to the Civil Case Cover Sheet. Form revisions to form CM-010 to implement the groundwater adjudication statute may be beneficial.

Develop rule and form recommendations as appropriate. Code of Civil Procedure section 838 requires the Chair of the Judicial Council to assign a judge in a comprehensive adjudication of a groundwater basin. Rule amendments to rule 3.400 and form revisions to form CM-010 to implement the statute may be beneficial.

Out of Cycle/Early Implementation: *If requesting July 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.)

Amendment to rule 3.400 is included in a separate proposal.

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) July 7, 2025

☒ approved by Office Director (or Designee) (name) Michael Giden; Leah Rose-Goodwin on (date) August 12, 2025

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

(11/1/24)

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-133

For business meeting on October 24, 2025

Title

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

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected
Revise form CM-010

Date of Report

August 12, 2025

Recommended by

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

Contact

Kristin Burford, 916-263-2989

kristin.burford@jud.ca.gov

Court Executives Advisory Committee
Mr. Darrel E. Parker, Chair

Paarth Malkan, 415-865-7588

paarth.malkan@jud.ca.gov

Jeremy Varon, 415-865-7424

jeremy.varon@jud.ca.gov

Executive Summary

The Civil and Small Claims Advisory Committee and Court Executives Advisory Committee jointly recommend adding new case categories and case types to *Civil Case Cover Sheet* (form CM-010). Specifically, the committees recommend adding a “Comprehensive groundwater adjudication” case type to ensure consistency with both Code of Civil Procedure section 838(b) and the associated pending amendment to rule 3.400(c) of the California Rules of Court. Additionally, adding “Asbestos” and “Employment Development Department (EDD)” case categories will help fulfill forthcoming data reporting requirements in the Judicial Branch Statistical Information System and reduce manual data reporting by courts.

Recommendation

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

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

Relevant Previous Council Action

The initial version of *Civil Case Cover Sheet* (form 982.2) was adopted by the council in 1996. Subsequent versions of the form were published at various times, but the last time the council adopted a new case type on *Civil Case Cover Sheet* was in 2003, when “Uninsured motorist” was added under the “Auto Tort” case category.¹

Effective January 1, 1998, the council adopted rule 996 of the California Rules of Court (renumbered as rule 10.400), which established the Judicial Branch Statistical Information System (JBSIS) and requires automatic reporting by each trial court pursuant to the JBSIS manual.² The council first approved the JBSIS manual effective July 1, 1998³ and has updated it several times since.⁴ In July 2022, the Judicial Council approved new data reporting standards referred to as JBSIS 4.0,⁵ which includes adding “Asbestos” and “Employment Development Department (EDD)” as new case types to the Civil Limited and Civil Unlimited reports.

Analysis/Rationale

The Civil and Small Claims Advisory Committee (CSCAC) and Court Executives Advisory Committee (CEAC) recommend the addition of two new case categories and three new case types to *Civil Case Cover Sheet* (form CM-010). These changes will make the form consistent with section 838 and help ensure that the data necessary to meet the data reporting standards in JBSIS 4.0 is collected from litigants. Additionally, some minor technical changes were made as indicated in highlights on the attached proposed form.

Comprehensive groundwater adjudication

One case category on *Civil Case Cover Sheet* is “Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403).” The case types listed in this category reflect those that receive a provisional designation of “complex” under rule 3.400(c). Code of Civil Procedure section 838 provides that comprehensive groundwater adjudications are presumed to be complex under rule 3.400. To conform the rules to section 838, CSCAC recommends (in a separate

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

² Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch Statistical Information System (JBSIS) Reporting Requirements* (May 5, 1997).

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

⁴ Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch Administration: Judicial Branch Statistical Information System (JBSIS) Version 3.0 Manual* (Apr. 10, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7214076&GUID=6F9A30EE-17DF-431D-B952-0198DE135ADA>.

⁵ Judicial Council of Cal., Advisory Com. Rep., *Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS)* (June 24, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11014325&GUID=42A68D4E-6A64-4BD3-9F67-268811FD21A5>.

report) amending rule 3.400(c) to add “Comprehensive groundwater adjudication” to the list of case types that are provisionally designated as complex.⁶ Consistent with that recommendation, the committees recommend revising *Civil Case Cover Sheet* to include such case types under the form’s provisionally complex case category.

Asbestos and Employment Development Department

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

Adding case categories also requires adding case type checkboxes for each new case category to maintain consistent formatting within *Civil Case Cover Sheet*. The recommended case type for the “Employment Development Department (EDD)” case category is “EDD decision review,” and the asbestos case type would be “Asbestos.” Although the “Asbestos” case category and case type share the same title, the same is already true for the “Enforcement of Judgment” category and case type.

Policy implications

The committees recommend revising *Civil Case Cover Sheet* to ensure the JBSIS 4.0 data reporting standards are met. This will reduce operational demands by eliminating the need for manual data reporting of asbestos and EDD cases by court staff. The revisions will also ensure the form is consistent with Code of Civil Procedure section 838(b), which represents a policy decision made by the Legislature.

Comments

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

⁶ See Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: Comprehensive Adjudications of Groundwater Rights*, item 25-133 (pending).

To accommodate the new case categories and types and to improve readability of the form, the committees recommend adding a third page to the form containing the informational section with case type examples that is currently on page two of the form. The Joint Rules Subcommittee suggested that the form remain two pages because litigants may forget to print the third page, which could cause confusion and delay if court staff receive only the first two pages of a three-page form. Because the third page is for information purposes only, the committees considered recommending that the case types and examples be moved to an online location to keep the form to two pages. However, because some self-represented litigants may lack internet access, the committees chose to recommend adding language at the bottom of the second page that reads, “SEE PAGE 3 FOR INFORMATION PURPOSES ONLY”.

An individual commenter suggested changing the form’s reference to the collections case limit from \$25,000 to \$35,000 because CSCAC is proposing an increase to this limit.⁷ The committees agree with this comment and recommend that the form, which is anticipated to go into effect on the same date as the increased collections case limit (January 1, 2026), reflect this increased limit.

Alternatives considered

As stated above, the committees considered the alternative of moving the information on the third page of the proposed form to an online webpage but concluded that it was best to retain the information as part of the form and to recommend language on the bottom of page 2 stating that page 3 is for information purposes only.

Because the additions to *Civil Case Cover Sheet* are for the form to serve its purpose of accurately reporting case types and to streamline data reporting under approved JBSIS standards, the committees did not consider the alternative of no form revision.

Fiscal and Operational Impacts

The committees anticipate that this proposal could require training for court staff and judicial officers. The addition of the “Asbestos” and “Employment Development Department (EDD)” case categories will eliminate the need for manual data reporting by court staff, reducing operational demands.

Additionally, revision of *Civil Case Cover Sheet* will require coordination between the Judicial Council, the courts, and case management system (CMS) vendors to ensure that data for the new case categories are correctly reflected in the CMS and configured in Judicial Council data reporting. Any changes required in the CMS for asbestos and EDD data reporting will be

⁷ See Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Amendment of the Collections Case Rule* (pending).

integrated into the implementation of JBSIS 4.0.⁸ Courts will likely incur costs to incorporate the revised forms into paper or electronic processes.

Attachments and Links

1. Form CM-010, at pages 6–8
2. Chart of comments, at pages 9–11

⁸ Because the committees recommend adding “Comprehensive groundwater adjudication” only as a case type and not as a case category, those cases will not be reported separately in JBSIS. JBSIS will continue to include those cases in the “Provisionally Complex Civil Litigation” case category.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 2025-08-18 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
CIVIL CASE COVER SHEET ☐ Unlimited (Amount demanded exceeds \$35,000) ☐ Limited (Amount demanded is \$35,000 or less)	Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: JUDGE: DEPT.:

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

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

Auto Tort

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

Asbestos

- ☐ Asbestos (04)

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

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

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

Employment Development Department (EDD)

- ☐ EDD decision review (48)

**Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400–3.404)**

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

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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



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

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

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

SEE PAGE 3 FOR INFORMATION PURPOSES ONLY.



CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/
Wrongful Death
Uninsured Motorist (46) *(if the case involves
an uninsured motorist claim subject to
arbitration, check this item instead of Auto)*

Asbestos

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death

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

Product Liability *(not asbestos or toxic/
environmental)* (24)
Medical Malpractice (45)
Medical Malpractice–Physicians &
Surgeons
Other Professional Health Care
Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g.,
assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest)
(not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not
medical or legal)*
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract *(not
unlawful detainer or wrongful eviction)*
Contract/Warranty Breach–Seller Plaintiff
(not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book
accounts) (09)
Collections Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally
complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent
domain, landlord-tenant, or
foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs,
check this item; otherwise, report as
Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition re Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case
Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner
Appeals

Employment Development Department (EDD)

EDD Decision Review (48) *(if the case
involves an Employment Development
Department decision, check this item
instead of Wrongful Termination or Other
Employment)*

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

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Comprehensive Groundwater Adjudication
(47)

Insurance Coverage Claims *(arising from
provisionally complex case type listed
above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic
relations)*
Sister-State Judgment
Administrative Agency Award *(not unpaid
taxes)*
Petition/Certification of Entry of Judgment
on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only Injunctive Relief
Only *(non-harassment)*
Mechanic's Lien
Other Commercial Complaint Case *(non-
tort/non-complex)*
Other Civil Complaint *(non-tort/non-
complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

ITC SPR25-04

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

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

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

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

ITC SPR25-04

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

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

	Commenter	Position	Comment	Committee Response
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Minimal change will be required. Clerk's Office, Judicial Assistants, and Judges would need to be informed of the change. This can be done by email. No additional training required. Changes in the case management system would be needed for JBSIS purposes. This is what would take time.	The committees appreciate the information provided.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Possibly 2 months may be enough time.	The committees appreciate the information provided.
			How well would this proposal work in courts of different sizes? This will work well in any size court.	The committees appreciate the information provided.
4.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Subcommittee (TCPJAC/CEAC Joint Rules Subcommittee)	A	JRS Position: Agree with proposed changes. The JRS notes that the proposal is required to conform to a change of law.	The committees appreciate the information provided.

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

ITC SPR25-04

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

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

	Commenter	Position	Comment	Committee Response
			The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: • Impact on existing automated systems ○ Update Efile and case management system. • Results in additional training, which requires the commitment of staff time and court resources. ○ Training staff and updating Self Help Center packets. • Other fiscal or operational impacts. ○ Small fiscal impact: Auto JBSIS reporting for asbestos cases.	The committees appreciate the information provided.
			Suggested modification: Court staff strongly prefers that this form remain two pages. People often forget to print or address the third page. This could increase the workload to address.	The committees appreciate the information provided. To maintain legibility of the form, the committees recommend maintaining a three-page form but have added language at the end of page 2 stating that page 3 is for information purposes only.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Civil Practice and Procedure: Deadlines for Filings for Class Certification Motions

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

Amend Cal. Rules of Court, rule 3.764

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): Kristin Burford, 916-263-2989, kristin.burford@jud.ca.gov

James Barolo, 415-865-8928, james.barolo@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): Oct. 22, 2024

Project description from annual agenda:

Develop rules recommendations as appropriate. A member of the committee notes that under California Rules of Court, rule 3.764(c) a reply brief on a motion to certify or decertify a class must be served 5 calendar days before the hearing. If such filing occurs before a long weekend due to a court holiday or holidays the court has virtually no time to review the brief before the hearing. The committee should consider changing this deadline, and possible other deadlines, in the rule

Out of Cycle/Early Implementation: *If requesting July 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) July 16, 2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) July 24, 2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-014

For business meeting on October 24, 2025

Title

Civil Practice and Procedure: Deadlines for Filings for Class Certification Motions

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 3.764

Date of Report

August 12, 2025

Recommended by

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

Contact

Kristin Burford, 916-263-2989

kristin.burford@jud.ca.gov

James Barolo, 415-865-8928

james.barolo@jud.ca.gov

Executive Summary

The Civil and Small Claims Advisory Committee recommends amending California Rules of Court, rule 3.764 to lengthen the deadlines for filings related to class certification motions to ensure courts have sufficient time to review the papers in advance of the hearing. The proposed deadlines offered in this report would address that concern and coordinate the deadlines for opposition and reply filings for these motions with the corresponding deadlines applicable to filings for motions for summary judgment.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2026, amend California Rules of Court, rule 3.764 to adjust the deadlines for filings related to class certification motions. As amended, the motion, opposition, and reply would be due 34 days, 20 days, and 11 days before the hearing, respectively.

The text of the recommended rule amendments is attached at page 5.

Relevant Previous Council Action

The Judicial Council adopted rule 1854, effective January 1, 2002, as part of a broader rule proposal to provide uniform statewide rules for class actions.¹ Rule 1854 contained requirements pertaining to motions to certify or decertify a class or to amend or modify a certification order. Rule 1854 specified deadlines for such filings, which have not changed since they were originally adopted. In 2007 the Judicial Council made minor nonsubstantive amendments to the rule and renumbered it to rule 3.764.²

Analysis/Rationale

This proposal would extend by six calendar days each of the deadlines in rule 3.764(c)(1) for filing motions, oppositions, and replies regarding the certification and decertification of a class. The deadline for motions would change from 28 to 34 calendar days before the hearing; the deadline for oppositions would change from 14 to 20 calendar days before the hearing; and, the deadline for replies would change from 5 to 11 calendar days before the hearing. Although the identified concern that this proposal aims to address is limited to replies, the committee proposes adding six days to the deadline for each filing to retain the number of days between the deadlines. Amending only the timing to file a reply but leaving the other deadlines unchanged would reduce the amount of time available for a moving party to prepare and file a reply.

As circulated, the proposal would have adjusted each of the deadlines by five calendar days. In a comment on the proposal Judge Harold W. Hopp of the Superior Court of Riverside County suggested coordinating these deadlines with deadlines applicable to filings for motions for summary judgment. Judge Hopp noted that, as originally proposed, the deadlines for opposition and reply filings were close, but not quite the same, as those filing deadlines for motions for summary judgment.³ The committee has incorporated Judge Hopp's suggestion into the proposal to maintain consistency in the timing for these filings.⁴

Policy implications

The committee recommends amending rule 3.764 to ensure courts have adequate time to review filings related to class certification motions in advance of the hearing. This change will improve the quality of justice and facilitate efficient court hearings.

As indicated above, the amendment would also coordinate the deadlines for opposition and reply filings for class certification motions with the analogous filings for motions for summary

¹ Judicial Council of Cal., Advisory Com. Rep., *Uniform Statewide Rules for Class Actions* (Sept. 12, 2001); Judicial Council of Cal., mins. (Oct. 26, 2001), item D8, pp. 34–35.

² Judicial Council of Cal., Staff Rep., *Reorganization of the California Rules of Court* (June 15, 2006); Judicial Council of Cal., mins. (June 30, 2006), item 5, p. 10.

³ See Code Civ. Proc., § 437c(b)(2), (4), https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=437c&lawCode=CCP.

⁴ The proposal also includes minor changes to the rule to promote consistency of style and to remove archaic terminology.

judgment. This coordination will help avoid potential confusion or inadvertent error that could arise from slightly different filing deadlines.

Comments

The committee solicited public comments on this proposal from April 14 to May 23, 2025, as part of the council's regular spring invitation-to-comment cycle. The proposal received five comments; two were from courts, one was from a superior court judge, one was from a county bar association, and one was from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. All the comments were either supportive of the proposal or informational; none of the comments expressed opposition to the proposal. The only commenter who suggested a change to the proposal was Judge Hopp. As indicated above, Judge Hopp's suggested change to align the deadlines for opposition and reply filings in this proposal with the deadlines applicable to such filings for motions for summary judgment has been incorporated into the proposal.

A chart of comments and the committee's responses is attached at pages 6–7.

Alternatives considered

The committee considered the option of taking no action but ultimately determined that the proposal was warranted because of the benefits it would provide to courts and court users by ensuring that the court would have sufficient time to review all the filings in advance of the hearing.

The committee considered several other options to address the concerns identified. One such option was increasing the number of days prior to the hearing that the reply—but not the other briefs—is due. The committee chose not to recommend such a narrow amendment because it would effectively shorten the time available to prepare and file a reply.

Another option was to change the deadlines in rule 3.764 from calendar days to court days. The committee determined that such amendments would amount to a broader change than necessary.

Finally, the committee considered amending the rule to add a different number of calendar days to each deadline, such as two, five, or seven, but after consideration of public comment, concluded that six additional calendar days was an appropriate balance. With this change, the deadlines would provide sufficient time for court review, ensure the deadlines are not too far away from the hearing, and coordinate the deadlines for the opposition and reply filings for these motions with the deadlines for such filings for motions for summary judgment.

Fiscal and Operational Impacts

The committee anticipates that this proposal will provide an operational benefit to courts that hear motions to certify or decertify a class by ensuring that the courts have adequate time to review the filings before the hearing. The commenters generally indicated that the proposal would provide this benefit.

This proposal could have very minor fiscal or operational impacts to courts related to notification of affected staff and updates to reference materials addressing these filings. A comment from the Superior Court of San Bernardino County noted that “minimal change will be required.”

Attachments and Links

1. Cal. Rules of Court, rule 3.764, at page 5
2. Chart of comments, at pages 6–7
3. Link A: Code Civ. Proc., § 437c,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=437c

Rule 3.764 of the California Rules of Court is amended, effective January 1, 2026, to read:

Rule 3.764. Motion to certify or decertify a class or amend or modify an order certifying a class

(a)–(b) * * *

(c) Format and filing of motion

(1) *Time for service of papers*

Notice of a motion to certify or decertify a class or to amend or modify a certification order must be ~~filed and~~ served on all parties to the action and filed at least ~~28~~ 34 calendar days before the date ~~appointed~~ set for hearing. Any opposition to the motion must be served and filed at least ~~14~~ 20 calendar days before the noticed or continued hearing, unless the court for good cause orders otherwise. Any reply to the opposition must be served and filed at least ~~5~~ 11 calendar days before the noticed or continued date of the hearing, unless the court for good cause orders otherwise. The provisions of Code of Civil Procedure section 1005 otherwise apply.

(2)–(4) * * *

(d)–(e) * * *

SPR25-05

Civil Practice and Procedure: Deadlines for Motions to Certify or Decertify a Class (Amend Cal. Rules of Court, rule 3.764)

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

	Commenter	Position	Comment	Committee Response
1.	Judge Harold W. Hopp Superior Court of California, County of Riverside	AM	The Legislature recently amended the deadlines for summary judgment motions. The opposition and reply deadlines are close, but not quite the same, as the deadlines in this proposal. It might avoid some confusion if we used the same deadlines as for opposition and reply papers on MSJs (20 calendar days for opposition, 11 calendar days for reply papers). If we want to keep the 14-day space between the moving and opposition papers, we could make the motion due 34 days before the hearing. But other than this tweak, I support the proposed rule change. I have a complex civil case assignment and hear most of our court's class action cases. The additional time to review the papers would be most helpful.	The committee appreciates the suggestion and sees the benefit of harmonizing the deadlines for these filings. For this reason, the committee recommends adjusting the deadlines in rule 3.764 so that the opposition is due 20 calendar days prior to the hearing and the reply is due 11 calendar days prior to the hearing. The committee also recommends adjusting the proposed motion deadline (to 34 calendar days) to preserve the time intervals between the filing deadlines.
2.	Orange County Bar Association by Mei Tsang, President	A	Yes, the proposal accomplishes its purpose of allowing courts extra time to consider the reply papers without giving the parties extra time to brief the issues.	The committee appreciates the comment.
3.	Superior Court of California, County of Los Angeles by Stephanie Kuo	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 needed.
			In response to the Judicial Council of California's ITC, "Civil Practice and Procedure: Deadlines for Motions to Certify or Decertify a Class," the Court agrees with the proposal and has no other comments.	The committee appreciates the comment.
4.	Superior Court of California, County of San Bernardino	NI	Does the proposal appropriately address the stated purpose?	The committee appreciates the comment.
			Yes, the proposal appropriately addresses the stated purpose.	
			Would the proposal provide cost savings? If so, please quantify	The committee appreciates the comment.
			No cost savings	

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

SPR25-05**Civil Practice and Procedure: Deadlines for Motions to Certify or Decertify a Class** (Amend Cal. Rules of Court, rule 3.764)

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

	Commenter	Position	Comment	Committee Response
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Minimal change will be required. Clerk's Office, Judicial Assistants, and Judges would need to be informed of the change/amended rule. This can be done by email. No additional training required. Possibly brief revising needed for clerk's office procedures manual. (2 days) No changes in the case management system would be needed.	The committee appreciates the comment and the information on implementation requirements.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the comment.
			How well would this proposal work in courts of different sizes? This will work well in any size court.	The committee appreciates the comment.
5.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee (JRS))	A	The JRS notes that the proposal should be implemented because it will give the court more time to review all filings related to class certification.	The committee appreciates the comment.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Civil Practice and Procedure: Implementation of Assembly Bill 2837

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

Approve forms WG-015/EJ-135, WG-017/ EJ-137, WG-018/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): 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): 10/22/2024

Project description from annual agenda: Enforcement of Judgment Forms: Implementation of AB 2837 and AB 1119: Develop forms recommendations as appropriate. AB 2837 expands the types of retirement plans exempt from money judgments and exempts such property to the extent necessary to provide support for the judgment debtor. The bill also revises the enforcement provisions by requiring a judgment creditor to take additional steps to verify a judgment debtor's address and provide notice of enforcement to a judgment debtor. This legislation may require revisions to certain enforcement of judgment forms. At the same time, it may be prudent to create a new form for the judgment creditor declarations required in amended Code of Civil Procedure section 684.130.

The committee will also consider whether changes are needed to forms and rules of court related to debtor's examinations to further implement AB 1119 regarding the judgment debtor's rights when the judgment concerns consumer debt, and whether more education or training is needed in this area.

Out of Cycle/Early Implementation: *If requesting July 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) 7/17/2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) 8/7/2025

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

(11/1/24)

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-147

For business meeting on October 24, 2025

Title

Civil Practice and Procedure:
Implementation of Assembly Bill 2837

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Adopt forms WG-015/EJ-135, WG-017/EJ-137, WG-018/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030

Date of Report

August 28, 2025

Contact

Jenny Grantz, 415-865-4394
jenny.grantz@jud.ca.gov

Recommended by

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

Executive Summary

Assembly Bill 2837 (Stats. 2024, ch. 514) made numerous changes to the laws regarding enforcement of judgment, including a new requirement to verify the judgment debtor's address before the sheriff can serve papers related to enforcement of a judgment for personal debt, changes to the start of the earnings withholding period, and new requirements for orders on claims of exemption from enforcement of judgment. The Civil and Small Claims Advisory Committee recommends adopting 3 forms and revising 13 forms to implement AB 2837.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2026, take the following actions to implement changes made by AB 2837 to the laws regarding enforcement of judgment:

1. Adopt the following forms:

- *Declaration of Address Verification* (form WG-015/EJ-135)
- *Application to Stay Levy or Garnishment* (form WG-017/EJ-137)
- *Order on Application to Stay Levy or Garnishment* (form WG-018/EJ-138)

2. Revise the following forms:

- *Writ of Execution* (form EJ-130)
- *Instructions for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157-INFO)
- *Claim of Exemption* (form EJ-160)
- *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* (form MC-012)
- *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO)
- *Special Instructions for Writs and Levies—Attachment* (form SER-001A)
- *Earnings Withholding Order* (form WG-002)
- *Employee Instructions* (form WG-003)
- *Earnings Withholding Order for Support* (form WG-004)
- *Claim of Exemption* (form WG-006)
- *Notice of Hearing on Claim of Exemption* (form WG-010/EJ-175)
- *Earnings Withholding Order for Taxes* (form WG-022)
- *Earnings Withholding Order for Elder or Dependent Adult Financial Abuse* (form WG-030)

The proposed new and revised forms are attached at pages 13–42.

Relevant Previous Council Action

The council approved form EJ-130 in January 1978 and last revised it effective September 1, 2020, to implement the statutory exemption from enforcement of judgment for deposit accounts.

Form EJ-157-INFO was approved on September 1, 2020, to implement the same statutory exemption and has not been revised since then.

The council approved form EJ-160 effective July 1, 1983, and last revised it effective January 1, 2009, to reformat the form header. The council adopted form MC-012 effective July 1, 1999, and approved form MC-013-INFO effective January 1, 2018. Both forms were last revised effective January 1, 2024, to implement Senate Bill 1200, which changed renewal procedures for judgments related to personal or medical debt.

The council adopted form SER-001A effective January 1, 2024, to comply with a statutory mandate to create forms for civil litigants to request that a sheriff's office serve their court papers. Form SER-001A has not been revised since it was adopted.

The council adopted forms WG-002, WG-003, and WG-022 and approved form WG-004 effective January 1, 1980, and adopted form WG-030 effective January 1, 2012. Form WG-003 was last revised effective September 1, 2023, to implement a change in the law regarding calculation of earnings withholding. Forms WG-002, WG-004, WG-022, and WG-030 were last revised effective February 22, 2025, to reflect the change made by AB 2837 to the start of the withholding period for an earnings withholding order.

The council approved form WG-006 effective January 1, 1980, and last revised it effective January 1, 2009, to add a box for the court's stamp. The council approved form WG-010/EJ-175 effective January 1, 1980, and last revised it effective January 1, 2007, to change the form number to the current number.

Analysis/Rationale

AB 2837, enacted September 24, 2024,¹ made numerous changes to the laws regarding enforcement of judgment. AB 2837 became effective on January 1, 2025.

Some of AB 2837's provisions apply to the enforcement of any judgment, but others apply only if the judgment is for personal debt. "Personal debt" means "money due or owing or alleged to be due or owing from a natural person arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for the debtor's personal, family, or household purposes" and 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."²

¹ See Link A.

² Code Civ. Proc., § 683.110(d)(2), (3). AB 2837's definition of "personal debt" is the same as the one used in Senate Bill 1200 (Stats. 2022, ch. 833), which affected enforcement of judgments for personal debt and medical debt and required revision of several forms. Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200* (Aug. 23, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12248158&GUID=10DD7229-59E8-4C5E-89FE-09C9996D358F>.

To implement AB 2837, the Civil and Small Claims Advisory Committee recommends adopting 3 forms and revising 13 forms.

Previously approved revisions to wage garnishment forms

AB 2837 changed the date on which an employer should begin withholding earnings if served with an earnings withholding order. Withholding should now begin on the 30th day after the employee is served with the earnings withholding order, rather than 10 days after the employer is served with the order.³ Or, if a claim of exemption is filed with the levying officer and the employer is given actual notice of the claim before the close of business on the 29th day after the employee is served with the earnings withholding order on the judgment debtor, the withholding period commences on the 45th day after the employee is served.⁴

Effective February 22, 2025, the Judicial Council approved revisions to the following forms to reflect the new start of the withholding period and to make technical corrections:

- *Earnings Withholding Order* (form WG-002)
- *Earnings Withholding Order for Support* (form WG-004)
- *Earnings Withholding Order for Taxes* (form WG-022)
- *Earnings Withholding Order for Elder or Dependent Adult Financial Abuse* (form WG-030)⁵

The council determined that prompt revision was warranted to ensure the forms did not incorrectly state the law and approved the forms prior to their circulation for public comment.

In response to the public comments, the committee recommends revising several portions of the instructions on forms WG-002, WG-004, and WG-030 to make them easier to understand.

Address verification before service by a levying officer

AB 2837 provides that if the levying officer is “required by any provision of this title” to serve “any writ, order, notice, or other paper” related to enforcement of a judgment for personal debt,⁶ the judgment creditor must provide a declaration stating that the judgment debtor’s address has been verified using reasonable diligence within the past 12 months and describing the methods

³ Code Civ. Proc., § 706.022(a).

⁴ *Ibid.*

⁵ Judicial Council of Cal., Staff Rep., *Rules and Forms: Calculation of Earnings Withholding Period* (Jan. 23, 2025), <https://jcc.legistar.com/View.ashx?M=F&ID=13703452&GUID=5CE276B4-D5EA-48AC-B824-41F57E479E19>.

⁶ “This title” means title 9 of part 2 of the Code of Civil Procedure (sections 680.010 through 724.260). Documents the levying officer is statutorily required to serve under title 9 include notices of levy, writs of execution, and writs of possession. (Code Civ. Proc., §§ 700.010(a) (writs of execution and notices of levy), 715.020(a) (writs of possession).)

used to complete the verification.⁷ Within five business days after delivering the declaration to the levying officer, the judgment creditor must file the signed declaration with the court.⁸ If the judgment debtor notifies the court that the verification requirement has not been met, the court must stay the notice of levy or earnings withholding order until the requirement is met.⁹ The judgment creditor is not entitled to recover the cost of the verification.¹⁰

The committee recommends creating three forms and revising five forms to implement the address verification requirement.

The committee recommends creating *Declaration of Address Verification* (form WG-015/EJ-135) for the judgment creditor to provide to the levying officer and file with the court. The committee considered adding the declaration to an existing form but determined that it could not do so because the judgment creditor is required to file the verification with the court within five business days after delivering it to the levying officer and there are no existing enforcement of judgment forms filed within that time period.

To aid judgment debtors in determining whether the address verification requirement applies, the committee recommends revising *Writ of Execution* (form EJ-130) to add a “personal debt” checkbox to item 22 to require the judgment creditor to confirm whether the judgment is for personal debt. This item instructs the judgment creditor to complete *Declaration of Address Verification* if the box is checked. The committee also recommends adding a notice to the judgment debtor on page 3 informing them that they can move to stay the levy or garnishment if the address verification requirement is not met. In addition to the AB 2837 revisions, the committee recommends renumbering item 24’s subitems, adding “form CP10.5” in item 25a(1) and changing “CCP” to “Code of Civil Procedure” throughout the form where space permits.

The committee recommends revising *Special Instructions for Writs and Levies—Attachment* (form SER-001A) to add item 5 to explain the address verification requirement and confirm that the judgment creditor has attached *Declaration of Address Verification* if applicable. Form SER-001A is an attachment to *Request to Sheriff to Serve Court Papers* (form SER-001) and is used to provide statutorily mandated instructions to the sheriff or marshal whenever they are asked to serve documents, including *Writ of Execution* (form EJ-130). In addition to the AB 2837 revisions, the committee recommends revising the explanation of the term “judgment debtor” in item 3c(3) and revising item 4b to ask whether the property is in the defendant’s name, rather than the judgment debtor’s name, if the document being served is a writ of attachment.

The committee recommends revising *Employee Instructions* (form WG-003) to add information about the judgment debtor’s right to seek a stay if the address verification is not completed. In

⁷ Code Civ. Proc., § 684.130(b)(2).

⁸ *Id.*, § 684.130(b)(6).

⁹ *Id.*, § 684.130(b)(4).

¹⁰ *Id.*, §§ 684.130(b)(5), 685.070(a).

addition to the AB 2837 revisions, the committee recommends revising the last sentence in the “One of Two Things Will Happen...” section on page 2 to correctly reflect the requirements of Code of Civil Procedure section 706.105(g) by stating that the levying officer “must serve your employer with the changed EWO or a notice that the EWO has ended.”

The committee recommends creating *Application to Stay Levy or Garnishment* (form WG-017/EJ-137) and *Order on Application to Stay Levy or Garnishment* (form WG-018/EJ-138) to aid the judgment debtor in seeking a stay of a levy or garnishment if the verification requirement is not met. These forms will also be used to handle applications and orders for stays pending a hearing on the judgment debtor’s claim of exemption, as described in the next section of this report.

To implement the statutory provision prohibiting judgment creditors from recovering costs for address verification, the committee recommends revising the “Costs After Judgment” section on page 1 of *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO) to include a citation to Code of Civil Procedure section 684.130(b)(5) and revising the “Requesting Costs and Interest” section to explain that the judgment creditor can only recover postjudgment costs in the categories listed in item 1a(1)–(8) on form MC-012.

The committee recommends revising the heading of item 1 on *Memorandum of Costs After Judgment, Acknowledgement of Credit, and Declaration of Accrued Interest* (form MC-012) to refer readers to form MC-013-INFO for information on which postjudgment costs are recoverable. In addition to the AB 2837 revisions, the committee recommends adding an instruction in item 3 explaining that the boxes for a second unpaid principal amount and interest rate should be completed “if different interest rates apply to different unpaid principal amounts.” This revision is intended to make item 3 less confusing. The committee also recommends putting the Notice to the Judgment Debtor in plain language to the extent the language in the notice is not statutorily mandated, as well as removing the proof of service page to align with current guidelines for drafting Judicial Council forms.

Stays pending determination of claims of exemption

In personal debt cases, AB 2837 requires the court to stay a levy or garnishment upon request of the judgment debtor if the judgment creditor has opposed the judgment debtor’s claim of exemption and the hearing on the judgment creditor’s motion is set more than 30 days after the notice of motion is filed.¹¹ The court must stay the levy or garnishment until the hearing on the judgment creditor’s motion occurs.¹² As explained in the previous section of this report, the committee recommends creating *Application to Stay Levy or Garnishment* (form WG-017/EJ-137) and *Order on Application to Stay Levy or Garnishment* (form WG-018/EJ-138) to implement this procedure.

¹¹ *Id.*, §§ 703.570(a), 706.105(e).

¹² *Ibid.*

The committee also recommends revising *Notice of Hearing on Claim of Exemption* (form WG-010/EJ-175) to add a notice to the judgment debtor about their right to seek a stay. In addition to the AB 2837 revisions, the committee recommends removing the proof of service page from form WG-010/EJ-175 to align with current guidelines for drafting Judicial Council forms.

Exemptions for deposit accounts

Existing law provides that a certain amount of money in a judgment debtor's deposit account is exempt from enforcement of judgment without making a claim of exemption.¹³ This exemption applies per debtor, not per account, and if the judgment debtor has multiple accounts at the same financial institution, the law creates a procedure for the judgment creditor or judgment debtor to ask the court to determine how and to which account the exemption should be applied.¹⁴

AB 2837 requires financial institutions to protect money in multiple accounts in certain circumstances instead of protecting only one account.¹⁵ Specifically, if the judgment debtor's accounts cumulatively contain an amount less than or equal to the exemption amount specified in Code of Civil Procedure section 704.220(a), the financial institution must protect the full amount in all the accounts. If there is no single account containing the full exemption amount but the accounts cumulatively contain more than that amount, then the financial institution must protect an aggregate amount equal to the full exemption amount.

The committee recommends revising *Instructions for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157-INFO) to implement this change in law. Form EJ-157-INFO explains the exemption, how it is applied, and how the judgment creditor or judgment debtor can ask the court for an order applying the exemption to a specific account. The committee recommends revising item 1 on form EJ-157-INFO to state that the exemption "is applied to one or more of the judgment debtor's accounts as necessary to ensure the entire exempted amount is protected" and revising item 2 to include citations to include Code of Civil Procedure sections 704.220(e)(4) and (5) and state that "the bank must automatically protect the exempted amount in one or more of the judgment debtor's accounts as necessary to ensure the entire amount is protected." In addition to AB 2837 revisions, the committee recommends revising item 4 to discuss remote appearances and provide information about California Rules of Court, rule 3.672, revising several items to make them easier to understand, and adding an introductory sentence to the form.¹⁶

¹³ *Id.*, § 704.220.

¹⁴ *Id.*, § 704.220(e).

¹⁵ *Id.*, § 704.220(e)(4) & (5).

¹⁶ Item 4 on form EJ-157-INFO currently refers to rule 3.670(c), the telephone appearances rule, but that rule has been suspended in favor of rule 3.672. In a separate proposal, staff have recommended that the Judicial Council amend rule 3.670(c) to continue the suspension through January 1, 2027, to match the sunset date in Code of Civil Procedure section 367.75. Judicial Council of Cal., Staff Rep., *Civil Practice and Procedure: Rules Regarding Telephonic Appearances* (Sept. 18, 2025).

The committee considered revising *Ex Parte Application for Order on Deposit Amount Exemption* (form EJ-157) and *Order on Application for Designation of Deposit Account Exemption* (form EJ-159) but determined that revisions were unnecessary because AB 2837 only changes what financial institutions must do when a customer's accounts have been levied and does not change the process for asking for and ordering the exemption to be applied to a specific deposit account. Additionally, item 5 on form EJ-157 and item 9 on form EJ-159 can be used to spread the exemption across multiple deposit accounts if necessary.

Requirements for orders on claims of exemption

AB 2837 provides that when ruling on a judgment creditor's motion opposing the judgment debtor's claim of exemption, the court must make findings on the judgment debtor's financial statement in support of the claim of exemption if the judgment debtor asserts that money in their deposit account is exempt under Code of Civil Procedure section 704.225 because it is necessary for support of the judgment debtor and their spouse and dependents.¹⁷

AB 2837 also provides that when ruling on a judgment creditor's motion opposing the judgment debtor's claim of exemption from a levy in a personal debt case, the court must order the levying officer, judgment creditor, or anyone else holding the property to return to the judgment debtor any property (1) that was exempt without the need for a claim and that was levied upon within the 12 months preceding the date of the order on the claim of exemption, or (2) that the judgment debtor has demonstrated would have been exempt by claim of exemption and that was levied upon within the six months preceding the date of the order on the claim of exemption.¹⁸ Similar requirements apply to orders on claims of exemption from an earnings withholding order.¹⁹

To implement these changes in law, the committee recommends revising *Claim of Exemption* (form EJ-160) and *Claim of Exemption* (form WG-006) to include items identifying any property or wages that are exempt without making a claim of exemption. These revisions will aid courts in determining whether it is necessary to order the return of such property or wages.

In addition to the AB 2837 revisions, the committee recommends revising form WG-006 to add item 3a, which asks whether the judgment debtor makes less than the statutory minimum required for withholding.²⁰ Judgment debtors might not know this statutory provision exists or that they do not need to file *Financial Statement* (form EJ-165) if they claim they are statutorily exempt from withholding. The committee also recommends revising the instructions and several other items on forms EJ-160 and WG-006 to improve their readability and clarity.

¹⁷ Code Civ. Proc., § 703.580(c).

¹⁸ *Id.*, § 703.580(d).

¹⁹ *Id.*, § 706.105(g).

²⁰ *Id.*, § 706.050. An employee's earnings cannot be withheld unless their disposable earnings each pay period exceed a multiple of the current California minimum wage. The multiplier varies depending on the employee's pay period.

Policy implications

The recommended form adoptions and revisions will ensure that Judicial Council forms correctly reflect the law. The recommendations are therefore 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 proposed form revisions to implement AB 2837 circulated for public comment from April 14 to May 23, 2025, as part of the regular spring invitation-to-comment cycle. The proposal received fourteen comments: five 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 legal aid organization, one from a county bar association, two from sheriffs' offices or organizations, one from the California Department of Child Support Services, one from a legal nonprofit, and two from individuals. Three commenters approved of the proposal, three approved if modified, and eight did not indicate a position. A chart with the full text of the comments received and the committee's responses is attached beginning at page 43.

Form EJ-130

A commenter suggested deleting the "personal debt" checkbox in item 22 on *Writ of Execution* (form EJ-130), arguing that it is duplicative of item 5 on form SER-001A. However, this checkbox was added to item 22 primarily to help the judgment debtor determine whether the address verification requirement applies so they can seek a stay if the judgment creditor does not file the address verification with the court. The judgment debtor does not see form SER-001A. The committee therefore recommends including a "personal debt" checkbox in item 22.

A commenter suggested revising item 22c to reflect that some judgments could be partially for personal debt and partially for debts that do not qualify as personal debt. The committee agrees that Code of Civil Procedure section 684.130 is unclear about whether the address verification requirement applies to judgments that are only partially for personal debt. However, the committee determined that item 22c should use the statutory language and state that "the judgment is for personal debt." There is not enough information in the statute to justify adding an explanation or instructions regarding the possibility of a partial judgment.

Form SER-001A

In the invitation to comment, item 5 on *Special Instructions for Writs and Levies—Attachment* (form SER-001A) explained the address verification requirement but did not include a checkbox confirming that the requirement has been met. The committee was concerned that including a checkbox might be confusing because item 5 would not be applicable to many people using form SER-001A, but if item 5 did not include a checkbox, some people would skip over the item without reading it. The committee asked for specific comments about whether to add a checkbox to item 5.

Four commenters agreed with the suggestion to add a checkbox to this item to make it clearer whether the judgment creditor has complied with the requirement. Two commenters opposed adding a checkbox because doing so could create confusion. After considering the comments, the committee recommends that item 5 ask, “Is this an action related to enforcement of a judgment for personal debt?” with checkboxes for “No” and “Yes, and I have completed *Declaration of Address Verification* (WG-015/EJ-135) and attached it to this form.”

Form WG-015/EJ-135

In the invitation to comment, *Declaration of Address Verification* (form WG-015/EJ-135) was numbered EJ-135 without a corresponding WG number. A commenter pointed out that the form should have a WG number because it is used in wage garnishment actions, and the committee therefore recommends numbering the form as WG-015/EJ-135. This revision required renumbering *Application to Stay Levy or Garnishment* as WG-017/EJ-137 and *Order on Application to Stay Levy or Garnishment* as WG-018/EJ-138 to allow *Declaration of Address Verification* to come before them in the list of wage garnishment forms.

In response to the comments, the committee also revised items 2 and 4 and added item 3 to form WG-015/EJ-135. As proposed, item 2 asked the judgment creditor to identify the forms being served, but several commenters pointed out that these checkboxes were unnecessary and could cause confusion. Item 2 now states, “I am asking the levying officer to serve *Writ of Execution* (form EJ-130), *Notice of Levy* (form EJ-150), or other documents related to enforcement of a judgment for personal debt.” Item 3 asks the judgment creditor to list the address they have verified. Item 4 now states, “I verified the address in item 3.”

A commenter suggested that form WG-015/EJ-135 should be optional instead of mandatory. The committee considered this suggestion and determined that the form should be mandatory to ensure it contains the statutorily required information. Making the form optional could increase the number of address verifications rejected for failure to meet the statutory requirements. Additionally, because the statutory requirements are straightforward, it is unlikely that court users will need to include information that the form does not cover.

Form WG-017/EJ-137

A commenter suggested revising *Application to Stay Levy or Garnishment* (form WG-017/EJ-137) to include instructions regarding California Rules of Court, rules 3.1203 and 3.1204, which create notice procedures for ex parte applications. The commenter was concerned that courts might sometimes reject form WG-017/EJ-137 because the ex parte rules were not followed.

The committee considered this suggestion but decided not to recommend including instructions regarding the ex parte rules at this time. It is unclear whether the ex parte rules apply to some of the stays covered by the form. Under Code of Civil Procedure section 684.130(b)(4), the court “shall” stay a notice of levy or wage garnishment “upon notice by the judgment debtor” that the judgment creditor has not filed an address verification that meets certain statutory requirements. By contrast, Code of Civil Procedure sections 703.570(a) and 706.105(e) state that the judgment debtor can “seek by ex parte application” a stay of the levy or garnishment if the court is unable

to hold a hearing on the judgment debtor's claim of exemption within 30 days. It is unclear how frequently the form will be used to seek stays under section 684.130(b)(4) versus sections 703.570(a) and 706.105(e), and it is similarly unclear how frequently courts will require court users who file form WG-017/EJ-137 to follow the ex parte rules. If the rules do not apply by law, or are not applied by courts, then including the instructions would be confusing and could result in unnecessary delays in filing the form. The committee determined that it would be more appropriate to revise the form in the future if necessary, after it is clearer whether the ex parte rules are affecting court users who file form WG-017/EJ-137.

Earnings Withholding Order for Taxes (form WG-022)

During the public comment period, a member of the public contacted committee staff to ask whether form WG-022 should have been revised to state that the employer should begin withholding "with the first pay period that ends on or after the 30th day after this order is served." This revision was made to implement AB 2837's change to Code of Civil Procedure section 706.022(a). However, Code of Civil Procedure section 706.078(a) states that "the employer shall not withhold pursuant to a withholding order for taxes from earnings of the employee payable for any pay period of such employee that ends prior to the 10th day after service of the order." Thus, the question is whether only section 706.078(a) applies to earnings withholding orders for taxes, or whether both sections apply.

The committee considered this issue and determined that the previous revisions to form WG-022 were appropriate because section 706.022(a) appears to apply to earnings withholding orders for taxes. Code of Civil Procedure section 706.073 states, "Except as otherwise provided in this article, the provisions of this chapter govern the procedures and proceedings concerning a withholding order for taxes." The article containing section 706.022 is in the same chapter as the article containing section 706.078. Additionally, an employer could follow the directives in sections 706.022(a) and 706.078(a) at the same time: they could begin withholding 30 days after service of the order, and they could avoid withholding earnings from any pay period that ends prior to the 10th day after service of the order.

Alternatives considered

The committee did not consider the alternative of taking no action because new and revised forms are needed to comply with AB 2837. To the extent the proposed revisions were not required by the terms of AB 2837, the committee considered taking no action but ultimately determined the revisions were warranted in light of the benefits the revisions would provide to the courts and court users. As discussed above, the committee considered several alternatives while drafting the proposal and in response to the public comments and concluded that the current recommendations best satisfy the statutory mandate.

Fiscal and Operational Impacts

The statutory changes will require training of court staff and judicial officers. The new and revised forms are intended to facilitate courts' and parties' implementation of the changes in

statute and will require education and possibly some changes to computerized case management systems. These impacts are a necessary effect of the legislative action.

The Superior Court of San Bernardino County commented that two months between Judicial Council approval of these recommendations and their effective date might not provide sufficient time for the court to update its procedures and complete the necessary training. However, the committee recommends a January 1, 2026, effective date because the proposal implements changes in law that have already taken effect.

Attachments and Links

1. Forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-015/EJ-135, WG-017/EJ-137, WG-018/EJ-138, WG-022, and WG-030, at pages 13–42
2. Chart of comments, at pages 43–86
3. Link A: Assem. Bill 2837,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2837

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): _____ ☐ ATTORNEY FOR ☐ ORIGINAL JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORD	FOR COURT USE ONLY DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	CASE NUMBER: _____
☐ EXECUTION (Money Judgment) WRIT OF ☐ POSSESSION OF ☐ Personal Property ☐ SALE ☐ Real Property	☐ Limited Civil Case (including Small Claims) ☐ Unlimited Civil Case (including Family and Probate)

1. To the Sheriff or Marshal of the County of:

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name):

is the ☐ original judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

9. ☐ Writ of Possession/Writ of Sale information on next page.

10. ☐ This writ is issued on a sister-state judgment.

For items 11–17, see form MC-012 and form MC-013-INFO.

11. Total judgment (as entered or renewed) \$ _____

12. Costs after judgment (CCP 685.090) \$ _____

13. Subtotal (add 11 and 12) \$ _____

14. Credits to principal (after credit to interest) \$ _____

15. Principal remaining due (subtract 14 from 13) \$ _____

16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ _____

17. Fee for issuance of writ (per GC 70626(a)(l)) \$ _____

18. Total amount due (add 15, 16, and 17) \$ _____

19. Levying officer:

a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ _____

b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ _____

20. ☐ The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

5. Judgment entered on (date):

(See type of judgment in item 22.)

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ:

a. ☐ has not been requested.

b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

[SEAL]

Date: _____ Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.



Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

21. ☐ Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

22. The judgment is for (check one):

- a. ☐ wages owed.
- b. ☐ child support or spousal support.
- c. ☐ personal debt, as defined in Code of Civil Procedure section 683.110(d). (If this box is checked, the judgment creditor must complete Declaration of Address Verification (form WG-015/EJ-135) before asking the sheriff to serve this form on the judgment debtor.)
- d. ☐ other (describe):

23. ☐ Notice of sale has been requested by (name and address):

24. ☐ Joint debtor was declared bound by the judgment (Code Civ. Proc., §§ 989–994)

a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor:	c. on (date): d. name, type of legal entity if not a natural person, and last known address of joint debtor:

- e. ☐ Additional costs against certain joint debtors are itemized: ☐ below ☐ on Attachment 24c.

25. ☐ (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

- a. ☐ Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
- (1) ☐ The *Prejudgment Claim of Right to Possession* (form CP10.5) was served in compliance with Code of Civil Procedure section 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) ☐ The *Prejudgment Claim of Right to Possession* was NOT served in compliance with Code of Civil Procedure section 415.46.
- (3) ☐ The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See Code Civ. Proc., §§ 415.46 & 1174.3(a)(2).)
- (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with Code of Civil Procedure section 415.46 (item 25a(2)), answer the following:
- (a) The daily rental value on the date the complaint was filed was \$
- (b) The court will hear objections to enforcement of the judgment under Code of Civil Procedure section 1174.3 on the following dates (specify):



Plaintiff/Petitioner:	CASE NUMBER:
Defendant/Respondent:	

25. b. ☐ Possession of personal property.
☐ If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. ☐ Sale of personal property.
- d. ☐ Sale of real property.
- e. The property is described ☐ below ☐ on Attachment 25e.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with **Code of Civil Procedure section 1174** unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month to month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

JUDGMENTS FOR PERSONAL DEBT. If you are the judgment debtor identified in item 4 on this form, and if item 22 on this form says the judgment is for personal debt, the judgment creditor is required to verify your address before asking the levying officer to serve this *Writ of Execution*. The judgment creditor must give the levying officer a completed copy of *Declaration of Address Verification* (form WG-015/EJ-135) and must file completed form WG-015/EJ-135 with the court within five business days of giving a copy of the form to the levying officer. If the judgment creditor doesn't take these steps, you can ask the court to stay any wage garnishment order, bank account levy, or other levy related to this *Writ of Execution*. You can use *Application for Stay of Levy or Garnishment* (form WG-017/EJ-137) to ask the court to stay the levy or garnishment until the address verification has been completed.

**INSTRUCTIONS FOR EX PARTE APPLICATION
FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION**

This information sheet explains how to use forms EJ-157, EJ-158, and EJ-159 to ask for a court order applying the deposit account exemption to the judgment debtor's deposit accounts.

1. **Applicable Law.** Code of Civil Procedure section 704.220 requires financial institutions (banks) to apply an automatic exemption (protection) when served a *Notice of Levy* (form EJ-150) on a judgment debtor's deposit accounts (bank accounts) if the judgment being enforced by the *Notice of Levy* is not based on wages owed or child or spousal support. The exemption amount is stated on *Current Dollar Amounts of Exemptions from Enforcement of Judgments* (form EJ-156) and is applied to one or more of the judgment debtor's accounts as necessary to ensure the entire exempted amount is protected. (Code Civ. Proc., § 704.220(e)(2), (4), (5).) The exemption is automatically applied, and the judgment debtor does not need to do anything to have the exempted amount protected.
2. **Multiple Accounts.**
 - If the judgment debtor has multiple deposit accounts at a single bank, either the judgment debtor or judgment creditor can apply for a court order deciding how to apply the exemption to those accounts. The bank must automatically protect the exempted amount in one or more of the judgment debtor's accounts as necessary to ensure the entire amount is protected. Without a court order, the bank will choose the accounts to which the exemption applies. (Code Civ. Proc., § 704.220(e)(2), (4), (5).)
 - If the judgment debtor has multiple deposit accounts at multiple financial institutions, the judgment creditor is required to apply for a court order deciding how to apply the exemption to those accounts. The judgment debtor can also make an application. (Code Civ. Proc., § 704.220(e)(3).)
3. **If you are the judgment debtor or the judgment creditor and you want the court to decide how to apply the exemption to the judgment debtor's accounts, you should apply for a court order as soon as you receive a notice of a levy or memorandum of garnishment. If you wait to file the application, the financial institution might take money from the accounts and send it to the levying officer.**
4. **Rules for Applying for a Court Order.** You must file the application in the court where the judgment was issued. You must check with that court for local rules and timing about when and where you have to appear at court to have the court consider the application. You must follow the rules for ex parte applications described in California Rules of Court, rules 3.1203–3.1207. The requirements include:

Notice of the application. The other party in the case usually must be given notice of the application. You can give notice in person or by phone, fax, or overnight mail, or by email if email notice is already allowed in the case. The other party must be informed by 10:00 a.m. the day before the application is scheduled to be considered by the court, unless there is a good reason that the notice was not or could not be given. You must describe how the notice was given, or why it was not, on *Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-158).

Service of papers. You must give copies of the application and all related papers to the other party as soon as reasonable and before the court appearance, if possible. You must describe how this was done, or why it was not done, on form EJ-158.

Appearance at court. You must be available when the court considers your application. The court may allow you to appear remotely or may require in person appearance. Read California Rules of Court, rule 3.672 for more information about how to tell the court you want to appear remotely and how to notify the other party of your remote appearance.
5. **Forms to Complete.** Before the time the court is scheduled to consider the application, you must complete and file the following forms with the court:
 - *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157);
 - *Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-158); and
 - *Order on Application for Designation of Deposit Account Exemption* (form EJ-159) (complete caption and item 1 only).When completing form EJ-157:
 - You must give the information under penalty of perjury.
 - If you have good cause for why the court should act immediately, with no further hearing or briefing, you should check the "Without Hearing" box under the title of form EJ-157, and you should complete item 6b to explain why. Otherwise, you should check the "Hearing on shortened time" box under the title and the box for item 6a.
 - When you file your application form, you must include copies of the *Writ of Execution* (form EJ-130) and any *Notice of Levy* (EJ-150) that was issued to a financial institution.
 - Item 5 must include the specific account or accounts to which the court is being asked to apply the exemption. If the judgment debtor is asking for the exemption to be split among multiple accounts, the total amount split between those accounts cannot be more than the total amount of the exemption. (See form EJ-156 for the amount.)



**INSTRUCTIONS FOR EX PARTE APPLICATION
FOR ORDER ON DEPOSIT ACCOUNT EXEMPTION**

6. **Filing With the Court.** You must file the completed forms with the court clerk. There will be a filing fee unless you are eligible for a fee waiver. (If you cannot afford the fee and have not already received a fee waiver, you may file a *Request to Waive Court Fees* (form FW-001) with the other forms.) Take extra copies of all the forms to the court so the clerk can give back a stamped copy.
7. **What to Do With the Order.** The court may rule on your application immediately, or it may hold a hearing to consider the application and any opposition from the other party.
- Once the court issues an order on form EJ-159, you should serve the order on all other parties in the case as soon as possible. If the order sets a hearing date, the order must be served by the date in item 4b on the order.
 - If the order sets a hearing date, you should appear at the hearing either in person or remotely (if you want to appear remotely, you must give notice in advance to the court and other parties).
 - If the order decides which deposit account or accounts the exemption applies to, you should serve the order on the financial institution and the other parties and give a copy to the levying officer. You should do so as soon as possible.

**[NOT FOR WAGE GARNISHMENT]
RETURN TO LEVYING OFFICER. DO NOT FILE WITH COURT**

EJ-160

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): STATE BAR NO.: STATE: ZIP CODE: FAX NO.: SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR LEVYING OFFICER USE ONLY (Levying Officer Name and Address) DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: LEVYING OFFICER FILE NUMBER:	
CLAIM OF EXEMPTION (Enforcement of Judgment) Instructions for completing this form: - Read <i>Exemptions from the Enforcement of Judgments</i> (form EJ-155) and <i>Current Dollar Amounts of Exemptions from Enforcement of Judgments</i> (form EJ-156) to help you figure out whether your property is exempt. - If you check the box for item 4, you must attach a completed <i>Financial Statement</i> (form EJ-165) to this <i>Claim of Exemption</i>. You can get a copy of form EJ-165 for free by asking the levying officer or going to courts.ca.gov/rules-forms/find-your-court-forms or your court's self-help center. - You must give the levying officer this original completed form and one copy of the completed form. You should save at least one copy of the form for your records. Do not file this form with the court.	FOR COURT USE ONLY CASE NUMBER:

1. My name is:
2. Papers should be sent to:

☐ me.
☐ my attorney (I have filed with the court and served on the judgment creditor a request to have papers sent to my attorney, and my attorney has consented in writing to receive these papers.)
at ☐ the address shown above ☐ another address (specify):
3. ☐ I am not the judgment debtor named in the notice of levy. The name and last known address of the judgment debtor is (specify):
4. ☐ Some or all of my property is exempt because it is needed to support me and my spouse and dependents.
A completed *Financial Statement* (form EJ-165) is attached to this claim. (As used in this form, "spouse" includes a registered domestic partner. (Code Civ. Proc., § 17(b)(12).))
5. Some or all of my property is exempt without making a claim of exemption. That property is (describe; if more space is needed, check here ☐ and attach a page labeled Attachment 5):



SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.

6. The property I claim to be exempt is (describe; if more space is needed, check here ☐ and attach a page labeled Attachment 6):

7. My property is exempt under the following laws (specify code and section, for example "Code of Civil Procedure section 703.140(b)"; if more space is needed, check here ☐ and attach a page labeled Attachment 7):

8. The facts supporting my claim of exemption are (describe; if more space is needed, check here ☐ and attach a page labeled Attachment 8):

9. ☐ The property I claim to be exempt is (if more space is needed to complete any of the lettered subdivisions below, check here ☐ and attach a page labeled Attachment 9, and label the information on the attachment with the relevant subdivision letter):
- a. ☐ a motor vehicle, the proceeds of an execution sale of a motor vehicle, or the proceeds of insurance or other indemnification for the loss, damage, or destruction of a motor vehicle. I own other property of the same type, either alone or with other people, and that property is (describe):
 - b. ☐ tools, implements, materials, uniforms, furnishings, books, equipment, a commercial motor vehicle, a vessel, or other personal property used in the trade, business, or profession of the judgment debtor or spouse. I own other property of the same type, either alone or with other people, and that property is (describe):
 - c. ☐ the loan value of unmaturing life insurance policies (including endowment and annuity policies) or benefits from matured life insurance policies (including endowment and annuity policies). My spouse or I own, either alone or with other people, other property of the same type, and that property is (describe):

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

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST	CASE NUMBER:

1. ☐ **Postjudgment costs** *(Read form MC-013-INFO for information on which costs are recoverable.)*
- a. I claim the following costs after judgment incurred within the last two years *(indicate if there are multiple items in any category):*
- | | <u>Dates Incurred</u> | <u>Amount</u> |
|---|-----------------------|--|
| (1) Preparing and issuing abstract of judgment | | \$ |
| (2) Recording and indexing abstract of judgment | | \$ |
| (3) Filing notice of judgment lien on personal property | | \$ |
| (4) Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 <i>(specify county):</i> | | \$ |
| (5) Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment | | \$ |
| (6) Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq. | | \$ |
| (7) Attorney fees, if allowed by Code Civ. Proc., § 685.040 | | \$ |
| (8) Other: <i>(statute authorizing cost):</i> | | \$ |
| (9) Total of claimed costs for current memorandum of costs <i>(add (1)–(8))</i> | | \$ |
| b. All previously allowed postjudgment costs | | \$ |
| c. Total of all postjudgment costs <i>(add a and b)</i> | | \$ |
2. ☐ **Credits to interest and principal**
- a. I acknowledge total payments to date in the amount of: \$ (including returns on levy process and direct payments). The payments received are applied first to the amount of accrued interest, and then to the judgment principal (including postjudgment costs allowed) as follows: credit to accrued interest: \$; credit to judgment principal \$.
- b. **Principal remaining due.** The amount of judgment principal remaining due is \$. *(See Code Civ. Proc., § 680.300)*
3. ☐ **Accrued interest remaining due.** Accrued interest remains due in the amount of \$, which was calculated by applying interest accruing at the legal rate of % on the unpaid principal amount of \$ and *(if different interest rates apply to different unpaid principal amounts)* interest accruing at the legal rate of % on the unpaid principal amount of \$. Interest is calculated from the date of the judgment or its renewal and also on any remaining balance after applying any partial payments or credits. *(Read form MC-013-INFO for information on calculating interest.)*
4. I am the: ☐ judgment creditor ☐ agent for the judgment creditor ☐ attorney for the judgment creditor.
 I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.
 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)

NOTICE TO THE JUDGMENT DEBTOR

If this memorandum of costs is filed at the same time as an application for a writ of execution, the writ of execution can include any statutory costs that have not already been allowed by the court and that do not exceed a combined total of \$100. The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution. (Code Civ. Proc., § 685.070(e).) A motion to tax the costs claimed in this memorandum must be filed no later than 10 days after service of this memorandum. (Code Civ. Proc., § 685.070(c).)

INFORMATION SHEET FOR CALCULATING INTEREST AND AMOUNT OWED ON A JUDGMENT

What can the judgment creditor recover?

Under California law, the amount recoverable by a judgment creditor (the party to whom money is owed) includes:

- The total amount of the judgment entered by the court (principal), plus costs;
- Costs after judgment under Code of Civil Procedure section 685.070; and
- Accrued interest on the total amount.

Costs After Judgment

A judgment creditor is entitled to reimbursement for the “reasonable and necessary” costs of enforcing a judgment. These costs must be reported to the court within two years of the date incurred. The judgment amount includes costs ordered by the court after the judgment. (For information on recovering costs and a detailed list of costs that can be recovered, see Code of Civil Procedure sections 684.130(b)(5), 685.040, 685.050 et seq., 685.070(b), and 685.090; see also “Requesting Costs and Interest” below).

Accrued Interest (See Code Civ. Proc., §§ 685.010 & 685.020(a) and Cal. Const., art. XV, § 1.)

Interest accrues on the unpaid principal of a judgment at the following legal rates:

- The rate of interest is 10% per year unless one of the following lower interest rates applies.
- The rate of interest is 7% per year if the judgment debtor (the party who owes the money) is a state or local government entity.
- The rate of interest is 5% per year if the judgment debtor is a natural person and the judgment meets all of the following requirements:
 - The judgment was entered or renewed after January 1, 2023.
 - The judgment is on a claim related to either personal debt (and the unpaid principal amount is under \$50,000) or medical expenses (and the unpaid principal amount is under \$200,000).
 - The judgment is not based on tortious or fraudulent conduct or for unpaid wages, damages, or penalties owed to an employee.

For judgments renewed after January 1, 2023, the 5% interest rate applies only to unpaid principal remaining after renewal. Note, for judgments that otherwise meet the above requirements and are renewed after January 1, 2023, the interest rate will change from 10% to 5% for any remaining unpaid principal if the unpaid principal has fallen below the above amounts.

Interest generally accrues from the date the judgment is entered. Interest begins to accrue on the amount of costs added to a judgment from the date ordered by the court or from the date costs are allowed following expiration of the time to object. If the judgment is payable in installments, interest accrues from the date each installment is due. On renewal of a judgment, unpaid interest that has accrued is added to the principal of the judgment, and interest begins to accrue on the total renewed amount on the day the renewed judgment is entered.

Requesting Costs and Interest

To have costs and interest added to the enforceable amount owed, the judgment creditor must file and serve *Memorandum of Costs After Judgment* (form MC-012). On that form, the judgment creditor must include the exact amount of all costs and accrued interest. This means the judgment creditor is responsible for calculating the amount of interest that accrues on the judgment. It is useful to update this calculation after receiving payments. The judgment creditor can only recover postjudgment costs in the categories listed in item 1a(1)–(8) on form MC-012. Recovery of costs listed in item 1a(8) on form MC-012 must be authorized by statute.

Crediting Payments Received

Any payments received by the judgment creditor must be “credited” in a specific order. (Code Civ. Proc., § 695.220.) After specific costs go directly to the levying officer and to the court for fees, the judgment creditor is required to credit payments received first toward *accrued interest* and then toward the *judgment principal* (including costs approved by the court after entry of the judgment).



Calculation of Interest on Judgment and Amount Due

The following are various formulas and examples to assist with the calculation of interest on a judgment using both a 5% and a 10% interest rate.

- **Calculating the Total Amount Due, Including Interest, on the date of payment, if there have been no prior payments or credits**

Step 1: Calculate the daily interest on a judgment. This is the amount of interest earned per day on a judgment. To calculate the daily interest, use the following formula:

Formula: (Total amount of judgment owed) $\times$ (applicable interest rate) = interest earned per year. That number divided by 365 = amount of daily interest.

Example: Judgment debtor owes the judgment creditor \$5,000 (the “judgment principal”).

5% Interest Rate	10% Interest Rate
$\$5,000 \times 0.05 = \$250$ $\$250/365 = \$0.69$ daily interest The amount of interest earned will be \$0.69 per day as long as the unpaid amount remains \$5,000.	$\$5,000 \times 0.10 = \$500$ $\$500/365 = \$1.37$ daily interest The amount of interest earned will be \$1.37 per day as long as the unpaid amount remains \$5,000.

Step 2: Count the total number of days that have passed since the court entered the final judgment up to the day of payment. Then calculate the amount of interest owed on the date of payment using the following formula.

Formula: (Total number of days since judgment was entered) $\times$ (amount of interest per day, calculated in Step 1) = amount of interest owed on the date of payment.

Example: A \$5,000 judgment was entered on June 1 and the judgment debtor paid the judgment on September 8; 100 days from the entry of the judgment have passed.

5% Interest Rate	10% Interest Rate
The daily interest is \$0.69 (see above). $\$0.69 \text{ per day} \times 100 \text{ days} = \$69$ interest owed on the date of payment The judgment debtor owes \$69 in interest on the principal of \$5,000 on the date of payment.	The daily interest is \$1.37 (see above). $\$1.37 \text{ per day} \times 100 \text{ days} = \$137$ interest owed on the date of payment. The judgment debtor owes \$137 in interest on the principal of \$5,000 on the date of payment.

Step 3: Add the amount of interest that has accrued to the amount of the judgment.

5% Interest Rate	10% Interest Rate
$\$5,000 \text{ judgment} + \$69 \text{ interest} = \$5,069$ The judgment debtor owes a total of \$5,069 on the 100th day after the court entered judgment.	$\$5,000 \text{ judgment amount} + \$137 \text{ interest} = \$5,137$ The judgment debtor owes a total of \$5,137 on the 100th day after the court entered judgment.



- **Crediting partial payments and recalculating the amount due**

If the judgment debtor does not pay all that is owed at one time, the partial payments the debtor makes are credited to the interest *first* and then to the judgment amount (the principal) owed.

Example: The judgment principal is \$5,000. After 200 days, the judgment debtor pays \$1,000.

Step 1: Calculate the amount of interest owed on the date of payment

5% Interest Rate	10% Interest Rate
The daily interest is \$0.69 (see above). \$0.69 per day $\times$ 200 days = \$138 interest owed on the date of payment	The daily interest is \$1.37 (see above). \$1.37 per day $\times$ 200 days = \$274 interest owed on the date of payment.

Step 2: Apply payment to interest

5% Interest Rate	10% Interest Rate
The judgment debtor paid \$1,000, which first must be used to credit the \$138 of accrued interest. That leaves a balance of \$862 (\$1,000 - \$138 = \$862) to be credited toward the \$5,000 principal.	The judgment debtor paid \$1,000, which first must be used to credit the \$274 of accrued interest. That leaves a balance of \$726 (\$1,000 - \$274 = \$726) to be credited toward the \$5,000 principal.

Step 3: Apply remainder to principal

5% Interest Rate	10% Interest Rate
The remaining credit of \$862 is applied to the judgment principal. The judgment debtor now owes \$4,138 on the judgment principal (\$5,000 - \$862 = \$4,138).	The remaining credit of \$726 is applied to the judgment principal. The judgment debtor now owes \$4,274 on the judgment principal (\$5,000 - \$726 = \$4,274).

Step 4: Calculate the new daily interest rate

5% Interest Rate	10% Interest Rate
\$4,138 (new principal) $\times$ 5% = \$206.90 interest per year \$206.90/365 days = \$0.57 interest earned per day	\$4,274 (new principal) $\times$ 10% = \$427.40 interest per year \$427.40/365 days = \$1.17 interest earned per day

Example: After 100 days, the judgment debtor makes a second payment of \$500. (Recalculate using steps 1–4.)

5% Interest Rate	10% Interest Rate
Amount of accrued interest over 100 days: 100 days $\times$ \$0.57 daily interest = \$57 total interest	Amount of accrued interest over 100 days: 100 days $\times$ \$1.17 daily interest = \$117 total interest
\$500 payment credited to interest first: \$500 payment - \$57 interest = \$443 remaining	\$500 payment credited to interest first: \$500 payment - \$117 interest = \$383 remaining
Remainder credited to principal: \$4,138 principal - \$443 remainder = \$3,695 new principal	Remainder credited to principal: \$4,274 principal - \$383 remaining = \$3,891 new principal
Calculate new daily interest: \$3,695 $\times$ 5% = \$184.75/365 = \$0.51 interest per day	Calculate new daily interest: \$3,891 $\times$ 10% = \$389.10/365 = \$1.07 interest per day

Sheriff File Number (for sheriff to
complete, if needed):

Fill in case number:

Court Case Number:

Instructions

Generally, you **will not** need to complete this form if you are asking the sheriff to serve a complaint (unless with a writ of attachment) or a restraining order.

- Complete this form if you want the sheriff or marshal to enforce a writ. You must complete this form and form SER-001, *Request for Sheriff to Serve Court Paper*, and turn both forms in to the sheriff or marshal.
- You must include any writ and related order you want the sheriff to enforce.

This form is attached to form SER-001, *Request for Sheriff to Serve Court Papers*.

All information is required unless it is listed as optional or does not apply to your case.

For more information about what may be required in your case, go to selfhelp.courts.ca.gov/sheriff-serves.

**DRAFT
08/28/2025
NOT APPROVED
BY COUNCIL**

1 Additional Information About You (Person Requesting Service)

Are you a judgment creditor (person awarded money or property by the court)?

☐ Yes

☐ No (*complete the section below*):

(a) What is your role in the case?: _____

(b) Is there a judgment creditor in your case?

☐ No

☐ Yes (*list the names of all judgment creditors*):

2 Additional Information About Person or Entity You Want Served

The person or entity you want served (listed in item ③ of form SER-001):
(*check one*)

☐ Owes you money in this case (judgment debtor).

☐ Is not a party in this case but has the property.

☐ Is a person who lives on the property.

☐ Other (*explain*):

CONFIDENTIAL**This is not a court form. Do not file with the court.**

3 Information About the Writ and Judgment

- a. Date writ was issued: _____
- b. The writ included with this request is (*check one*):
- ☐ An original writ.
 - ☐ A copy of the original writ issued by the court as an electronic record and has not already been given to the levying officer (sheriff or marshal).
 - ☐ A copy of the original writ that has already been given to the levying officer (sheriff or marshal).
- c. Has a judgment been issued by the court?
- ☐ No
 - ☐ Yes (*complete section below*):
- (1) Date judgment was issued: _____
- (2) If it is a money judgment, give amount: _____
- (3) List all judgment debtors (*the people or organizations that owe money*) if there are any in this case. If the judgment debtor is an organization (such as a business), include the type of organization (*example: corporation*):
- _____
- _____
- _____
- _____

4 Information About the Property to Levy

- a. Describe the property in as much detail as possible. For example:
- For bank accounts, give account number (if known).
 - For personal property, describe property and give the address where property is located.
 - For vehicles, give license plate number and address where vehicle is located.
 - For evictions, give address and any information needed to access the property.
 - For real property (other than evictions), give legal description, address, and assessor's parcel number.
 - If requester is not the person receiving the property, give clear instructions on who will receive the property and how.
- _____
- _____
- _____
- _____
- _____
- ☐ Check here if you are including a map or other document to describe property.

CONFIDENTIAL**This is not a court form. Do not file with the court.**

- 4 b. Is the property in the judgment debtor's name, or in the defendant's name if the writ described in 3 is a writ of attachment?

☐ Yes

☐ No (list the names of owners and explain their interest in the property, including any leasehold interest):

(Note: You may also need to have the people listed above served with your court papers. Check the Code of Civil Procedure for service requirements or talk with a lawyer. Your local court self-help center may be able to help you for free. To find your local self-help center, go to selfhelp.courts.ca.gov/find.)

- c. Are you asking the sheriff to levy on property that is a dwelling (a place someone can live in)?

☐ No

☐ Yes (complete the section below):

The dwelling is (check one):

☐ Real property (examples: house, condo, other building attached to land)

☐ Personal property (examples: houseboat, RV)

5 Enforcement of a Judgment for Personal Debt

If you are the judgment creditor and you are asking the sheriff to serve a writ, levy, or other document related to enforcement of a judgment for personal debt (as defined in Code of Civil Procedure section 683.110(d)), you must verify the judgment debtor's address before the sheriff can serve your papers.

Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?

☐ No

☐ Yes, and I have completed *Declaration of Address Verification* (form WG-015/EJ-135) and attached it to this form.

6 Special Instructions for Sheriff

In some situations, you will have to give detailed instructions on how you want the sheriff to enforce the order. Use the space below to list any instructions. Some examples of when instructions may be needed include:

- Instructions to serve the summons and complaint with a writ of attachment, if not previously served (see Code Civ. Proc., § 488.020(c)).
- Instructions that the levying officer must place a keeper in charge of the property (see Code Civ. Proc., §§ 700.070 & 700.080).
- Instructions to seize personal property from a private place (see Code Civ. Proc., § 699.030).

- ☐ Check here if you need more space to list instructions. Use a separate piece of paper and write "SER-001A, Special Instructions for Sheriff" at the top. Turn it in with this form.

CONFIDENTIAL

This is not a court form. Do not file with the court.

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):	LEVYING OFFICER (name and address): DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY: ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
EARNINGS WITHHOLDING ORDER (Wage Garnishment)	LEVYING OFFICER FILE NO.: COURT CASE NO.:
EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.	

EMPLOYER: Enter the following date to assist your recordkeeping.

Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

Name and address of employer

Name and address of employee

 Social Security No. ☐ on form WG-035 ☐ unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (see instructions on page 2 of this form). Pay the withheld sums to the **levying officer** (name and address above).

If the employee works for you now, you must **give the employee a copy of this order and Employee Instructions (form WG-003)** within 10 days after receiving this order.

Complete Employer's Return (form WG-005) and mail it to the levying officer within 15 days after receiving this order. You must do so even if the employee no longer works for you.

2. The total amount due is: \$

Count 30 calendar days from the date **when the employee was served** with this order. **Do not withhold earnings payable for any pay period that ends before the 30th day.** Do withhold from earnings that are payable for any pay period ending on or after that 30th day. If you receive notice that the employee has filed a claim of exemption, read the Instructions to Employer on page 2 of this form for more information about calculating the start of the withholding period.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

3. The judgment was entered in the court on (date):

The judgment creditor (if different from the plaintiff) is (name):

4. The Instructions to Employer on page 2 of this form tell you how much of the employee's earnings to withhold each payday and answer other questions you may have.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

☐ LEVYING OFFICER

☐ REGISTERED PROCESS SERVER


INSTRUCTIONS TO EMPLOYER ON EARNINGS WITHHOLDING ORDERS

WG-002

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

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

The withholding period is the period covered by *Earnings Withholding Order* (this order). The withholding period begins 30 calendar days after the employee was served with the order and continues until you have withheld the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice). However, if the employee files a claim of exemption and notifies you of the filing no later than 29 days after the employee was served with *Earnings Withholding Order*, then the withholding period begins 45 days after the date the employee was served with *Earnings Withholding Order*.

The withholding period may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) you receive an order of higher priority (explained on page 2 of *Employer's Return* (form WG-005)).

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

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

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

WHAT TO DO WITH THE MONEY

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

Include the case number, levying officer's file number (if different from the case number), and the employee's name on each payment to ensure the money is applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, 706.050, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. The Wage and Hour Division's contact information is available at [dol.gov/agencies/whd/contact](https://www.dol.gov/agencies/whd/contact).

COMPUTATION INSTRUCTIONS

Code of Civil Procedure section 706.050 explains how to determine the amount to withhold (if anything) depending on the employee's disposable earnings, which are calculated based on the employee's pay period and the applicable hourly minimum wage. This calculation is summarized in the next section of this form and on the California Courts self-help website (selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers).

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

State law limits how much of an employee's earnings can be withheld. These limits are based on the employee's disposable earnings, not their gross pay or take-home pay.

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

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

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

(B) After the employee's disposable earnings are known, calculate the withholding amount as shown in Code of Civil Procedure section 706.050. You can follow the directions below in (C) or on the California Courts Self-Help website (selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers). You will need to know the amount of the minimum wage in the location where the employee works.

(C) Calculate the maximum amount that may be withheld from the employee's disposable earnings, which is the *lesser* of the following two amounts:

- 20 percent of disposable earnings for that week; or
- 40 percent of the amount by which the employee's disposable earnings that week exceed the applicable minimum wage. If there is a local minimum wage in effect in the location where the employee works that exceeds the state minimum wage at the time the earnings are payable, the local minimum wage is the applicable minimum wage.

To calculate the correct amount, follow the steps below:

Step 1: Determine the applicable minimum wage per pay period.

- For a daily or weekly pay period, multiply the applicable hourly minimum wage by 48.
- For a biweekly pay period, multiply the applicable hourly minimum wage by 96.
- For a semimonthly pay period, multiply the applicable hourly minimum wage by 104.
- For a monthly pay period, multiply the applicable hourly minimum wage by 208.

Step 2: Subtract the amount from Step 1 from the employee's disposable earnings during that pay period.

Step 3: If the amount from Step 2 is less than zero, do not withhold any money from the employee's earnings.

Step 4: If the amount from Step 2 is greater than zero, multiply that amount by 0.40.

Step 5: If the amount from Step 4 is lower than 20 percent of the employee's disposable earnings, withhold this amount. If it is greater than 20 percent of the employee's disposable earnings, withhold 20 percent of the disposable earnings.

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

IMPORTANT WARNINGS

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

EMPLOYEE INSTRUCTIONS

-NOTICE-

IMPORTANT LEGAL NOTICE TO EMPLOYEE ABOUT EARNINGS WITHHOLDING ORDERS (Wage Garnishment)

The **Earnings Withholding Order** requires your employer to pay part of your earnings to the sheriff or other levying officer. The levying officer will pay the money to a creditor who has a court judgment against you. The information below may help you protect the money you earn.

-NOTICIA-

NOTICIA LEGAL IMPORTANTE RESPECTO A LAS ÓRDENES DE RETENCIÓN DE SUELDO

La **Orden de Retención de Sueldo** requiere que su empleador pague una parte de su sueldo a un oficial de embargo. El oficial le pagará el dinero retenido a su acreedor que ha conseguido una decisión judicial en contra de usted. Pida usted que un amigo o su abogado le lea este papel oficial. Esta información le puede ayudar a proteger su sueldo.

CAN YOU BE FIRED BECAUSE OF THIS?

NO. You cannot be fired unless your earnings have been withheld before for a different court judgment. If this is the first judgment for which your wages will be withheld and your employer fires you because of this, the California Labor Commissioner (dir.ca.gov/dlse/DistrictOffices.htm) can help you get your job back.

HOW MUCH OF YOUR PAY WILL BE WITHHELD?

The Earnings Withholding Order (abbreviated in this notice as **EWO**) that applies to you contains Employer Instructions. These explain how much of your earnings can be withheld. Generally, the amount is about 20 percent of your take-home pay until the amount due has been withheld. The levying officer will notify the employee of an additional assessment charged for paying out money collected under this order, and that amount will also be withheld.

If you have trouble figuring this out, ask your employer for help.

IS THERE ANYTHING YOU CAN DO?

YES. There are several possibilities.

1. See an attorney. An attorney may be able to help you make an agreement with your creditor or help you stop your earnings from being withheld. You may wish to consider bankruptcy or asking the bankruptcy court to help you pay your creditors. These possibilities may stop your wages from being withheld. An attorney can help you decide what is best for you. Take your **EWO** to the attorney to help you get the best advice and the fastest help. **Read California Courts self-help website for information about finding an attorney (selfhelp.courts.ca.gov/hire-lawyer).**
2. Try to work out an agreement yourself with your creditor. Call the creditor or the creditor's attorney, listed on the **EWO**. If you make an agreement, the withholding of your wages will stop or be changed to a smaller amount you agree on. *(See item 4 on page 2 of this form for another way to make an offer to your creditor.)*
3. You can ask for an EXEMPTION. An exemption will protect more, or maybe even all, of your earnings. You can get an exemption if you need your earnings to support yourself or your family, **but you cannot get an exemption if:**
 - a. You use some of your earnings for luxuries and they aren't really necessary for support; **OR**
 - b. You owe money to an attorney because of a court order in a family case; **OR**
 - c. You owe the debt for past due child support of spousal support (alimony); **OR**
 - d. You owe the debt to a former employee for wages.

HOW DO YOU ASK FOR AN EXEMPTION?

See the other side of this form for instructions about claiming an exemption.

IS THE EWO RELATED TO PERSONAL DEBT?

If the EWO is being used to enforce a judgment for personal debt, the judgment creditor is required to verify your address before asking the levying officer to serve the EWO. The judgment creditor must give the levying officer a completed copy of *Declaration of Address Verification* (form WG-015/EJ-135) and must file a completed form WG-015/EJ-135 with the court within five business days of giving a copy of the form to the levying officer. If the judgment creditor doesn't take these steps, you can ask the court to stay (pause) the wage garnishment order until the address verification is complete. You can use *Application for Stay of Levy or Garnishment* (form WG-017/EJ-137) to ask the court for a stay.



HOW DO YOU ASK FOR AN EXEMPTION?

WG-003

1. Call or write the levying officer for three copies each of *Claim of Exemption* (form WG-006) and *Financial Statement* (form WG-007). Or go to courts.ca.gov/rules-forms/find-your-court-forms to download copies of the forms. These forms are free.
 2. Fill out both forms. If an item on the form has a box ☐ in front of it, only check the box if the item applies to your case.
 3. It is **your** job to prove with the *Financial Statement* form that your earnings are needed for support. Write down the details about your needs. For example, if your child has special medical expenses, tell which child, what illnesses, who the doctor is, how often the doctor must be visited, the cost per visit, and the costs of medicines. These details should be listed in item 6 on *Financial Statement*. If you need more space, write "See Attachment 6" in item 6 and attach a separate piece of paper labeled "Attachment 6" where you can explain your expenses in detail.
 4. You can use *Claim of Exemption* (form WG-006) to make an offer to the judgment creditor to have a specified amount withheld each pay period. Complete item 3 on the form to indicate the amount you agree to have withheld **each payday during the withholding period**. (Be sure it's less than the amount to be withheld otherwise.) If your creditor accepts your offer, he will not oppose your claim of exemption. (See item (1) in the "ONE OF TWO THINGS WILL HAPPEN" section below.)
 5. Sign *Claim of Exemption* and *Financial Statement*. Be sure *Claim of Exemption* shows the address where you receive mail.
 6. Mail or deliver two copies of each of the two forms to the levying officer. Keep one copy for yourself in case there is a court hearing. Do not use *Claim of Exemption* (form WG-006) or *Financial Statement* (form WG-007) to seek a modification of child support or alimony payments. These payments can be modified only by the family law court that ordered them.
- FILE YOUR CLAIM OF EXEMPTION AS SOON AS POSSIBLE FOR THE MOST PROTECTION.

ONE OF TWO THINGS WILL HAPPEN AFTER YOU ASK FOR AN EXEMPTION

- (1) The judgment creditor will not oppose (object to) your claim of exemption. If this happens, after 10 days the levying officer will tell your employer to stop withholding or withhold less from your earnings. The part (or all) of your earnings needed for support will be paid to you or paid as you direct. And you will get back earnings the levying officer or your employer were holding when you asked for the exemption.
- OR—
- (2) The creditor will oppose (object to) your claim of exemption. If this happens, you will receive *Notice of Opposition to Claim of Exemption* (form WG-009) and *Notice of Hearing on Claim of Exemption* (form WG-010), where the creditor explains why your exemption should not be allowed. A box in the middle of form WG-010 tells you the time and place of the court hearing, which will be about 10 days after the creditor files form WG-010 with the court. Be sure to go to the hearing if you can.

If the judgment creditor has checked the box in item 3 on *Notice of Hearing on Claim of Exemption*, the creditor will not be in court. You do not have to go to the hearing if you are willing to have the court make its decision based on your *Financial Statement* and the creditor's *Notice of Opposition to Claim of Exemption*.

If you go to the hearing, take any bills, paycheck stubs, canceled checks, or other evidence (including witnesses) that will help you prove your *Claim of Exemption* and *Financial Statement* are correct and your earnings are needed to support you or your family. And bring any evidence that *Notice of Opposition to Claim of Exemption* is wrong. For example, if the notice says the judgment was for wages for a past employee, you might be able to give evidence that the person was not an employee or the debt was not for wages. If the judge at the hearing agrees with you, your employer will be ordered to stop withholding your earnings or withhold less money. The judge can even order that the **EWO** end before the hearing (so you would get some earnings back).

If the judge does not agree with you, the withholding will continue unless you **appeal** to a higher court. The rules for appeals are complex, so you should see an attorney if you want to appeal.

If you have one court hearing, you should not file another *Claim of Exemption* about the same **EWO** unless your finances have gotten worse in an important way.

If your **EWO** is changed or ended, the levying officer must serve your employer with the changed **EWO** or a notice that the **EWO** has ended.

WHAT HAPPENS TO YOUR EARNINGS IF YOU FILE A CLAIM OF EXEMPTION?

Your employer must continue to hold back part of your earnings for the **EWO** until they receive a notice signed by the levying officer to change the order or end it early. The levying officer will keep your withheld earnings until your *Claim of Exemption* is denied or takes effect. At that time your earnings will be paid according to the law that applies to your case.

REGARDING CHILD SUPPORT

If you are obligated to make child support payments, the local child support agency may help you to have an Order Assigning Salary or Wages entered. This order has the top priority claim on your earnings. When it is in effect, little or no money may be available to be withheld for an **EWO**. And, if the local child support agency is involved in collecting this support from you, it may agree to accept less money if this special order is entered.

WHAT IF YOU STILL HAVE QUESTIONS?

If you cannot see an attorney, or don't want to see an attorney, you might be able to answer some of your questions by reading sections 706.050 and 706.105 of the California Code of Civil Procedure (available at leginfo.ca.gov or your local law library). Other sections of the code, beginning with section 706.010 may also answer some of your questions.

Also, the office of the Wage and Hour Division of the U.S. Department of Labor may be able to answer some of your questions. The Wage and Hour Division's contact information is available at dol.gov/agencies/whd/contact.

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):		LEVYING OFFICER (name and address): DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		COURT CASE NUMBER:
EARNINGS WITHHOLDING ORDER FOR SUPPORT (Wage Garnishment)		LEVYING OFFICER FILE NUMBER:

EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER.

EMPLEADO: GUARDE ESTE PAPEL OFICIAL.

EMPLOYER: Enter the following date to assist your recordkeeping.

Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

Name and address of employer 	Name and address of employee

Social Security No. ☐ on form WG-035 ☐ unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (*see instructions on page 2 of this form*). Pay the withheld sums to the **levying officer** (name and address above).
 If the employee works for you now, you must **give the employee a copy of this order and Employee Instructions (form WG-003)** within 10 days after receiving this order.
Complete Employer's Return (form WG-005) and mail it to the levying officer within 15 days after receiving this order. You must do so even if the employee no longer works for you.
2. The total amount due is: \$
 Count 30 calendar days from the date when **the employee was served** with this order. **Do not withhold earnings payable for any pay period that ends before the 30th day.** Do not withhold from earnings that are payable for any pay period ending on or after that 30th day. If you receive notice that the employee has filed a claim of exemption, read the Employer's Instructions on page 2 of this form for more information about calculating the start of the withholding period.
 Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.
3. The judgment was entered in the court shown above. The judgment creditor is (name):
4. The Employer's Instructions on page 2 of this form tell you how much of the employee's earnings to withhold each payday and contain special rules that apply to *Earnings Withholding Order for Support* (form WG-004). Follow those instructions unless you receive a court order or order from the levying officer giving you other instructions.

Date:

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE)
☐ LEVYING OFFICER	☐ REGISTERED PROCESS SERVER



EMPLOYER'S INSTRUCTIONS (EARNINGS WITHHOLDING ORDERS FOR SUPPORT)

The instructions apply only to *Earnings Withholding Orders for Support* (this order). Applicable instructions appear on other types of Earnings Withholding Orders.

The instructions in paragraph 1 on page 2 of this form describe your **initial** duties to provide information to your employee and the levying officer.

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

The usual *withholding period* begins 30 calendar days after **the employee is served with Earnings Withholding Order for Support**. However, if the employee files a claim of exemption and notifies you of the filing no later than 29 days after the employee is served with *Earnings Withholding Order for Support*, then the withholding period begins 45 days after the date the employee was served with *Earnings Withholding Order for Support*.

The withholding period for this order continues until one of two things happens:

- (1) **You have withheld** the total amount specified in the order, plus any amounts listed in a notice from the levying officer; or
- (2) You receive a court order or notice signed by the levying officer specifying a termination date.

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

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

Your duty to withhold does not end merely because the employee no longer works for you. Withholding for *Earnings Withholding Order for Support* does not automatically terminate until one year after the employment of the employee by the employer ends.

WHAT TO DO WITH THE MONEY

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

Include the case number, levying officer's file number (if different from the case number), and the employee's name on each payment to ensure the money is applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

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

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

Inquiries about the federal law will be answered by mail, telephone or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. **The Wage and Hour Division's contact information is available at dol.gov/agencies/whd/contact.**

COMPUTATION INSTRUCTIONS

State and federal law **limit** how much of an employee's earnings can be withheld. **These limits are based on the employee's disposable earnings, not their gross pay or take-home pay.** To determine the CORRECT AMOUNT OF EARNINGS TO BE WITHHELD (if any), **first** compute the employee's *disposable* earnings.

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

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

WITHHOLD 50 PERCENT of the *disposable earnings* for the *Withholding Order for Support*. For example, if the employee has monthly disposable earnings of \$1,432, the sum of \$716 would be withheld to pay to the levying officer on account of this order.

Occasionally, the employee's earnings will also be subject to a Wage and Earnings Assignment Order, an order available for child support or spousal support. The amount required to be withheld for that order should be deducted from the amount to be withheld for this order. For example, if the employee is subject to a Wage and Earnings Assignment Order and the employer is required to withhold \$300 per month to pay on that order, when the employer receives this *Earnings Withholding Order for Support*, the employer should deduct the \$300 for the Wage and Earnings Assignment Order from the \$716 and pay the balance to the levying officer each month for this order.

IMPORTANT WARNINGS

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

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

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 LEVYING OFFICER USE ONLY <i>(Levying Officer Name and Address)</i> DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	LEVYING OFFICER FILE NUMBER: _____
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	FOR COURT USE ONLY CASE NUMBER: _____
CLAIM OF EXEMPTION (Wage Garnishment) Instructions for completing this form: - Read <i>Employee Instructions</i> (form WG-003) before completing this form. - If you check the box for item 3b or 3c, you must attach a properly completed <i>Financial Statement</i> (form EJ-165) to this <i>Claim of Exemption</i>. You can get a copy of form EJ-165 for free by asking the levying officer or going to courts.ca.gov/rules-forms/find-your-court-forms or your court's self-help center. - If you check the box for item 3a, you do not need to complete form EJ-165. You also do not need to complete item 4. - You must give the levying officer this completed original form and one copy of the completed form. You should save at least one copy of the form for your records. Do not file this form with the court.	

1. My name is:

2. Please send all papers to

☐ me

☐ my attorney

at ☐ the address shown above ☐ another address (specify):

3. I am making this claim of exemption because (check a, b, or c):

a. ☐ My earnings are below the legal minimum amount for an earnings withholding order.

(Your earnings cannot be withheld unless you earn more than a minimum amount set by law (Code Civ. Proc., § 706.050). You earn less than the legal minimum amount if, after mandatory deductions:

- If you are paid at least once a week: You earn less than 48 times the applicable minimum hourly wage each week. "The applicable minimum hourly wage" means either the California hourly minimum wage or the hourly minimum wage in the city or county where you work, whichever is higher.*
- If you are paid once every two weeks: You earn less than 96 times the applicable minimum hourly wage each pay period.*
- If you are paid twice a month: You earn less than 104 times the applicable minimum hourly wage each pay period.*
- If you are paid once a month: You earn less than 208 times the applicable minimum hourly wage each pay period.)*

b. ☐ I need all my earnings to support myself or my family. A completed *Financial Statement* (form EJ-165) is attached to this claim. (You do not need to complete form EJ-165 if you checked the box for item 3a.)

c. ☐ I need \$ _____ each pay period to support myself or my family. A completed *Financial Statement* (form EJ-165) is attached to this claim.



SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.

4. I am willing for the following amount to be withheld from my earnings **each pay period** during the withholding period. I understand that **this amount will be withheld each pay period** if the judgment creditor accepts this offer by not opposing my *Claim of Exemption* (check one; you do not need to complete item 4 if you checked the box for item 3a):

- a. ☐ None
- b. ☐ Withhold \$ _____ each pay period.

5. I am paid (check one)

- ☐ daily ☐ every two weeks ☐ monthly
- ☐ weekly ☐ twice a month ☐ other (specify): _____

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)

35

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 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
DECLARATION OF ADDRESS VERIFICATION (Wage Garnishment—Enforcement of Judgment)	CASE NUMBER: _____
Instructions to the judgment creditor for completing this form: - If you are enforcing a judgment for personal debt, you are required to verify the judgment debtor's address no later than 12 months before you give the levying officer any papers to serve on the judgment debtor. (Code Civ. Proc., § 684.130.) - You must notify the levying officer and the court that you have completed the address verification by completing this form, giving a copy to the levying officer, and filing the completed form with the court within 5 business days of giving a copy to the levying officer.	

1. I am (*specify*): ☐ attorney for ☐ original judgment creditor ☐ assignee of record
2. I am asking the levying officer to serve *Writ of Execution* (form EJ-130), *Notice of Levy* (form EJ-150), or other documents related to enforcement of a judgment for personal debt.
(Personal debt means money due or owing because of a transaction for money, property, insurance, or services used primarily for the debtor's personal, family, or household purposes. Personal debt 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., § 683.110.))
3. I am asking the levying officer to serve the judgment debtor at the following address:
4. Within the last 12 months, I verified the address in item 3, or someone verified the address in item 3 on my behalf, by (*check one*):
 - a. ☐ Receiving correspondence from the judgment debtor on (*date*): _____ that included a return address or other comparable verification of the judgment debtor's address.
 - b. ☐ Sending a letter to the judgment debtor's address on (*date*): _____ using certified mail, or through some other method of transmission through the United States Postal Service that provides a return receipt, and received a return receipt signed by the judgment debtor.
 - c. ☐ Using a commercial address verification service, including skip-tracing, or using a public records database. I then sent a letter to the verified address via first-class mail on (*date*): _____ and the letter was not returned to sender.
 - d. ☐ Using the following method (*describe the method and the date it was completed*): _____

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	LEVYING OFFICER (name and address):	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	LEVYING OFFICER FILE NO.:	
APPLICATION TO STAY LEVY OR GARNISHMENT (Wage Garnishment—Enforcement of Judgment)		COURT CASE NO.:

1. Judgment debtor (name):
asks the court to stay (pause) a wage garnishment, bank account levy, or other levy.
2. The judgment debtor received (check all that apply; to list more documents, check here ☐ and attach a page labeled Attachment 2):
 - a. ☐ Notice of Levy (form EJ-150) issued on (date):
 - b. ☐ Earnings Withholding Order (form WG-002) issued on (date):
3. The levy or garnishment is for a judgment for personal debt.
(Personal debt means money due or owing because of a transaction for money, property, insurance, or services used primarily for the debtor's personal, family, or household purposes. Personal debt 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., § 683.110.))
4. The judgment debtor asks the court to (check one):
 - a. ☐ Stay the levy or garnishment until the judgment creditor files *Declaration of Address Verification*. The judgment creditor asked the levying officer to serve the judgment debtor with the papers listed in item 1 and did not (check all that apply):
 - (1) ☐ Give the levying officer a completed *Declaration of Address Verification* (form WG-015/EJ-135).
 - (2) ☐ File the completed *Declaration of Address Verification* (form WG-015/EJ-135) with the court within five business days of giving a copy of the declaration to the levying officer.
 - b. ☐ Stay the levy or garnishment until after the hearing scheduled by *Notice of Hearing on Claim of Exemption* (form WG-010/EJ-175). The hearing is scheduled to take place more than 30 days after form WG-010/EJ-175 was filed:
 - (1) *Notice of Hearing on Claim of Exemption* was filed on (date):
 - (2) The hearing on the claim of exemption is scheduled for (date):

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	LEVYING OFFICER (name and address): _____
ORDER ON APPLICATION TO STAY LEVY OR GARNISHMENT (Wage Garnishment—Enforcement of Judgment)	LEVYING OFFICER FILE NO.: _____
	COURT CASE NO.: _____

1. Judgment debtor (name):
asked the court for an order staying the levy or garnishment described in (specify name and date of order and to whom it was issued):

2. The court, having reviewed the application, makes the following ruling:
 - a. ☐ The application for a stay is denied because (check all that apply):
 - (1) ☐ The application was incomplete.
 - (2) ☐ The application did not meet the requirements to stay a levy or garnishment under Code of Civil Procedure section 684.130(b).
 - (3) ☐ The application did not meet the requirements to stay a levy or garnishment under Code of Civil Procedure sections 703.570(a) and 706.105(e).
 - (4) ☐ Other (specify):
 - b. ☐ The application for a stay is granted and the levy or garnishment identified in item 1 is stayed until (check one):
 - (1) ☐ The judgment creditor files *Declaration of Address Verification* (form WG-015/EJ-135).
(Code Civ. Proc., § 684.130(b)(4).)
 - (2) ☐ The conclusion of the hearing on the judgment creditor's motion opposing the judgment debtor's claim of exemption.
(Code Civ. Proc., §§ 703.570(a), 706.105(e).)

Date:

JUDICIAL OFFICER

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 STATE TAX AGENCY:		FOR COURT USE ONLY DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
APPLICATION OF (Name): TAXPAYER / RESPONDENT		
EARNINGS WITHHOLDING ORDER FOR TAXES		CASE NUMBER:
NAME OF STATE TAX AGENCY:		TAX AGENCY NUMBER:

1. The State's *Application for Earnings Withholding Order for Taxes* came on for hearing on

(date): in ☐ Dept.: ☐ Div.: ☐ Room:
 before (name of judicial officer):

2. a. ☐ Attorney for state tax agency present in court (attorney name):

b. ☐ Taxpayer present in court.

c. ☐ Attorney for taxpayer present in court (attorney name):

3. The court has considered ☐ the taxpayer's *Claim of Exemption and Financial Declaration* (form WG-026)
☐ the evidence presented ☐ the parties' stipulation.

4. **THE COURT FINDS**

a. The taxpayer (employee) is entitled to a monthly exemption of: \$

b. The taxpayer is employed by (name and address of employer):

c. ☐ \$ has been withheld from the employee's earnings under a *Temporary Earnings Withholding Order for Taxes*.

5. **THE COURT ORDERS the employer to**

a. Withhold and pay to the state tax agency: \$ from the employee's disposable earnings each month.

b. Pay to the employee any disposable earnings above that amount, not to exceed: \$ per month.

c. WITHHOLD AND PAY TO THE STATE TAX AGENCY ANY DISPOSABLE EARNINGS ABOVE THOSE SET FORTH IN ITEMS 4a AND 4b.

d. Begin withholding with the first pay period that ends on or after the 30th day after this order is served on the employee.

e. Continue withholding until the tax liability has been satisfied unless an order with higher priority is received.

f. Send all sums withheld to the state tax agency within 10 days after the last paycheck of each month.

g. ☐ other (specify):

Date:

(Instructions to employer on page 2 of this form)

 JUDICIAL OFFICER



APPLICATION OF (Name):	CASE NUMBER:
TAXPAYER / RESPONDENT	

INSTRUCTIONS TO EMPLOYER

A. When remitting withheld sums to the state tax agency, include the employee's name and Social Security number and the tax agency number.

B. PRIORITY OF EARNINGS WITHHOLDING ORDERS

- First:** Order Assigning Salary or Wages
- Second:** Earnings Withholding Order for Support
- Third:** Earnings Withholding Order for Taxes
- Fourth:** Earnings Withholding Order

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): _____	LEVYING OFFICER (name and address): DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF: _____ DEFENDANT: _____	CASE NUMBER: _____
EARNINGS WITHHOLDING ORDER FOR ELDER OR DEPENDENT ADULT FINANCIAL ABUSE (Wage Garnishment)	LEVYING OFFICER FILE NUMBER: _____
EMPLOYEE: KEEP YOUR COPY OF THIS LEGAL PAPER. EMPLEADO: GUARDE ESTE PAPEL OFICIAL.	
EMPLOYER: Enter the following date to assist your recordkeeping. <i>Date this order was received by employer (specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed):</i> _____	

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

Name and address of employer

Name and address of employee

Social Security No. ☐ on form WG-035 ☐ unknown

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (*see instructions on page 2 of this form*).
 Pay the withheld sums to the **levying officer** (name and address above). If the employee works for you now, you must **give the employee a copy of this order and Employee Instructions (form WG-003)** within 10 days after receiving this order.
Complete Employer's Return (form WG-005) and mail it to the levying officer within 15 days after receiving this order. You must do so even if the employee no longer works for you.
 2. a. The total amount due is: \$ _____
 b. The amount arising from an elder or dependent financial abuse claim is: \$ _____
 Count 30 calendar days from the date when **the employee was served with** this order. **Do not withhold earnings payable for any pay period that ends before the 30th day.** Do not withhold from earnings that are payable for any pay period ending on or after that 30th day. If you receive notice that the employee has filed a claim of exemption, read the Instructions to Employer on page 2 of this form for more information about calculating the start of the withholding period.
 Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.
 3. The judgment was entered in the court on (date): _____
 The judgment creditor (if different from the plaintiff) is (name): _____
 4. The Instructions to Employer on page 2 of this form tell you how much of the employee's earnings to withhold each payday. Follow those instructions unless you receive a court order or order from the levying officer giving you other instructions.
- Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

☐ LEVYING OFFICER ☐ REGISTERED PROCESS SERVER


INSTRUCTIONS TO EMPLOYER ON EARNINGS WITHHOLDING ORDERS

WG-030

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

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

The withholding period is the period covered by *Earnings Withholding Order* (this order). The withholding period begins 30 calendar days after **the employee is served with** the order and continues until you have withheld the total amount due, plus additional amounts for costs and interest (which will be listed in a levying officer's notice). However, if the employee files a claim of exemption and notifies you of the filing no later than 29 days after the employee was served with *Earnings Withholding Order*, then the withholding period begins 45 days after the date the employee was served with *Earnings Withholding Order*.

The withholding period may end sooner if (1) you receive a written notice signed by the levying officer specifying an earlier termination date, or (2) **you receive** an order of higher priority (explained on page 2 of *Employer's Return* (form WG-005)).

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

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

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

WHAT TO DO WITH THE MONEY

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

Include the case number, levying officer's file number (if different from the case number), and the employee's name on each payment to ensure the money is applied to the correct account.

WHAT IF YOU STILL HAVE QUESTIONS?

The garnishment law is contained in the Code of Civil Procedure beginning with section 706.010. Sections 706.022, 706.025, 706.050, and 706.104 explain the employer's duties.

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based. Inquiries about the federal law will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U.S. Department of Labor. The Wage and Hour Division's contact information is available at dol.gov/agencies/whd/contact.

COMPUTATION INSTRUCTIONS

Code of Civil Procedure section 706.050 explains how to determine the amount to withhold (if anything) depending on the employee's disposable earnings, which are calculated based on the employee's pay period and the applicable hourly minimum wage. This calculation is summarized in the next section of this form and on the California Courts self-help website (selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers).

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

State law limits how much of an employee's earnings can be withheld. These limits are based on the employee's disposable earnings, not their gross pay or take-home pay.

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

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

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

(B) After the employee's disposable earnings are known, calculate the withholding amount as shown in Code of Civil Procedure section 706.050. You can follow the directions below in (C) or on the California Courts self-help website (selfhelp.courts.ca.gov/guide-earnings-withholding-orders-employers). You will need to know the amount of the minimum wage in the location where the employee works.

(C) Calculate the maximum amount that may be withheld from the employee's disposable earnings, which is the *lesser* of the following two amounts:

- 20 percent of disposable earnings for that week; **or**
- 40 percent of the amount by which the employee's disposable earnings that week exceed the applicable minimum wage. If there is a local minimum wage in effect in the location where the employee works that exceeds the state minimum wage at the time the earnings are payable, the local minimum wage is the applicable minimum wage.

To calculate the correct amount, follow the steps below:

Step 1: Determine the applicable minimum wage per pay period.

- For a daily or weekly pay period, multiply the applicable hourly minimum wage by 48.
- For a biweekly pay period, multiply the applicable hourly minimum wage by 96.
- For a semimonthly pay period, multiply the applicable hourly minimum wage by 104.
- For a monthly pay period, multiply the applicable hourly minimum wage by 208.

Step 2: Subtract the amount from Step 1 from the employee's disposable earnings during that pay period.

Step 3: If the amount from Step 2 is less than zero, do not withhold any money from the employee's earnings.

Step 4: If the amount from Step 2 is greater than zero, multiply that amount by 0.40.

Step 5: If the amount from Step 4 is lower than 20 percent of the employee's disposable earnings, withhold this amount. If it is greater than 20 percent of the employee's disposable earnings, withhold 20 percent of the disposable earnings.

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

IMPORTANT WARNINGS

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
Please note that the committee changed some of the form numbers in this proposal after the forms were circulated for public comment. The form numbers mentioned in the public comments are different from those in the committee's responses in this comment chart and its recommendations in the accompanying report to the Judicial Council. In the invitation to comment: • <i>Declaration of Address Verification</i> (form WG-015/EJ-135) was form EJ-135 • <i>Application to Stay Levy or Garnishment</i> (form WG-017/EJ-137) was form WG-015/EJ-137 • <i>Order on Application to Stay Levy or Garnishment</i> (form WG-018/EJ-138) was form WG-016/EJ-138				
1.	Aderant by Cheryl Siler Director, Docketing Operations	AM	The proposed amendment to Form EJ-130 adds the following language on page 3, "The judgment creditor must give the levying officer a completed copy of Declaration of Address Verification (form EJ-135) and must file the form EJ-135 with the court within five days of giving a copy of the form to the levying officer." The "five day" period is inconsistent with CCP 684.130(b)(6) which requires the verification form "within five business days after delivering the declaration to the levying officer." It appears the proposed amendment to Form EJ-130 should state that the five days are five business days so that it is consistent with the statute. The same applies for Form WG-003 (page 1).	The committee agrees and is recommending that forms EJ-130, WG-003, WG-015/EJ-135, and WG-017/EJ-137 state that the declaration must be filed within "five business days" instead of "five days."
2.	Bay Area Legal Aid by Alex Farrell, Consumer Staff Attorney and	A, AM, N ¹	CCP 684.130(A) WAS UNCHANGED BY AB 2837 AND THERE IS NO NEED FOR THE JUDICIAL COUNCIL TO ATTEMPT TO INTERPRET "REQUIRED BY ANY PROVISION OF THIS TITLE" AS THAT LANGUAGE HAS EXISTED FOR MANY YEARS.	The notice of levy was inadvertently excluded from the text of the invitation to comment for this proposal, and that error has been corrected in the Judicial Council report to which this comment chart is attached.

¹ The commenter agrees with the proposal as to certain forms, agrees as to certain forms if they are modified, and does not agree as to certain legal interpretations.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
Renee Coe, Attorney – Equal Justice Works Fellow			The Judicial Council’s proposed interpretation of “required by any provision of this title” is too narrow and excludes the Notice of Levy which is explicitly contemplated in the language which states “any writ, order, notice, or other paper” [emphasis added]. To exclude the Notice of Levy from address verification requirements would be to rewrite the statute and would harm many debtors who would never receive the paperwork notifying them of imminent loss of property. For many BayLegal clients the Notice of Levy is the first time they have learned of a judgment. If this collection mechanism were excluded from due diligence, it would create a class of debtors (those with leviable property) with fewer rights than others. As articulated by the Judicial Council in the comment request “required by any provision of this title,” for debtors with leviable property, creditors could send a writ and years later send a Notice of Levy with no obligation to update the address. Debts in California can be collected for up to 10 years and renewed for an additional 5 years, which is why ensuring current addresses is critical for all types of debt collection. No changes were made to section (a), and no additional interpretation is needed. The Notice of Levy is a document that Sheriffs are required to serve under Title 9. See sections CCP 700.010 to CCP 700.200 inclusive, multiple provisions of which state that the levying office “shall serve a copy of the writ and notice of levy” [emphasis added]. Thus, we urge the Judicial Council not to attempt to narrow CCP 684.130(a) which is established law, unchanged by AB 2837. If the Council wishes to provide clarification it should ensure the Notice of Levy is properly included as a document subject to the title. To do anything else would harm the property and due	The Civil and Small Claims Advisory Committee took the notice of levy into account when proposing new and revised forms to implement Code of Civil Procedure section 684.130. For example, <i>Declaration of Address Verification</i> (form WG-015/EJ-135) lists <i>Notice of Levy</i> (EJ-150) as one of the documents the judgment creditor might be asking the levying officer to serve on the judgment debtor.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			process rights of our low-income clients, many of whom are elderly. Furthermore, the broader interpretation we assert here corresponds to the language in the recently proposed EJ-135 which includes Notice of Levy.	
			SPECIFIC COMMENTS ON PROPOSED CHANGES TO FORMS: EJ-130 We support the language added to this form regarding judgment for personal debt. This will greatly improve the form and provide vital information on the changes to the process of service and debtor's rights which otherwise might go unknown, especially to pro per debtors. For many of our clients, knowing what to be on the lookout for will help them to ensure that they can exercise their rights before and <i>AFTER</i> judgments.	The committee appreciates the response.
			EJ-135 This form is helpful and will allow judgment creditors to comply with changes regarding address verification. It will also help levying officers by providing a succinct form to review for compliance.	The committee appreciates the response.
			EJ-157-Info While the updates to this form are generally good, BayLegal proposes additional clarifying language to ensure that while banks understand they have discretion to choose <i>which</i> account they apply the exemption to, they MUST ensure that the maximum amount is protected. We want to ensure that banks understand that they must protect the full exemption amount across accounts, regardless of their discretion to choose which accounts. Please see the proposed changes below: "1. Applicable Law. Code of Civil Procedure section 704.220 requires financial institutions to apply an automatic exemption when served a <i>Notice of Levy</i> (form EJ-150) on a judgment debtor's deposit account if the judgment being	The committee agrees that form EJ-157-INFO should be clearer about the requirement to protect the entire exempted amount across the judgment debtor's accounts. The committee is recommending revisions to items 1 and 2 along the lines suggested by the commenter.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		enforced by the <i>Notice of Levy</i> is not based on wages owed or child or spousal support. The exemption amount is stated on <i>Current Dollar Amounts of Exemptions from Enforcement of Judgments</i> (form EJ-156) and is applied to one or more, if necessary, of the judgment debtor's accounts, to ensure the entire exemption amount is retained across accounts. (Code Civ. Proc., § 704.220(e)(2), (4), (5).) The exemption is automatically applied, and the judgment debtor does not need to do anything to have the exempted amount protected. 2. Multiple Accounts. • If the judgment debtor has multiple deposit accounts at a single bank, either the judgment debtor or judgment creditor can apply for a court order deciding how to apply the exemption to those accounts. The bank must automatically protect the exempted amount across accounts, but without a court order it will choose the accounts to which the exemption applies. (Code Civ. Proc., § 704.220(e)(2), (4), (5).)" (EJ-157-Info, Page 1 of 2).	
		SER-001A (Section 5) This form is helpful and will allow judgment creditors to comply with changes regarding address verification. It will also help levying officers by providing a succinct form to review for compliance.	The committee appreciates the response.
		WG-010/EJ-175 The additional language is helpful as it will educate the creditors, debtors, and courts to the new rules regarding stays after calendaring delays for claim of exemption hearings. This will ensure that debtors are not disproportionately harmed by court delays.	The committee appreciates the response.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			WG-015/EJ-137 The creation of a standard form for a stay will serve to help simplify the process for low-income pro per litigants like our clients. It will also increase access to this remedy as it will be easier for pro per litigants to seek assistance completing forms instead of drafting an ex parte application from scratch. However, we would propose a few changes to further ensure the form successfully reduces barriers for those most vulnerable. We recommend the inclusion of the definition of personal debt as many debtors may not be familiar with its legal definition. If the Judicial Council elects to create a Notice of Ex Parte Application form, then it should include a line on the form instructing applicants to attach the Notice of Ex Parte Application. For example: Complete and include Attachment to WG-015/EJ-137 -- Notice of Ex Parte Application to this form. Attachment to WG-015/EJ-137 - Notice of Ex Parte Application We propose the creation of an additional [form] to assist debtors and courts confirm appropriate notice is provided to opposing council for an ex parte application because there are specific notice requirements under the current rules of court. We have seen many pro per litigant's neglect to include a notice declaration with an ex parte application, as they are unaware of the nuanced rules. Various superior courts have local versions of a Notice of Ex Part Application form (samples included with this comment), but they are inconsistent and not readily available in the post-judgment resources. Given that Rule 3.1204 proscribes a statewide policy for ex parte notice, it would be preferable to	The committee notes that item 3 on form WG-017/EJ-137 includes the definition of personal debt. The committee is not recommending that form WG-017/EJ-137 include instructions regarding California Rules of Court, rules 3.1203 and 3.1204. It is unclear whether the ex parte rules apply to some of the stays covered by the form. If the rules do not apply by law, or are not applied by courts, then including the instructions would be confusing and could result in unnecessary delays in filing the form. The committee determined that it would be more appropriate to revise the form in the future if necessary, after it is clearer whether the ex parte

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		have a statewide form with instructions to make this mechanism accessible to less tech savvy and otherwise less sophisticated pro per litigants. We have had a clinic participant come to us seeking assistance after her ex parte application was denied because she was unaware of the notice requirement and did not properly complete them.	rules are affecting court users who file form WG-017/EJ-137.
		WG-016/EJ-138 For many of our low-income pro per clients, drafting a proposed order is confusing and unclear. As such, a form order like the one proposed by the Judicial Council is ideal to ensure access to remedies that every defendant should be entitled to. Furthermore, it will promote judicial efficiency by creating a single order that judges across counties can use and reducing the work of the court to enter their orders. Additionally given the urgency of ex parte matters, a more simplified process ensures that relief can be granted as soon as possible, which is critical for debtors who may face additional garnishments or levies while a hearing is pending.	The committee appreciates the response.
		WG-022 & WG-030 This update is an important one that brings the form into compliance with current law, which we hope will ensure that debtors receive sufficient notice to plan for eventual garnishment or submit claims of exemption. Ultimately this benefits all parties as a debtor whose job or housing becomes unstable due to financial hardship, is unlikely to continue to pay a debt. Employers now have clearer instructions for determining the period to begin a wage garnishment.	The committee appreciates the response.
		EJ-160 The additional instructional language in the header will benefit our clients, who are often unaware of what exemptions may apply and what amounts are covered by them. Directing debtors to resources will ensure they complete the form more accurately and the addition of instructions regarding need-based exemption	The committee appreciates the response.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response		
		requests helps to clarify when additional paperwork is needed. This will reduce debtor confusion as well as work for courts who will avoid processing unnecessary paperwork for debtors who are only seeking enforcement of statutorily protected sums. The addition of Item 4 will help debtors distinguish between need-based exemption requests and statutory exemption requests. As many debtors are pro per litigants this will help them to complete the form more accurately and allow courts to effectively assess claims, reducing the risk of errors where courts mistakenly release protected funds to creditors. Finally, the inclusion of Item 7 is especially beneficial as it will allow debtors who may receive assistance from legal aid or law libraries to include the statute, which we believe would expedite court review by directing courts to the most relevant statutes (especially given the breadth of exemptions available).			
		WG-002 & WG-004 The additional language in the instructions is helpful as it will educate employers about the new rules regarding calculating the start of the withholding period. This will ensure that debtors will have time to seek information about filing the claim of exemption form. Further changes are needed to the “IMPORTANT WARNINGS” to correct typographical errors, clarify the meaning, and ensure consistent across the two forms. <table><tr><td><i>WG-002</i> No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are</td><td><i>WG-004</i> No matter how many orders you receive, so long as they all relate to judgment (no matter how many debts are</td></tr></table>	<i>WG-002</i> No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are	<i>WG-004</i> No matter how many orders you receive, so long as they all relate to judgment (no matter how many debts are	The committee agrees that the term “judgment” is less confusing than “indebtedness” in the context of this warning on form WG-002 and is recommending that the form be revised to use the phrase “a single judgment.” The committee is recommending the same revision on form WG-030. The typo identified by the commenter on form WG-004 has been corrected.
<i>WG-002</i> No matter how many orders you receive, so long as they all relate to a single indebtedness (no matter how many debts are	<i>WG-004</i> No matter how many orders you receive, so long as they all relate to judgment (no matter how many debts are				

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		represented in that judgment), the employee may not be fired. represented in that judgment) the employee may not be fired. The use of the word “indebtedness” is confusing. It may not be clear to the employer that multiple debts could be represented by a single indebtedness. We believe that the word “judgment” as it is used in WG-004, is clearer. However, WG-004 appears to have a typographical error, as it omits the words “a single” (referenced sections highlighted above). Both forms should read as follows: “No matter how many orders you receive, so long as they all relate to a single judgment (no matter how many debts are represented in that judgment) the employee may not be fired.”	
		WG-003 We support the addition of the section entitled “IS THE EWO RELATED TO PERSONAL DEBT?”. This revision informs judgment debtors of their right to request a stay of the wage garnishment if the judgment creditor fails to comply with the requirement that it verify a debtor’s address. This added language also helps to enforce this new requirement. Given that an Earnings Withholding Order may be served up to 15 years after a judgment, we frequently see cases where outdated addresses are used—often the same address from the original service. Without proper address verification, debtors may never receive notice of the garnishment and may lose the opportunity to file a timely claim of exemption. This change promotes due process and protects against wrongful wage garnishment.	The committee appreciates the response.
		WG-006 We strongly support the addition of Item 3.a. to form WG-006. In our experience, many judgment debtors are subjected to wage garnishments that exceed the statutory maximum under Code of	The committee agrees that it would be helpful to include further instructions on form WG-006 regarding items that do not need to be completed

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

	Commenter	Position	Comment	Committee Response
			Civil Procedure section 706.050 due to employer errors. These individuals often are not aware of this statutory maximum. The addition of Item 3.a. clarifies for judgment debtors that their income is exempt up to the statutory maximum. In addition, the caption provides clear instructions for all parties that these individuals are not required to complete a financial statement when their income alone makes them fully exempt from garnishment. We propose one further change to WG-006. The form should instruct individuals who check Item 3.a. not to complete Item 4. Because they are only completing the form due to an error, they should not be able to voluntarily elect a garnishment amount from exempt wages without judicial determination. If they wish to propose a payment plan using exempt income, that should be done directly with the creditor, not through the claim of exemption process. For Example: Do not answer this question if you checked Item 3(a) above.	by judgment debtors who check the box for item 3a. The committee is recommending revisions to the third bullet point in the instructions at the top of page 1 to add: “You also do not need to complete item 4 [if you checked the box for item 3a].” The committee also recommends adding a parenthetical to item 4 stating: “You do not need to complete item 4 if you checked the box for item 3a.” Similarly, the committee is recommending the addition of a parenthetical in item 3b stating: “You do not need to complete form EJ-165 if you checked the box for item 3a.”
3.	California Department of Child Support Services by Robert Sech, Attorney IV	NI	The California Department of Child Support Services (DCSS) has reviewed the proposal identified above for potential impacts to the child support program, the local child support agencies, and our case participants. Specific feedback related to the provisions of the forms with potential impacts to the department and its stakeholders follows. <u>SPR25-06 Title: Civil Practice and Procedure: Implementation of Assembly Bill 2837</u> <i>Special Instructions for Writs and Levies—Attachment SER-001A, p. 23</i>	Please see the committee’s responses below regarding specific elements of the proposal.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		▪ DCSS respectfully recommends the addition of a checkbox in “Item 5” and changing the language “Complete Declaration of Address Verification (form EJ- 135) and attach it to this form” to “☐ Completed Declaration of Address Verification (form EJ-135) is attached to this form.” • Comment: The proposed additional language and checkbox are important signals for users who might not be familiar with the address verification requirement under AB 2837. The checkbox itself is added to make the attachment an action item for the user. • It should now read as follows: ○ If you are the judgment creditor and you are asking the sheriff to serve a writ, levy, or other document related to enforcement of a judgment for personal debt (as defined in Code of Civil Procedure section 683.110(d)), you must verify the judgment debtor’s address before the sheriff can serve your papers. ☐ Completed Declaration of Address Verification (form EJ-135) is attached to this form.	In light of all the comments received regarding item 5 on form SER-001A, the committee is recommending that item 5 on form SER-001 ask, “Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?” followed by checkboxes for “No” and “Yes, and I have completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form.” The committee determined that a checkbox will help ensure judgment creditors comply with the address verification requirement, and that making the question applicable to everyone who completes form SER-001A will be less confusing than a checkbox that applies only to personal debt cases.
		<i>Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest – MC-012, - p. 17</i> ▪ DCSS respectfully recommends restructuring “Item #3” in order to clearly delineate the amounts being requested. The current sentence is compound and confusing to the user. • The proposed changes would make this item read as follows: • Accrued interest remaining due. Accrued interest remains due in the amount of \$_____.	In light of all the comments received regarding item 3 on form MC-012, the committee is recommending that this item include the instruction “if different interest rates apply to different unpaid principal amounts” to clarify when to fill in the boxes for a second unpaid principal amount and interest rate. The

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

	Commenter	Position	Comment	Committee Response
			This amount was calculated using the following: 1. Legal interest rate of __% on the unpaid principal amount of \$__. 2. Legal interest rate of __% on another unpaid principal amount of \$__. (For details on how to calculate interest, please refer to form MC-013-INFO. Interest is calculated from the date of the judgment or its renewal and also on any remaining balance after partial payments or credits that reduce the principal are applied.)	committee is also recommending revisions to the last sentence in item 3 to increase clarity.
			<i>Claim of Exemption (Enforcement of Judgment) – Form EJ-160, pp. 15-16</i> ▪ DCSS respectfully recommends that additional space be allowed after items 5 through 9 to allow the user adequate room to describe the claimed exemptions and to elaborate on the facts the user believes supports said exemptions. In the alternative, DCSS recommends that the form be shortened by eliminating the space between these items while mandating that the user only attach additional pages explaining the complete and relevant details.	The committee is not recommending revisions in response to this suggestion. The committee acknowledges that the space provided to respond to some of the items on the form might not be sufficient for everyone who completes the form. However, form EJ-160 reflects the Judicial Council’s typical practice for items seeking a narrative response. These items typically include a text box that allows for a shorter answer, plus a check box that can be used if the answer continues onto a separate sheet of paper.
4.	California Detective Agency	NI	Thank you for requesting comments from stakeholders and justice partners on the proposed forms for Sheriff Service.	Please see the committee’s responses below regarding specific elements of the proposal.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
by Ali Ammar, Chief Investigator			I am Ali Ammar, the Chief Private Investigator at California Detective Agency (www.californiapi.com). For nearly 20 years, I have worked intimately with the Courts and Sheriffs as a licensed private investigator, judgment enforcement expert, and registered process server. I work on more judgments than most other investigators in California, working with County Sheriffs in over 20 counties throughout the State. I have assisted on over 1,000 levies, including bank levies, wage garnishments, and levies on intangible and tangible property, including aircraft, large boats, and vehicles. As a sample of my experience, please see the cases I have handled within the past three years: • \$175 million business dispute judgment enforcement, Los Angeles 2023 • \$36 million traffic collision wrongful death judgment enforcement, Los Angeles 2023 • \$90,000 judgment against a vexatious litigant, Orange County 2023 • Identification and levy of an individual's comprehensive real estate portfolio of eight homes, Los Angeles 2023 • Enforcement of \$4 million class action judgment against a publicly-traded firm, representing hundreds of employees, Los Angeles 2023 • Enforcement of \$3 million class action judgment representing hundreds of employees, Orange County 2023 • Enforcement of \$29 million judgment against garment manufacturer, Los Angeles County 2022 • Pursued a prolific entrepreneur for unpaid wages, resulting in full satisfaction of judgment with costs and interest, Riverside County 2022	

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		- Enforcement of \$4 million class action lawsuit representing hundreds of airline employees, Los Angeles 2022 \$18 million skydiving wrongful death judgment enforcement, Central California 2021 - Pre-judgment Writ of Attachment on business income, Orange County 2021 - First-ever levy on an aircraft in Riverside, Riverside County 2021 <u>Request for Specific Comments</u> In addition to comments on the proposal as a whole, the advisory committee requested comments on the following: <u>Does the proposal appropriately address the stated purpose?</u> Partially. The statutory intent of a recent bill, Assembly Bill 2791 (2022), was to "...address issues with the current system by replacing County-specific forms with a single, uniform, statewide form..." <i>Assembly Floor Analysis 08/30/2022</i>. Emphasis added. Just two years later, the Judicial Council seeks to adopt a third form which would make the Sheriff's Instructions at least nine pages long consisting of three different Judicial Council forms. (SER-001, SER-001A, and EJ-135). Prior to 2024, a request for the Sheriff to serve papers was often a single page letter or local form. We strongly disagree that a new mandatory form is necessary for address verification [Declaration of Address Verification (EJ-135)]. This form should be specified for optional use. If you insist on mandatory use, the form may need some updates to comply with the statute and ensure the statements don't go beyond its scope.	In light of all the comments received regarding proposed form WG-015/EJ-135, the committee has determined that it will be beneficial to recommend adoption of form WG-015/EJ-135 to implement the address verification requirement in Code of Civil Procedure section 684.130. The form will help judgment creditors and levying officers by ensuring the judgment creditor's declaration meets the requirements of section 684.130. The committee has recommended revisions to form WG-015/EJ-135 in response to the public comments on this proposal. The committee has determined that as revised, form WG-015/EJ-135 does not exceed the requirements of section 684.130. The committee considered the suggestion to make form WG-015/EJ-135 optional and determined that the form should be mandatory to ensure that the declarant includes the statutorily

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
				required information. Making the form optional could increase the number of address verifications rejected for failure to meet the statutory requirements. Additionally, because the statutory requirements are straightforward, it is unlikely that court users will need to include information that the form does not cover The committee also notes that even if form WG-015/EJ-135 were not created, the statute would still require judgment creditors in personal debt cases to provide the levying officer with more documentation than they have in the past. Adoption of the form should not increase the amount of documentation provided to levying officers and could decrease it in some cases by ensuring the address verification fits on one sheet of paper.
			<u>Should a checkbox be added to item 5 on form SER-001A?</u> • Yes, but only if the proposed checkbox for personal debt is removed from the Writ of Execution (EJ-130). Including a personal debt designator on two separate forms is duplicative and not required by the statute. • Practically every County Sheriff in California is requiring a statement added to Item 6 affirming “This is not a personal debt and therefore no declaration of address verification is required” for those levies that are not covered by the personal debt statute. Therefore, I would recommend reconsidering your template to include a Yes/No checkbox as to personal debt (Item 5).	In light of all the comments received regarding item 5 on form SER-001A, the committee is recommending that item 5 on form SER-001 ask, “Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?” followed by checkboxes for “No” and “Yes, and I have completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form.” The committee acknowledges that the “personal debt” checkbox in item 22 on form EJ-130 is similar to item 5 on form SER-001A. However,

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
				the checkbox in item 22 is primarily intended to help the judgment debtor determine whether the address verification requirement applies so they can seek a stay if the judgment creditor does not file the address verification with the court. The judgment debtor does not see form SER-001A. The committee determined that including personal debt items on both form EJ-130 and form SER-001A will be more effective for all parties and the levying officer than having a personal debt item on only one of the forms.
			<u>Please provide suggestions, if you have any, for revising specific items in forms...</u>	
			Application for Earnings Withholding Order (WG-001) The electronic writ declaration requirements of CCP 687.010(e) were previously integrated into the SER-001A form (Item 3). However, no consideration was given to the WG-001 which is used in place of the SER-001 and SER-001A. Please consider adding a section on the WG-001 to comply with the requirements of CCP 687.010(e) to ensure that no separate Electronic Writ Declaration is necessary. [image omitted]	This suggestion is beyond the scope of this proposal and would require further public comment because form WG-001 was not part of the proposal. The committee will consider this suggestion as time and resources permit.
			Earnings Withholding Order (WG-002) Item 2 states “The total amount due” which usually the judgment amount alone is sufficient. However, we have received several rejections because the Sheriff has asked for the below type of format. We established that the Sheriff is correct in requesting this, but the form should specify the fee breakdown similar to a Notice of Levy.	This suggestion would require further public comment because it seeks a substantive revision to a portion of form WG-002 that the current proposal does not address. The committee will consider this suggestion as time and resources permit.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			<i>\$127,875.06 judgment total amount due +\$45.00 Sheriff's garnishment fee +\$15.00 Sheriff disbursement fee +\$20.75 daily interest from the date writ was issued = \$128,557.56</i> Without specifying the larger sum due, a wage garnishment might be entered into an employer's payroll system at a much smaller amount than would be required to satisfy the judgment. Another example is some Sheriffs specify "Contact the Sheriff's Department to receive an updated payoff prior to ending this garnishment". You can find a similar breakdown on the Notice of Levy (EJ-150): [image of item 3 on form EJ-150 omitted] • Rather than specify 30 days from when the employee was served, use the same language from earlier in the form ("you must give the employee a copy of this order"), as the "service" language might confuse the employer. For example: "Count 30 days from the date when you gave the employee this order". • To simplify the form, we propose removing the following language not required by CCP 706.125. These two sections traditionally go unused and are duplicative.	The committee is not recommending revisions in response to this suggestion because item 2 on form WG-002 reflects the current statutory language. Code of Civil Procedure section 706.022(a) defines the withholding period as "the period which commences on the 30th day after <i>service</i> of an earnings withholding order upon the judgment debtor" (emphasis added). Prior to January 1, 2025, section 706.022(a) referred to service of the order upon the employer, rather than the judgment debtor. This suggestion is beyond the scope of the proposal, but the committee will consider it as time and resources permit.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		[image omitted; image showed the two boxes directly under the form name in the form header, including the text box used to enter the date of personal delivery] Writ of Execution (EJ-130) • AB 2837 does not mandate or authorize any change to the Writ of Execution. • CCP 699.520(c) requires that the Writ specify “Whether the judgment is for wages owed, child support, or spousal support”, with no mention of Personal Debt. • Adding a checkbox for personal debt will result in additional workload for court clerks, who will need to determine whether or not a case includes an element of personal debt, leading to unnecessary rejections and disputes between litigants and the court clerks. • Only a portion of the judgment may be related to personal debt/consumer debt/medical expenses. See MC-012 listing two different interest rates (item 3) and JUD-100 (item 7) listing three different amounts for types of debt.	The Judicial Council has discretion to determine how to implement the law in its forms. The council is not required to have explicit statutory authorization to add or revise specific items on forms, so long as the forms do not conflict with the law. The committee has determined that its proposed revisions to form EJ-130 do not conflict with AB 2837 or previously existing law. Although the clerk must issue form EJ-130, the form is typically completed by the parties and then presented to the clerk for issuance. Previous revisions to form EJ-130 have focused on making the form easier for parties to complete. See, e.g., Judicial Council of Cal., Advisory Com Rep., <i>Civil Practice and Procedure: Writ of Execution Forms</i> (Aug. 25, 2017), pp. 2–5, https://jcc.legistar.com/View.ashx?M=F&ID=5389328&GUID=CF5E1471-D159-4D4D-AAE8-EB90439334DB. The committee is not recommending revisions in response to this suggestion. The committee agrees that Code of Civil Procedure section 684.130 is unclear about whether the address verification requirement applies to judgments that are only partially for personal debt.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			- As for the committee’s proposal to “require the judgment creditor to confirm whether the judgment is for personal debt”—the Writ of Execution is not a declaration or other affirmation signed by the Judgment Creditor—it’s issued by the Clerk of the Court based on the contents of the Judgment in the court record. It’s outside of a Clerk’s duties to determine if a judgment is based on personal debt. - There is no requirement to specify if a party is the original judgment creditor or the assignee of record. “Judgment Creditor” is a universal term that covers both. See CCP 680.240: “<i>Judgment creditor</i>” means the person in whose favor a judgment is rendered or, if there is an assignee of record, means the assignee of record. - If you insist on retaining both checkboxes for creditor/assignee, these boxes and the judgment creditor’s name is duplicated twice on the form— [image omitted; image showed the “attorney for” boxes in the form header and item 3 on the form]	However, the committee determined that the item 22c should use the statutory language and state that “the judgment is for personal debt.” There is not enough information in the statute to justify adding an explanation or instructions regarding the possibility of a partial judgment. Please see the committee’s previous response regarding the parties’ role in completing form EJ-130. The committee is not recommending revisions in response to this suggestion because it is beyond the scope of the current proposal, but the committee will consider it as time and resources permit. The committee notes that many of the Judicial Council’s enforcement of judgment forms have checkboxes to indicate whether the applicant is the original judgment creditor or the assignee of record. Please see previous response.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			Special Instructions for Writs (SER-001A) • Please consider specifying that subsequent instructions to the Sheriff on the same file do not use this form. Some counties read the statute that simple requests like releasing a levy or reducing a wage garnishment must specified on the 8-page form (Combined SER-100 and SER-100A). • Practically every County Sheriff in California is requiring a statement in item 6 that “This is NOT a personal debt and therefore no declaration of address verification is required” for those levies that are not covered by the personal debt statute. Therefore, I would recommend including a Yes/No checkbox as to personal debt (Item 5). • Regarding Item 1 (Information About You) and Item 2 (Information About Person You Want Served): Both of these items are duplicative since the form is being attached to form SER-001, which already specifies the person requesting service (the litigant, as required by statute) and the person to be served. • For a Registered Process Server to “open” a levy file, CCP 699.080(b) only requires a copy of the writ and a fee—NO INSTRUCTIONS until after the levy is served. Within 5 days of service, the RPS must file the writ, 1-2 proofs of service, <u>and the instructions</u> specified in CCP 687.010. Due to the unique nature of the process server’s statutory responsibilities, we recommend revisiting the need for SER-001 or SER-001A when a litigant employs a Registered Process Server.	The committee is not recommending revisions in response to this suggestion because it is beyond the scope of the current proposal, but the committee will consider it as time and resources permit. Please see the committee’s previous response regarding its recommended revisions to item 5 on form SER-001A. The committee is not recommending revisions in response to this suggestion because it is beyond the scope of the current proposal, but the committee will consider it as time and resources permit. The committee is not recommending revisions in response to this suggestion because it is beyond the scope of the current proposal, but the committee will consider it as time and resources permit.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		Memorandum of Costs (MC-012) • Please consider clarification on 2(b) that the Principal Remaining Due figure does not include the post-judgment costs allowed. “Principal amount of the judgment” is defined by CCP 680.300 and includes the costs incurred. • Specify that <u>no proof of service is required</u> for Items 2 & 3 (Acknowledgment of Credit and Declaration of Interest)	The committee is not recommending revisions in response to this suggestion because it is beyond the scope of the current proposal, but the committee will consider it as time and resources permit. The committee is not recommending revisions in response to this suggestion because it is beyond the scope of the current proposal, but the committee will consider it as time and resources permit. However, the committee notes that its proposed revisions to form MC-012 include deletion of the attached proof of service to reflect current Judicial Council practices regarding proof of service forms.
		Declaration of Address Verification (EJ-135) Item 1: There is no requirement to specify if a party is the original judgment creditor or the assignee of record. “Judgment Creditor” is a universal term that covers both. See CCP 680.240: “<i>Judgment creditor</i>” means the person in whose favor a judgment is rendered or, if there is an assignee of record, means the assignee of record. Item 2: The declarant does not need to specify which forms the levying officer will serve. For various reasons, this leads to confusion and is already covered by SER-001 (Item 5b). This item was specifically made “optional” to prevent unnecessary rejections by the Sheriff. - Gov. Code 26666.2 restricts the Sheriff, who “shall not review the substance”, except in limited circumstances. - The Sheriff serves many other types of types of follow-up notices (claim of exemption, notice of release, etc) to	Please see the committee’s previous response regarding the “judgment creditor” and “assignee of record” checkboxes. In light of all the comments received regarding form WG-015/EJ-135, the committee is recommending that item 2 state: “I am asking the levying officer to serve <i>Writ of Execution</i> (form EJ-130), <i>Notice of Levy</i> (form EJ-150), or other documents related to enforcement of a judgment for personal debt.” The committee agrees that requiring the judgment creditor to indicate the specific form being served could

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			other litigants and the Courts that are impossible to anticipate and identify on this form. Item 3: The personal debt declaration is not required by the statute. - Only a portion of the judgment may be related to personal debt/consumer debt/medical expenses. See MC-012 listing two different interest rates (item 3) and JUD-100 (item 7) listing three fields for different amounts for types of debt. - For judgments entered prior to 2024, we may be sending the declaration out of an abundance of caution, not necessarily affirming that this is a personal debt.	create confusion, but determined that listing EJ-130 and EJ-150 as examples in item 2 will help judgment creditors determine whether they are required to complete the form. The committee is not recommending revisions in response to this suggestion. The committee agrees that Code of Civil Procedure section 684.130 is unclear about whether the address verification requirement applies to judgments that are only partially for personal debt. However, the committee determined that the item 22c should use the statutory language and state that “the judgment is for personal debt.” There is not enough information in the statute to justify adding an explanation or instructions regarding the possibility of a partial judgment.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
5.	California State Sheriffs' Association by Cory Salzillo, Legislative Director	NI	On behalf of the California State Sheriffs' Association, I respectfully submit the following comments on, and request changes to, the forms that are part of the above-referenced invitation to comment. We would like to see the following additions to the EJ-130 form: Under Item #6, add two checkboxes as seen below: [image omitted; image showed checkboxes for "expires in 5 years" and "expires in 10 years"] Under Item #19a. Per CCP 685.010, Daily Interest is to accrue at 5% or 10%. We request checkboxes for 5% or 10%. Another option is to state, "accrue no more than 5% or 10%" which will then allow the requestor to fill in their own amount to comply with the above referenced code.	Please see the committee's responses below regarding specific elements of the proposal. These suggestions for form EJ-130 would require further public comment because they seek substantive revisions to portions of the form that the current proposal does not address. The committee will consider these suggestions as time and resources permit.
			We would like to see the following changes to the EJ-135 Form: 1) Under title "Declaration of Address Verification," add "Wage Garnishment" in front of "Enforcement of Judgment" as this declaration is used for both types of requests. 2) Item #2 should remove "the judgment debtor with" as the levying officer does not serve debtors with Item 2c. Another option would be to remove Item #2 completely as it is not required per CCP. If this is considered, Item #3 should remove "The papers described in item 2 are being used" and replace with, "I am asking the levying officer". Item #2 can or will cause a greater chance of rejection if the box(es) checked do not match the type of service requested.	The committee agrees and has added "Wage Garnishment" to the parenthetical under the form name on form WG-015/EJ-135. The committee agrees and is recommending that item 2 state: "I am asking the levying officer to serve <i>Writ of Execution</i> (form EJ-130), <i>Notice of Levy</i> (form EJ-150), or other documents related to enforcement of a judgment for personal debt." The committee agrees that requiring the judgment creditor to indicate the specific form being served could create confusion, but determined that listing EJ-130 and EJ-150 as examples in item 2 will help judgment creditors

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		3) Form number in bottom left corner should include a Wage Garnishment form series number preceding the “EJ-135” to mirror dual use forms. “WG-XXX/EJ-175[Rev...]” 4) Item #4 has no area to list the exact address that was verified and specifically, Item #4c has no date for when the verification was performed.	determine whether they are required to complete the form. The committee agrees and has renumbered form EJ-135 to WG-015/EJ-135. The committee agrees and has added item 3, which asks for the address that was verified. The committee has also revised item 4 to state, “I verified the address in item 3.” The committee notes that item 4c contains a fillable date field near the end of the sentence. Fillable fields can be difficult to see in the forms attached to invitations to comment due to the PDF formatting used, but the fillable field will be more apparent in the version of the form made available on courts.ca.gov once the form has been approved by the Judicial Council.
		We would like to see the following additions to the EJ-157-INFO form: 1) Add a line in bold stating, “DO NOT ASK THE LEVYING OFFICER” or “DO NOT TAKE THIS FORM TO THE LEVYING OFFICER.” 2) Item #7 states, “Once an order is issued by the court on form EJ-159, the applicant should serve the order on all other parties...” This can be confusing as the applicant would deliver a copy to the levying officer, not serve them.	The committee is not recommending revisions in response to this suggestion because Judicial Council forms typically do not include warnings of this nature. The committee agrees and is recommending that the last bullet point in item 7 on form EJ-157-INFO be revised to state that the applicant should “give” a copy of the order to the levying officer, rather than that they should serve the order on the levying officer.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		We would like to see the following changes to the SER-001A form: 1) Page one should have an area for the Court Name and Address. 2) Under Item 4 “Information About the Property to Levy”, the fourth bullet point should be removed “For evictions...” as these are not levies.	These suggestions are beyond the scope of the proposal, but the committee will consider them as time and resources permit.
		We would like to see the following change to the WG-002 form: 1) Item #1 “Complete both copies of Employer’s Return (form WG-005)...” Levying officers generally send one copy to be filled out so this would alleviate questions from the employer regarding the second copy and save on paper.	The committee agrees and is recommending that item 1 on page 1 of form WG-002 be revised to remove the reference to “both copies” of the form. The committee has also recommended this revision on forms WG-004 and WG-030.
		We would like to see the following change to the WG-003 form: 1) On page 2, “The levying officer may give you permission to deliver it to the employer...” The levying officer deals directly with the employer, not the debtor. Even after a hearing pursuant to CCP 706.105g, the levying officer must notify the employer directly.	The committee agrees and is recommending that the last sentence in the “One of Two Things Will Happen...” section on page 2 of form WG-003 be revised to state that the levying officer “must serve your employer with the changed EWO or a notice that the EWO has ended” in order to correctly reflect the requirements of Code of Civil Procedure section 706.105(g).
		We would like to see the following addition to the WG-006 form: 1) Item #3 has a lot of information that could confuse a person so there should be a statement as follows within that area, “If you are unsure, ask your payroll”	The committee is not recommending revisions in response to this suggestion because Judicial Council forms typically do not provide advice about how form users should collect the information needed to complete a form.
		Although not specifically addressed in this Invitation to Comment, we would like to see the following additions to the SER-001 form: 1) Page one should have an area for the Court Name and Address. 2) Page three #5c should add the time of the hearing.	This suggestion is beyond the scope of the proposal, but the committee will consider it as time and resources permit.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			Although not specifically addressed in this Invitation to Comment, we would like to see the following additions to the WG-001 form: 1) A box for renewal of judgment dates (5 or 10 years) to help with accounting of levies. 2) A line showing the judgment expiration date to help manage the levy. 3) A line stating the interest rate (5% or 10%) which is helpful for accounting purposes. 4) A checkbox for personal debt or not for personal debt, which triggers the levying officer to look for a declaration. 5) A section stating service by Sheriff or Registered Process Server. If a Registered Process Server, an area for their contact information. This is helpful so the levying officer has information to contact someone in case something is wrong. 6) A section stating if the writ is for family law or a criminal judgment. This is crucial for the levying officer as these levies do not expire.	These suggestions are beyond the scope of the proposal, but the committee will consider them as time and resources permit.
6.	Child Support Directors Association of California by Michael Smitsky Executive Director	NI	SPR25-06 Title: Civil Practice and Procedure: Implementation of Assembly Bill 2837 Special Instructions for Writs and Levies—Attachment SER-001A, page 23 1. The Committee recommends adding a box in item 5 and changing the language “Complete Declaration of Address Verification (form EJ-135) and attach it to this form” to “☐ Completed Declaration of Address Verification (form EJ-135) is attached to this form.”	In light of all the comments received regarding item 5 on form SER-001A, the committee is recommending that item 5 on form SER-001 ask, “Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?” followed by checkboxes for “No” and “Yes, and I have

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		Comment: This proposed addition is seen as a crucial alert for users who may not be familiar with the address verification requirement under AB 2837. The checkbox is added to make the attachment an action item. It should read: If you are the judgment creditor and you are asking the sheriff to serve a writ, levy, or other document related to enforcement of a judgment for personal debt (as defined in Code of Civil Procedure section 683.110(d)), you must verify the judgment debtor's address before the sheriff can serve your papers. ☐ Completed Declaration of Address Verification (form EJ-135) is attached to this form.	completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form.” The committee determined that a checkbox will help ensure judgment creditors comply with the address verification requirement, and that making the question applicable to everyone who completes form SER-001A will be less confusing than a checkbox that applies only to personal debt cases.
		Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest – MC-012, page 17 1. The Committee recommends breaking down item #3 to clarify the amounts requested. Comment: The existing sentence is confusing and compound. • It should read: ☐ Accrued interest remaining due. Accrued interest remains due in the amount of \$ _____. This amount was calculated using the following: 1. Legal interest rate of _____% on the unpaid principal amount of \$ _____. 2. Legal interest rate of _____% on another unpaid principal amount of \$ _____. (For details on how to calculate interest, please refer to form MC-013-INFO. Interest is calculated from the date of the	In light of all the comments received regarding item 3 on form MC-012, the committee is recommending that this item include the instruction “if different interest rates apply to different unpaid principal amounts” to clarify when to fill in the boxes for a second unpaid principal amount and interest rate. The committee is also recommending revisions to the last sentence in item 3 to increase clarity.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			judgment or its renewal and also on any remaining balance after partial payments or credits that reduce the principal are applied.)	
7.	Orange County Bar Association by Mei Tsang, President	AM	1. Yes, the proposed modifications to the various forms appear to address the specific requirements of AB 2837. 2. Yes, at least one checkbox should be added to item 5 on form SER-001A, but two may be optimum. Currently, that item is the only item that does not require any response from the person filling out the form. It would be easy for someone to just skip over that item. Adding a “yes” or “no” checkbox asking whether the filer is seeking to enforce a judgment for personal debt will ensure that the person filling out the form has read and understands the requirements. Additionally, consider adding a second checkbox indented beneath the “yes” checkbox that would read “I confirm that I have attached the completed Declaration of Address Verification (form EJ-135)”. Doing so will help ensure that the filer actually attaches the correct form.	The committee appreciates the response. In light of all the comments received regarding item 5 on form SER-001A, the committee is recommending that item 5 on form SER-001 ask, “Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?” followed by checkboxes for “No” and “Yes, and I have completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form.” The committee determined that a checkbox will help ensure judgment creditors comply with the address verification requirement, and that making the question applicable to everyone who completes form SER-001A will be less confusing than a checkbox that applies only to personal debt cases.
8.	Riverside Sherrif by Tracy Alvarez	NI	EJ-130 – WRIT OF EXECUTION – Proposed Additions 1) Judgment Renewal on 6 – does judgment expires in 5 years or 10 years? (CCP 683.120) 6. Judgment renewed on (dates): a. ☐ Expires in 5 years. b. ☐ Expires in 10 years. 2) Daily Interest Rate on 19a – supposed to accrue at 5% or 10%? (CCP 685.010) 19. Levying officer:	These suggestions for form EJ-130 would require further public comment because they seek substantive revisions to portions of the form that the current proposal does not address. The committee will consider these suggestions as time and resources permit.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		a. Add daily interest from date of writ (at the legal rate on 15 of ☐ 5% or ☐ 10%) (not on GC 6103.5 fees) \$	
		EJ-135 – Declaration of Address Verification – Proposed Changes 1) Title of form, at the top (under case title) and at the bottom should include “Wage Garnishment/” preceding “Enforcement of Judgment” the same way the WG-010/EJ-175 does, as this Declaration is to be used for both Wage Garnishment and Enforcement of Judgment levy requests. DECLARATION OF ADDRESS VERIFICATION (Wage Garnishment—Enforcement of Judgment)	The committee agrees and has added “Wage Garnishment” to the parenthetical under the form name on form WG-015/EJ-135.
		2) Form number should include a Wage Garnishment form series number preceding the EJ form number series to mirror dual use forms the same way the WG-010/EJ-175 does. Judicial Council of California WG-XXX/EJ-175 [Rev. January 1, 2026]	The committee agrees and has renumbered form EJ-135 to WG-015/EJ-135.
		3) Line 2 should remove “the judgment debtor with” since the levying officer does not serve debtors with Earnings Withholding Orders which is an option on the ensuing list of documents. 2. I am asking the levying officer to serve ~~the judgment debtor~~ with (check all that apply): a. ☐ Writ of Execution (form EJ-130). b. ☐ Notice of Levy (form EJ-150). c. ☐ Earnings Withholding Order (form WG-002). d. ☐ Other document (specify): Or remove Line 2 altogether and reword line 3. This Declaration does not need to list what they are asking the levying officer to serve.	The committee is recommending that item 2 state: “I am asking the levying officer to serve <i>Writ of Execution</i> (form EJ-130), <i>Notice of Levy</i> (form EJ-150), or other documents related to enforcement of a judgment for personal debt.” The committee agrees that requiring the judgment creditor to indicate the specific form being served could create confusion, but determined that listing EJ-130 and EJ-150 as examples in item 2 will help judgment creditors determine whether they are required to complete the form.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		3. ~~The papers described in item 2 are being used-I am asking the levying officer~~ to enforce a judgment for personal debt, meaning money due or owing because of a transaction for money, property, insurance, or services used primarily for the debtor's 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., § 683.110.)	
		SER-001A – Special Instructions for Writs & Levies – Proposed Changes	
		1) Add a section for the name and last known address(es) of the judgment debtor(s) subject to this levy. Currently, Item 3c(3) asking for all judgment debtors on this case is to meet the Electronic Writ Declaration requirements per CCP 687.010(e). While the judgment creditor has the option to levy against one, some or all of the judgment debtors on his writ, the levying officer needs to know which judgment debtors are subject to each levy request. The judgment creditor must also provide the levying officer with the last known address for each judgment debtor being levied against as the levying officer is required to notice the judgment debtor(s) at the address specified on the instructions. This form does not accommodate for either one of these.	This suggestion is beyond the scope of the proposal, but the committee will consider it as time and resources permit.
		2) Add a check the box item asking, “Do you want the levying officer to levy and sell the property?” and include Yes and No boxes.	This suggestion is beyond the scope of the proposal, but the committee will consider it as time and resources permit.
		3) Add an item asking for the name and telephone number of the agent the levying officer is to call to schedule the lockout date and time with.	This suggestion is beyond the scope of the proposal, but the committee will consider it as time and resources permit.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
9.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "Civil Practice and Procedure: Implementation of Assembly Bill 2837," the Court agrees with the proposal and has no other comments.	The committee appreciates the response.
10.	Superior Court of California, County of Orange by Janay Marks, Operations Analyst	NI	Responses to Request for Specific Comment <i>Should a checkbox be added to item 5 on form SER-001A?</i> A checkbox in item 5 on form SER-001A could potentially create confusion for users who might assume it applies universally, even when it does not. The form, as currently drafted, is straightforward and user-friendly, effectively conveying the necessary information without introducing additional complexity. Maintaining its current format may better support clarity and ease of use for all users. <i>Please provide suggestions, if you have any, for revising specific items in forms EJ-157-INFO, WG-002, WG-004, WG-022, or WG-030 to use plain language, or any suggestions to improve the forms' clarity and readability.</i> Form EJ-157-INFO: - o Timing for Filing section consider the following: - o Current: "A judgment debtor or judgment creditor who wants to apply for an order deciding how to apply the exemption to the judgment debtor's accounts should do so as soon	In light of all the comments received regarding item 5 on form SER-001A, the committee is recommending that item 5 on form SER-001 ask, "Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?" followed by checkboxes for "No" and "Yes, and I have completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form." The committee determined that a checkbox will help ensure judgment creditors comply with the address verification requirement, and that making the question applicable to everyone who completes form SER-001A will be less confusing than a checkbox that applies only to personal debt cases. The committee appreciates the suggestions for form EJ-157-INFO and is recommending that these and other sentences on the form be revised to use the second person ("you should," "you must") instead of the passive voice. The

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		as they receive a notice of a levy or memorandum of garnishment...” o <i>Suggested:</i> “If you want the court to decide how to apply the exemption, file your application as soon as you receive a notice of levy or garnishment. Delays may result in funds being sent to the levying officer.” o Forms to Complete section consider the following: o <i>Current:</i> “Copies of the Writ of Execution (form EJ-130) and any Notice of Levy (EJ-150) that have been issued to a financial institution must be attached to the application form.” o <i>Suggested:</i> “Attach copies of the Writ of Execution (form EJ-130) and Notice of Levy (form EJ-150) to your application before filing.” o Court Appearance section consider the following: o <i>Current:</i> “The applicant must be available at the time the court is considering the application, either in person at the courthouse or by telephone.” o <i>Suggested:</i> “You must be available when the court considers your application. You can appear in person or by phone. If appearing by phone, notify the court and other parties in advance.”	committee is also recommending other revisions to form EJ-157-INFO to improve clarity.
		Form WG-002: ▪ Initial Instructions section consider the following: ▪ <i>Current:</i>	The committee is not recommending revisions in response to this suggestion because the

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		“If the employee works for you now, you must give the employee a copy of this order and Employee Instructions (form WG-003) within 10 days after receiving this order.” ▪ <i>Suggested:</i> “If the employee is still working for you, give them a copy of this order and Employee Instructions (form WG-003) within 10 days of receiving it.” ▪ <i>Current:</i> “Complete both copies of Employer’s Return (form WG-005) and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.” ▪ <i>Suggested:</i> “Fill out both copies of the Employer’s Return (form WG-005) and mail them to the officer listed above within 15 days of receiving this order. This must be done even if the employee no longer works for you.” ▪ Earnings Withholding section consider the following: ▪ <i>Current:</i> “Count 30 calendar days from the date when the employee was served with this order. If your employee’s pay period ends before the 30th day, do not withhold earnings payable for that pay period.” ▪ <i>Suggested:</i> “Start counting 30 calendar days from the date your employee receives this order. Do not withhold wages for any pay period that ends before this 30-day period.” ▪ Instructions to Employer section consider the following: ▪ <i>Current:</i>	repetitiveness of this sentence (e.g., repeating “the employee” twice) is intended to reduce confusion. The committee appreciates the suggestion and is recommending that this sentence be revised to state: “Complete <i>Employer’s Return</i> (form WG-005) and mail it to the levying officer within 15 days after receiving this order. You must do so even if the employee no longer works for you.” The committee is recommending this revision on forms WG-002, WG-004, and WG-030. The committee appreciates the suggestion and is recommending that the second sentence in item 2 on page 2 of forms WG-002, WG-004, and WG-030 be revised to state: “Do not withhold earnings payable for any pay period that ends before the 30th day.”

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		“If the employee stops working for you, the Earnings Withholding Order ends after no amounts are withheld for a continuous 180-day period.” ▪ <i>Suggested:</i> “If the employee stops working for you, the order ends after 180 days of no withholding.”	The committee is not recommending revisions in response to this suggestion because it has determined that the existing language more closely tracks the statutory language.
		Form WG-004 ▪ Instructions to the Employer section consider the following: ▪ <i>Current:</i> “If the employee works for you now, you must give the employee a copy of this order and Employee Instructions (form WG-003) within 10 days after receiving this order.” ▪ <i>Suggested:</i> “If the employee is currently working for you, give them a copy of this order and Employee Instructions (form WG-003) within 10 days of receiving it.” ▪ <i>Current:</i> “Complete both copies of Employer’s Return (form WG-005) and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.” ▪ <i>Suggested:</i> “Fill out both copies of the Employer’s Return (form WG-005) and send them to the officer listed above within 15 days of receiving this order. This applies even if the employee no longer works for you.” ▪ Withholding Period section consider the following: ▪ <i>Current:</i> “Count 30 calendar days from the date when the employee was served with this order. If your employee’s	Please see the committee’s response to this suggestion in the “Form WG-002” section of this comment. Please see the committee’s response to this suggestion in the “Form WG-002” section of this comment. Please see the committee’s response to this suggestion in the “Form WG-002” section of this comment.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		pay period ends before the 30th day, do not withhold earnings payable for that pay period.” ▪ <i>Suggested:</i> “Start counting 30 calendar days from the date your employee receives this order. Do not withhold wages for any pay period ending before the 30th day.” ▪ What to Do With the Money section consider the following: ▪ <i>Current:</i> “The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday.” ▪ <i>Suggested:</i> “Send the withheld amounts to the levying officer by the 15th of the following month after each payday.” ▪ <i>Current:</i> “Be sure to mark each check with the case number, the levying officer’s file number, if different, and the employee’s name so the money will be applied to the correct account.” ▪ <i>Suggested:</i> “Include the case number, levying officer’s file number (if different), and the employee’s name on each payment to ensure the funds are applied correctly.” ▪ Computation Instructions section consider the following: ▪ <i>Current:</i> “State and federal law limits the amount of earnings that can be withheld. The limitations are based on the employee’s disposable earnings, which are different from gross pay or take-home pay.” ▪ <i>Suggested:</i>	The committee is not recommending revisions in response to this suggestion because it has determined that the existing language is sufficiently clear. The committee is recommending that this sentence on forms WG-002, WG-004, and WG-30 be revised to state: “Include the case number, levying officer’s file number (if different from the case number), and the employee’s name on each payment to ensure the money is applied to the correct account.” The committee is recommending that this portion of form WG-004 be revised to state: “State and federal law limit how much of an employee’s earnings can be withheld. These limits are based on the employee’s disposable earnings, not their gross pay or take-home pay.”

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		“State and federal laws limit how much of an employee’s earnings can be withheld. These limits are based on disposable earnings (earnings left after required deductions like taxes).” ▪ <i>Current:</i> “After the employee’s disposable earnings are known, WITHHOLD FIFTY (50) PERCENT of the disposable earnings for the Withholding Order for Support.” ▪ <i>Suggested:</i> “Once you calculate the employee’s disposable earnings, withhold 50% of that amount for this order.”	The committee is recommending similar revisions to forms WG-002 and WG-030. The committee is not recommending revisions in response to this suggestion because it has determined that the existing language is sufficiently clear.
		Form WG-030 ▪ Initial Instructions section consider the following: ▪ <i>Current:</i> “If the employee works for you now, you must give the employee a copy of this order and Employee Instructions (form WG-003) within 10 days after receiving this order.” ▪ <i>Suggested:</i> “If the employee still works for you, give them a copy of this order and the Employee Instructions (form WG-003) within 10 days of receiving it.” ▪ <i>Current:</i> “Complete both copies of Employer’s Return (form WG-005) and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.” ▪ <i>Suggested:</i> “Fill out both copies of the Employer’s Return (form WG-005) and send them to the officer listed above	Please see the committee’s response to this suggestion in the “Form WG-002” section of this comment. Please see the committee’s response to this suggestion in the “Form WG-002” section of this comment.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			within 15 days of receiving this order. This applies even if the employee no longer works for you.” ▪ Withholding Period section consider the following: ▪ <i>Current:</i> “Count 30 calendar days from the date when the employee was served with this order. If your employee’s pay period ends before the 30th day, do not withhold earnings payable for that pay period.” ▪ <i>Suggested:</i> “Start counting 30 calendar days from the date your employee receives this order. Do not withhold wages for any pay period ending before this 30-day period.” ▪ Employer’s Instructions section consider the following: ▪ <i>Current:</i> “If the employee stops working for you, the Earnings Withholding Order ends after no amounts are withheld for a continuous 180-day period.” ▪ <i>Suggested:</i> “If the employee leaves your company, the order ends after 180 days with no withholding.” ▪ What to Do With the Money section consider the following: ▪ <i>Current:</i> “The amounts withheld during the withholding period must be paid to the levying officer by the 15th of the next month after each payday.” ▪ <i>Suggested:</i> “Send the withheld amounts to the officer handling the case by the 15th of the month following each payday.”	Please see the committee’s response to this suggestion in the “Form WG-002” section of this comment. The committee is not recommending revisions in response to this suggestion because it has determined that the existing language is sufficiently clear. The committee is not recommending revisions in response to this suggestion because it has determined that the existing language is sufficiently clear.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			▪ <i>Current:</i> “Be sure to mark each check with the case number, the levying officer’s file number, if different, and the employee’s name so the money will be applied to the correct account.” ▪ <i>Suggested:</i> “Write the case number, file number (if different), and the employee’s name on each check to ensure proper processing.”	Please see the committee’s response to this suggestion in the “Form WG-004” section of this comment.
11.	Superior Court of California, County of San Bernardino Staff Civil Committee	NI	Q: Does the proposal appropriately address the stated purpose? A: Yes, the proposal appropriately addresses the stated purpose. Q: Should a checkbox be added to item 5 on form SER-001A? A: Since item 5 would not be applicable to many and to avoid confusion, I do not think a checkbox should be added. The information about personal debt in item 5 explains what needs to be done. It is up to the creditor to review and complete all appropriate documents needed.	The committee appreciates the response. In light of all the comments received regarding item 5 on form SER-001A, the committee is recommending that item 5 on form SER-001 ask, “Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?” followed by checkboxes for “No” and “Yes, and I have completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form.” The committee determined that a checkbox will help ensure judgment creditors comply with the address verification requirement, and that making the question applicable to everyone who completes form SER-001A will be less confusing than a checkbox that applies only to personal debt cases.
			Q: Please provide suggestions, if you have any, for revising specific items in forms EJ-157-INFO, WG-002, WG-004, WG-022, or WG-030 to use plain language, or any suggestions to improve the forms’ clarity and readability.	The committee appreciates the response.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			A: No suggestions. Forms seem clear. Q: Would the proposal provide cost savings? If so, please quantify A: No cost savings. 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: Some change/training will be required. Clerk's Office, Judicial Assistants, and Judges would need to be informed of the change. Judicial Officers may need some type of training on the new forms and law. Revising needed for clerk's office and judicial assistant procedures manuals. Possibly need to update verbiage in system for judicial assistant to complete minute orders. Training would be needed for both clerk's office and judicial assistants as there are new forms and processes that will be used. (3 months) Time would be needed for the clerk's office to update any forms in office with the revised forms and time would be needed for court tech to make sure correct forms are online. (2 days) Some changes in the case management system may be needed.	The committee appreciates the information. The committee appreciates the response. The committee is unable to change the proposed

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: No. I would think this may take a few months to get procedures updated and any training completed. Q: How well would this proposal work in courts of different sizes? A: This will work well in any size court.	effective date of this proposal because the proposal implements changes in law that have already taken effect.
12.	Superior Court of California, County of San Bernardino Staff Small Claims Landlord Tenant Committee	NI	Q: Does the proposal appropriately address the stated purpose? A: yes Q: Should a checkbox be added to item 5 on form SER-001A? A: Yes, there should be a check mark but the verbiage should indicate to only mark if the judgment is for personal debt	The committee appreciates the response. In light of all the comments received regarding item 5 on form SER-001A, the committee is recommending that item 5 on form SER-001 ask, “Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?” followed by checkboxes for “No” and “Yes, and I have completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form.”
			Q: Please provide suggestions, if you have any, for revising specific items in forms EJ-157-INFO, WG-002, WG-004, WG-022, or WG-030 to use plain language, or any suggestions to improve the forms’ clarity and readability. A: After reviewing the forms, I feel they are clear and easy to read	The committee appreciates the response.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			Q: Would the proposal provide cost savings? If so, please quantify A: Unsure if cost savings apply to the clerk's office 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: Clerk's office: Updated training, manual updates, testing events in CMS Updating Judicial Officers on new forms. Project Management Team: newly added events to the case management system Training would need to be implemented, specifically for legal processing assistants. Ideally the training should be about an hour to inform the clerks about the new changes and processes. The procedural manual would also need to be updated to reflect the changes. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: yes	The committee appreciates the information.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			Q: How well would this proposal work in courts of different sizes? A: I don't believe updates will be too impactful	
13.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Should a checkbox be added to item 5 on form SER-001A? A: No.	The committee appreciates the response. In light of all the comments received regarding item 5 on form SER-001A, the committee is recommending that item 5 on form SER-001 ask, "Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?" followed by checkboxes for "No" and "Yes, and I have completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form." The committee determined that a checkbox will help ensure judgment creditors comply with the address verification requirement, and that making the question applicable to everyone who completes form SER-001A will be less confusing than a checkbox that applies only to personal debt cases.
			Q: Please provide suggestions, if you have any, for revising specific items in forms EJ-157-INFO, WG-002, WG-004, WG-022, or WG-030 to use plain language, or any suggestions to improve the forms' clarity and readability. A: EJ-157-INFO: Appearance at court: Subdivision (c) through (i) of California Rules of Court, rule 3.670 are suspended through 1/1/26. If the suspension is extended, this section will need to be revised to refer to rule 3.672.	The committee agrees and is recommending that the "Appearance at court" section of item 4 on form EJ-157-INFO be revised to discuss rule 3.672 and remote appearances.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter		Position	Comment	Committee Response
			Q: Would the proposal provide cost savings? If so, please quantify. A: No. 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: Updating internal procedures, adding filings to case management system, training staff, and notifying judicial officers. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation ? A: Yes, provided the final versions of the forms are provided at that time. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes. No additional Comments.	The committee appreciates the information.
14.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee	A	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: Impact on existing automated systems.	The committee appreciates the information.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
(CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)		- Results in additional training, which requires the commitment of staff time and court resources. - The court is happy to have EJ-135 as parties have been filing this as pleadings in many different formats. However, the changes will cause some additional hours of staff training and adjustment of process and case management system configuration. To Monterey, a midsize court, the additional training/configuration will not take a significant amount of time.	
		Requests for Specific Comments Should a checkbox be added to item 5 on form SER-001A? [image of item 5 on form SER-001A omitted] Possible way to add check box: 5. Enforcement of a Judgment for Personal Debt If you are the judgment creditor and you are asking the sheriff to serve a writ, levy, or other document related to enforcement of a judgment for personal debt (as defined in Code of Civil Procedure section 683.110(d)), you must verify the judgment debtor's address before the sheriff can serve your papers. Is this an action related to enforcement of a judgment for personal debt? ☐ No ☐ Yes I have completed the Declaration of Address Verification (form EJ 135) and attached it to this form.	
		- Would the proposal provide cost savings? If so, please quantify. - No cost savings anticipated. - What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and	The committee agrees and is recommending that item 5 on form SER-001 ask, “Are the documents you are asking the sheriff to serve related to enforcement of a judgment for personal debt?” followed by checkboxes for “No” and “Yes, and I have completed <i>Declaration of Address Verification</i> (form WG-015/EJ-135) and attached it to this form.” The committee appreciates the information.

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

SPR25-06

Civil Practice and Procedure: Implementation of Assembly Bill 2837 (Adopt forms EJ-135, WG-015/EJ-137, WG-016/EJ-138; revise forms EJ-130, EJ-157-INFO, EJ-160, MC-012, MC-013-INFO, SER-001A, WG-002, WG-003, WG-004, WG-006, WG-010/EJ-175, WG-022, and WG-030)

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

Commenter	Position	Comment	Committee Response
		procedures (please describe), changing docket codes in case management systems, or modifying case management systems? - o Minimal training and minor changes to the CMS and eFile portal. ▪ Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? - o Yes	
		<u>Additional comments on forms.</u> On the proposed revised EJ-130, item 22c. I understand the JCC notes that they don't want to add a box about address verification. Consider adding language such as "<i>Address verification required.</i>" Not a box to check, just a short sentence to flag for the judgment creditor that there's an address verification requirement. As indicated here: [image of item 22c on form EJ-130 omitted]	The committee agrees and is recommending that item 22c on form EJ-130 include a parenthetical explaining that if the "personal debt" box is checked, the judgment creditor must verify the judgment debtor's address before asking the sheriff to serve form EJ-130 on the judgment debtor.
		Item 3 on MC-012 is hard to understand unless you really absorb the MC-013-INFO. My understanding is that for judgments renewed after 1/1/2023, the interest rate is 5% on the unpaid principal after the date of renewal. Otherwise the rate is 10%. If this is correct then perhaps change the language. Potential language change on #3 "This amount was calculated by applying the interest accruing at the legal rate of _____% on the unpaid principal amount of \$ _____ and (if different interest rates apply to different unpaid principal amounts) interest accruing at the legal rate of _____% on the unpaid principal amount of \$ _____."	The committee agrees and is recommending that item 3 on form MC-012 include the instruction "if different interest rates apply to different unpaid principal amounts" to clarify when to fill in the boxes for a second unpaid principal amount and interest rate. The committee is also recommending revisions to the last sentence in item 3 to increase clarity.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Unlawful Detainer Form Revisions to Reflect Repeal of COVID-19 Legislation

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

Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, and UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500A, SC-500-INFO, UD-101, UD-104, UD-104(A), and UD-125

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): 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): 10/22/2024

Project description from annual agenda: Develop form recommendations as appropriate. Code of Civil Procedure sections 116.223 and 1179.01 through 1179.15 are repealed as of September 30, 2024, or October 1, 2025, by their own terms. Those sections permit recovery of COVID-19 rental debt in small claims courts, require a cover sheet for unlawful detainer filings, and provide other procedures for unlawful detainer filings during a specified period. The council adopted several forms, including forms SC-500 and UD-101 to implement those sections when they were enacted. Because the forms' statutory authorization sunsets, they should be revoked and any forms referring to the forms, including plaintiff's claim form for small claims and the unlawful detainer answer form, need to be revised. The committee will also consider revising the unlawful detainer complaint and answer forms to use plain language. and whether other revisions should be made in response to AB 2347, which extends the time in which a defendant must file a response from 5 to 10 days after the complaint is served.

Out of Cycle/Early Implementation: *If requesting July 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) 7/14/2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) 8/11/2025

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.](#)

(11/1/24)

☐ 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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-148

For business meeting on October 24, 2025

Title

Unlawful Detainer: Form Revisions to
Reflect Repeal of COVID-19 Legislation

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Revise forms SC-100, SC-103, SC-104B,
SUM-130, UD-100, and UD-105; revoke
forms PLD-C-500, PLD-C-505, PLD-C-520,
SC-500, SC-500A, SC-500-INFO, UD-101,
UD-104, UD-104(A), and UD-125

Date of Report

August 28, 2025

Contact

Jenny Grantz, 415-865-4394

jenny.grantz@jud.ca.gov

Recommended by

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

Executive Summary

Several statutes enacted to address the COVID-19 pandemic have been repealed. The Civil and Small Claims Advisory Committee recommends revising four forms and revoking 10 forms to implement these changes in law, revising one unlawful detainer form to refer to the federal CARES Act, and revising one summons form to make nonsubstantive corrections.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2026:

1. Revise the following forms to remove references to repealed COVID-19 legislation or other forms implementing that legislation:
 - *Plaintiff's Claim and Order to Go to Small Claims Court* (form SC-100);
 - *Fictitious Business Name* (form SC-103);
 - *What Is "Proof of Service"?* (form SC-104B); and

- *Answer—Unlawful Detainer* (form UD-105).
2. Revise *Summons—Eviction* (form SUM-130) to make nonsubstantive corrections;
 3. Revise *Complaint—Unlawful Detainer* (form UD-100) to add a subitem regarding the federal CARES Act and to add an item implementing Health and Safety Code section 50897.3(e)(2); and
 4. Revoke the following forms because their implementing statutes have been repealed:
 - *Complaint—Recovery of COVID-19 Rental Debt* (form PLD-C-500);
 - *Answer—Recovery of COVID-19 Rental Debt* (form PLD-C-505);
 - *Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt* (form PLD-C-520);
 - *Plaintiff's Claim and Order to Go to Small Claims Court (COVID-19 Rental Debt)* (form SC-500);
 - *Other Plaintiffs or Defendants (COVID-19 Rental Debt)* (form SC-500A);
 - *COVID-19 Rental Debt in Small Claims Court* (SC-500-INFO);
 - *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101);
 - *Cover Sheet for Declaration of COVID-19–Related Financial Distress* (form UD-104);
 - *Attachment—Declaration of COVID-19–Related Financial Distress* (form UD-104(A)); and
 - *Application to Prevent Forfeiture Due to COVID-19 Rental Debt* (form UD-125).

The proposed revised and revoked forms are attached at pages 10–54.

Relevant Previous Council Action

The council adopted form SC-100 in 1997 and last revised it effective January 1, 2024, to reflect the statutory increase in the jurisdictional limit for limited civil cases.

The council approved form SC-103 effective January 1, 1992, and approved form SC-104B effective January 1, 2006. Both forms were last revised effective November 1, 2021, to implement COVID-19 legislation.

The council adopted form SUM-130 prior to 1977 and last revised it effective January 1, 2025, to reflect the change made by Assembly Bill 2347 (Stats. 2024, ch. 512) to the deadline to respond to the summons in unlawful detainer proceedings and other summary proceedings for obtaining possession of real property.

The council adopted form UD-105 effective January 1, 1982, and last revised it effective January 1, 2024, to remove inapplicable COVID-19 defenses.

The council adopted form UD-101 effective October 5, 2020; approved forms UD-104, and UD-104A effective October 5, 2020; adopted form UD-125 effective October 1, 2021; approved form SC-500-INFO effective October 15, 2021; and adopted forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, and SC-500A effective November 1, 2021. These forms were all created to implement COVID-19 legislation. Forms SC-500A, SC-500-INFO, UD-104, UD-104A, and UD-125 have not been revised since they were adopted. Forms PLD-C-500, PLD-C-505, PLD-C-520, and SC-500 were last revised effective January 1, 2024, to reflect the statutory increase in the jurisdictional limit for limited civil cases. Form UD-101 was last revised effective January 1, 2024, to remove inapplicable COVID-19 defenses.

Analysis/Rationale

The committee recommends revising four forms and revoking 10 forms to reflect the repeal of certain COVID-19 legislation,¹ revising *Complaint—Unlawful Detainer* (form UD-100) to add an item from one of the revoked forms and add a subitem referring to the federal CARES Act, and revising *Summons—Eviction* (form SUM-130) to make nonsubstantive corrections.

Form revisions and revocations to reflect the repeal of COVID-19 legislation

In 2020 and 2021, the Judicial Council adopted and revised numerous forms to implement Code of Civil Procedure section 116.223 and sections 1179.01 through 1179.15, which permitted recovery of COVID-19 rental debt in small claims court, required a cover sheet for unlawful detainer filings, and created other procedures for unlawful detainer filings during a specified period. Those statutes were repealed as of September 30, 2024, or October 1, 2025, by their own terms.

The committee recommends revising four forms to remove references to the repealed COVID-19 legislation or to other forms implementing that legislation:²

- *Plaintiff's Claim and Order to Go to Small Claims Court* (form SC-100). The committee recommends deleting:
 - The instruction box on page 1 regarding COVID-19 rental debt;
 - The reference in item 3 to form SC-500 because the committee recommends revoking form SC-500; and
 - The references at the bottom of pages 5 and 6 to “action[s] to recover COVID-19 rental debt.”

¹ An additional form, *Verification By Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120), also included items related to the repealed COVID-19 legislation. That form was revised in 2022 to remove those items. Judicial Council of Cal., Advisory Com. Rep., *Unlawful Detainer: Form Revisions Under Code of Civil Procedure, Sections 1179.10 and 1179.11* (June 30, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11032982&GUID=65DEE8DB-3D3B-4CBD-8A47-08607BF95789>.

² The committee also recommends correcting URLs on forms SC-100, SC-103, SC-104B, and UD-105.

- *Fictitious Business Name* (form SC-103). The committee recommends deleting the “Form SC-500” checkbox on page 1 because the committee recommends revoking form SC-500.
- *What Is “Proof of Service”?* (form SC-104B). The committee recommends deleting references to form SC-500 because the committee recommends revoking that form. These references are in the sections “What is ‘service’?,” “When do the court forms have to be served?,” and “What if I can’t get the court papers served before the trial?”
- *Answer—Unlawful Detainer* (form UD-105). The committee recommends deleting:³
 - The references to form UD-101 in items 2a and 2b because the committee recommends revoking that form;
 - All of item 2b(2) because it concerns form UD-101, which the committee recommends revoking; and
 - The reference in item 3n to Code of Civil Procedure section 1179.01.

The committee recommends revoking 10 forms that were created to implement the repealed COVID-19 legislation:

- *Complaint—Recovery of COVID-19 Rental Debt* (form PLD-C-500);
- *Answer—Recovery of COVID-19 Rental Debt* (form PLD-C-505);
- *Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt* (form PLD-C-520);
- *Plaintiff’s Claim and Order to Go to Small Claims Court (COVID-19 Rental Debt)* (form SC-500);
- *Other Plaintiffs or Defendants (COVID-19 Rental Debt)* (form SC-500A);
- *COVID-19 Rental Debt in Small Claims Court* (SC-500-INFO);
- *Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101);
- *Cover Sheet for Declaration of COVID-19–Related Financial Distress* (form UD-104);
- *Attachment—Declaration of COVID-19–Related Financial Distress* (form UD-104(A)); and
- *Application to Prevent Forfeiture Due to COVID-19 Rental Debt* (form UD-125).

³ Item 3m on form UD-105 concerns COVID-19 rental assistance under the federal Emergency Rental Assistance Program (<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>). That program is still ongoing, and item 3m does not need to be revised.

Revisions to Complaint—Unlawful Detainer (form UD-100)

Item 3 on form UD-101

The committee recommends revoking *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) because it implements Code of Civil Procedure section 1179.01.5(c), which was repealed on October 1, 2025. However, item 3 on form UD-101 implements Health and Safety Code section 50897.3(e)(2), which has not been repealed. Section 50897.3(e)(2) states that “in any unlawful detainer action seeking possession of residential rental property based on nonpayment of rent or any other financial obligation under the lease, the court shall not enter a judgment in favor of the landlord” unless the landlord makes certain verifications regarding rental assistance or other financial compensation. *Verification by Landlord Regarding Rental Assistance—Unlawful Detainer* (form UD-120) requires the landlord to make the section 50897.3(e)(2) verifications, but that form is filed only when the landlord seeks a default judgment.

The committee therefore recommends adding item 11 to form UD-100 to contain the Health and Safety Code section 50897.3(e)(2) verifications from item 3 on form UD-101. Adding this item will ensure that, as required by the statute, the court receives the verifications before it enters judgment in favor of the landlord, and will also give tenants the opportunity to respond to the verifications in their answer.⁴

Federal CARES Act

The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act provides that for “covered properties,” a 30-day notice to vacate must be provided to the tenant before a landlord can file an eviction lawsuit based on nonpayment of rent.⁵ The act defines a “covered property” as any property that (1) participates in a covered housing program, as defined in 34 U.S.C. § 12491(a); (2) participates in the rural housing voucher program under 42 U.S.C. § 1490r; or (3) has a federally backed mortgage loan or federally backed multifamily mortgage loan. The CARES Act was enacted to address the COVID-19 pandemic, but the 30-day notice provision of the act did not contain a sunset date.

The committee recommends revising form UD-100 to add a checkbox to item 9a, which asks the plaintiff to identify the notices to pay rent or quit that have been served on the defendant. The new checkbox is for a “30-day notice to vacate under the federal CARES Act (15 U.S.C. § 9058(c)).” This checkbox uses the statutory language from the CARES Act, which refers to a “notice to vacate” and not a “notice to quit.”

⁴ Item 3m on *Answer—Unlawful Detainer* (form UD-105) contains responses to the section 50897.3(e)(2) verifications.

⁵ 15 U.S.C. § 9058(c).

The committee makes this recommendation in response to several public comments on a recent proposal to revise unlawful detainer forms.⁶ Those commenters noted that although item 3o on *Answer—Unlawful Detainer* (form UD-105) asks whether the property is covered by the federal CARES Act, tenants are unlikely to know this information because CARES Act coverage depends on whether the property owner participates in certain programs or has a federally backed mortgage.

In response to these comments, as well as several comments on the current proposal, the committee considered adding a new item on form UD-100 to ask whether the property is covered by the CARES Act. However, the committee concluded that without more explicit statutory authorization, it would not be appropriate to add an item asking whether the property is covered by the CARES Act. The other items on form UD-100 are either expressly required to be included on an unlawful detainer complaint, such as the items required by Code of Civil Procedure section 1166, or are necessary to implement California law.

The committee determined that revising item 9a to add a checkbox for “30-day notice to vacate under the federal CARES Act (15 U.S.C. § 9058(c))” is more appropriate and is authorized by statute. Code of Civil Procedure section 1166(a)(5) requires an unlawful detainer complaint to “[s]tate specifically the method used to serve the defendant with the notice or notices of termination upon which the complaint is based.” A CARES Act notice could be a notice upon which the complaint is based.

The committee recognizes that a checkbox regarding notice under the CARES Act will not always help defendants complete item 3o on form UD-105, but it could help in some cases by confirming whether the plaintiff believes the property is covered and provided the required notice.

Revisions to *Summons—Eviction* (form SUM-130)

The invitation to comment on this proposal sought comments on revisions to form SUM-130 to implement AB Bill 2347, which changed the deadline to respond to a summons in unlawful detainer proceedings and other summary proceedings for obtaining possession of real property.⁷ Those revisions were approved effective January 1, 2025, prior to public comment because the council determined that prompt revision was warranted to ensure the form did not incorrectly state the law. The committee did not receive any public comments regarding the revisions to form SUM-130. However, the committee noticed that several URLs on form SUM-130 were formatted incorrectly and therefore recommends revising the form to correct them.

⁶ Judicial Council of Cal., Advisory Com. Rep., *Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726* (July 14, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12246586&GUID=F320E952-292B-412D-9A58-4B4BDF9AEC0A>.

⁷ Judicial Council of Cal., Staff Rep., *Unlawful Detainer: Deadline to Respond to Summons* (Dec. 19, 2024), <https://jcc.legistar.com/View.ashx?M=A&ID=1264335&GUID=E6AA9A2C-F163-4D75-88F3-E33A4E2A3E45>.

Policy implications

The recommended form revisions and revocations will ensure that Judicial Council forms correctly reflect the law. The recommendations are therefore 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 proposed form revisions and revocations circulated for public comment from April 14 to May 23, 2025, as part of the regular spring invitation-to-comment cycle. The proposal received nine comments: three from superior courts, one from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, three from legal aid organizations, one from a county bar association, and one from an attorney. Four commenters approved the proposal, one approved if modified, and four did not indicate a position. The substantive comments and the committees' responses are summarized below, and a chart with the full text of the comments received and the committee's responses is attached beginning at page 55.

Forms used in actions to recover COVID-19 rental debt

The committee recommends revoking *Complaint—Recovery of COVID-19 Rental Debt* (form PLD-C-500), *Answer—Recovery of COVID-19 Rental Debt* (form PLD-C-505), and *Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt* (form PLD-C-520). These forms are used for actions to recover COVID-19 rental debt, meaning unpaid rent or other unpaid financial obligations of a tenant that came due between March 1, 2020, and September 30, 2021.

Bay Area Legal Aid commented that these forms should not be revoked for three reasons: (1) the statute of limitations has not run for all COVID-19 rental debt, (2) item 6 on form PLD-C-500 implements Code of Civil Procedure section 871.10, which will not be repealed until October 1, 2027, and (3) forms PLD-C-500 and PLD-C-505 are affected by Code of Civil Procedure section 1161.2.5, which is not being repealed.

The committee determined that it is appropriate to revoke these forms effective January 1, 2026. A plaintiff could not bring an action for recovery of COVID-19 rental debt after September 30, 2025. The statute of limitations for actions to recover debt is four years.⁸ September 30, 2021, was the last day that COVID-19 rental debt could be incurred, and September 30, 2025, is four years after that.⁹ However, revoking the forms will not prevent parties from filing or defending

⁸ Code Civ. Proc., § 337.

⁹ Under California Rules of Court, emergency rule 9, all statutes of limitations that are more than 180 days were tolled from April 6 to October 1, 2020. The statute of limitations will have run by September 30, 2025, for actions subject to the six-month tolling of Emergency rule 9 because four years and six months after October 1, 2020, is April 1, 2025.

against actions for recovery of COVID-19 rental debt to the extent any can be filed after January 1, 2026.

Additionally, it is unnecessary to keep item 6 on form PLD-C-500 available until October 1, 2027, when Code of Civil Procedure section 871.10 is repealed. Section 871.10 creates pleading requirements for actions seeking recovery of COVID-19 rental debt. If September 30, 2025, is the latest that a plaintiff could bring an action for recovery of COVID-19 rental debt, then the allegations in item 6 will not be relevant in any action brought after that date. Similarly, although Code of Civil Procedure section 1161.2.5 is not being repealed, it does not affect whether these forms can be revoked. Section 1161.2.5 sets limitations on who may access records in civil cases seeking recovery of COVID-19 rental debt, and this limitation is stated at the top of forms PLD-C-500 and PLD-C-505. Section 1161.2.5 does not affect any substantive items on the forms.

Complaint—Unlawful Detainer (form UD-100)

In the invitation to comment, the committee proposed using the term “notice to quit” in the federal CARES Act checkbox in item 9a on form UD-100. However, several commenters pointed out that the statute uses the term “notice to vacate” rather than “notice to quit.” Legal Aid of Sonoma County also commented that referring to the notice as a “notice to quit” could impact a court’s interpretation of the statute because courts across the country disagree on how to interpret the CARES Act, including whether it preempts the tenant’s rights under California state law to cure the default.

The committee therefore recommends that item 9a(5) on form UD-100 use the term “notice to vacate” rather than “notice to quit.”

Answer—Unlawful Detainer (form UD-105)

In the invitation to comment, the committee proposed removing item 3p from form UD-105. Item 3p implements Code of Civil Procedure section 1179.04.5, which concerns improper application of rental payments to COVID-19 rental debt, and which was repealed on October 1, 2025.

Bay Area Legal Aid commented that item 3p will be applicable until at least August 2026 because a landlord could improperly apply a tenant’s September 2025 rent payment to the tenant’s COVID-19 rental debt, then issue a notice to quit in August 2026 based on “nonpayment” of rent in September 2025. The tenant would have defenses under section 1179.04.5 because the law would have been in effect at the time the landlord improperly applied the September 2025 rent payment.

The committee therefore recommends keeping item 3p on form UD-105 and revising it to read, “Before October 1, 2025, plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021.” This revision will allow tenants to continue to raise a defense under section 1179.04.5 if applicable but will also clarify that the defense does not apply after October 1, 2025.

Alternatives considered

The committee did not consider the alternative of taking no action because form revisions and revocations are necessary to reflect the repeal of Code of Civil Procedure section 116.223 and sections 1179.01 through 1179.15. To the extent the proposed revisions were not required by the statutory terms, the committee considered taking no action but ultimately determined the revisions were warranted in light of the benefits the revisions would provide to the courts and court users. As discussed above, the committee considered alternatives proposed by the commenters and concluded that its recommendations best satisfy the statutory mandate and complies with law.

Fiscal and Operational Impacts

The statutory changes will require education of court staff and judicial officers. The revised forms are intended to facilitate courts' and parties' implementation of the changes in statute and will require education and possibly some changes to computerized case management systems. Because the revisions are required to ensure the forms reflect current law, these operational impacts cannot be avoided.

Attachments

1. Forms PLD-C-500, PLD-C-505, PLD-C-520, SC-100, SC-103, SC-104B, SC-500, SC-500A, SC-500-INFO, SUM-130, UD-100, UD-101, UD-104, UD-104(A), UD-105, UD-125, at pages 10–54
2. Chart of comments, at pages 55–74
3. Link A: Assembly Bill 2347,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2347

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
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
COMPLAINT—RECOVERY OF COVID-19 RENTAL DEBT ☐ COMPLAINT ☐ AMENDED COMPLAINT (Number):	
Jurisdiction (check all that apply): ☐ ACTION IS A LIMITED CIVIL CASE (does not exceed \$35,000) Amount demanded ☐ does not exceed \$10,000 ☐ exceeds \$10,000 ☐ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$35,000)	CASE NUMBER:

**ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT
AS DEFINED UNDER CODE OF CIVIL PROCEDURE SECTION 1179.02**
 Access to the records in this case is limited under Code of Civil Procedure section 1161.2.5.

If plaintiff cannot afford to pay filing fees, plaintiff may ask the court to waive the fees by completing form FW-001, Request to Waive Court Fees, and filing it with the court.

This form may not be used for actions to recover commercial rental debt.

Notice to defendant: Defendant must use form PLD-C-505, Answer—Recovery of COVID-19 Rental Debt, to answer this complaint.

1. Plaintiff (name or names):

brings this complaint for recovery of COVID-19 rental debt against **defendant (name or names):**

INTRODUCTORY ALLEGATIONS

2. a. Each plaintiff named above is a competent adult

☐ **except plaintiff (name):**

- (1) ☐ a corporation qualified to do business in California
 (2) ☐ an unincorporated entity (describe):
 (3) ☐ other (specify):

b. ☐ Plaintiff (name):

has complied with the fictitious business name laws and is doing business under the fictitious name (specify):

c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 2.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. This court is the proper court because
- ☐ a defendant lives here now.
 - ☐ a defendant entered into the rental agreement or lease here.
 - ☐ the property that is the subject matter of the rental agreement or lease is here.
 - ☐ Other (*specify*):
4. ☐ Plaintiff has been assigned the rights to the COVID-19 rental debt that is set out in item 6 of this complaint, by (*name of assignor*): _____ on (*date of assignment*): _____

ALLEGATIONS ABOUT COVID-19 RENTAL DEBT

5. a. Defendant (*name each*): _____
 agreed to pay rent for the premises at (*address*): _____
 during part or all of the period between March 1, 2020, and September 30, 2021.
- b. The rent was in the amount of: \$ _____ payable ☐ monthly ☐ Other (*specify*): _____
- c. ☐ Defendant (*name each*): _____
 agreed to pay other amounts as part of the rental agreement or lease, for (*describe service paid for*): _____
 in the amount of: \$ _____ payable ☐ monthly ☐ Other (*specify*): _____
- d. ☐ Copies of all relevant rental agreements or leases for the tenancy described in item 5a are attached, numbered as Attachment 5.
6. The plaintiff claims defendant or defendants owe: \$ _____ for unpaid rent or other financial obligations of the tenancy that came due between March 1, 2020, and September 30, 2021. (*Complete items a and b.*)
- a. Rent due. (*List all rent plaintiff claims defendant or defendants owe that came due during the period from March 1, 2020, to September 30, 2021. For each month you claim rent is due, include each amount due and the date it came due. If there is not enough space below, check the box below, use form MC-025, and title it Attachment 6(a).*)
- ☐ Other allegations are on form MC-025.
- b. Other amounts of COVID-19 rental debt due. (*List all unpaid financial obligations under the lease or rental agreement (other than rent) that plaintiff claims defendant owes and that came due during the period from March 1, 2020, to September 30, 2021. For each month you claim other financial obligations are due, include each amount, the date it came due, and what it was for (for example, parking fees or utilities included as part of the rental agreement). If there is not enough space below, check the box below, use form MC-025, and title it Attachment 6(b).*)
- ☐ Other allegations are on form MC-025.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

ALLEGATIONS ABOUT RENTAL ASSISTANCE

7. a. Plaintiff made a good-faith effort to help defendant obtain rental assistance before filing this case, as required under Code of Civil Procedure section 871.10(a), by *(check all that apply)*
- (1) ☐ investigating whether governmental rental assistance is available to the defendant.
 - (2) ☐ seeking governmental rental assistance for the defendant.
 - (3) ☐ cooperating with the defendant's efforts to obtain rental assistance from any governmental entity or other third party.
- b. ☐ Documentation of the efforts described in item 7a is attached as required by statute and marked as Attachment 7.
- c. ☐ Plaintiff does not have documentation of the efforts described in item 7a, but made the following efforts *(describe)*:

8. Plaintiff states that the following are true:

(Note: The statements in items 8a and b must be verified under penalty of perjury before a judgment for plaintiff can be entered by the court. [See Health & Saf. Code, § 50897.3(e).] If plaintiff later requests a default judgment, plaintiff must file Verification by Plaintiff Regarding Rental Assistance—Recovery of COVID-19 Rental Debt (form PLD-C-520) with that request.)

- a. ☐ The landlord has not received rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 6.
- b. ☐ The landlord does not have any application pending for rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 6.
- c. ☐ *(Complete if plaintiff is not the landlord.)*

The landlord is (name):

and plaintiff can make the statements above on the following basis *(describe the basis for plaintiff making the statements in items 8a and b):*

PLAINTIFF: DEFENDANT:	CASE NUMBER:

OTHER ALLEGATIONS

9. ☐ Plaintiff makes the following additional allegations: *(State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c), etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 9, and letter each allegation in order.)* ☐ Other allegations are on form MC-025.

10. ☐ The following items in this complaint are alleged on information and belief *(list item numbers)*:

11. This pleading, including attachments and exhibits, consists of the following number of pages: _____.

DEMAND FOR JUDGMENT

12. **Plaintiff** requests judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. ☐ damages of: \$
- b. ☐ interest on damages
 (1) ☐ according to proof.
 (2) ☐ at the date of *(specify)*: _____ per year from *(date)*:
- c. ☐ attorneys' fees, to the extent permitted under Code of Civil Procedure section 871.11,
 (1) ☐ of: \$
 (2) ☐ according to proof.
- d. ☐ Other *(specify)*:

Date:

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

VERIFICATION
(Optional, but see item 8)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to those matters listed in item 10 as alleged on information and belief, and as to those matters, I believe them to be true.

Date:

(TYPE OR PRINT NAME)
 _____
(SIGNATURE)

(TITLE--provide if signing on behalf of corporation or other business entity)

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
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
ANSWER—RECOVERY OF COVID-19 RENTAL DEBT ☐ TO COMPLAINT OF (name):	
CASE NUMBER:	

ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT
AS DEFINED UNDER CODE OF CIVIL PROCEDURE SECTION 1179.02
 Access to the records in this case is limited under Code of Civil Procedure section 1161.2.5.

This form must be used to answer Complaint—Recovery of COVID-19 Rental Debt (form PLD-C-500) within 30 calendar days after defendant is served with the complaint. Alternatively, defendant may file a demurrer, motion to strike, or motion to quash within that same time period if any of those responses are appropriate. A cross-complaint may be made on a separate pleading form (Judicial Council forms that have form numbers preceded by PLD) or individually prepared on pleading paper. Defendant may want to consult with an attorney.

If defendant cannot afford to pay filing fees to answer, defendant may ask the court to waive the fees by completing Request to Waive Court Fees (form FW-001), and filing it with the court.

1. Defendant (name or names):

answers the complaint as follows:

DENIALS (Complete item 2 or item 3, not both.)

2. General Denial (Read the instructions below before checking this item.)

☐ Defendant generally denies each statement in the complaint.

(This item can be checked only if either of the following applies:

- *The complaint is not verified. (The complaint is verified if the Verification at the bottom of page 4 of form PLD-C-500 is signed or if a Verification is attached to the form.); or*
- *The amount demanded in the complaint is \$35,000 or less (a limited civil case) AND the debt has not been assigned to someone other than the landlord. (If item 4 on form PLD-C-500 has been checked, this General Denial cannot be checked.)*

If this General Denial is checked, go on to item 4.

If this General Denial is not checked, defendant may make the Specific Denials in item 3.)

3. Specific Denials of Allegations in Complaint

Defendant may complete this item if Defendant did not check the general denial box, above. Defendant should complete each section in item 3 below if defendant either

- *disagrees that one or more statements in the corresponding section of the complaint is true or correct (list those statements by item number or letter in subpart (1) for each section); or*
- *does not have enough information or belief to state whether one or more of the statements in the corresponding section of the complaint are true or false (list those statements by item number or letter in subpart (2) for each section).*

If defendant agrees with all of the statements in a section of the complaint, do not check any boxes for that section in item 3 below. This will be an admission that all the statements in that section of the complaint are true.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. a. **Introductory Allegations** (items 2-4 on form PLD-C-500)

- (1) ☐ Defendant denies the following statements in the section of the complaint titled **Introductory Allegations** (write the item number of any items in that section of form PLD-C-500 that defendant disagrees with, or explain why defendant disagrees):
- (2) ☐ Defendant has no information or belief as to whether the following items in the section titled **Introductory Allegations** are true, so denies them (write the item number of any items in that section of form PLD-C-500 that defendant denies on this basis):

b. **Allegations About COVID-19 Rental Debt** (items 5 and 6 on form PLD-C-500)

- (1) ☐ Defendant denies the following statements in the section of the complaint titled **Allegations About COVID-19 Rental Debt** (write the item number of any items in that section of form PLD-C-500 that defendant disagrees with, or explain why defendant disagrees):
- (2) ☐ Defendant has no information or belief as to whether the following items in the section titled **Allegations About COVID-19 Rental Debt** are true, so denies them (write the item number of any items in that section of form PLD-C-500 that defendant denies on this basis):

PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. c. **Allegations About Rental Assistance** (items 7 and 8 on form PLD-C-500)

- (1) ☐ Defendant denies the following statements in the section of the complaint titled **Allegations About Rental Assistance** (write the item number of any items in that section of form PLD-C-500 that defendant disagrees with, or explain why defendant disagrees):

- (2) ☐ Defendant has no information or belief as to whether the following items in the section titled **Allegations About Rental Assistance** are true, so denies them (write the item number of any items in that section of form PLD-C-500 that defendant denies on this basis):

d. **Other Allegations** (item 9 on form PLD-C-500 and any statements in Attachment 9 to the form)

- (1) ☐ Defendant denies the following statements in the section of the complaint titled **Other Allegations** or in **Attachment 9** to the complaint (write the item number or letter of any items in that section of form PLD-C-500 or in Attachment 9 that defendant disagrees with, or explain why defendant disagrees. If more room is needed, use form MC-025.)
- ☐ Response is provided on form MC-025, titled as Attachment 3d.

- (2) ☐ Defendant has no information or belief as to whether the following items in the section titled **Other Allegations** or in **Attachment 9** are true, so denies them (write the item number or letter of any items in that section of form PLD-C-500 that defendant denies on this basis):

e. **Demand for Judgment** (item 12 on form PLD-C-500)

- (1) ☐ Defendant denies the following statements in the section of the complaint titled **Demand for Judgment** (write the item number or letter of any items in that section of form PLD-C-500 that defendant disagrees with, or explain why defendant disagrees):

- (2) ☐ Defendant has no information or belief as to whether the following items in the section titled **Demand for Judgment** are true, so denies them (write the item number or letter of any items that defendant denies on this basis):

PLAINTIFF: DEFENDANT:	CASE NUMBER:

4. Defenses and Objections

(Check all that apply. NOTE: For each box checked, defendant must state any additional facts needed to support it in item 4m or, if more room is needed, on form MC-025. The parties may disagree about the amount of rent that is owed for various reasons. Read more about these reasons in the California Department of Real Estate's guide at <https://landlordtenant.dre.ca.gov/resources/guidebook/index.html> in the "Living in the Rental Unit" and "Dealing with Problems" sections.)

- a. ☐ Defendant delivered to the landlord one or more declarations of COVID-19–related financial distress and (check any that apply)
- (1) ☐ the amount demanded includes late fees on rent or other financial obligations due between March 1, 2020, and September 30, 2021 (Civ. Code, § 1942.9);
- (2) ☐ the amount demanded includes fees for services and the fees that were increased between March 1, 2020, and September 30, 2021, or had not been charged before (Civ. Code, § 1942.9).
- b. ☐ Defendant has completed an application for government rental assistance for part or all of the amount demanded, which is still pending, and (check one)
- (1) ☐ a copy of the notification from the government rental assistance program that a completed application was submitted is attached, marked as Attachment 4h.
- (2) ☐ defendant does not have a copy of a notification, but the application was completed with the following government rental assistance program:
(name of program):
(date completed):
(application number):
- c. ☐ The landlord refused to obtain rental assistance from the governmental rental assistance program that applied to the housing for which rent or other financial obligations is demanded, even though tenant met all eligibility requirements. (Code Civ. Proc., § 871.10(b).)
- d. ☐ Plaintiff was assigned debt in violation of Civil Code section 1788.66 because defendant's household income is at or below 80 percent of the area median income for the 2020 or 2021 calendar year.
- e. ☐ The amount of attorneys' fees requested by plaintiff is more than permitted by law for cases for recovery of COVID-19 rental debt. (Code Civ. Proc., § 871.11.)
- f. ☐ The amount demanded includes amounts that a third party offered to pay, but which the landlord did not accept. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- g. ☐ Defendant vacated the premises and does not owe rent after (date):
- h. ☐ The amount demanded should be reduced because the landlord breached the warranty to provide habitable premises.
- i. ☐ The amount demanded includes amounts that the defendant spent to make needed repairs and properly deducted from the rent, but for which the landlord did not give proper credit.
- j. ☐ The amount demanded includes the security deposit that the landlord improperly withheld after the lease or rental agreement was terminated.
- k. ☐ The amount demanded is in violation of law because the landlord improperly raised the rent in violation of state law or a local rent control ordinance. (If a local ordinance, provide name of locality and ordinance number):
- l. ☐ Other defenses or objections. (Describe briefly, and state facts to support them either here or in item m. Include any additional reasons why any claims raised in item 9 or Attachment 9 to form PLD-C-500 should be denied. If more space is needed, check box below and use form MC-025.)
☐ Other defenses and objections are provided on form MC-025, titled as Attachment 4l.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

4. m. ☐ Additional Facts. *(Provide facts supporting each item checked as needed, either below or, if more space is needed, check box below and use form MC-025.)*

☐ Facts are provided on form MC-025, titled as Attachment 4m.

5. ☐ **Other statements** *(specify below or, if more room is needed, check box below and use form MC-025):*

☐ Other statements are on form MC-025, titled as Attachment 5.

PLAINTIFF: DEFENDANT:	CASE NUMBER:

6. This pleading, including attachments and exhibits, consists of the following number of pages: _____

Demand for Judgment

7. Defendant requests

- a. that plaintiff take nothing.
- b. ☐ for costs of suit.
- c. ☐ attorney's fees, to the extent permitted under Code of Civil Procedure section 871.11,
 - (1) ☐ of: \$
 - (2) ☐ according to proof.
- d. ☐ Other (*specify*):

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless defendant's attorney signs.)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

Required only if complaint is verified.

An attorney should use a different verification form if verifying the pleading.

I am the defendant in this proceeding and have read this answer. 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 DEFENDANT)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

1. Plaintiff (name):
is (check one)

a. ☐ landlord for the tenancy for which the rent or other financial obligations are owed.

b. ☐ assignee or representative of the landlord for the tenancy for which the rent or other financial obligations are owed. (If checked, complete the items below.)

(2) Plaintiff's relationship to landlord (*describe*):

a. ☐ The landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount claimed.

b. ☐ The landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount claimed.

c. *(Complete if plaintiff is not the landlord.)*

Date: _____

(SIGNATURE)

Page 1 of 1

DRAFT

07/14/2025

Not approved by
the Judicial Council**Notice to the person being sued:**

- You are the defendant if your name is listed in ② on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

Order to Go to Court**The people in ① and ② must attend court:** (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
Date: _____		Clerk, by _____, Deputy		

Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
- Before** you fill out this form, read form [SC-100-INFO](#), *Information for the Plaintiff*, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to courts.ca.gov/rules-forms/find-your-court-forms.
- Fill out pages 2, 3, and 4 of this form.** Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See forms [SC-104](#), [SC-104B](#), and [SC-104C](#).
- Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

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

Email address (if available): _____

If more than one plaintiff, list next plaintiff here:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

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

Email address (if available): _____

- ☐ Check here if more than two plaintiffs and attach form [SC-100A](#).
- ☐ Check here if either plaintiff listed above is doing business under a fictitious name and attach form [SC-103](#).
- ☐ Check here if any plaintiff is a “licensee” or “deferred deposit originator” (payday lender) under Financial Code sections 23000 et seq.

2 The defendant (the person, business, or public entity being sued) is:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

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

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: _____ Job title, if known: _____

Address: _____
Street City State Zip

- ☐ Check here if your case is against more than one defendant and attach form [SC-100A](#).
- ☐ Check here if any defendant is on active military duty and write defendant’s name here:

3 The plaintiff claims the defendant owes \$ _____ . (Explain below and on next page.)

a. Why does the defendant owe the plaintiff money?



Plaintiff (list names):

Case Number:

- 3 b. When did this happen? (Date): _____
If no specific date, give the time period: Date started: _____ Through: _____
- c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)
- _____
- _____
- _____

☐ Check here if you need more space. Attach one sheet of paper or form [MC-031](#) and write "SC-100, Item 3" at the top.

- 4 **You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?**

☐ Yes ☐ No If no, explain why not:

- 5 **Why are you filing your claim at this courthouse?**

This courthouse covers the area (check the one that applies):

- a. ☐ (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
- (2) Where the plaintiff's property was damaged.
- (3) Where the plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e. ☐ Other (specify):

- 6 **List the zip code of the place checked in 5 above** (if you know): _____

- 7 **Is your claim about an attorney-client fee dispute?** ☐ Yes ☐ No

If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here: ☐

- 8 **Are you suing a public entity?** ☐ Yes ☐ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date): _____

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.



Plaintiff (list names):

Case Number:

9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☐ No *If yes, the filing fee for this case will be higher.*

10 Is your claim for more than \$2,500? ☐ Yes ☐ No

If you answer yes, you also confirm that you have not filed, and you understand that you may not file, more than two small claims cases for more than \$2,500 in California during this calendar year.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: _____

Plaintiff types or prints name here



Plaintiff signs here

Date: _____

Second plaintiff types or prints name here



Second plaintiff signs here



Requests 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 trial. For these and other accommodations, contact the clerk's office for form [MC-410](#), *Disability Accommodation Request*. (Civ. Code, § 54.8.)



“Small claims court” is a special court where claims for \$12,500 or less are decided. Individuals, including “natural persons” and sole proprietors, may claim up to \$12,500. Corporations, partnerships, public entities, and other businesses are limited to claims of \$6,250. (See below for exceptions.*) The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don’t have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read “How to prepare for your trial (court date)” at selfhelp.courts.ca.gov/small-claims/trial.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form [MC-410, Disability Accommodation Request](#). Give the form to your court clerk or the ADA/Access Coordinator.

What if I don’t speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form [INT-300, Request for Interpreter \(Civil\)](#) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form [INT-140](#).)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at selfhelp.courts.ca.gov/small-claims-forms.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You’ll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form [SC-140, Notice of Appeal](#). You must file within 30 days after the clerk hands or mails you the judge’s decision (judgment) on form [SC-200](#) or form [SC-130, Notice of Entry of Judgment](#).
- If you were *not* at the trial, fill out and file form [SC-135, Notice of Motion to Vacate Judgment and Declaration](#), to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form [SC-140](#).

For more information on appeals, see selfhelp.courts.ca.gov/small-claims/after-trial/small-claims-appeals.

Do I have options? Yes. If you are being sued you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form [SC-107, Small Claims Subpoena and Declaration](#), and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant’s Claim* (form [SC-120](#)) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff’s claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff’s claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled “Small Claims Court.”
- **Agree with the plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form [SC-150](#) (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county’s Small Claims Advisor can help for free.

Or go to selfhelp.courts.ca.gov/small-claims-advisor

* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).)



La “Corte de reclamos menores” es una corte especial donde se deciden casos por \$12,500 o menos. Los individuos, o sea las “personas físicas” y los propietarios por cuenta propia, pueden reclamar hasta \$12,500. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$6,250. (Vea abajo para las excepciones.*) El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea “Cómo prepararse para su juicio” en selfhelp.courts.ca.gov/es/reclamos-menores/juicio.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario [MC-410, Solicitud de modificaciones para discapacidad](http://selfhelp.courts.ca.gov/es/reclamos-menores/modificacion). Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario [INT-300](http://selfhelp.courts.ca.gov/es/reclamos-menores/int-300) o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario [INT-140](http://selfhelp.courts.ca.gov/es/reclamos-menores/int-140).)

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en selfhelp.courts.ca.gov/es/formularios-de-reclamos-menores.

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario [SC-140, Aviso de apelación](http://selfhelp.courts.ca.gov/es/reclamos-menores/sc-140) (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario [SC-200](http://selfhelp.courts.ca.gov/es/reclamos-menores/sc-200) o [SC-130, Aviso de publicación del fallo](http://selfhelp.courts.ca.gov/es/reclamos-menores/sc-130) (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario [SC-135, Aviso de petición para anular el fallo y Declaración](http://selfhelp.courts.ca.gov/es/reclamos-menores/sc-135) para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario [SC-140](http://selfhelp.courts.ca.gov/es/reclamos-menores/sc-140).

Para obtener más información sobre las apelaciones, vea selfhelp.courts.ca.gov/es/reclamos-menores/después-del-juicio/apelaciones-de-reclamos-menores.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario [CIV-110 Solicitud de desestimación](http://selfhelp.courts.ca.gov/es/reclamos-menores/civ-110) (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despidan el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario [SC-107, Citatorio de reclamos menores](http://selfhelp.courts.ca.gov/es/reclamos-menores/sc-107) (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario [SC-120, Reclamo del demandado](http://selfhelp.courts.ca.gov/es/reclamos-menores/sc-120) (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado “Corte de reclamos menores”.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario [SC-150](http://selfhelp.courts.ca.gov/es/reclamos-menores/sc-150) (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite selfhelp.courts.ca.gov/es/asesor-de-reclamos-menores.

* **Excepciones:** Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).)

This form is attached to: ☐ Form SC-100 ☐ Form SC-120

- 1 If you want to file a small claim and you are doing business under a fictitious name (“doing business as,” or “dba”) give the following information.** *(Nonprofits and exempt real estate investment trusts do not have to file this form.)*

Business name of the person suing: _____

Business address (not a U.S. Postal Service P.O. Box): _____

Mailing address (if different): _____

- 2 The business listed in 1 does business as** *(check ONLY one):*

☐ an individual

☐ a corporation

☐ an association

☐ a limited liability company

☐ a partnership

☐ other *(specify):* _____

DRAFT
03/18/2025
Not approved by
the Judicial Council

You must follow the laws for fictitious business names. If you have not followed these laws, including filing a fictitious business name statement in your county and publishing this information in a local newspaper, the court can dismiss your case.

- 3 Name of county where you filed your Fictitious Business Name Statement (dba):** _____

- 4 Your Fictitious Business Name Statement number:** _____

- 5 Date your Fictitious Business Name Statement expires:** _____

- 6 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct. Only the owner, president, chief executive officer (CEO), or other qualified officer can sign this form.**

Date: _____

Type or print your name and title

Sign your name



Need help?

Your county's Small Claims Advisor can help for free.

Or go to selfhelp.courts.ca.gov/small-claims-advisor

What is “service”?

“Service” or “serving” is when someone—*not you or anyone else listed in this case*—gives a copy of your court papers to the person, business, or public entity you are suing. Service lets the other party know:

- What you are asking for;
- When and where the trial will be; *and*
- What the party can choose to do.

There are strict rules for serving court papers. This form explains how to serve these forms:

- Form [SC-100](#), *Plaintiff’s Claim*
- Form [SC-120](#), *Defendant’s Claim*

How is service done?

This form tells you how to serve by *personal* service or *substituted* service.

Personal service means someone gives the papers directly to the person being sued or to the agent authorized to accept service (business or public entity).

Substituted service means someone gives the papers to an adult where the person lives, works, or receives mail (including a private post office box, but not a U.S. Postal Service P.O. Box).

What if the court papers do not get served?

The judge cannot hear your case unless the court papers were served correctly.

Can the court serve the papers for me?

Yes. You can pay the court to mail your claim to the person you are suing. But if the person you are suing or the person’s agent for service doesn’t sign the U.S. Postal Service mail receipt with his or her complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

Who can serve?

You can ask a friend, a process server, or the sheriff. The server must be at least 18 and not listed in the case.

A “process server” is someone you pay to deliver court forms. Look in the *Yellow Pages* under “Process Serving.” The sheriff (or marshal if your county has one) can also deliver court forms. Ask the court clerk how to contact the sheriff. Or look in the county section of your phone book under “Sheriff.” You must pay the server, unless you qualify for a fee waiver.

How is *personal* service done?

Ask someone who is at least 18 and not listed in this case to personally “serve” (give) a copy of your court papers to the person or the agent authorized to accept court papers for the person, business, or public entity listed on form [SC-104](#).

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. And tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of form SC-104, *Proof of Service*.

How is *substituted* service done?

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not listed in this case to serve the court papers.

Give the server a separate *Proof of Service* form for each person, business, or public entity you are suing. Tell the server to give the papers to:

- A competent adult (at least 18) at the home of and living with the person to be served *or*
- An adult who seems to be in charge where the person to be served usually works *or*
- An adult who seems to be in charge where the person receives mail (including a private mailbox, but **not** a U.S. Postal Service P.O. Box). *Note:* This is only for cases where the physical address of the person to be served is not known.

Then do the following:

- Write down that person’s name and say, “Please give these court papers to [name of person to be served].” If the person does not want to give his or her name, describe the person you served.
- Give that person copies of all papers checked on form SC-104, *Proof of Service*. If the person won’t take the papers, just leave them near the person.
- Mail another copy of the papers (by first-class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of form SC-104, *Proof of Service*.

What does the server do with the original *Proof of Service* form?

If a process server or sheriff served the papers, he or she can file form SC-104, *Proof of Service*, with the clerk. If the server used a different *Proof of Service* form, ask him or her to list each paper served on the form. Also make sure that the registered server will file the original directly with the court and will mail you a copy of the filed form. Take it with you when you go to court.

If a friend served the papers, tell him or her to give the completed form back to you. Keep a copy for your records and take the copy with you when you go to court.

You need to file the original completed *Proof of Service* form **5 days before** your trial.

When do the court forms have to be served?

- **If you are serving form SC-100, *Plaintiff's Claim*,** look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person, business, or public entity is located outside the county). That's the deadline for serving your small claims forms. But you can serve the forms before the deadline.

The people in ① and ② must go to court

Trial Date	Date	Time
1.	_____	_____

For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person, business, or public entity is located outside the county). That's the deadline for serving your small claims forms. But you can serve the forms before the deadline.

If the person, business, or public entity to be served is outside California or if you are serving a different form, ask the Small Claims Advisor for more information.

- **If you are serving form SC-120, *Defendant's Claim*,** look at the trial date on page 1. Then look at a calendar.

For *personal* or *substituted* service, subtract 5 days from the trial date. That's the deadline for serving your small claims forms if you were served at least 11 days before the trial. If you were served 10 days or less before the trial date, you must serve at least 1 day before the trial. But you can serve the forms before the deadline.

What if I can't get the court papers served before the trial?

If you were not able to serve your claim (form SC-100 or SC-120) before the deadline for service, talk to your Small Claims Clerk. Each county has its own rules.

If you already served your claim on some parties but not everyone you are suing, you may need to fill out and file form SC-150, *Request to Postpone Trial*, at least 10 days before the trial date (or explain why you couldn't meet the 10-day deadline). Then give or mail a copy of this form to all other plaintiffs and defendants listed on your court papers.

The court may postpone your trial for 15 days or more.

Who do I have to serve?

If you are suing a person (or people)—not a business or public entity—serve each person you are suing. For example, if you were in a car accident and you are suing the owner and the driver of the car, you must list the names of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:

Lee Smith, owner and driver

If the owner and driver are not the same person:

Lee Smith, driver

Bob Smith, owner

If you are suing a business, an association, or a public entity, read form [SC-104C](#), *How to Serve a Business*.



Need help?

Your county's Small Claims Advisor can help for free.

Or go to selfhelp.courts.ca.gov/small-claims-advisor.

**THIS IS AN ACTION TO RECOVER COVID-19 RENTAL DEBT
AS DEFINED UNDER CODE OF CIVIL PROCEDURE,
§ 1179.02. ACCESS TO RECORDS IN THIS CASE IS LIMITED
UNDER CODE OF CIVIL PROCEDURE, § 1161.2.5.**

Notice to the person being sued:

- You are the defendant if your name is listed in ② of this form or on form [SC-500A](#). The person suing you is the plaintiff, listed in ①.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim. (**Note: This small claims case cannot result in your eviction.**) Bring witnesses, receipts, and any other evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights, and read [SC-500-INFO, COVID-19 Rental Debt in Small Claims Court](#) for more information, at www.courts.ca.gov/forms.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-500A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo. (**Nota: Este caso de reclamos menores no puede resultar en un desalojo.**) Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos, y lea SC-500-INFO, *La deuda de alquiler del COVID-19 en la corte de reclamos menores* para más información, en www.courts.ca.gov/forms.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Case Name:

Order to Go to Court**The people in ① and ② must go to court:** (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
	1.			
2.				
3.				
Date:		Clerk, by _____, Deputy		

Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
- Before** you fill out this form, read forms [SC-500-INFO](#) and [SC-100-INFO](#) to know your rights. Get the forms at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- Fill out pages 2, 3, and 4 of this form. Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. See forms [SC-104](#) and [SC-104B](#).
- Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

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

Email address (if available): _____

If more than one plaintiff, list next plaintiff here:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

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

Email address (if available): _____

☐ Check here if more than two plaintiffs and attach form [SC-500A](#).

☐ Check here if either plaintiff listed above is doing business under a fictitious name and attach form [SC-103](#).

2 The defendant (the person being sued) is:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

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

If more than one defendant, list next defendant here:

Name: _____ Phone: _____

Street address: _____
Street City State Zip

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

☐ Check here if more than two defendants and attach form [SC-500A](#).

☐ Check here if any defendant is on active military duty and write defendant's name here:



Plaintiff (list names):

Case Number:

3 The plaintiff claims the defendant owes \$ _____ for COVID-19 rental debt (unpaid rent or other financial obligations of a tenant that came due in the period from March 1, 2020, to September 30, 2021). (Code Civ. Proc., § 1179.02.) (Explain amount below.)

- a. **Rent.** List all rent you claim defendant owes that came due in the period from March 1, 2020, to September 30, 2021. For each month you claim rent is due, include each amount due and the date it came due.

- b. **Other amounts of COVID-19 rental debt.** List all unpaid financial obligations under the lease or rental agreement (other than rent) that you claim defendant owes and that came due during the period in (a) above. For each month you claim other financial obligations are due, include each amount, the date it came due, and what it was for (for example, parking fees or utilities included as part of the rental agreement).

- ☐ Check here if you need more space. Attach one sheet of paper or form [MC-031](#), and write "SC-500, Item 3" at the top.

4 Amounts paid or offsets.

List any amounts you received from defendant, rental assistance programs, and other third parties that you have already credited, and any other amounts you have offset or credited, for rent or other financial obligations due between March 1, 2020, and September 30, 2021, that you are not claiming in item 3 above. Include each amount, when it was paid or credited, and what it was for.

- ☐ Check here if you need more space. Attach one sheet of paper or form [MC-031](#), and write "SC-500, Item 4" at the top.

5 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this?

- ☐ Yes ☐ No If no, explain why not:



Plaintiff (list names):

Case Number:

6 Why are you filing your claim at this courthouse?

This courthouse covers the area (check one that applies):

- a. ☐ Where the defendant lives or does business.
- b. ☐ Where the rental agreement, lease, or contract (written or spoken) was made, signed, performed, or broken by the defendant *or* where the defendant lived or did business when the defendant made the contract.
- c. ☐ Other (specify):

7 List the zip code of the place checked in 6 above (if you know it): _____

8 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☐ No *If yes, the filing fee for this case will be higher.*

9 Plaintiff must make a good-faith effort to help defendant obtain rental assistance before filing this case. Check all that apply below. You must also attach documentation of those efforts or, if you do not have documentation, describe your effort below.

Plaintiff made a good-faith effort to help defendant obtain rental assistance before filing this case, as required under Code of Civil Procedure section 871.10(a), by:

- a. ☐ Investigating whether governmental rental assistance is available to the tenant;
- b. ☐ Seeking governmental rental assistance for the tenant; *or*
- c. ☐ Cooperating with the tenant's efforts to obtain rental assistance from any governmental entity or other third party.

☐ Check here if documentation is attached. If not attached, describe your efforts below.

10 ☐ I understand that the court cannot issue a judgment for me if I have received rental assistance for the amounts I am claiming from defendant. (Both statements must be true.)

- a. I have not received rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 3 above; and
- b. I do not have any application pending for rental assistance or other financial compensation from any other source corresponding to any of the amount claimed in item 3 above.

11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: _____
Plaintiff types or prints name here

Plaintiff signs here

Date: _____
Second plaintiff types or prints name here

Second plaintiff signs here



Requests 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 trial. For these and other accommodations, contact the clerk's office for [Disability Accommodation Request](#) (form MC-410). (Civ. Code, § 54.8.)



"Small claims court" is a special court where generally only claims for \$12,500 or less are decided. This limitation has been lifted for cases for recovery of COVID-19 rental debt.* The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? Read form [SC-500-INFO, COVID-19 Rental Debt in Small Claims Court](#). You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

Where can I get the court forms I need? Go to any courthouse or your county law library, or get forms at www.courts.ca.gov/forms.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form [MC-410, Disability Accommodation Request](#). Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form [INT-140](#).)

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form [SC-140, Notice of Appeal](#). You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form [SC-200](#) or form [SC-130, Notice of Entry of Judgment](#).
- If you were *not* at the trial, fill out and file form [SC-135, Notice of Motion to Vacate Judgment and Declaration](#), to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form [SC-140](#).

For more information on appeals, see www.courts.ca.gov/smallclaims/appeals.

Do I have options? Yes. If you are being sued, you can:

- Settle your case before the trial.** If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form [CIV-110, Request for Dismissal](#) or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

- Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form [SC-107, Small Claims Subpoena and Declaration](#) and have it served on the witness.
- Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is for \$12,500 or less, you may file *Defendant's Claim and ORDER to Go to Small Claims Court* (form [SC-120](#)) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court."
- Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment. (But not your rental unit; this is not an eviction case.)

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form [SC-150](#) (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county's Small Claims Advisor can help for free.



Or go to www.courts.ca.gov/smallclaims/advisor.

*Limits do not apply in an action to recover COVID-19 rental debt, which is unpaid rent or other financial obligations of a tenant that are due between March 1, 2020, and Sept. 30, 2021. (See Code Civ. Proc., §§ 116.223 & 1179.02.) Read [SC-500-INFO, COVID-19 Rental Debt in Small Claims Court](#).



La “Corte de reclamos menores” es una corte especial donde generalmente se deciden casos por \$12,500 o menos. Se suspendió este límite para acciones para reclamar una deuda de alquiler del COVID-19.* El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? Lea el formulario SC-500-INFO, *La deuda de alquiler del COVID-19 en la corte de reclamos menores*. No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio los testigos, recibos y pruebas que apoyan su caso. Y lea “Esté preparado para su juicio” en www.courts.ca.gov/reclamosmenores/preparesse.

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, puede llenar el formulario MC-410, *Solicitud de modificaciones para discapacidad*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 *Solicitud de desestimación* (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despidan el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- **Demandar a la persona que lo demandó.** Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado “Corte de reclamos menores”.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo. (Pero no su hogar alquilado; esto no es un caso de desalojo.)

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (o 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asesores.

*Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19, que se define como alquiler u otras obligaciones financieras impagas de un inquilino que vencieron entre el 1 de marzo de 2020 y el 30 de septiembre de 2021. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02.) Lea el formulario SC-500-INFO, *La deuda de alquiler del COVID-19 en la corte de reclamos menores*.

☐ This form is attached to form [SC-500](#), item 1 or 2.

1 If more than two plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: _____ Phone: _____

Street address: _____

Street City State Zip

Mailing address (if different): _____

Street City State Zip

Email address (if available): _____

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach form [SC-103](#).

Other plaintiff's name: _____ Phone: _____

Street address: _____

Street City State Zip

Mailing address (if different): _____

Street City State Zip

Email address (if available): _____

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach form [SC-103](#).

☐ Check here if more than four plaintiffs and fill out and attach another form [SC-500A](#).

2 If more than two defendants (person being sued), list their information below:

Other defendant's name: _____ Phone: _____

Street address: _____

Street City State Zip

Mailing address (if different): _____

Street City State Zip

Other defendant's name: _____ Phone: _____

Street address: _____

Street City State Zip

Mailing address (if different): _____

Street City State Zip

☐ Check here if your case is against more than four defendants and fill out and attach another form [SC-500A](#).

3 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under the laws of the State of California that the information above and on any attachments to this form is true and correct.

Date: _____

Type or print your name



Sign your name

Date: _____

Type or print your name



Sign your name

Beginning **November 1, 2021**, a landlord has the option to bring an action in small claims court to recover COVID-19 rental debt that is more than the normal limits for small claims actions. The purpose of bringing these claims in small claims court is to resolve disputes about COVID-19 rental debt. The small claims court **cannot** determine possession of residential property or evict a tenant from property.

What is COVID-19 rental debt?

COVID-19 rental debt means any unpaid rent or any other money owed under a residential lease or residential rental agreement (for example, parking fees or utility payments) that came due between **March 1, 2020, and September 30, 2021**.

What is small claims court?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. You may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court.

Who are the parties in a small claims case?

- The person who sues is the plaintiff, the **landlord** in these cases. If the landlord is a business, an employee such as a property manager may go to a small claims trial for the landlord (use form [SC-109, Authorization to Appear](#)).
- The person who is sued is the defendant, the **tenant** in these cases. There may be more than one tenant paying rent for a single residence. The landlord may want to name all tenants as defendants.

How does a COVID-19 rental debt case start in the small claims court?

The landlord must:

- Complete and file form [SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court \(COVID-19 Rental Debt\)](#);
- Attach documentation showing the landlord's good-faith efforts to seek rental assistance (examples of documentation include emails, texts, and notes from phone calls); and
- Serve the form on the tenants (see form [SC-100-INFO, Information for the Plaintiff](#)).

How does a tenant respond?

A tenant does not need to file any papers before the trial date. Tenants should go to court on the day of trial with evidence about the amount of COVID-19 rental debt owed, if any.

What should tenant take to small claims court for a COVID-19 rental debt case?

Both the landlord and the tenant in a small claims action for COVID-19 rental debt can present arguments and evidence about how much money they believe is owed, how much has already been paid, and other factors that can affect the amount of COVID-19 rental debt that must be paid.

The parties should bring the rental agreement, any rental receipts, and any other receipts or other documents that show the following:

- The **amounts** of COVID-19 rental debt owed and the **dates** on which each amount came due. Remember that COVID-19 rental debt means rent and other financial obligations that came due between **March 1, 2020, and September 30, 2021**.
- Any amounts that the tenant **paid** toward the rent or other financial obligations and the **dates of payment**.
- Any other amounts of rent or other obligations that were paid through rental assistance programs or other third parties on behalf of the tenant.
- Any evidence of conditions affecting the residence, such as items needing repair.
- Any evidence to support arguments made to determine the amount of money owed.

Page 2 of this information sheet provides a list of some of the arguments that landlords and tenants can make to help the court determine the amount of COVID-19 rental debt that is owed.

Can you bring a witness to small claims court?

Both the landlord and the tenant may bring witnesses to the trial who can tell the court what they know about the COVID-19 rental debt, the condition of the home, and agreements between the landlord and the tenant about the need for repairs and payment for repairs.

What arguments can you make?

The landlord and tenant may disagree about the amount of rent that is owed for various reasons. Read more about these reasons in the California Department of Real Estate's guide at landlordtenant.dre.ca.gov/resources/guidebook/index.html, in the "[Living in the Rental Unit](#)" and "[Dealing with Problems](#)" sections. Below are questions that can help you identify the issues that may exist in the case and may affect the amount of rent owed.

Please note: This list does not include every possible argument. Other laws, including local ordinances, may affect the rights of landlords and tenants in COVID-19 rental debt cases.

- Did landlord make a good-faith effort to:
 - Investigate whether governmental rental assistance is available to the tenant;
 - Seek governmental rental assistance for the tenant; or
 - Cooperate with the tenant's efforts to obtain rental assistance from any governmental entity or other third party under Civil Code section 1947.3(a)(3)?
- Is there any pending application for rental assistance or other financial compensation from any other source corresponding to the amount claimed?
- Did landlord receive rental assistance or other financial compensation from any other source corresponding to the amount claimed?
- Did landlord improperly apply payments to past-due rent without the tenant's written agreement?
- Does the amount claimed include service fees that were increased or not previously charged?
- Does the amount claimed include late fees on rent or other financial obligations?
- Did landlord improperly raise the rent?
- Did tenant or a third party offer a rental payment that landlord would not accept?
- If the lease or rental agreement was terminated, was the security deposit returned? Read more about the rules for security deposits at www.courts.ca.gov/selfhelp-eviction-security-deposits.htm.
- Did tenant make needed repairs and properly deduct the cost from the rent? If so, did landlord give proper credit?
- Did landlord fail to provide habitable premises? This means that if the housing did not meet certain standards, the amount owed may be reduced.

Note: It is illegal for a landlord to retaliate against a tenant for raising any of the above issues or any of the defenses listed on form [UD-105, Answer—Unlawful Detainer](#).

Can a tenant file a claim in the landlord's case?

A tenant who is a defendant in a COVID-19 rental debt case may bring a claim against the landlord in the same case using form [SC-120, Defendant's Claim and ORDER to Go to Small Claims Court](#).

What if you disagree with the court's decision?

If you are a tenant, you may appeal the decision on a claim filed against you. More information about appeals is available in the information at the end of [Plaintiff's Claim and ORDER to Go to Small Claims Court \(COVID-19 Rental Debt\)](#) (form SC-500) and at www.courts.ca.gov/smallclaims/appeals.

If you are the landlord, you cannot appeal a small claims decision on a claim you filed. (Note that a landlord has the option of filing a COVID-19 rental debt recovery case in general civil court [use form [Complaint—Recovery of COVID-19 Rental Debt](#) (form [PLD-C-500](#))]. In general civil court, all parties may appeal the court's decision and all parties may be represented by lawyers.)

How much does it cost to file a case in small claims court?

The amount the court charges a landlord to file a case in small claims court depends on the amount demanded and how many cases are brought by the landlord in a single year. The filing fees for small claims cases are listed on the Statewide Civil Fee Schedule, available at www.courts.ca.gov/7646.htm. There is no fee for the tenant to go to the hearing.

What if you cannot afford the filing fee?

If you want to sue someone in small claims court and cannot afford to pay court fees and costs, you may not have to pay. The court may waive all or part of those fees **if you:** Are getting public benefits; **or**

- Are a person with very low income; **or**
- Do not have enough income to pay for your
- household's basic needs and your court fees.

To ask the court to waive your fees in small claims court, complete form [FW-001, Request to Waive Court Fees](#). File your request with the court.

Where can you get help with a small claims case?

- **Small Claims Advisors.** Every county has a Small Claims Advisor who is available to help you with your small claims case. These services are free. To find the Small Claims Advisor in your county, go to www.courts.ca.gov/selfhelp-advisors.htm.
- **Forms and online help.** You can find small claims forms and more information about small claims court at the California Courts Online Self-Help Center www.courts.ca.gov/smallclaims. You can also get forms and help at your county law library or the courthouse nearest you.
- **Local court websites.** Your local court may have additional information and help for your small claims matter. Visit your court's website for current information on small claims hearing procedures. For help finding your court, visit www.courts.ca.gov/find-my-court.htm.
- **Legal services organizations.** Local organizations may be able to assist parties in preparing for court. Parties may be able to find a legal service organization that serves their area at <http://lawhelpca.org/>.
- **Lawyers.** Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by lawyers.

What help is available when you go to court?

- **Accommodations for disability.** If you have a disability and need an accommodation while you are at court:
 - You can use form [MC-410, Disability Accommodation Request](#), to tell the court about your needs.
 - For more information about making a disability accommodation request, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).
 - Remember to submit your request to the ADA Coordinator or designated person in your court.
 - Visit your court's website to find the ADA Coordinator or designated person. For help finding your court, go to www.courts.ca.gov/find-my-court.htm.
- **Interpreters.** If you do not speak English well:
 - Ask the court clerk as soon as possible for a court-provided interpreter.
 - You may use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form to request an interpreter.
 - If no court interpreter is available at the time of your trial, it may be necessary to reschedule your trial.
 - You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. See Cal. Rules of Court, rule 2.893, and form [INT-140, Temporary Use of a Noncertified or Nonregistered Spoken Language Interpreter](#).

Who can look at your case file?

If you are sued in small claims court for nonpayment of COVID-19 rental debt, only the following people may see the case file:

- The parties (landlords and tenants).
- A person who gives the court clerk the name of at least one landlord and one tenant.
- A person who lives in the residence for which COVID-19 rental debt is owed who shows proof of residency and gives the clerk the case number or the name of one of the parties.
- A person who gets an order from the court after showing that they have good cause to see the case file.

SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESALOJO)

SUM-130

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT
08/26/2025 NOT
APPROVED BY
COUNCIL

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 10 days. You have 10 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 15 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 10 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 10 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene 15 días después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpca.org/es), en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de \$10,000 ó más recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER (número de caso):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):



PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415) ☐ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)

4. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

a. Assistant's name:

b. Telephone no.:

c. Street address, city, and zip:

d. County of registration:

e. Registration no.:

f. Registration expires on (date):

Date:
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. **NOTICE TO THE PERSON SERVED:** You are served

a. ☐ as an individual defendant.

b. ☐ as the person sued under the fictitious name of (specify):

c. ☐ as an occupant.

d. ☐ on behalf of (specify):

under ☐ CCP 416.10 (corporation).

☐ CCP 416.20 (defunct corporation).

☐ CCP 416.40 (association or partnership).

☐ CCP 415.46 (occupant).

e. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor).

☐ CCP 416.70 (conservatee).

☐ CCP 416.90 (authorized person).

☐ other (specify):

alleges causes of action against DEFENDANT (name each):

- * NOTE:** Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

PLAINTIFF: DEFENDANT:	CASE NUMBER:

6. a. On or about *(date)*:

defendant *(name each)*:

(1) agreed to rent the premises as a ☐ month-to-month tenancy ☐ other tenancy *(specify)*:

(2) agreed to pay rent of \$ payable ☐ monthly ☐ other *(specify frequency)*:

(3) agreed to pay rent on the ☐ first of the month ☐ other day *(specify)*:

b. This ☐ written ☐ oral agreement was made with

(1) ☐ plaintiff. (3) ☐ plaintiff's predecessor in interest.

(2) ☐ plaintiff's agent. (4) ☐ Other *(specify)*:

c. ☐ The defendants not named in item 6a are

(1) ☐ subtenants.

(2) ☐ assignees.

(3) ☐ Other *(specify)*:

d. ☐ The agreement was later changed as follows *(specify)*:

e. ☐ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. *(Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)*

f. ☐ *(For residential property)* A copy of the written agreement is **not** attached because *(specify reason)*:

(1) ☐ the written agreement is not in the possession of the landlord or the landlord's employees or agents.

(2) ☐ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. The tenancy described in **item 6 (check 7a or 7b)**

a. ☐ is **not** subject to the Tenant Protection Act of 2019 (Civil Code, § 1946.2). The specific subpart supporting why tenancy is exempt is *(specify)*:

b. ☐ is subject to the Tenant Protection Act of 2019.

8. *(Complete only if item 7b is checked. Check all applicable boxes.)*

a. ☐ The tenancy was terminated for at-fault just cause (Civil Code, § 1946.2(b)(1)).

b. ☐ The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(2)) and the plaintiff *(check one)*

(1) ☐ waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$.

(2) ☐ provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$ to *(name each defendant and amount given to each)*:

c. ☐ Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.

9. a. ☐ Defendant *(name each)*:

was served the following notice on the same date and in the same manner:

(1) ☐ 3-day notice to pay rent or quit

(6) ☐ 3-day notice to perform covenants or quit
(not applicable if item 7b checked)

(2) ☐ 30-day notice to quit

(7) ☐ 3-day notice to quit under Civil Code, § 1946.2(c). Prior required notice to perform covenants served *(date)*:

(3) ☐ 60-day notice to quit

(4) ☐ 3-day notice to quit

(8) ☐ Other *(specify)*:

(5) ☐ 30-day notice to vacate under the federal CARES Act (15 U.S.C. § 9058(c))



PLAINTIFF: DEFENDANT:	CASE NUMBER:

9. b. (1) On (date): _____ the period stated in the notice checked in 9a expired at the end of the day.
 (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. ☐ The notice included an election of forfeiture.
- e. ☐ A copy of the notice is attached and labeled Exhibit 2. *(Required for residential property. See Code Civ. Proc., § 1166. When Civil Code section 1946.2(c) applies and two notices are required, provide copies of both.)*
- f. ☐ One or more defendants were served (1) with the prior required notice under Civil Code section 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. *(Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.)*
10. a. ☐ The notice in item 9a was served on the defendant named in item 9a as follows:
- (1) ☐ By personally handing a copy to defendant on (date): _____
- (2) ☐ By leaving a copy with (name or description): _____, _____
 a person of suitable age and discretion, on (date): _____ at defendant's
☐ residence ☐ business AND mailing a copy to defendant at defendant's place of residence
 on (date): _____ because defendant cannot be found at defendant's residence or usual place of business.
- (3) ☐ By posting a copy on the premises on (date): _____
☐ AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises
 on (date): _____
- (a) ☐ because defendant's residence and usual place of business cannot be ascertained OR
- (b) ☐ because no person of suitable age or discretion can be found there.
- (4) ☐ *(Not for 3-day notice; see Civil Code section 1946 before using)* By sending a copy by certified or registered mail
 addressed to defendant on (date): _____
- (5) ☐ *(Not for residential tenancies; see Civil Code section 1953 before using)* In the manner specified in a written
 commercial lease between the parties
- b. ☐ (Name): _____
 was served on behalf of all defendants who signed a joint written rental agreement.
- c. ☐ Information about service of notice on the defendants alleged in item 9f is stated in Attachment 10c.
- d. ☐ Proof of service of the notice in item 9a is attached and labeled Exhibit 3.
11. ☐ **Statements regarding rental assistance** *(Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must complete items 11a–d and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)*
- a. Plaintiff ☐ has received ☐ has not received rental assistance or other financial compensation from any other source
 corresponding to the amount demanded in the notice underlying the complaint.
- b. Plaintiff ☐ has received ☐ has not received rental assistance or other financial compensation from any other source
 for rent accruing after the date of the notice underlying the complaint.
- c. Plaintiff ☐ has ☐ does not have any pending applications for rental assistance or other financial compensation from
 any other source corresponding to the amount demanded in the notice underlying the complaint.
- d. Plaintiff ☐ has ☐ does not have any pending applications for rental assistance or other financial compensation from
 any other source for rent accruing after the date on the notice underlying the complaint.
12. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
13. ☐ At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ _____
14. ☐ The fair rental value of the premises is \$ _____ per day.
15. ☐ Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure
 section 1174(b). *(State specific facts supporting a claim up to \$600 in Attachment 14.)*



PLAINTIFF: DEFENDANT:	CASE NUMBER:

16. ☐ A written agreement between the parties provides for attorney fees.

17. ☐ Defendant's tenancy is subject to the local rent control or eviction control ordinance of *(city or county, title of ordinance, and date of passage)*:

Plaintiff has met all applicable requirements of the ordinances.

18. ☐ Other allegations are stated in Attachment 17.

19. Plaintiff accepts the jurisdictional limit, if any, of the court.

20. PLAINTIFF REQUESTS

a. possession of the premises.	f. ☐ damages in the amount of waived rent or relocation assistance as stated in item 8: \$
b. costs incurred in this proceeding:	g. ☐ damages at the rate stated in item 13 from
c. ☐ past-due rent of \$	<i>date:</i>
d. ☐ reasonable attorney fees.	for each day that defendants remain in possession through entry of judgment.
e. ☐ forfeiture of the agreement.	h. ☐ statutory damages up to \$600 for the conduct alleged in item 14.
	i. ☐ other <i>(specify)</i> :

21. ☐ Pages attached *(specify number of pages)*:

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

22. *(Complete in all cases.)* An unlawful detainer assistant ☐ did **not** ☐ did for compensation give advice or assistance with this form. *(If declarant has received any help or advice for pay from an unlawful detainer assistant, complete a–f.)*

a. Assistant's name:	c. Telephone no.:
b. Street address, city, and zip code:	d. County of registration:
	e. Registration no.:
	f. Expires on <i>(date)</i> :

Date:

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

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. 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 PLAINTIFF)

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
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER	CASE NUMBER:
<i>All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c).</i> <i>Serve this form and any attachments to it with the summons.</i> <i>If a summons has already been served without this form, then serve it by mail or any other means of service authorized by law.</i> <i>If defendant has answered prior to service of this form, there is no requirement for defendant to respond to the supplemental allegations before trial.</i> <i>To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120) to make this verification and provide other information required by statute.</i>	

1. PLAINTIFF (name each):

alleges causes of action in the complaint filed in this action against DEFENDANT (name each):

2. **Statutory cover sheet allegations** (Code Civ. Proc., § 1179.01.5(c))

- a. This action seeks possession of real property that is (check all that apply) ☐ residential ☐ commercial.
(If "residential" is checked, complete all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 2.)
- b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. ☐ Yes ☐ No

3. ☐ **Statements regarding rental assistance** (Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must answer all the questions in this item and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)

- a. Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? ☐ Yes ☐ No
- b. Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing *after* the date of the notice underlying the complaint? ☐ Yes ☐ No
- c. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? ☐ Yes ☐ No
- d. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint? ☐ Yes ☐ No

PLAINTIFF: DEFENDANT:	CASE NUMBER:

4. ☐ **Other allegations** Plaintiff makes the following additional allegations: *(State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c), etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 4, and letter each allegation in order.)* ☐ Other allegations are on form MC-025.

5. ☐ Number of pages attached *(specify)*:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. 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)

A defendant tenant may use this form to file a declaration of COVID-19–related financial distress with the court if a plaintiff has filed an unlawful detainer action against the defendant and asserts that a defendant did not deliver a declaration within the required 15-day period after service of a notice demanding payment of rent or other financial obligations. (Code Civ. Proc., § 1179.03(h).)

- The signed declaration (you may use form UD-104(A)) must be filed within 5 days after the summons and legal papers in the case are served on you, not counting Saturdays, Sundays, and other judicial holidays. This is the same time frame in which you must file an answer or other response to the complaint.
- If the declaration is filed within the time frame described above, the case against you may be dismissed. The court will set a hearing to determine if there was good cause for your not delivering the declaration to the plaintiff in the time required.
 - The court will provide a notice of the time and place of the hearing to all plaintiffs and defendants.
 - At the hearing, you may explain why you did not deliver this to the landlord in the time required.
 - If the court finds that your failure to provide the declaration was due to mistake, inadvertence, surprise, or excusable neglect, the court will dismiss the case against you.
- Written filings with the court must be provided in English. (Code Civ. Proc., §185 (a).)
 - If attaching a non-English-language declaration provided by the landlord, you should also attach an English-language version, either a copy that was given to you by the landlord or one from landlordtenant.dre.ca.gov/tenant/forms.html.
 - You can attach a translation of the declaration instead, if signed by the translator.

- Date:

(SIGNATURE OF DEFENDANT OR ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
ATTACHMENT—DECLARATION OF COVID-19-RELATED FINANCIAL DISTRESS		CASE NUMBER:

Review the information on form UD-104 to learn more about when to file this form.

I am currently unable to pay my rent or other financial obligations under the lease in full because of one or more of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to health impacts of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.

Any public assistance, including unemployment insurance, pandemic unemployment assistance, state disability insurance (SDI), or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of income and/or increased expenses.

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 08/28/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
ANSWER—UNLAWFUL DETAINER	CASE NUMBER:

1. Defendant (all defendants for whom this answer is filed must be named and must sign this answer unless their attorney signs):

answers the complaint as follows.

2. **DENIALS (Check ONLY ONE of the next two boxes.)**

- a. ☐ **General Denial** (Do not check this box if the complaint demands more than \$1,000.)
 Defendant generally denies each statement of the complaint.
- b. ☐ **Specific Denials** (Check this box and complete (1) and (2) below if complaint demands more than \$1,000.)
 Defendant admits that all the statements of the complaint are true EXCEPT:

Denial of Allegations in Complaint (form UD-100 or other complaint for unlawful detainer)

(1) Defendant claims the following statements of the complaint are false (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

☐ Explanation is on form MC-025, titled as Attachment **2b(1)**.

(2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

☐ Explanation is on form MC-025, titled as Attachment **2b(2)**.

3. **DEFENSES AND OBJECTIONS (NOTE: For each box checked, you must state brief facts to support it in item 3t (on page 3) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at selfhelp.courts.ca.gov/eviction-tenant/.)**

- a. ☐ (Nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. ☐ (Nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. ☐ (Nonpayment of rent only) On (date): before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. ☐ (Nonpayment of rent only) Plaintiff's demand for possession is based on nonpayment of rent due more than one year ago.
- e. ☐ Plaintiff waived, changed, or canceled the notice to quit.
- f. ☐ Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.



PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. g. ☐ By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- h. ☐ Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (*city or county, title of ordinance, and date of passage*):
(Also, briefly state in item 3t the facts showing violation of the ordinance.)
- i. ☐ Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (*Check all that apply and briefly state in item 3t the facts that support each.*)
- (1) ☐ Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) ☐ Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) ☐ Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) ☐ Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) ☐ Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- j. ☐ Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- k. ☐ Plaintiff seeks to evict defendant based on an act—against defendant, defendant's immediate family member, or a member of defendant's household—that constitutes domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon, or used force or threat of force. (*This defense requires one of the following, which may be included with this form: (1) a temporary restraining order, protective order, or police report that is not more than 180 days old; (2) a signed statement from a qualified third party (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) another form of documentation or evidence that verifies that the abuse or violence occurred.*)
- (1) ☐ The abuse or violence was committed by a person who does not live in the dwelling unit.
- (2) ☐ The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).
- l. ☐ Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- m. ☐ Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and (*check all that apply*)
- (1) ☐ plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (2) ☐ plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (3) ☐ plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)
- n. ☐ Plaintiff violated a local COVID-19–related ordinance regarding evictions (*briefly state facts describing this in item 3t*).
- o. ☐ The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate.
(*Property covered by the CARES Act means property where the landlord*
- *is participating in a covered housing program as defined by the Violence Against Women Act (34 U.S.C. § 12491(a));*
 - *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949 (34 U.S.C. § 12491); or*
 - *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.*
- p. ☐ Before October 1, 2025, plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) ☐ Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) ☐ Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.



PLAINTIFF: DEFENDANT:	CASE NUMBER:

3. q. ☐ Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- r. ☐ Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- s. ☐ Other defenses and objections are stated in item 3t.
- t. *(Provide facts for each item checked above, either below or, if more room needed, on form MC-025):*
☐ Description of facts or defenses are on form MC-025, titled as Attachment 3t.

4. OTHER STATEMENTS

- a. ☐ Defendant vacated the premises on *(date)*:
- b. ☐ The fair rental value of the premises alleged in the complaint is excessive *(explain below or, if more room needed, on form MC-025)*.
☐ Explanation is on form MC-025, titled as Attachment 4b.
- c. ☐ Other *(specify below or, if more room needed, on form MC-025)*:
☐ Other statements are on form MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. ☐ reasonable attorney fees.
- d. ☐ that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.
- e. ☐ Other *(specify below or on form MC-025)*:
☐ All other requests are stated on form MC-025, titled as Attachment 5e.

6. ☐ Pages attached *(specify number of pages)*:



PLAINTIFF: DEFENDANT:	CASE NUMBER:

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

7. *(Must be completed in all cases.)* An **unlawful detainer assistant** ☐ did not ☐ did for compensation give advice or assistance with this form. If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state

- a. assistant's name: b. telephone number:
c. street address, city, and zip code:
d. county of registration: e. registration number: f. expiration date:

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless defendant's attorney signs.)

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

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. 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 DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	▶ _____ (SIGNATURE OF DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	▶ _____ (SIGNATURE OF DEFENDANT)

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
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
APPLICATION TO PREVENT FORFEITURE DUE TO COVID-19 RENTAL DEBT		
		CASE NUMBER:

This form must be filed by the defendant in an unlawful detainer case to ask the court to stop the eviction process if the defendant has been approved for COVID-19-related emergency rental assistance. Defendant must be able to declare under penalty of perjury that all the statements in item 2 are true.

For the court to stop the eviction process, defendant may have to pay any amounts demanded in the complaint that the rental assistance does not cover. (Code Civ. Proc., § 1179.13(a)(3).) Note: this application does not take the place of an Answer to the complaint, which should be filed within five days of receiving the complaint. (You can use form UD-105.)

1. Defendant (name):
asks the court to prevent or relieve forfeiture of the lease or rental agreement for property at issue in this unlawful detainer case under Code of Civil Procedure section 1179.13.
2. Both of the following statements are true:
 - a. This unlawful detainer case is based on a demand for payment of rent or other financial obligation that was due during one or both of the following time periods (*check any periods below when rent was due*):
 - (1) ☐ between March 1, 2020, and September 30, 2021.
 - (2) ☐ between October 1, 2021, and March 31, 2022, and the defendant's tenancy was initially established before October 1, 2021.
 - b. A government rental assistance program has approved an application for rental assistance for part or all of the rent or other financial obligations demanded.
3. (*Defendant must check a or b.*)
 - a. ☐ A copy of the final decision from a government rental assistance program approving the application for rental assistance for the property in this case is attached. (*The approval must show the property address and the amount of payment approved, and the time period the payment covers.*)
 - b. ☐ (*The following information must be provided if a copy of the approval is not available.*)
 - (1) The address for the property at issue in this case (*address*):
 - (2) The application number assigned to defendant's rental assistance application:
 - (3) The name of the government rental assistance program that granted the approval (*if known*):

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)

Page 1 of 1

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
1.	Bay Area Legal Aid by Alex Farrell, Consumer Staff Attorney and Ashley Bagunan, Housing Staff Attorney	AM, N ¹	Bay Area Legal Aid serves low-income tenants and consumers facing evictions and lawsuits for rental debt. During the Covid-19 pandemic additional protections were implemented for tenants and the judicial council created rent debt specific forms in both the Unlawful Detainer and Civil context. While many of these laws will be sunseting over the next two years, some do not sunset until 2027. Even where a form is most closely aligned with a sunseting statute, we do not support the Judicial Council revoking all the forms related to Covid rent debt. Instead, the Judicial Council should modify the forms to ensure that tenants continue to have access to a rent-debt specific form, which contains affirmative defenses and other information not found on standard civil case forms. Furthermore, modifying rather than revoking the forms listed below will serve judicial efficiency as it will allow tenants and the courts to utilize standardized forms, already in use, when reviewing cases. BAY AREA LEGAL AID URGES THE JUDICIAL COUNCIL TO MODIFY RATHER THAN REVOKE FORMS PLD-C-500, PLD-C-505, PLD-C-520 BECAUSE: <u>(1) Not all Covid-19 rent protection laws are being revoked.</u> CCP 1179.01-1179.07 and CCP 871.11 are ending October 1, 2025. However, CCP 871.10 remains in effect until October 1, 2027. This is a pleading requirement that requires landlords to certify they made a good faith effort to acquire rental assistance prior to suing. (See CCP 871.12). The form that	Please see the committee's responses below regarding the commenter's specific suggestions. The committee has determined that it is appropriate to recommend that the Judicial Council revoke forms PLD-C-500, PLD-C-505, and PLD-C-520 as of January 1, 2026. A plaintiff could not bring an action for recovery of COVID-19 rental debt after September 30, 2025, and the form will remain in effect through

¹ The commenter agrees with certain proposed changes if modified, and does not agree as to the revocation of certain forms.

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			requires this pleading cannot be revoked while the statute is still in effect. CCP 1161.2.5 should still be in effect after October 1, 2025. This statute seals Covid-19 rental debt cases and, as such, a form that identifies that easily for the clerk will ensure that tenants are not at risk of Covid-19 rent debt cases being misfiled as public cases, which could affect their ability to gain housing or pass a tenant screening check. <u>(2) The statute of limitations has not run on many Covid-19 rent debts.</u> The standard statute of limitation for civil debts is 4 years with an additional 6 months added to some debts due to Covid-19 tolling. Revoking the forms now would force landlords, tenants, and the courts to engage with these debts without having a standardized form. <u>(3) These forms include helpful standard complaints and defenses.</u> Standardized forms simplify the completion and review process for landlords, tenants, and the courts. Especially in the pro per context as many tenants who come to our clinics are, this ensures greater access to courts and that it is more likely that paperwork will be completed correctly. Furthermore, as rent debt cases are still likely to continue, having unique forms that already exist is to the benefit of everyone. <u>(4) Modification rather than revocation of the forms will avoid misunderstandings.</u> It makes more sense to modify these forms for the sections that are repealed but not to revoke them entirely as revoking	that date. The statute of limitations for actions to recover debt is four years (Code Civ. Proc., § 337), plus an additional six months for causes of action that accrued between April 6 and October 1, 2020 (Cal. Rules of Court, Emergency rule 9). September 30, 2021, is the last day that COVID-19 rental debt could be incurred, and September 30, 2025, is four years after that. Additionally, it is not necessary to keep item 6 on form PLD-C-500 available until October 1, 2027, when Code of Civil Procedure section 871.10 is repealed. Section 871.10 creates pleading requirements for actions seeking recovery of COVID-19 rental debt. If September 30, 2025, is the latest that a plaintiff could bring an action for recovery of COVID-19 rental debt, then the allegations in item 6 will not be relevant in any action brought after that date. Similarly, although Code of Civil Procedure section 1161.2.5 is not being repealed, it does not affect whether these forms can be revoked. Section 1161.2.5 sets limitations on who may access records in civil cases seeking recovery of COVID-19 rental debt, and this limitation is stated at the top of forms PLD-C-500 and PLD-C-505. Section 1161.2.5 does not affect any substantive items on the forms. The committee also notes that revoking the forms will not prevent parties from filing or defending against actions for recovery of COVID-19 rental

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			them may lead landlords and courts to mistakenly think that the good faith effort requirement is no longer in effect.	debt, to the extent any can be filed after January 1, 2026. The suggestion to create forms that apply to any action to recover rental debt would require public comment because it is beyond the scope of the issues raised in the invitation to comment. The committee will consider this suggestion as time and resources permit.
			BAY AREA LEGAL AID URGES THE JUDICIAL COUNCIL TO MODIFY RATHER THAN REVOKE FORM UD-101 BECAUSE: <u>(1) Revoking UD-101 will require modifications to UD-100.</u> If UD-101 is revoked, then UD-100 will need to be updated to ensure that low-income tenants still have the opportunity to deny landlord claims regarding rental assistance. <u>(2) Not all defenses in UD-101 are being revoked.</u> Items 3.a., 3.b., 3.c., and 3.d. are based on requirements under Health & Safety Code §50897.3(e), which have not been revoked. This code is also not limited to any specific dates. A landlord's rental assistance verification is a requirement for any residential unlawful detainer action based on nonpayment of rent or any other financial obligation under the lease. The court is not authorized to enter judgment in favor of the landlord without the requisite verification under penalty of perjury. Though a landlord must file form UD-120 with the same verifications prior to default judgment, form UD-120 is not required to be filed at the time of filing the complaint. Continuing to utilize Form UD-101 will ensure low-income tenants due process rights are protected as they will be able to	The committee agrees that the requirements of Health & Safety Code section 50897.3(e) should be addressed on the unlawful detainer complaint. Although section 50897.3(e)(2) does not explicitly require the complaint to include the required verifications, the verifications must be provided before the court enters judgment in favor of the landlord. Form UD-120 also addresses the requirements of section 50897.3(e), but that form is filed only if the plaintiff seeks default judgment. Including the verifications on the complaint will ensure that they are provided before judgment in all unlawful detainer cases, even those where the plaintiff does not seek default judgment. The committee determined that adding such an item to form UD-100 will be less confusing and burdensome for form users and courts than

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			deny landlord's allegations regarding rental assistance in non-payment cases.	continuing to require plaintiffs to file form UD-101. The committee is therefore recommending that form UD-100 be revised to add item 11, which is identical to item 3 on form UD-101.
			BAY AREA LEGAL AID URGES THE JUDICIAL COUNCIL TO CONSIDER DIFFERENT MODIFICATIONS TO FORMS UD-105 BECAUSE: <u>(1) Form UD-101 should be modified and not revoked.</u> Thus, Item 2.b.(2) should be kept because form UD-101 should be modified, not revoked since Health & Safety §50897.3(2) is not revoked or limited to any specific dates. If form UD-101 is modified, then Defendants should be given the opportunity to deny the allegations. <u>(2) Tenants may need to raise Item 3p as a defense after CCP 1179.04.5 is repealed</u> Item 3.p. refers to Plaintiff improperly applying payments to COVID-19 rental debt without a tenant's written agreement pursuant to CCP § 1179.04.5. BayLegal recommends that item 3p should be kept but modified. The language should be modified to say: "Before October 1, 2025, Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021." Because landlords are allowed to file unlawful detainers based on nonpayment of rent within a year of the payment coming due, the defense in Item 3.p. is applicable until at least August 2026 (even no other tolling applies) as illustrated below: • A landlord improperly applies a tenants September 2025 rent payment to May 2020.	The committee is not recommending revisions in response to this suggestion because it is recommending revocation of form UD-101. As discussed above, the committee is recommending moving the text of item 3 on form UD-101 to form UD-100. The committee agrees and is recommending that item 3p on form UD-105 be revised to state: "Before October 1, 2025, Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021."

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			• In August 2026 the landlord issues a notice to quit based on nonpayment. • In September 2026 the landlord files an unlawful detainer based on that notice. • The tenant can still raise Item 3.p. as a defense because at the time the misapplication of rent occurred (September 2025), the law (CCP § 1179.04.5) was still in effect (until October 2025). The filing of the lawsuit a year later does not remove this defense. Thus, removing this defense prematurely will deny tenants the ability to easily raise this defense while allowing landlords to file cases where it may be warranted without any additional barriers. To ensure that as long as the defense is applicable it is available, Item 3p should remain on UD-105.	
			BAY AREA LEGAL AID URGES THE JUDICIAL COUNCIL TO CONSIDER DIFFERENT MODIFICATIONS TO FORMS UD-100 BECAUSE: <u>(1) The proposed modification may create confusion as to tenant rights</u> BayLegal is concerned about the committee’s proposal to add a checkbox to item 9a for “30-day notice to quit under the federal CARES Act (15 U.S.C. § 9058(c))” because it can imply that there is no right to cure under the CARES Act. No California appellate court has ruled on whether the CARES Act requires a cure period, so BayLegal believes it is inappropriate to suggest that the CARES Act merely requires a “30-day notice to quit” before there is a legal ruling on its meaning. Even though this is not the judicial council’s intent, the language may cause courts to interpret the CARES Act is	In light of all the comments received regarding proposed item 9a(5) on form UD-100, the committee is recommending that this item be revised to use the term “notice to vacate” instead of “notice to quit.” The federal CARES Act uses the term “notice to vacate,” and this revision will ensure item 9a(5) reflects the statutory language. The committee agrees that deviating from the statutory language could cause confusion for courts and form users. The committee determined that revising item 9a(5) to use the statutory

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			having no right to cure at all and that the 30-day notice to quit under the CARES Act supplants the 3-day right to cure non-payment under state law. To avoid confusion the box should be removed. <u>(2) Adding attestations for landlords will ensure compliance with the CARES Act.</u> BayLegal recommends adding items requiring landlords to make attestations on whether the property the landlord seeks to possess is a property that falls under the CARES Act and whether the landlord provided the tenant with a 30-day notice under the CARES Act in Form UD 100. If the Judicial Council modifies rather than revokes Form UD-101 these attestations could be added as a supplemental allegation to Form UD-101.	language was more appropriate than deleting the item. The committee is not recommending revisions in response to this suggestion. The committee concluded that without more explicit statutory authorization, it would not be appropriate to add an item asking whether the property is covered by the CARES Act. The other items on form UD-100 are either expressly required to be included on an unlawful detainer complaint, such as the items required by Code of Civil Procedure section 1166, or are necessary to implement California law. The committee determined that it was more appropriate to address the federal CARES Act by adding a checkbox to item 9a because doing so complies with Code of Civil Procedure section 1166, which requires the complaint to “[s]tate specifically the method used to serve the defendant with the notice or notices of termination upon which the complaint is based.”
			PROPOSED MODIFICATIONS TO FORMS: PLD-C-500 Bay Area Legal Aid proposes the following changes to PLD-C-500. • Removal of “Covid-19” from the title and header. • Removal of reference to CCP 1179.02 from the title.	Please see the committee’s response above regarding the commenter’s suggestions for forms PLD-C-500, PLD-C-505, and PLD-C-520.

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

Commenter	Position	Comment	Committee Response
		- Changes to header to limit automatic sealing to Covid-19 rent debt cases. For example by changing it to state: "If box 6 is checked then Aaccess to the records in this case is limited under Code of Civil Procedure section 1161.2.5." - Removal of "Covid-19" from the "Notice to Defendant", Item 1, and Item 4. - Remove reference to specific dates in Item 5 and instead leave them as open blanks for the landlord to complete. - Change Item 7 to Item 6.a. - Change Item 8 to Item 6.b. - Change Item 6.a. to Item 7 and remove references to specific dates, instead referencing Item 5 and 6. - Change Item 6.b. to Item 8 and remove references to "Covid-19" and specific dates.	
		PLD-C-505 Similar edits to those in PLD-C-500 including 1. Removal of "Covid-19" from the title, header, and opening instructions. 2. Removal of reference to CCP 1179.02 from the title. 3. Item 3.b. should remove "Covid-19" and have references updated appropriately. 4. Item 3.c. should be updated to reference appropriate sections of PLD-C-500 once changed. 5. Defenses in Item 4.a. are still valid as CCP 1942.9 is not set to expire until January 2030 and should remain. 6. Defenses in Item 4.c. are still valid as CCP 871.10 is not set to expire until October 1, 2027. 7. Defenses in Item 4.d. are still valid as CCP 1788.66 does not expire. 8. 8. Defenses in Item 4.e. can be removed as the law will sunset on October 1, 2025.	Please see the committee's response above regarding the commenter's suggestions for forms PLD-C-500, PLD-C-505, and PLD-C-520.

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			9. 9. All other defenses are still valid and should remain on the form.	
			PLD-C- 520 The only change that may be helpful is adding clarifying language that it only needs to be completed if they checked Item 6 on Form PLD-C-500.	Please see the committee's response above regarding the commenter's suggestions for forms PLD-C-500, PLD-C-505, and PLD-C-520.
			UD-101 Items 2a and 2b are based on CCP § 1179.01.5 which will be repealed on October 1, 2025 and can be deleted. If modified instead of revoked, items requiring attestations related to the CARES Act can be added to form UD-101.	Please see the committee's response above regarding the commenter's suggestions for form UD-101.
			UD-100 If the committee revokes form UD-101, BayLegal recommends: • Adding the language of items 3a, 3b, 3c and 3d to form UD-100 so that defendants have the opportunity to deny the landlord's allegations regarding rental assistance. • Adding items requiring attestations related to the CARES Act. The Judicial Council should also remove the checkbox on item 9a stating "30-day notice to quit under the federal CARES Act (15 U.S.C. § 9058(c))."	Please see the committee's response above regarding the commenter's suggestions for form UD-100.
			UD-105 Keep Item. 2.b.(2) and Item 3.p.	Please see the committee's response above regarding the commenter's suggestions for form UD-105.
2.	Legal Aid of Sonoma County by Sunny Noa, Executive Director	NI	Legal Aid of Sonoma County strongly suggests that the Committee revise the proposed language regarding the CARES Act (15 U.S.C § 9058) in the proposed unlawful detainer form complaint (UD-100) to conform to the actual	In light of all the comments received regarding proposed item 9a(5) on form UD-100, the committee is recommending that this item be revised to use the term "notice to vacate" instead

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
	and Patrick McDonnell, Housing Team Supervisor		statutory language and the existing language in the form answer (UD-105). The current proposal adds a new notice checkbox at Paragraph 9(a)(5) of the form complaint saying, “Defendant...was served the following notice on the same date and in the same manner ... (5) 30-day notice to quit under the federal CARES Act (15 U.S.C § 9058(c).) We propose that the language is amended to use the actual statutory language by changing “notice to quit” to “notice to vacate.” Our reasons are outlined below. First, we applaud the Judicial Council for following the majority opinion of courts around the country that the CARES Act’s 30-day notice requirement remains in effect until such time as Congress chooses to sunset the provision, if at all. (<i>Arvada Village Gardens L.P. v. Garate</i> (2023) 529 P.3d 105, 108 [Supreme Court of Colorado]; <i>Sherwood Auburn, LLC v. Pinzon</i> (2022) 24 Wn.App.2d 664, 674, <i>pet’n for rehearing den’d</i>, 1 Wash.3d 1005 [Wash. Ct. of App.]; <i>Olentangy Commons Owner LLC v. Fawley</i> (2023) 228 N.E.3d 621, 625 [Ohio Ct. of App.]) However, we are concerned by the Judicial Council’s choice of “notice to quit” on the form UD complaint because it deviates from the statutory language (“notice to vacate”) in a way that may preempt a legal ruling on nuances in the CARES Act before any California appellate authority interprets the law. California trial courts have had significant confusion over how to interpret the CARES Act’s 30-day requirement with California’s standard 3-day nonpayment notice. Many	of “notice to quit.” The federal CARES Act uses the term “notice to vacate,” and this revision will ensure item 9a(5) reflects the statutory language. The committee agrees that deviating from the statutory language could cause confusion for courts and form users. The committee does not take a position on whether the 30-day notice requirement in the CARES Act remains in effect, but recommends revising form UD-100 because it is possible the requirement is still in effect. Item 9a(5) does not imply that the plaintiff is required to provide a CARES Act notice in any particular situation.

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			property owners provide “mixed” 3-Day/30-Day notices, using the state law standard to pay before a forfeiture may be declared by the lessor and delaying the filing of any unlawful detainer until the expiration of 30 days. Other lessors interpret the CARES Act to preempt any state law right to cure the default at all-they just provide a 30 day “quit” notice where the lease is forfeited immediately. Legal Aid’s legal opinion is that the CARES Act clearly intends and requires a full 30-day period to pay before the lessor may forfeit the lease. That is the only way to harmonize the CARES Act’s purpose of stabilizing the rental housing market with billions of dollars of rental assistance. (<i>See</i> 15 U.S.C. § 9058a, 9058c [each appropriating billions of dollars for rental assistance.]) In <i>Sherwood Auburn v. Pinzon</i>, the Washington Court of Appeals held that the CARES Act’s 30-day provision preempted Washington’s standard 14-day “pay-or-quit” notice, creating a 30-day “pay-or-quit” process for federally-subsidized properties. (<i>Sherwood Auburn, supra</i>, 24 Wn.App.2d 664, 674.) Therefore, under the prevailing interpretation of the CARES Act in Washington, the tenant has 30 days to pay the arrears before being required to leave the premises. If a full payment is tendered on Day 29, the proprietor no longer has a cause of action in unlawful detainer. Washington’s approach is consistent with how the Department of Housing and Urban Development and the Department of Agriculture interpret the CARES Act. Both departments have passed recent regulations extending nonpayment notices in their respective subsidy programs to 30 days during which the	

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			tenant can make a full payment and avoid eviction. Those final rules make clear that the HUD and USDA interpret the CARES Act as giving tenants 30 days to cure any default in the payment of rent. (<i>See</i> 89 Fed. Reg. 101270, 101275 [stating that the purpose of the rule is to “provid[e] tenants with additional time ... to cure nonpayment of rent violations”], 101289 [stating that the final rule is “consistent with provisions in the CARES Act” and other federal actions]; 89 Fed. Reg. 20539, 20540 [stating that the USDA rule giving tenants 30 days to pay is “consistent with this requirement of the CARES Act.”]) The interpretation of federal law by the federal agencies in that area of expertise is given “great weight” by California courts. (<i>Brown v. Fair Political Practices Comm’n</i> (2000) 84 Cal.App.4th 137, 150.) The recent case of <i>Campbell v. FPI Management</i> also may bear on an eventual judicial interpretation of the CARES Act. The <i>Campbell</i> case facts predate the CARES Act, but involve a similar dilemma. The lessor only provided 3-day notices to the tenants despite a HUD subsidy program requiring a 30-day notice much like the CARES Act. (<i>Campbell v. FP/Management</i> (2024) 98 Cal.App.5th 1157, 1159, 1163.) The California Court of Appeals held that a full 30 days was required prior to the lessor being able to forfeit the lease. (<i>Id.</i> at 1164-65.) The court also stated that, to the extent that state law needed to be harmonized, it was appropriate for the lessor to give a 3-day notice under California law so long as the 3-day notice did not expire before the 30-day HUD notice. (<i>Id.</i>) A court may look to <i>Campbell</i> to harmonize state and federal law in a similar way, allowing the lessor to give a mixed 3-Day/30-Day notice as long as the state law notice does not	

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			expire before the CARES Act's 30-day period would have completed. However, it is not our request that the Judicial Council adopt <i>our</i> interpretation of the CARES Act. It is only our request that the Judicial Council use the exact language of the CARES Act (already used in the form Answer in UD-105) to avoid leading trial courts to a particular judicial interpretation before there is guidance from California appellate courts. The authorities above are meant to show how California has yet to adopt any definitive interpretation of the CARES Act's interaction with state law. And any deviation from the law's language-by substituting "notice to vacate" for "notice to quit," for example-may tilt the deck in the trial court as trial judges look to the Judicial Council's forms for authoritative statements on how to interpret a complicated law. In conclusion, we ask that you change the proposed language to accord with the actual text of the CARES Act and mirror the existing language in the UD-105 answer form.	
3.	National Housing Law Project by Marie Claire Tran-Leung, Evictions Initiative Project Director & Senior Staff Attorney	NI	National Housing Law Project (NHLP) submits the following comments regarding the Judicial Council's (Council) Invitation to Comment concerning proposed changes to forms UD-100, among others. NHLP is a legal advocacy center focused on increasing, preserving, and improving affordable housing; expanding and enforcing rights of low-income residents and homeowners; and increasing housing opportunities for underserved communities. Our organization provides technical assistance and policy support on a range of housing issues to legal services and other advocates nationwide. NHLP hosts the	Please see the committee's responses below regarding the commenter's specific suggestions.

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

Commenter	Position	Comment	Committee Response
		national Housing Justice Network (HJN), a vast field network of over 2,000 community-level housing advocates and resident leaders. HJN member organizations are committed to protecting affordable housing and residents' rights for low-income families. HJN has many members in California, and NHLP plays a critical role in the state as an IOLTA-funded support center. NHLP's California advocacy reflects our national initiatives and focuses on tenants' rights, eviction prevention, and affordable housing preservation. We commend the Council's work updating these important forms. We submit our comments with the goal of ensuring that these forms further access to justice in housing court proceedings, particularly for low-income tenants who too often go unrepresented.	
		We support the Judicial Council's proposal to amend Question 9a of UD-100 to include an option to check "30-day notice to quit under the federal CARES Act" [FN 1 Subsection (c) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act requires landlords of covered properties to provide 30 days' notice to tenants in eviction cases. See 15 U.S.C. § 9058(c). There is no sunset on this 30-day notice requirement.] with one significant caveat. Instead of using the term "notice to quit," we strongly urge the Judicial Council to use the term "notice to vacate." This change would mirror the statutory text of the CARES Act, 15 U.S.C. 9058(c) (providing that "the lessor of a covered dwelling unit may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a <i>notice to vacate</i>") (emphasis added). This language would also reflect the	In light of all the comments received regarding proposed item 9a(5) on form UD-100, the committee is recommending that this item be revised to use the term "notice to vacate" instead of "notice to quit." The federal CARES Act uses the term "notice to vacate," and this revision will ensure item 9a(5) reflects the statutory language. The committee agrees that deviating from the statutory language could cause confusion for courts and form users.

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			language of the form UD answer, which includes the defense that “the property is covered by the federal CARES Act and the plaintiff did not provide the 30 days’ notice to vacate.” By using the term “notice to vacate” found in statute and the form answer, the form complaint would reduce the risk of ambiguity that would result in unintended consequences for both landlords and tenants.	
			Additionally, we urge the Judicial Council to add a CARES Act certification requirement for landlord/plaintiffs. The proposed change to Question 9a, by itself, is insufficient to ensure that tenants benefit from their notice rights under the CARES Act. Although adding the checkbox is a step in the right direction, the proposed change as it stands fails to address the knowledge disparity between landlords and tenants about whether the unit in which the tenant resides is in a covered property as defined by the CARES Act. While tenants living in HUD-subsidized properties or multifamily housing with a federally-backed mortgage may be able to find out whether their unit is covered on their own, tenants living in 1-4 unit, unsubsidized properties with a federally-backed mortgage have no way of learning this information without the last four digits of their landlord’s social security number. If the landlord refuses to provide information about the mortgage, the tenant would have a difficult time determining whether the property is covered, and may be unfairly deprived of the opportunity to plead this vital affirmative defense, especially if proceeding as a self-represented litigant, which the vast majority of tenants are doing in eviction courts across the state.	The committee is not recommending revisions in response to this suggestion. The committee concluded that without more explicit statutory authorization, it would not be appropriate to add an item asking whether the property is covered by the CARES Act. The other items on form UD-100 are either expressly required to be included on an unlawful detainer complaint, such as the items required by Code of Civil Procedure section 1166, or are necessary to implement California law. The committee determined that it was more appropriate to address the federal CARES Act by adding a checkbox to item 9a because doing so complies with Code of Civil Procedure section 1166, which requires the complaint to “[s]tate specifically the method used to serve the defendant with the notice or notices of termination upon which the complaint is based.”

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			Landlords are in a much better position to know whether the unit is in a covered property, and certification to that end would not create a significant burden. In fact, it is in the interest of landlords, especially unrepresented landlords, to ensure that they have given the tenant the correct notice before filing the complaint. Today, when a landlord files an unlawful detainer, they do not have to answer whether the unit at issue is a covered property under the CARES Act. It is, unfairly, left up to the tenant to discover whether the property is covered, something they cannot know from the eviction filing alone (and, in some cases, may only be able to find out by asking the landlord or through discovery). The proposed change falls short of addressing this knowledge disparity. If a landlord does not check the box indicating that it gave a 30-day notice, the tenant still will not know whether the landlord is in fact subject to the CARES Act 30-day notice requirement. In order to address this disparity, we ask that the Judicial Council add a certification requirement to form UD-100. Similar to Question 7 regarding the applicability of the Tenant Protection Act, our suggested language for the new question is: 9) The tenancy described in 6 (complete (a) or (b)) a. is not in a property covered by the federal CARES Act. b. is in a property covered by the federal CARES Act.	

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			To assist those filling out this form, the Judicial Council can also amend UD-100 to include the following description found in the current answer form UD-105: (Property covered by the CARES Act means property where the landlord *is participating in a covered housing program as defined by the Violence Against Women Act; *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.)	
4.	Orange County Bar Association by Mei Tsang, President	A	The proposal appropriately addresses the stated purpose due to the fact that revisions are necessary to ensure compliance with AB2347 and statutory changes. Other non-necessary revisions are more helpful than detrimental. There are no current recommendations for clarifying modifications to UD-100 and UD-105. There are clear instructions provided on the court website to assist with completing forms to the extent they confuse the user.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
5.	Superior Court California, County of Los Angeles by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation," the Court agrees with the proposal and has no other comments.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
6.	Superior Court California, County of San Bernardino	NI	Does the proposal appropriately address the stated purpose? Yes	The committee appreciates the response and acknowledges the commenter's support for the proposal.

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
	Staff Small Claims Landlord Tenant Committee		Please provide suggestions, if you have any, for revising specific items in Complaint Unlawful Detainer (form UD-100) and Answer -Unlawful Detainer (form UD-105) to use plain language or any suggestion to improve the forms' clarity and readability.	The committee appreciates the response and will consider the suggestion in a future proposal revising form UD-100 to use plain language.
			Complaint (UD-100): #10a(3) the second box about giving a copy to someone and mailing it caused a lot of confusion when the update first came out since most times when the notice is posted and mailed no one of suitable age or discretion is usually found at the premises. Can "AND giving a copy to a person found residing at the premises" be removed?	
			Would the proposal provide cost savings? If so, please quantify.	The committee appreciates the information.
			Court would not have to print forms that customers usually forget that are needed.	The committee appreciates the information.
			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?	
			Manual updates, CMS codes hidden	The committee appreciates the information.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?	
			Yes, more than enough	The committee appreciates the information.
			How well would this proposal work in courts of different sizes?	

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			The same.	
7.	Superior Court California, County of San Diego by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
			Q: Please provide suggestions, if you have any, for revising specific items in Complaint-Unlawful Detainer (form UD-100) and Answer-Unlawful Detainer (form UD-105) to use plain language, or any suggestions to improve the forms' clarity and readability. A: No suggestions.	The committee appreciates the response.
			Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the response.
			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: Updating internal procedures, removing filings from case management system, updating local packets, training staff, and notifying judicial officers.	The committee appreciates the information.
			Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation ?	The committee appreciates the information.

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			A: Yes, provided the final versions of the forms are provided at that time.	
			Q: How well would this proposal work in courts of different sizes?	The committee appreciates the information.
			A: It appears the proposal would work for courts of all sizes.	
8.	Francisco G. Torres Zanghi Torres Adams LLP San Francisco, CA	NI	I see that proposed changes to the forms include addition of language regarding 30 day notices under the CARES act. It appears that clarification should be provided and the 30 day notice requirement should only be a specific defense to a case based on a notice to pay rent or quit. The issue as to whether 30 day notices are required for termination of tenancy unrelated to unpaid rent is an open question in California and many other states. The Supreme Court of Washington has determined that 30 day notices are only required for non-payment notices.	In light of all the comments received regarding proposed item 9a(5) on form UD-100, the committee is recommending that this item be revised to use the term “notice to vacate” instead of “notice to quit.” The federal CARES Act uses the term “notice to vacate,” and this revision will ensure item 9a(5) reflects the statutory language. The committee determined that it is appropriate to include the CARES Act notice checkbox in item 9a because the item lists notices that could have been provided to the tenant but does not require the plaintiff to allege that specific notices were or were not required by law. Adding item 9a(5) therefore does not imply that the plaintiff is required to provide a CARES Act notice in any particular situation.
9.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	A	The JRS notes that the proposal is required to conform to a change of law.	The committee appreciates the response.
			The JRS also notes the following impact to court operations: - Impact on existing automated systems. - Updates to case management systems.	The committee appreciates the information.

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

SPR25-07

Civil Practice and Procedure: Form Revisions to Reflect the Repeal of COVID-19 Legislation (Revise forms SC-100, SC-103, SC-104B, SUM-130, UD-100, UD-105; revoke forms PLD-C-500, PLD-C-505, PLD-C-520, SC-500, SC-500-INFO, SC-500A, UD-101, UD-104, UD-104(A), UD-125)

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

	Commenter	Position	Comment	Committee Response
			• Results in additional training, which requires the commitment of staff time and court resources. ○ Staff and judicial officer training. Update BPRs and Self-Help Center packets.	

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Civil Practice and Procedure: Amendment of the Collections Case Rule

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

Amend Cal. Rules of Court, rule 3.740

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): 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): 10/22/2024

Project description from annual agenda: Jurisdictional Amounts: Amend rule 3.740: Develop rule recommendations as appropriate. SB 71 raised the amount in controversy for limited civil and small claims court cases. Prior to the enactment of SB 71, the monetary threshold in rule 3.740, which provides alternative procedures for certain collection cases, matched the jurisdictional limit for limited civil cases. The committee should consider amending this rule to use the current jurisdictional limit.

Out of Cycle/Early Implementation: *If requesting July 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) 7/16/2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) 8/1/2025

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.).

(11/1/24)

- **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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-149

For business meeting on October 24, 2025

Title	Report Type
Civil Practice and Procedure: Amendment of the Collections Case Rule	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 3.740	January 1, 2026
Recommended by	Date of Report
Civil and Small Claims Advisory Committee	August 1, 2025
Hon. Donald J. Proietti, Chair	Contact
	Jenny Grantz, 415-865-4394
	jenny.grantz@jud.ca.gov

Executive Summary

California Rules of Court, rule 3.740 governs collections cases. The Civil and Small Claims Advisory Committee recommends amending the monetary limit in rule 3.740 to \$35,000. With this increase, the monetary limit in rule 3.740 will match the current jurisdictional limit for limited civil cases, which was raised in 2024 by Senate Bill 71 (Stats. 2023, ch. 861).

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2026, amend California Rules of Court, rule 3.740 to increase the monetary limit for collections cases to \$35,000.

The proposed amended rule is attached at pages 6–7.

Relevant Previous Council Action

The Judicial Council adopted rule 3.740 effective July 1, 2007, to establish a category of “collections cases” and to provide uniform statewide rules for such cases.¹ The rule was last

¹ Judicial Council of Cal., Advisory Com. Rep., *Collections Cases: Service and Case Management* (Apr. 1, 2007).

amended effective January 1, 2009, to require service of *Civil Case Cover Sheet* (form CM-010) with the initial complaint in a collections case.

Analysis/Rationale

Rule 3.740 exempts collections cases from the case management rules that apply to general civil cases. The plaintiff in a collections case has 180 days to serve the complaint, rather than 60 days, and must obtain a default judgment within 360 days after the filing of the complaint if service is effected and the defendant does not file responsive pleadings. Rule 3.740 does not apply to collections cases that seek to recover more than \$25,000.

In SB 71 (see Link A), the Legislature raised the jurisdictional limit for limited civil cases to \$35,000, effective January 1, 2024.² The Civil and Small Claims Advisory Committee did not recommend amending rule 3.740 in 2024 to implement SB 71 because there is no statutory requirement to increase the rule's monetary limit to match an increase in the jurisdictional limit for limited civil cases, and the committee needed time to consider the potential impact of applying the rule's provisions to additional cases.

The committee now recommends amending subdivision (a) of rule 3.740 to change the monetary limit for collections cases from \$25,000 to \$35,000 to match the current jurisdictional limit for limited civil cases.³

The committee considered leaving the rule's monetary limit unchanged because the committee was concerned that making additional collections cases exempt from the general case management, time for service, and default judgment rules could increase the number of cases not disposed of in one year or not moving toward resolution because of a lack of active case management. The committee also considered that the \$25,000 monetary limit in the rule was originally chosen because "if the recovery sought is greater [than \$25,000], the case would not be simple and may require active case management."⁴ It is unclear whether that reasoning still applies to cases seeking more than \$25,000, considering that \$25,000 in 2007 dollars (the year the rule was adopted) is \$38,000 in 2025 dollars.

The committee determined that leaving the monetary limit unchanged could be confusing for court staff and court users, who might assume that rule 3.740's monetary limit continued to match the jurisdictional limit for limited civil cases. This confusion could cause some collections

² Code Civ. Proc., §§ 85, 86.

³ The committee also recommends making two grammatical revisions to rule 3.740(b). Separately, the committee recommends revising the description of collections cases on page 2 of *Civil Case Cover Sheet* (form CM-010) to state the new \$35,000 monetary limit. See Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: New Case Categories for Civil Case Cover Sheet* (Sept. 18, 2025).

⁴ Judicial Council of Cal., Advisory Com. Rep., *Collections Cases: Service and Case Management* (Apr. 1, 2007), p. 5. The delineation between limited and unlimited cases was one factor in choosing the monetary limit in the rule, but it was not the only factor. (See *id.* at p. 3 ["The committee agrees that the rules should exempt limited jurisdiction collections cases . . . and that unlimited cases should be treated as other general civil cases."].)

cases to be incorrectly handled, including errors by courts or court users when completing or processing forms such as *Civil Case Cover Sheet* (form CM-010).

Policy implications

The key policy implications in this proposal are increasing court efficiency and reducing confusion for courts and court users by aligning the monetary limit in rule 3.740 with the jurisdictional limit for limited civil cases. This proposal is therefore 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

This proposal was circulated for comment from April 14 to May 23, 2025, as part of the regular spring invitation-to-comment cycle. The proposal received eight comments: four from superior courts, one from the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, two from legal aid organizations, and one from a county bar association. Four commenters approved of the proposal, one approved if amended, one did not approve of the proposal, and two did not indicate a position.

Monetary limit

All the commenters were either explicitly in favor of the proposal to increase the rule's monetary limit to \$35,000 or expressed indirect agreement by stating that they agreed with the proposal generally. Community Legal Aid SoCal commented that this amendment: "will reduce the disparity between defendant treatment in collections versus general civil cases. The increase acknowledges inflation and the evolving financial context since the rule's original adoption in 2007. This adjustment is essential for maintaining fairness in the judicial process."

Provisions regarding time for service and default judgment

In the invitation to comment, the committee proposed deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740, which extend the time for service and the time to seek a default judgment in collections cases. The committee proposed keeping subdivision (c)(2), which exempts collections cases from the case management rules that apply to all general civil cases under rules 3.712–3.715 and 3.721–3.730, unless a defendant files a responsive pleading.

Commenters were divided on this aspect of the proposal. Four commenters (Community Legal Aid SoCal, Orange County Bar Association, Superior Court of San Bernardino County, and Superior Court of San Diego County) agreed with the proposal, though only one elaborated on their position. Community Legal Aid SoCal supports the proposed amendments because they "enhance[] the likelihood that service can be completed efficiently and effectively on the correct individual" and "mitigate[] the risk of service issues arising from the defendant's potential change of address during prolonged timelines, ensuring that defendants are properly notified and can respond accordingly." Community Legal Aid SoCal also commented that the proposed amendments would "encourage[] more immediate engagement from defendants, allowing for a swifter judicial process." However, Community Legal Aid SoCal urged the committee to

“undertake thorough public consultation to gauge potential impacts adequately and consider mechanisms to address any arising challenges from these changes” and to monitor implementation outcomes following adoption.

Two commenters (Bay Area Legal Aid and JRS) were opposed to the proposal. JRS is opposed to amending subdivisions (c)–(f) because some courts rely on the rule’s existing time for service provision to manage their collections caseload. The court executive officer (CEO) of the Superior Court of Monterey County, a JRS member, explained that removing these provisions from rule 3.740 will cause a significant amount of process reengineering, training, and configuration for their court. The chair of JRS, who is the CEO of the Superior Court of Butte County, noted that other courts are likely in the same position as Monterey County.

Bay Area Legal Aid is opposed to amending subdivisions (c)–(f) and argued that doing so would place low-income, self-represented litigants at a disadvantage and would not increase the likelihood of effective service. Bay Area Legal Aid argued that reducing the time for service might increase the number of improperly served cases because “reducing the window of service will not increase a creditor’s incentive to obtain the correct address” and might cause process servers to rush or even falsify service to meet the deadline. Bay Area Legal Aid also explained that self-represented litigants in collections cases frequently need more time to answer the complaint and amending the rule might make it more difficult for plaintiffs to grant meaningful extensions. The commenter argued that the proposed rule amendments might reduce judicial efficiency because “courts will likely have to deal with more requests for extensions of time and more Motions to Set Aside from defendants who did not receive effective or actual notice” and because “more parties will be filing motions that require hearings and resources.”

Although the Superior Court of San Bernardino County stated that it approved the proposal to amend rule 3.740(c)–(f), the court noted that “the proposed changes could pose a difficulty in getting the correct defendant served . . . , putting the defendants in collection cases at a disadvantage because the cases will be disposed of quickly.”

The committee considered the comments and determined that it should not recommend deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740 without more information regarding the potential benefits and drawbacks. Several commenters raised significant concerns about the proposed amendments, and it is unclear whether and to what extent the potential benefits to courts and court users might balance those concerns. The committee plans to seek additional information from courts and other stakeholders before considering whether to proceed with amendments to subdivisions (c)(1), (d), (e), and (f).

Alternatives considered

The committee considered taking no action but ultimately determined the recommended amendment is warranted in light of the benefits it would provide to the courts and court users. In addition, as discussed above, the committee considered several alternatives when proposing amendments to the rule and in response to the public comments.

Fiscal and Operational Impacts

Amending rule 3.740 will require educating court staff and judicial officers and might require changes to computerized case management systems. However, these impacts are expected to be relatively minor due to the limited scope of the recommended rule amendments.

Attachments and Links

1. Cal. Rules of Court, rule 3.740, at pages 6–7
2. Chart of comments, at pages 8–20
3. Link A: Senate Bill 71,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB71

Rule 3.740 of the California Rules of Court is amended, effective January 1, 2026, to read:

Rule 3.740. Collections cases

(a) Definition

“Collections case” means an action for recovery of money owed in a sum stated to be certain that is not more than ~~\$25,000~~ **\$35,000**, exclusive of interest and attorney fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking any of the following:

- (1) Tort damages;
- (2) Punitive damages;
- (3) Recovery of real property;
- (4) Recovery of personal property; or
- (5) A prejudgment writ of attachment.

(b) Civil Case Cover Sheet

If a case meets the definition in (a), a plaintiff must check the case type box on ~~the~~ *Civil Case Cover Sheet* (form CM-010) to indicate that the case is a collections case under rule 3.740 and serve ~~the~~ *Civil Case Cover Sheet* (form CM-010) with the initial complaint.

(c) Exemption from general time-for-service requirement and case management rules

A collections case is exempt from:

- (1) The time-for-service requirement of rule 3.110(b); and
- (2) The case management rules that apply to all general civil cases under rules 3.712–3.715 and 3.721–3.730, unless a defendant files a responsive pleading.

(d) Time for service

The complaint in a collections case must be served on all named defendants, and proofs of service on those defendants must be filed, or the plaintiff must obtain an order for publication of the summons, within 180 days after the filing of the complaint.

1 **(e) Effect of failure to serve within required time**

2
3 If proofs of service on all defendants are not filed or the plaintiff has not obtained
4 an order for publication of the summons within 180 days after the filing of the
5 complaint, the court may issue an order to show cause why reasonable monetary
6 sanctions should not be imposed. If proofs of service on all defendants are filed or
7 an order for publication of the summons is filed at least 10 court days before the
8 order to show cause hearing, the court must continue the hearing to 360 days after
9 the filing of the complaint.

10
11 **(f) Effect of failure to obtain default judgment within required time**

12
13 If proofs of service of the complaint are filed or service by publication is made and
14 defendants do not file responsive pleadings, the plaintiff must obtain a default
15 judgment within 360 days after the filing of the complaint. If the plaintiff has not
16 obtained a default judgment by that time, the court must issue an order to show
17 cause why reasonable monetary sanctions should not be imposed. The order to
18 show cause must be vacated if the plaintiff obtains a default judgment at least 10
19 court days before the order to show cause hearing.

SPR25-08

Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)

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

	Commenter	Position	Comment	Committee Response
1.	Bay Area Legal Aid by Alex Farrell, Consumer Staff Attorney	N	Debt collection cases make up 25-36 % of cases in the civil docket in the California court system. In 95-99 % of these cases, debtors are in pro per. And 36-56 % of these cases result in default.[1] [1] One-Sided Litigation: Lessons from Civil Docket Data in California Debt Collection Lawsuits, Claire Johnson Raba (July 2023), Available at https://debtcollectionlab.org/research/one-sided-litigation We urge the judicial council not to change the service and default timelines for debt collection cases because: 1. A change is not required. 2. The change would place low-income pro per litigants in collection cases at a disadvantage compared to other civil cases as these cases often involve older debts, older addresses, and fewer resources. 3. The change will not ensure service is affected on the right person and may increase incidents of sewer service (claims of service where nonservice occurred). 4. The change will create additional burdens on courts if it leads to an increase in hasty bad service because cases will have to be re-opened	The committee appreciates the response. In light of all the comments received regarding the proposal to amend subdivisions (c)–(f) of rule 3.740, the committee has determined that it should not recommend deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740 without more information regarding the potential benefits and drawbacks. Several commenters raised significant concerns about the proposed amendments, and it is unclear whether and to what extent the potential benefits to courts and court users might balance against those concerns. The committee plans to seek additional information from courts and other stakeholders before considering whether to proceed with amendments to subdivisions (c)(1), (d), (e), and (f).

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

SPR25-08

Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)

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

	Commenter	Position	Comment	Committee Response
			in order to allow due process for low-income pro per litigants. We note that the proposed change to Rule 3.740 would also require a change to Rule 3.110, to bring collection cases in line with other unlimited civil cases. Rule 3.110 requires that an answer be filed within 30 days and only allows a 15-day extension without leave of the court. We note that the proposed change to Rule 3.740 to reduce the service period to 60 days from 180 days will not increase the likelihood of effective service. We are concerned that the change to the service timeline will not resolve the issue of poor service due to address changes and may exacerbate these. Many creditors use the last known address on an account to attempt service. That address could be up to 4 years old (the statute of limitations for most debt in California). We often see cases filed the week or even day before the statute of limitations expires. Reducing the window of service will not increase a creditor's incentive to obtain the correct address. Instead, we are concerned that we may see even more sewer service (or false service) cases as process servers will be rushed and have a perverse incentive to falsify service documents to "serve" the documents within the time frame. It will also decrease judicial efficiency as courts will likely have to deal with	

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

SPR25-08

Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)

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

Commenter	Position	Comment	Committee Response
		more requests for extensions of time and more Motions to Set Aside from defendants who did not receive effective or actual notice. We note that the proposed change to Rule 3.740 to reduce the period to request a default from 360 days to 10 days will result in judicial inefficiency and harm pro per litigants. For many of the pro per individuals we see, a severely shortened timeline could prevent them from accessing the limited services available, including assistance completing answers. We routinely see pro per defendants filing late because they cannot get into a self-help clinic within 30 days. As a result, many clinics, self-help resources, and law libraries encourage pro per litigants to request extensions to the answer deadline to increase the chances they have enough time to get help. With this change, Plaintiffs in collection lawsuits would be unable to grant meaningful extensions, making it less likely that cases are decided on the merits and reducing access to justice for low-income pro per litigants. If they needed to file a request with the court to grant an extension many creditors would likely opt for default rather than an extension, which is already at their discretion. As a result, low-income pro per litigants will be disadvantaged as they either must file a answer without assistance, seek leave of the court to file an amended answer, or seek to set aside a default judgment in order to exercise their	

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

SPR25-08

Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)

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

	Commenter	Position	Comment	Committee Response
			rights. Rather than reducing the burden on the court, this will potentially increase it as more parties will be filing motions that require hearings and resources that answers do not. Thus, we urge the judicial council not to change the service and default timelines for debt collection cases for the reasons stated above.	
2.	Community Legal Aid SoCal by Noha Gabra, Supervising Attorney	A	On behalf of Community Legal Aid SoCal, I am writing to express our strong support for the proposed amendments to Rule 3.740 of the California Rules of Court. These amendments are crucial for ensuring that defendants in collections cases are treated equitably, that service is performed correctly, and that cases are resolved expeditiously while adhering to due process. CLA SoCal is a nonprofit legal services organization. For over 65 years, CLA SoCal has served Orange County and Southeast Los Angeles County by providing civil legal services to low-income individuals and promoting equal access to the justice system through advocacy, legal counseling, innovative self-help services, in-depth legal representation, economic development, and community education. CLA SoCal's mission is to help our neighbors fight injustice by providing compassionate, high-quality legal aid to low-income people throughout our service area. CLA SoCal provides free legal assistance to Los	Please see the committee's responses below regarding specific elements of the proposal.

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

SPR25-08**Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)**

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

	Commenter	Position	Comment	Committee Response
			Angeles and Orange County residents with consumer defense issues. Equity for Defendants The proposal to increase the monetary limit from \$25,000 to \$35,000 is a significant step towards aligning the jurisdictional thresholds for limited civil cases. This change will reduce the disparity between defendant treatment in collections versus general civil cases. The increase acknowledges inflation and the evolving financial context since the rule's original adoption in 2007. This adjustment is essential for maintaining fairness in the judicial process. Correct Service of Process The removal of extended service and default judgment provisions addresses the practical challenges associated with delayed service. By streamlining the timeframes, the proposal enhances the likelihood that service can be completed efficiently and effectively on the correct individual. This modification mitigates the risk of service issues arising from the defendant's potential change of address during prolonged timelines, ensuring that defendants are properly notified and can respond accordingly. Expedition Case Resolution The proposed amendments aim to decrease the duration between filing and resolution of	The committee acknowledges the commenter's support for the recommendation to revise rule 3.740(a) to change the monetary limit to \$35,000. The committee appreciates the response. In light of all the comments received regarding the proposal to amend subdivisions (c)–(f) of rule 3.740, the committee has determined that it should not recommend deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740 without more information regarding the potential benefits and drawbacks. Several commenters raised significant concerns about the proposed amendments, and it is unclear whether and to what extent the potential benefits to courts and court users might balance against those concerns. The committee plans to seek additional information from courts and other stakeholders before considering whether to proceed with amendments to subdivisions (c)(1), (d), (e), and (f).

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

SPR25-08**Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)**

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

	Commenter	Position	Comment	Committee Response
			collections cases. By eliminating protracted service timelines, the proposal encourages more immediate engagement from defendants, allowing for a swifter judicial process. This aligns with the principles of due process by minimizing unnecessary delays while maintaining the ability for defendants to adequately respond to complaints. Conclusion and Recommendations The proposed amendments to Rule 3.740 are well-structured to meet their intended objectives of fairness, accuracy in service, and efficiency in case resolution. However, we advise the committee to undertake thorough public consultation to gauge potential impacts adequately and consider mechanisms to address any arising challenges from these changes. Monitoring the implementation outcomes post-adoption will be crucial for evaluating the success of these amendments in practice In summary, the proposal is aligned with its purpose and represents a proactive step towards enhancing judicial efficiency while upholding the principles of equity and due process for all parties involved in collections cases. For these reasons, Community Legal Aid SoCal respectfully urges your support for SPR25-08.	
3.	Orange County Bar Association by Mei Tsang, President	A	Amendments address stated purpose and ensure that defendants are not disadvantaged as compared to defendants in cases that are not collections matters. The amendments appear to	The committee appreciates the response. In light of all the comments received regarding the proposal to amend subdivisions (c)–(f) of rule 3.740, the committee has determined that it should

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

SPR25-08**Civil Practice and Procedure: Amendment of the Collections Case Rule** (Amend Cal. Rules of Court, rule 3.740)

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

	Commenter	Position	Comment	Committee Response
			align with the stated goals of ensuring proper service and efficient and fair disposition. The effectiveness of these changes will need to be further determined once the revisions are implemented.	not recommend deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740 without more information regarding the potential benefits and drawbacks. Several commenters raised significant concerns about the proposed amendments, and it is unclear whether and to what extent the potential benefits to courts and court users might balance against those concerns. The committee plans to seek additional information from courts and other stakeholders before considering whether to proceed with amendments to subdivisions (c)(1), (d), (e), and (f).
4.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "Civil Practice and Procedure: Amendment of the Collections Case Rule," the Court agrees with the proposal and has no other comments.	The committee appreciates the response.
5.	Superior Court of California, County of San Bernardino Staff Civil Committee	NI	Q: Does the proposal appropriately address the stated purpose? A: Yes, the proposal appropriately addresses the stated purpose. Q: Do the proposed changes help ensure that: - defendants in collections cases are not placed at a disadvantage compared to defendants in other case types; - service is effected on the right person; and - cases are disposed of quickly but within parameters of due process A: - Yes	The committee appreciates the response. In light of all the comments received regarding the proposal to amend subdivisions (c)–(f) of rule 3.740, the committee has determined that it should not recommend deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740 without more information regarding the potential benefits and drawbacks. Several commenters raised significant concerns about the proposed amendments, and it is unclear whether and to what extent the potential benefits to courts and court users might balance against those concerns. The committee plans to seek additional information from courts and other stakeholders before considering whether to proceed with amendments to subdivisions (c)(1), (d), (e), and (f).

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

SPR25-08**Civil Practice and Procedure: Amendment of the Collections Case Rule** (Amend Cal. Rules of Court, rule 3.740)

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

	Commenter	Position	Comment	Committee Response
			• Yes • Yes Q: Would the proposal provide cost savings? If so, please quantify A: No cost savings. 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: Minimal change will be required. Clerk’s Office, Judicial Assistants, and Judges would need to be informed of the change. This can be done by email. No additional training required. Possibly brief revising needed for clerk’s office procedures manual. No changes in the case management system would be needed. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the information.

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

SPR25-08**Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)**

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

	Commenter	Position	Comment	Committee Response
			Q: How well would this proposal work in courts of different sizes? A: This will work well in any size court.	
6.	Superior Court of California, County of San Bernardino Staff Small Claims Landlord Tenant Committee	NI	Q: Does the proposal appropriately address the stated purpose? A: Yes Q: Do the proposed changes help ensure that: - defendants in collections cases are not placed at a disadvantage compared to defendants in other case types; - service is effected on the right person; and - cases are disposed of quickly but within parameters of due process A: 1: yes 2: Yes 3: Yes The proposed changes would help ensure that the cases are disposed of quickly and are within the parameters of other civil matters. However, the proposed changes could pose a difficulty in getting the correct defendant served. Therefore, putting the defendants in collection cases at a disadvantage because the cases will be disposed of quickly. Q: Would the proposal provide cost savings? If so, please quantify	The committee appreciates the response. In light of all the comments received regarding the proposal to amend subdivisions (c)–(f) of rule 3.740, the committee has determined that it should not recommend deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740 without more information regarding the potential benefits and drawbacks. Several commenters raised significant concerns about the proposed amendments, and it is unclear whether and to what extent the potential benefits to courts and court users might balance against those concerns. The committee plans to seek additional information from courts and other stakeholders before considering whether to proceed with amendments to subdivisions (c)(1), (d), (e), and (f). The committee appreciates the information.

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

SPR25-08**Civil Practice and Procedure: Amendment of the Collections Case Rule** (Amend Cal. Rules of Court, rule 3.740)

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

	Commenter	Position	Comment	Committee Response
			A: No 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: Updates to the CMS, testing for the updates made. Manual update, informing JOs of the increase. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: yes Q: How well would this proposal work in courts of different sizes? A: Will not be too impactful	
7.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Do the proposed changes help ensure that: - defendants in collections cases are not placed at a disadvantage compared to defendants - in other case types;	The committee appreciates the response. In light of all the comments received regarding the proposal to amend subdivisions (c)–(f) of rule 3.740, the committee has determined that it should not recommend deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740 without more information regarding the potential benefits and drawbacks. Several commenters raised significant concerns about the proposed amendments, and it is unclear whether and to what extent the potential benefits

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

SPR25-08

Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)

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

Commenter	Position	Comment	Committee Response
		• service is effected on the right person; and • cases are disposed of quickly but within parameters of due process? A: Yes.	to courts and court users might balance against those concerns. The committee plans to seek additional information from courts and other stakeholders before considering whether to proceed with amendments to subdivisions (c)(1), (d), (e), and (f).
		Q: Would the proposal provide cost savings? If so, please quantify. A: No. 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: Updating case clocks in the case management system, updating internal procedures, training staff, and notifying judicial officers. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time. Q: How well would this proposal work in courts of different sizes?	The committee appreciates the information.

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

SPR25-08**Civil Practice and Procedure: Amendment of the Collections Case Rule** (Amend Cal. Rules of Court, rule 3.740)

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

	Commenter	Position	Comment	Committee Response
			A: It appears the proposal would work for courts of all sizes.	
8.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)	AM	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: • Requires Development of local rules and/or forms. • Results in additional training, which requires the commitment of staff time and court resources. • Other fiscal or operational impacts	The committee appreciates the information.
			<u>Suggested modification(s):</u> JRS agrees with proposed amendment to subdivision (a) to change the monetary limit to \$35,000.	The committee acknowledges the commenter's support for the recommendation to revise rule 3.740(a) to change the monetary limit to \$35,000.
			However, Monterey manages its collection case load, which is only increasing, based on the time for service existing currently in Rule 3.740(c)through 3.740(f). Removing the existing rule will cause a significant amount of process re-engineering, training, and configuration. Another issue is that by removing this content from Rule 3.740, this will leave collections cases without rules for time for service/default. See CRC 3.110 which puts a 60-day limit on service or OSC will issue, which specifically states that the rule doesn't apply to collections cases – "This rule applies to the service of pleadings in civil cases except for collections cases under rule 3.740(a), unlawful detainer	The committee appreciates the information. In light of all the comments received regarding the proposal to amend subdivisions (c)–(f) of rule 3.740, the committee has determined that it should not recommend deleting subdivisions (c)(1), (d), (e), and (f) of rule 3.740 without more information regarding the potential benefits and drawbacks. Several commenters raised significant concerns about the proposed amendments, and it is unclear whether and to what extent the potential benefits to courts and court users might balance against those concerns. The committee plans to seek additional information from courts and other stakeholders before considering whether to proceed with amendments to subdivisions (c)(1), (d), (e), and (f).

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

SPR25-08

Civil Practice and Procedure: Amendment of the Collections Case Rule (Amend Cal. Rules of Court, rule 3.740)

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

	Commenter	Position	Comment	Committee Response
			actions, proceedings under the Family Code, and other proceedings for which different service requirements are prescribed by law.” (Rule 3.110(a)) Does that mean each court could create their own rules regarding timing with OSC or does it mean no OSCs for failing to take action within the usual rule (since statutes reference 2-3 years for lack of service rather than 60 days or 180 days)? Would it be necessary now to propose a change to Rule 3.110 to remove collections cases exception at the same time? Is there data showing that the current collections rules are prejudicial to either side?	

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Civil Practice and Procedure: Confidential Information Form for Doxing Cases

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

Revise form MC-125

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): 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): 10/22/2024

Project description from annual agenda: Confidential Information Forms: Implementation of AB 1979: Develop forms recommendations as appropriate. AB 1979 creates a private cause of action against a person who doxes (publishes private information about an individual on the internet) another person. A plaintiff in such a case may use a pseudonym by filing a confidential information form. Courts are required to keep the plaintiff's name and certain characteristics confidential, and, upon request, limit access to court records.

Out of Cycle/Early Implementation: *If requesting July 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) 7/3/2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) 7/24/2025

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.).

(11/1/24)

- **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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-150

For business meeting on October 24, 2025

Title

Civil Practice and Procedure: Confidential
Information Form for Doxing Cases

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected
Revise form MC-125

Date of Report

August 28, 2025

Recommended by

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

Contact

Jenny Grantz, 415-865-4394
jenny.grantz@jud.ca.gov

Executive Summary

Assembly Bill 1979 (Stats. 2024, ch. 557) creates a private cause of action against a person who publishes private information about an individual on the internet (referred to as “doxing”). The bill creates a statutory procedure to allow plaintiffs in these cases to use a pseudonym and requires the Judicial Council to adopt or revise forms as necessary to implement that procedure. The Civil and Small Claims Advisory Committee recommends revising one form to fulfill this statutory mandate.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2026, revise *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125) to implement the statutory procedure for using a pseudonym when bringing a case under Civil Code section 1708.89.

The proposed revised form is attached at pages 4–5.

Relevant Previous Council Action

The council adopted form MC-125 effective July 1, 2015, to implement Civil Code section 1708.85. The form was last revised effective January 1, 2019, to reflect amendments to section 1708.85.

Analysis/Rationale

The Doxing Victims Recourse Act (AB 1979; see Link A) added Civil Code section 1708.89, which creates a private cause of action against a person who “doxes” another person by publishing personal identifying information on the internet. The bill creates a statutory procedure to allow plaintiffs in these cases to use a pseudonym and requires the Judicial Council to adopt or revise forms as necessary to implement that procedure.¹ The court is required to keep the plaintiff’s name and certain characteristics confidential, and, upon request, limit access to court records.²

Civil Code section 1708.89 is modeled on Civil Code section 1708.85. Section 1708.85 allows plaintiffs to use pseudonyms in cases involving distribution of sexually explicit material. The Judicial Council adopted *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125), effective July 1, 2025, to implement section 1708.85.³ Apart from their defined terms and use of those terms, Civil Code sections 1708.85 and 1708.89 are essentially identical.

The Civil and Small Claims Advisory Committee recommends revising form MC-125 for use in cases brought under Civil Code section 1708.89. Specifically, the committee recommends revising the form title to include Civil Code section 1708.89, revising item 1 to ask the form user to identify the applicable Civil Code section, and revising the instructions on page 2 to include references to, and information from, section 1708.89. The committee also recommends revising several items in the instructions to make them easier to understand.

Policy implications

The revised form recommended by the committee will implement a statutory procedure for using a pseudonym when bringing an action against a person who publishes the plaintiff’s private information on the internet. Accordingly, the key policy implication is to ensure that this form correctly reflects the law. The recommended form 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).

¹ Civ. Code, § 1708.89(h).

² *Id.*, § 1708.89(e).

³ Judicial Council of Cal., Advisory Comm. Rep., *Rules and Forms: Confidential Information Form Under Civil Code § 1708.85* (Mar. 19, 2015), courts.ca.gov/publication/rules-and-forms-confidential-information-form-under-civil-code-ss170885.

Comments

The proposed form revisions to implement AB 1979 circulated for public comment from April 14 to May 23, 2025, as part of the regular spring invitation-to-comment cycle. The proposal received six comments: three from superior courts, one from the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, one from a county bar association, and one from an attorney. Five commenters approved of the proposal and one did not indicate a position. A chart with the full text of the comments received and the committee's responses is attached beginning at page 6.

JRS suggested revising the instructions on page 2 of the form to include information about "online identifiers," a term defined in the statute, and to remind form users that they will need to file a proof of service after serving form MC-125. The committee agreed with both suggestions and included them in its recommendations to the council.

The commenters did not make any other suggestions or raise any other issues.

Alternatives considered

The committee did not consider the alternative of taking no action because the council is required by AB 1979 to adopt and revise forms to the extent necessary to implement the law. As to proposed revisions that were not required by the terms of AB 1979, the committee considered taking no action but ultimately determined that the revisions were warranted in light of the benefits they would provide to court users.

The committee considered creating a new form to implement AB 1979 instead of revising form MC-125 but determined it would be less confusing for court users if there were only one form for both case types. The two forms would have been so similar that it might have been difficult for court users to tell them apart, especially court users who are less familiar with the relevant statutory citations.

Fiscal and Operational Impacts

The new statute will require training of court staff and judicial officers. The revised form is intended to facilitate courts' and parties' implementation of the new statute and will require education and possibly some changes to computerized case management systems. Because the revisions are required to implement a new law, these operational impacts cannot be avoided.

Attachments and Links

1. Form MC-125, at pages 4–5
2. Chart of comments, at pages 6–9
3. Link A: Assem. Bill 1979 (Stats 2024, ch. 557),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1979

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (party name or pseudonym):	FOR COURT USE ONLY DRAFT 08/26/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
SHORT TITLE:	
CONFIDENTIAL INFORMATION FORM UNDER CIVIL CODE SECTION 1708.85 OR 1708.89	CASE NUMBER:
TO COURT CLERK: THIS FORM IS CONFIDENTIAL	

Read page 2 for instructions explaining when and how to use and file this form.

1. This action includes a claim under (check one):
 - a. ☐ Civil Code section 1708.85 (distribution of sexually explicit material).
 - b. ☐ Civil Code section 1708.89 (doxing).

2. The document with which this form is being filed is a
 - a. ☐ complaint or other pleading.
 - b. ☐ discovery document.
 - c. ☐ other (describe):

3. **Name of Plaintiff** (complete if being filed with the complaint)
 - a. ☐ Plaintiff did not use a pseudonym in the complaint.
 - b. ☐ Plaintiff used a pseudonym in the complaint (complete the following for each plaintiff for whom a pseudonym was used).

<u>Pseudonym used</u>	<u>True name of plaintiff</u>

4. **Redacted Information** (complete for any pleading or document that includes redactions)

	LOCATION OF REDACTION (page and line where the redaction occurs)	INFORMATION REDACTED (text that has been redacted)
1.		
2.		
3.		

☐ Continued on next page.



SHORT TITLE:	CASE NUMBER:

	LOCATION OF REDACTION <i>(page and line where the redaction occurs)</i>	INFORMATION REDACTED <i>(text that has been redacted)</i>
4.		
5.		
6.		
7.		

☐ Additional pages are attached. Number of pages attached: _____

Date: _____

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE)

INSTRUCTIONS

(Note: This form may be used only in cases brought under Civil Code section 1708.85 or 1708.89.)

1. To protect personal privacy, parties who bring an action under Civil Code section 1708.85 (distribution of sexually explicit material) or section 1708.89 (doxing) may use a pseudonym in place of the true name of the plaintiff and may exclude or redact from all pleadings and documents other identifying characteristics. (Civ. Code, §§ 1708.85(f)(1), 1708.89(e)(1).) In such cases, papers filed by other parties **must** be worded so as to protect the name or other identifying characteristics of the plaintiff from public revelation. (Civ. Code, §§ 1708.85(f)(2), 1708.89(e)(2).)
2. If you are a plaintiff who uses a pseudonym, you must file this confidential information form with the court at the time of filing the complaint, with items 2 and 3 completed, in order to provide your true name to the court. You must also serve the form on defendant along with the complaint and summons. Counsel for a party filing under a pseudonym may provide the pseudonym for the name of the represented party in the attorney/party information box at the top of the form. Any other party must also use this form when necessary.
3. If you are a party required to redact identifying characteristics from any pleading or document (other than a complaint) filed with the court, you **must** file this confidential information form with the court and serve a copy of the form on all parties. You must complete items 2 and 4, providing any identifying characteristics that have been redacted from the pleading or document and stating where the information was redacted.
4. "Identifying characteristics" that the plaintiff may and all other parties **must** redact include, but are not limited to, name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to defendant, race or ethnic background, telephone number, email address, social media profiles, online identifiers, contact information, or any other information, including images of the plaintiff, from which the plaintiff's identity can be discerned. (Civ. Code, §§ 1708.85(f)(3)(A), 1708.89(a)(5).) "Online identifiers" means any personally identifying information tying an individual to a particular electronic service, device, application, website, or account, such as account names, aliases, login names, URLs, and Internet Protocol (IP) addresses. (Civ. Code, §§ 1708.85(f)(3)(B), 1708.89(a)(7).)
5. If you need more space to describe all the redactions in a pleading or document, you may attach form MC-025 with information provided in the same format as in item 4 of this form.
6. You must complete a copy of this form each time you file a pleading or document redacted under Civil Code section 1708.85 or 1708.89, and you must serve and file a copy of this form along with the redacted document. You will also need to file a proof of service after serving this form.

SPR25-09**Civil Practice and Procedure: Confidential Information Form for Doxing Cases (Revise form MC-125)**

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

	Commenter	Position	Comment	Committee Response
1.	Mark G. Griffin Interim Chair California Lawyers Association, Law Practice Management and Technology Section	A	It is my hope that the Judicial Council continues to evaluate the threat of doxing through out all stages of litigation. I enthusiastically support the proposal and the Judicial Council's efforts.	The committee appreciates the response.
2.	Orange County Bar Association by Mei Tsang, President	A	Amendments address stated purpose.	The committee appreciates the response.
3.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "Civil Practice and Procedure: Confidential Information Form for Doxing Cases," the Court agrees with the proposal and has no other comments.	The committee appreciates the response.
4.	Superior Court of California, County of San Bernardino Staff Civil Committee	NI	Q: Does the proposal appropriately address the stated purpose? A: Yes, the proposal appropriately addresses the stated purpose. Q: Would the proposal provide cost savings? If so, please quantify A: No cost savings. 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: Minimal change will be required. Clerk's Office, Judicial Assistants, and Judges would	The committee appreciates the information.

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

SPR25-09**Civil Practice and Procedure: Confidential Information Form for Doxing Cases (Revise form MC-125)**

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

	Commenter	Position	Comment	Committee Response
			need to be informed of the change. This can be done by email. No additional training required. Possibly brief revising needed for clerk's office procedures manual. Time would be needed for the clerk's office to update any forms in office with the revised forms and time would be needed for court tech to make sure correct forms are online. (1 day) No changes in the case management system would be needed. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes. Q: How well would this proposal work in courts of different sizes? A: This will work well in any size court.	
5.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the information.

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

SPR25-09**Civil Practice and Procedure: Confidential Information Form for Doxing Cases (Revise form MC-125)**

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

	Commenter	Position	Comment	Committee Response
			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: Updating internal procedures, renaming the filing in the case management system, and training staff. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes.	
6.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)	A	The JRS [Joint Rules Subcommittee] also notes the following impact to court operations: - Increases court staff workload. - If not filed with complaint, what, if any, action would the court clerks need to take regarding previously filed documents? If this form is filed after the complaint, would the clerk be responsible for redacting anything filed	The committee appreciates the information. Civil Code section 1708.89(e)(3) states: “The responsibility for excluding or redacting the name or identifying characteristics of the plaintiff from all documents filed with the court shall be the responsibility of the parties and their attorneys. This section does not require the court to review

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

SPR25-09

Civil Practice and Procedure: Confidential Information Form for Doxing Cases (Revise form MC-125)

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

	Commenter	Position	Comment	Committee Response
			previously? If so, this would increase staff workload. Suggested modification(s): Suggested/helpful changes would be to add a proof of service to the form or a statement “Attached to MC-125 is the proof of service mandated under Civil Code 1708.85 or 1708.89” just a reminder to unrepresented parties. As part of the instructions clarify “online identifiers”. An example is “... social media profiles, online identifiers (e.g. screen name, user name, IP address)...”	pleadings or other papers for compliance with this subdivision.” The committee agrees that it would be helpful to include a reminder about the proof of service. The committee has recommended revising item 6 of the instructions on page 2 to include the following sentence: “You will also need to file a proof of service after serving this form.” The committee agrees and has recommended revising item 4 of the instructions on page 2 of form MC-125 to include a sentence defining “online identifiers” and providing examples.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases

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

Revise form SC-109

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): 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): 10/22/2024

Project description from annual agenda: Small Claims Forms: Include Information Required Under Code of Civil Procedure section 116.540: Develop forms recommendations as appropriate. A member of the committee pointed out that Authorization to Appear (form SC-109) may need to be revised to more fully comply with the required statements by individuals authorized to appear on behalf of parties in small claims court under Code of Civil Procedure section 116.540.

Out of Cycle/Early Implementation: *If requesting July 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) 7/2/2025

☒ approved by Office Director (or Designee) (name) Michael Giden
on (date) 7/24/2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-151

For business meeting on October 24, 2025

Title	Report Type
Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise form SC-109	January 1, 2026
Recommended by	Date of Report
Civil and Small Claims Advisory Committee	August 28, 2025
Hon. Donald J. Proietti, Chair	Contact
	Jenny Grantz, 415-865-4394
	jenny.grantz@jud.ca.gov

Executive Summary

Authorization to Appear (form SC-109) implements Code of Civil Procedure section 116.540, which allows an individual to appear in small claims court on behalf of the plaintiff or defendant in certain circumstances. The Civil and Small Claims Advisory Committee recommends revising form SC-109 to ensure it fully complies with section 116.540.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2026, revise form SC-109 to ensure it complies with Code of Civil Procedure section 116.540.

The proposed revised form is attached at pages 7–8.

Relevant Previous Council Action

The council approved form SC-109 effective January 1, 2003, and last revised it effective January 1, 2007, to make it a plain-language form and change the form name.

Analysis/Rationale

Code of Civil Procedure section 116.540 allows an individual to appear in small claims court on behalf of the plaintiff or defendant in certain circumstances. Anyone appearing on another's behalf under section 116.540 must file a declaration stating that they meet the statutory requirements for their appearance. *Authorization to Appear* (form SC-109) currently does not reflect all the requirements of section 116.540. The committee recommends several revisions to ensure form SC-109 complies with the law.¹

Duties of employment

Section 116.540 allows an individual to appear on behalf of a business or organization if the individual is not employed solely to represent the business or organization in small claims court.² The individual must file a declaration stating that this requirement has been met.³

Form SC-109 currently explains in the instructions at the top of page 1 that “[y]ou cannot appear for a defendant or plaintiff if your only job is to represent him or her in small claims court,” but it does not require the person completing the form to declare that this requirement is met. The committee recommends revising items 3a through 3g to add, “Representing [the party] in small claims court is not the only duty of my job.”

Members of the armed forces

Section 116.540(e) allows an individual to appear on behalf of someone assigned to active duty in the U.S. armed forces if the person on active duty is assigned to a location more than 100 miles from the court where the action is proceeding or is otherwise unable to personally appear due to the performance of military duty. These requirements were different before January 1, 2023, when they were amended by Senate Bill 1311.⁴ The committee recommends revising item 3h to state the current requirements.

Additionally, section 116.540(e) requires an individual appearing on behalf of someone in the armed forces to declare that they have not been paid to appear and have not appeared in small claims court more than four times in the current calendar year. However, these conditions do not apply to someone employed by the United States or the State of California. The committee recommends revising item 3h on form SC-109 to add checkboxes specifying whether the applicant is an employee of the United States or California.

¹ The committee also proposes adding letter designations to each of the subitems in item 3.

² Code Civ. Proc., § 116.540(b) (applies to those appearing on behalf of a corporation), (c) (partnership or other party who is neither a corporation nor a natural person), (d) (sole proprietorship), (h) (owner of rental properties in California), & (i) (association created to manage a common interest development).

³ *Id.*, § 116.540(j).

⁴ Stats. 2022, ch. 620, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1311.

People who are incarcerated

Section 116.540(f) allows an individual to appear on behalf of someone currently in a county jail, a Department of Corrections and Rehabilitation facility, or a Division of Juvenile Facilities [sic] facility. Form SC-109 currently refers to people who are “in a jail, a prison, or another detention facility,” rather than referring to facilities maintained by the specific entities named in the statute. To reduce confusion about which “detention facilities” qualify, the committee recommends revising item 3i on form SC-109 to refer to “a county jail, a Department of Corrections and Rehabilitation facility, or a county juvenile facility.” This language mirrors the statutory language, except “Division of Juvenile Facilities” has been replaced with “a county juvenile facility” to reflect the 2023 closure of the Division of Juvenile Justice.

Defendant owners of real property

Section 116.540(g) allows an individual to appear on behalf of a defendant who is an owner of real property and is not a resident of California. Form SC-109 currently does not include this category of defendants. The committee recommends adding item 3j to implement section 116.540(g).

Spouses and registered domestic partners

Section 116.540(k) allows a person to appear on behalf of their spouse, with court approval, if the claim is by or against both spouses and the represented spouse has consented. The associated language on form SC-109 currently refers to a “husband or wife.” The committee recommends revising item 3k to say “spouse” instead of “husband or wife” to comply with current drafting practices for Judicial Council forms. The committee also recommends adding “or registered domestic partner” to item 3k to make sure that users of the form are aware that registered domestic partners may appear on behalf of their partners.⁵

Parties requiring assistance

Section 116.540(l) states that a court may allow an individual to assist a party in small claims court if the party “cannot properly present their claim or defense and needs assistance.” A person appearing under this provision appears with the party, rather than on the party’s behalf.

The instructions at the top of page 1 of form SC-109 currently explain that “[y]ou may also use this form to ask the court for permission to help a plaintiff or defendant who cannot properly speak for himself or herself.” However, the only place on the form to make this request is the last checkbox in item 3, which simply says “Other (explain).”

The committee recommends revising form SC-109 to add item 4, which reads, “I am appearing to assist a plaintiff or defendant who is not listed in item 3. I am appearing because this person cannot properly present their claim or defense and needs assistance.” Someone selecting this item must explain the reasons for their request because section 116.540 requires the court to “determine[] that a party cannot properly present their claim or defense and needs assistance.”

⁵ Code Civ. Proc., § 17(b)(12) (In the Code of Civil Procedure, “‘[s]pouse’ includes ‘registered domestic partner,’ as required by Section 297.5 of the Family Code.”).

To help form users understand how to complete the form if they are asking to appear to assist a party, the committee recommends adding the following instruction to item 3: “if you are asking to appear in court to assist a plaintiff or defendant who cannot properly present their claim or defense without assistance, skip this item and complete 4 instead.”

The committee also recommends revising the instructions at the top of the form to use the statutory phrase “cannot properly present their claim or defense” rather than “cannot properly speak for himself or herself.”

Policy implications

The recommended form revisions will ensure that form SC-109 correctly reflects the law. The recommended form 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 proposed revisions to form SC-109 circulated for public comment from April 14 to May 23, 2025, as part of the regular spring invitation-to-comment cycle. The proposal received eight comments: 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 judicial officer, one from a legal aid organization, and one from a county bar association. Four commenters approved the proposal, two approved it if amended, and two did not indicate a position. A chart with the full text of the comments received and the committee’s responses is attached beginning at page 9.

Requiring the applicant to confirm their authorization

Form SC-109 currently must be signed by the person who is asking to appear on behalf of a party, but not by the party themselves. The committee requested comments on whether form SC-109 should be revised to include a signature line for the party on whose behalf the applicant will be appearing, or some other item confirming that the party has authorized the person to appear on their behalf.

Most of the commenters were in favor of adding some form of confirmation that the applicant has been authorized by the party they seek to represent. The commenters made two suggestions: (1) add an item asking the *party* to confirm that the applicant is authorized, or (2) add an item asking the *applicant* to confirm that they have been authorized.

The committee considered the comments and concluded that this issue should be addressed by revising the introductory sentence in item 3 to state, “I am authorized to appear” instead of “I am appearing.” The committee determined that requiring the party’s signature could make the form difficult to use because the form is often completed and submitted on the day the applicant appears in court on the party’s behalf. In this situation, an applicant likely would not have time to have the party sign the form. Additionally, the committee is not aware of existing problems in practice that might require adding a signature line for the party, such as concerns that form

SC-109 is being fraudulently submitted. The committee determined that it will be less confusing to have the applicant affirm their authorization as part of item 3 rather than adding a new item to the form. The question of whether the applicant is authorized to appear only applies to those applying to appear on the party's behalf (item 3), not those applying to assist the party (item 4).

Instructions for item 4

Item 4 is used when the applicant is appearing to assist a plaintiff or defendant who cannot properly present their claim or defense and needs assistance. The committee requested comments on whether item 4 should include additional instructions about when to use *Disability Accommodation Request* (form MC-410) and when to use form SC-109 to aid a plaintiff or defendant who needs assistance due to a disability.

Four commenters responded to this question, and two of those were in favor of supplementing the instructions for item 4. The Superior Court of Orange County suggested providing clear distinctions between the purposes of form SC-109 and form MC-410, examples of situations where each form applies, and guidance for users on how to decide which form to use, emphasizing that form MC-410 is specific to disability-related assistance. Additionally, the Superior Court of San Diego County suggested adding a note that the form is not confidential and the applicant should not include any medical information that they do not want made public. Two commenters (Orange County Bar Association and the Superior Court of San Bernardino County) stated that the proposed instructions are sufficient.

The committee considered the comments and determined that information about *Disability Accommodation Request* (form MC-410) should be provided in the standard form Request for Accommodations information box used on many Judicial Council forms. The committee recommends adding this box to the bottom of page 2 of form SC-109. The committee was concerned that including information about form MC-410 in the instructions for item 4 could be confusing in situations where the plaintiff or defendant needs assistance due to a disability but does not need the type of disability accommodations the court can provide. The committee also noted that form SC-109 is often filed on the same day as the applicant's appearance in court, while form MC-410 must be filed five days in advance. It would not be helpful to direct people to form MC-410 on the day they appear in court.

The committee also considered the suggestion to instruct form users not to include confidential medical information when completing item 4. The committee recommends revising the parenthetical for item 4 to instruct the user to "explain why the person needs assistance, keeping in mind that this form is not confidential." The committee was concerned that a more direct instruction not to include private or confidential information could be confusing because it may not be possible for some form users to explain why the plaintiff or defendant needs assistance without including sensitive information.

Alternatives considered

The committee did not consider the alternative of taking no action because revisions are needed to ensure form SC-109 reflects the law. To the extent that Code of Civil Procedure section

116.540 does not require the proposed revisions, the committee considered taking no action but ultimately determined that the revisions will benefit the courts and court users. As discussed above, the committee considered several alternatives suggested by the commenters.

Fiscal and Operational Impacts

The revised form will require education and possibly some changes to computerized case management systems. Because the revisions are required to ensure the form reflects current law, these operational impacts cannot be avoided.

Attachments

1. Form SC-109, at pages 7–8
2. Chart of comments, at pages 9–16

DRAFT

This form is used to tell the court you are authorized to appear for a plaintiff or defendant in a small claims case. You may also use this form to ask the court for permission to help a plaintiff or defendant who cannot properly present their claim or defense. If you are a lawyer, you can appear only as authorized by Code of Civil Procedure section 116.530.

After you fill out this form, file it with the small claims clerk at or before the trial.

Clerk stamps date here when form is filed.

DRAFT
07/21/2025
NOT APPROVED
BY COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in your case number and case name below:

Case Number:

Case Name:

1 Your name, address, and position:

Name: _____

Address: _____

Job title or relationship to the plaintiff or defendant you want to appear for or assist: _____

2 Who are you appearing for?

☐ A plaintiff in this case (name):

☐ A defendant in this case (name):

3 Tell us about the plaintiff or defendant you are appearing for.

I am authorized to appear for a (check one; if you are asking to appear in court to assist a plaintiff or defendant who cannot properly present their claim or defense without assistance, skip this item and complete ④ instead):

- a. ☐ **Corporation** and I am an employee, officer, or director of that corporation. Representing the corporation in small claims court is not the only duty of my job.
- b. ☐ **Partnership** and I am an employee, officer, director, or partner of that partnership. Representing the partnership in small claims court is not the only duty of my job.
- c. ☐ **Other business** (not a corporation, partnership, or sole proprietorship) and I am an employee, officer, or director of that business. Representing the business in small claims court is not the only duty of my job.
- d. ☐ **Government agency or other public entity** and I am an employee, officer, or director of that agency or entity. Representing the agency or entity in small claims court is not the only duty of my job.
- e. ☐ **Sole proprietorship** and I am an employee of that business. I am qualified to testify about business records made in the regular course of business at or near the time of the event. (Evid. Code, § 1271.) The content of the business records is the only issue in this case. Representing the business in small claims court is not the only duty of my job.
- f. ☐ **Owner of rental property in California** who employs me as a property agent. This claim is about the rental property I manage. Representing the owner in small claims court is not the only duty of my job.
- g. ☐ **Association** created to manage a common interest development and I am an agent, management company representative, or bookkeeper for that association. Representing the association in small claims court is not the only duty of my job.

(More options on next page)



Case Name: _____

- 3 h. ☐ **Plaintiff who is assigned to active duty in the U.S. armed forces** in a location more than 100 miles from the court where the action is proceeding, or is otherwise unable to personally appear due to the performance of military duty, and *(check one)*:
- ☐ I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.
- ☐ I am employed by the United States or the State of California. I am not being paid to appear, other than compensation I receive from the United States or the State of California.
- i. ☐ **Plaintiff or defendant who is in a county jail, a Department of Corrections and Rehabilitation facility, or a county juvenile facility now.** I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.
- j. ☐ **Defendant who is an owner of real property and is not a resident of California.** I am not being paid to appear. I have not appeared in small claims court for other people more than 4 times in this calendar year.
- k. ☐ **Spouse or registered domestic partner.** My spouse or registered domestic partner and I are both listed on this claim and agree that either of us can appear for the other. I ask the court to decide that I may appear on behalf of my spouse or registered domestic partner.
- 4 ☐ I ask the court to allow me to appear to assist a plaintiff or defendant who cannot properly present their claim or defense without my assistance because *(explain why the person needs assistance, keeping in mind that this form is not confidential)*:

- 5 I declare under penalty of perjury under California state law that the information above is true and correct.
Date: _____

Type or print your name



Sign your name



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 trial. Contact the clerk's office or go to courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civil Code, § 54.8.)

SPR25-10

Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases (Revise form SC-109)

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

	Commenter	Position	Comment	Committee Response
1.	Bay Area Legal Aid by Rene Coe, Attorney, Equal Justice Works Fellow	A	We support the proposed revisions to form SC-109. Requiring the representative to sign a declaration confirming that they meet the requirements of Code of Civil Procedure section 116.540 promotes fairness and accountability in small claims proceedings, particularly in debt collection cases. This change helps ensure that only authorized individuals appear on behalf of parties, reducing the risk of abuse and protecting the integrity of the small claims process.	The committee appreciates the response. In light of all the comments received regarding whether to require confirmation that the party has approved the representative's appearance, the committee concluded that this issue should be addressed by revising the introductory sentence in item 3 to state, "I am authorized to appear" instead of "I am appearing." The committee determined that adding an item signed by the party could make the form difficult to use because it is often completed and submitted on the day the applicant appears in court on the party's behalf. The committee also determined that it will be less confusing to address the applicant's authorization as part of item 3 than to add a new item to the form. The question of whether the applicant is authorized to appear only applies to those applying to appear on the party's behalf (item 3), not those applying to assist the party (item 4).
2.	Commissioner Christine Copeland Superior Court of California, County of Santa Clara	A	What has always struck me about the Authorization to Appear is that it's backwards: the Plaintiff or Defendant does not authorize the non-party to appear for them, but instead, the non-party self-authorizes themselves to appear. Questions arise all the time in my court about the propriety of the nonparty's representations: (1) the Plaintiff cannot appear because they are shy; (2) my spouse cannot appear because they are busy; (3) my mom cannot appear because she has Alzheimer's but yes, she is aware of the claim she filed and she knew what she was signing when she signed the claim form; (4) etc.	The committee appreciates the response. In light of all the comments received regarding whether to require confirmation that the party has approved the representative's appearance, the committee concluded that this issue should be addressed by revising the introductory sentence in item 3 to state, "I am authorized to appear" instead of "I am appearing." The committee determined that adding an item signed by the party could make the form difficult to use because it is often completed and submitted on the day the applicant appears in court on the party's behalf. The committee also determined that it will be less confusing to address the applicant's authorization as part of item 3 than to add a new item to the form. The question of whether the applicant is authorized to appear only applies to those applying to appear on the party's behalf (item 3), not those applying to assist the party (item 4).

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

SPR25-10

Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases (Revise form SC-109)

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

	Commenter	Position	Comment	Committee Response
3.	Orange County Bar Association by Mei Tsang, President	A	Amendments address stated purpose. Do not need to add instructions for those seeking aid (could add to confusion) and recommend signature authorizing other party to appear.	In light of all the comments received regarding this issue, the committee is recommending that instead of including information about <i>Disability Accommodation Request</i> (form MC-410) in the instructions for item 4, the standard information box explaining form MC-410 should be added to the bottom of page 2 of form SC-109. In light of all the comments received regarding whether to require confirmation that the party has approved the representative's appearance, the committee concluded that this issue should be addressed by revising the introductory sentence in item 3 to state, "I am authorized to appear" instead of "I am appearing." The committee determined that it would be helpful to address this issue on the form in some way, but that it is not necessary to add a new item to the form to do so.
4.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases," the Court agrees with the proposal and has no other comments.	The committee appreciates the response.
5.	Superior Court of California, County of Orange Civil Operations Management by Janay Marks, Operations Analyst, Training & Analyst Group	NI	Q: Should Item 4 Include Different or Additional Instructions About When to Use Form MC-410 Versus SC-109? A: Yes, item 4 should provide: • Clear distinctions between the purposes of form SC-109 (representation in small claims) and form MC-410 (disability accommodation requests). • Examples of situations where each form applies.	In light of all the comments received regarding this issue, the committee is recommending that instead of including information about <i>Disability Accommodation Request</i> (form MC-410) in the instructions for item 4, the standard information box explaining form MC-410 should be added to the bottom of page 2 of form SC-109. The committee was concerned that including information about form MC-410 in the instructions for item 4 could be confusing in situations where the plaintiff or defendant needs assistance due to a disability but does not need the type of disability accommodations the court can provide. The committee also noted that form SC-109 is often filed on the same

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

SPR25-10

Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases (Revise form SC-109)

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

	Commenter	Position	Comment	Committee Response
			- Guidance for users on how to decide which form to use, emphasizing that form MC-410 is specific to disability-related assistance. Q: Should Form SC-109 Include a Signature Line for the Represented Party? A: Yes, adding a signature line is beneficial to: - Confirm the party's consent and avoid disputes about unauthorized representation. - Enhance the form's legal standing, ensuring compliance with section 116.540. - Alternative: If a signature line is not added, include a mandatory checkbox where the applicant declares they have obtained the represented party's authorization, coupled with a warning about the consequences of misrepresentation.	day as the applicant's appearance in court, while form MC-410 must be filed five days in advance. Form MC-410 may not be useful to some of those who are completing item 4. In light of all the comments received regarding whether to require confirmation that the party has approved the representative's appearance, the committee concluded that this issue should be addressed by revising the introductory sentence in item 3 to state, "I am authorized to appear" instead of "I am appearing." The committee determined that adding an item signed by the party could make the form difficult to use because it is often completed and submitted on the day the applicant appears in court on the party's behalf. The committee also determined that it will be less confusing to address the applicant's authorization as part of item 3 than to add a new item to the form. The question of whether the applicant is authorized to appear only applies to those applying to appear on the party's behalf (item 3), not those applying to assist the party (item 4).
6.	Superior Court of California, County of San Bernardino Staff Small Claims Landlord Tenant Committee	NI	Q: Does the proposal appropriately address the stated purpose? A: Yes Q: Should item 4 on form SC-109 include different or additional instructions about when to use form MC-410 and when to use form SC-109 to aid a plaintiff or defendant who needs assistance? A: Yes	The committee appreciates the response. In light of all the comments received regarding this issue, the committee is recommending that instead of including information about <i>Disability Accommodation Request</i> (form MC-410) in the instructions for item 4, the standard information box explaining form MC-410 should be added to the bottom of page 2 of form SC-109. The committee was concerned that including information about form MC-410 in the instructions for

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

SPR25-10

Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases (Revise form SC-109)

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

	Commenter	Position	Comment	Committee Response
			The draft provided provides clarity on when the party should use the MC-410 Q: Should form SC-109 be revised to include an item or a signature line stating that the party has authorized the applicant to appear on their behalf? A: Yes May not always apply. How would a business sign that the owner was authorized to appear for them? Would the owner have to sign twice? I like the explanation section. Q: Would the proposal provide cost savings? If so, please quantify A: No 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: Training of LPA's 2 hours courtroom staff 2 hours	item 4 could be confusing in situations where the plaintiff or defendant needs assistance due to a disability but does not need the type of disability accommodations the court can provide. The committee also noted that form SC-109 is often filed on the same day as the applicant's appearance in court, while form MC-410 must be filed five days in advance. Form MC-410 may not be useful to some of those who are completing item 4. In light of all the comments received regarding whether to require confirmation that the party has approved the representative's appearance, the committee concluded that this issue should be addressed by revising the introductory sentence in item 3 to state, "I am authorized to appear" instead of "I am appearing." The committee determined that it would be helpful to address this issue in some way, but that it is not necessary to add a new item to the form to do so. The committee appreciates the information. The committee appreciates the information.

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

SPR25-10

Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases (Revise form SC-109)

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

	Commenter	Position	Comment	Committee Response
			informing JO's of updates Update procedure manuals Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes	The committee appreciates the information.
7.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Should item 4 on form SC-109 include different or additional instructions about when to use form MC-410 and when to use form SC-109 to aid a plaintiff or defendant who needs assistance? A: Yes. Item 4 should include an advisal that the form is not confidential and that medical information should not be included. Propose the following changes: Item 4: "I am appearing to assist a plaintiff or defendant who is not listed in 3. I ask the court to decide that this person cannot properly present their claim or defense and needs assistance because (explain why the person needs assistance): NOTE: This form is not confidential . DO NOT INCLUDE any medical information that you do not want made public."	The committee appreciates the response. In light of all the comments received regarding this issue, the committee is recommending that instead of including information about <i>Disability Accommodation Request</i> (form MC-410) in the instructions for item 4, the standard information box explaining form MC-410 should be added to the bottom of page 2 of form SC-109. The committee is recommending that the instructions for completing item 4 state: "explain why the person needs assistance, keeping in mind that this form is not confidential." The committee was concerned that a more direct instruction not to include private or confidential information could be confusing because it may not be possible for some form users to explain why

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

SPR25-10

Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases (Revise form SC-109)

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

Commenter	Position	Comment	Committee Response
		<i>“(If the plaintiff or defendant needs assistance because of a disability, they ~~may want to~~ should make a request for accommodations by contacting the clerk’s office or using Disability Accommodation Request (form MC-410). 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. (Civ. Code, § 54.8.)”</i> Q: Should form SC-109 be revised to include an item or a signature line stating that the party has authorized the applicant to appear on their behalf? A: Yes. Q: Would the proposal provide cost savings? If so, please quantify. A: No. 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: Updating internal procedures, training staff, and notifying judicial officers.	the plaintiff or defendant needs assistance without including sensitive information. In light of all the comments received regarding whether to require confirmation that the party has approved the representative’s appearance, the committee concluded that this issue should be addressed by revising the introductory sentence in item 3 to state, “I am authorized to appear” instead of “I am appearing.” The committee appreciates the information. The committee appreciates the information.

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

SPR25-10

Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases (Revise form SC-109)

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

	Commenter	Position	Comment	Committee Response
			Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes.	The committee appreciates the information. The committee appreciates the information.
8.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)	AM	The JRS [Joint Rules Subcommittee] notes that the proposal is required to conform to a change of law. Suggested modification(s): Add check box item for the applicant to affirmatively indicate that they have been authorized by the party to appear on their behalf. Request for Specific Comments: 1. The proposed modifications of form SC-109 appropriately address the stated purpose.	The committee appreciates the response. In light of all the comments received regarding whether to require confirmation that the party has approved the representative's appearance, the committee the committee concluded that this issue should be addressed by revising the introductory sentence in item 3 to state, "I am authorized to appear" instead of "I am appearing." The committee determined that it will be less confusing to address the applicant's authorization as part of item 3 than to add a new item to the form. The question of whether the applicant is authorized to appear only applies to those applying to appear on the party's behalf (item 3), not those applying to assist the party (item 4). The committee appreciates the response.

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

SPR25-10

Civil Practice and Procedure: Authorization to Appear on Behalf of a Party in Small Claims Cases (Revise form SC-109)

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

	Commenter	Position	Comment	Committee Response
			2. Item 4, as proposed, appropriately advises a plaintiff or defendant if they require additional assistance and identifies the forms and code sections applicable.	In light of all the comments received regarding this issue, the committee is recommending that instead of including information about <i>Disability Accommodation Request</i> (form MC-410) in the instructions for item 4, the standard information box explaining form MC-410 should be added to the bottom of page 2 of form SC-109.
			3. Requiring the applicant to affirmatively indicate in a checked box item that they have been authorized by the party to appear on their behalf is recommended and supported.	Please see the response to the “Suggested Modifications,” above, regarding whether to require confirmation that the party has approved the representative’s appearance.
			4. The proposed modifications to the form would not result in any significant cost savings.	The committee appreciates the information.
			5. Implementation of the proposed changes would require training of staff, updating of Case Management Systems, probable revision of processes and procedures.	The committee appreciates the information.
			6. Two months would be sufficient time to implement the proposed modifications.	The committee appreciates the information.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 9/4/2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Criminal Law: Findings and Orders for Pretrial Release or Detention

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

Approve form CR-104

Committee or other entity submitting the proposal:

Criminal Law Advisory Committee

Staff contact (name, phone and email): Sarah Fleischer-Ihn, 415-865-7702, sarah.fleischer-ihn@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): 10/22/24

Project description from annual agenda: To assist in the implementation of In re Humphrey (2021) (11 Cal.5th 135) and In re Harris (2024) (16 Cal.5th 292), the committee will consider revising Defendant's Financial Statement (CR-105) and/or Defendant's Statement of Assets Form (CR-115) to allow use in the pretrial context and may develop rules of court necessary to provide guidance on "least restrictive" non-financial conditions as defined in SB 129, the use of risk assessments, and the Harris factors for pretrial hearings.

Out of Cycle/Early Implementation: *If requesting July 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) 7/21/2025

☒ approved by Office Director (or Designee) (name) Francine Byrne, Kara Portnow on (date) 7/11/2025

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.).

(11/1/24)

- **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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-144

For business meeting on October 24, 2025

Title

Criminal Law: Findings and Orders for
Pretrial Release or Detention

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Approve form CR-104

Date of Report

August 12, 2025

Recommended by

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Contact

Sarah Fleischer-Ihn, 415-865-7702
sarah.fleischer-ihn@jud.ca.gov

Executive Summary

In *In re Humphrey* (2021) 11 Cal.5th 135, the Supreme Court held that conditioning pretrial release from custody solely on whether an arrestee can afford bail is unconstitutional and articulated a framework for bail determinations based on public and victim safety. To assist courts with making the appropriate findings and orders for pretrial release or detention as articulated in *In re Humphrey* and in line with statutory and constitutional requirements, the Criminal Law Advisory Committee recommends a new form for optional use.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026:

1. Approve *Findings and Orders for Pretrial Release or Detention* (form CR-104).

The proposed form is attached at pages 10–13.

Relevant Previous Council Action

In October 2016, former Chief Justice Tani Cantil-Sakauye appointed the Pretrial Detention Reform (PDR) Workgroup. The PDR Workgroup conducted a yearlong study and presented its report and recommendations to the Judicial Council in November 2017.¹ The recommendations included replacing money bail with a risk-based assessment and supervision system for releasing and detaining defendants before trial based on their threat to public safety and their likelihood of appearing for court. The Judicial Council also approved advocating for legislation to implement the PDR Workgroup's recommendations as a legislative priority for 2018.

In January 2019, former Chief Justice Cantil-Sakauye appointed the Pretrial Reform Operations Workgroup (PROW). PROW's charge was to review progress on reforms to California's system of pretrial detention and release, develop recommendations for funding allocations of court pilot projects, develop a plan for judicial branch education on pretrial issues, and conduct an examination of pretrial risk assessment instruments. In November 2020, PROW presented its recommendations on the use of pretrial risk assessment instruments to the Judicial Council.²

As a continuation of the judicial branch's work on pretrial justice issues, the Budget Act of 2021 (Senate Bill 129) allocated \$140 million to the Judicial Council for the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail. The California Pretrial Release Program within the Judicial Council's Criminal Justice Services office administers this annual funding allocation to courts.

In 2024, the Rules Committee approved the Criminal Law Advisory Committee's request to create a standing Pretrial Policy and Data Subcommittee, charged with considering bail and pretrial-related legislation and recommendations on statewide pretrial issues, including bail practices, pretrial release decisions, conditions of pretrial release, and the use of pretrial risk assessments.

Analysis/Rationale

In *In re Humphrey* (*Humphrey*), the Supreme Court observed that pretrial detention should be a limited exception to the norm of pretrial release³ and articulated a framework for bail determinations based on public and victim safety. Specifically, the court posed the following considerations for trial courts when determining pretrial release:

¹ Pretrial Detention Reform Workgroup, *Pretrial Detention Reform: Recommendations to the Chief Justice* (Oct. 2017), www.courts.ca.gov/sites/default/files/courts/default/2024-08/pdrreport-20171023.pdf.

² Pretrial Reform Operations Workgroup, *Pretrial Reform: Pretrial Reform and Operations Workgroup Update and Recommendations on Use of Pretrial Risk Assessment Instruments* (Nov. 13, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8870018&GUID=AFC468B3-B307-45AC-9AB2-A77DE0A692C9>.

³ *In re Humphrey*, *supra*, 11 Cal.5th at p. 156.

- Whether nonfinancial conditions of release may reasonably protect the public or victim and assure future court appearances by the defendant.⁴
- If nonfinancial conditions alone will be insufficient, whether a financial condition, such as cash bail, coupled with or without nonfinancial conditions, is “reasonably necessary” to protect the public or the victim and/or assure future court appearances. If so, the court must consider the defendant’s ability to pay, and bail must be set at an amount the defendant can reasonably afford.⁵
- If nonfinancial conditions are necessary, they must be the least restrictive conditions necessary to ensure a return to court and to protect the public or the victim.⁶
- The court may order pretrial detention if it concludes, by clear and convincing evidence, that no nonfinancial condition in conjunction with affordable money bail can reasonably protect public safety or arrestee appearance.⁷ The detention must otherwise comply with statutory and constitutional requirements.⁸
- The court’s reasons for its decision on pretrial release or detention must be stated in the record and in the court’s minutes.⁹

In addition to *Humphrey*, relevant statutory and constitutional provisions regarding bail include:

- Penal Code section 1270, which states that defendants arrested for a misdemeanor are entitled to release on one own’s recognizance unless release will compromise public safety or will not reasonably assure the appearance of the defendant as required.
- Article I, section 12 of the California Constitution, which specifies, in relevant part, that a person must be released on bail by sufficient sureties except for (1) capital crimes;¹⁰ (2) felony offenses involving acts of violence on another person or sexual assault offenses, where the court finds that there is a substantial likelihood the person’s release would result in great bodily harm to others;¹¹ or (3) felony offenses where the court finds that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.¹² Even if the

⁴ *Id.* at p. 154.

⁵ *Ibid.*

⁶ *Id.* at p. 154.

⁷ *Id.* at p. 143.

⁸ *Ibid.*

⁹ Cal. Const., art. I, § 12(a); *In re Humphrey*, *supra*, 11 Cal.5th at pp. 155–156.

¹⁰ Cal. Const., art. I, § 12(a).

¹¹ *Id.*, § 12(b).

¹² *Id.*, § 12(c).

defendant meets these requirements, the court retains the discretion to grant bail or release the defendant on their own recognizance.¹³

- Article I, section 28(f)(3) of the California Constitution, which states, in relevant part, that “[a] person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. In setting, reducing, or denying bail, the judge or magistrate shall take into consideration the protection of the public, the safety of the victim, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety and the safety of the victim shall be the primary considerations.”¹⁴ A person may be released on their own recognizance in the court’s discretion, subject to the same factors considered in setting bail.¹⁵

While *Humphrey* requires pretrial detention to conform to statutory and constitutional requirements, it did not address how article I, sections 12 and 28(f)(3) of the California Constitution can or should be reconciled, including whether pretrial detention of noncapital defendants can be authorized or prohibited outside of sections 12(b) and (c).¹⁶ The questions of which provision governs the denial of bail in noncapital cases, or, in the alternative, whether the two provisions can be reconciled, and whether a trial court may set pretrial bail above an arrestee’s ability to pay are pending before the Supreme Court in *In re Kowalczyk*, review granted March 15, 2023, S277910.¹⁷

¹³ *In re White* (2020) 9 Cal.5th 455, 469.

¹⁴ Cal. Const., art. I, § 28(f)(3).

¹⁵ *Ibid.*

¹⁶ *In re Humphrey*, *supra*, 11 Cal.5th at p. 155, fn. 7.

¹⁷ *In re Kowalczyk* (2023) 305 Cal.Rptr.3d 440. In *Kowalczyk*, the First District Court of Appeal held that the two constitutional provisions were reconcilable and that both governed bail determinations in noncapital cases:

[S]ection 12’s general right to bail in noncapital cases remains intact, while full effect must be given to section 28(f)(3)’s mandate that the rights of crime victims be respected in all bail and OR release determinations. In so concluding, we reject any suggestion that section 12 guarantees an unqualified right to pretrial release or that it necessarily requires courts to set bail at an amount a defendant can afford.

(*In re Kowalczyk* (2022) 85 Cal.App.5th 667, 672.)

In contrast to *Kowalczyk*, the Second District Court of Appeal in *In re Brown* (2022) 76 Cal.App.5th 296 held that if under *Humphrey*, a court determines that the defendant is a flight risk and a risk to public safety, and that there are no financial or nonfinancial conditions that may sufficiently protect the state’s interests, the court’s only option is to order pretrial detention, and the court may not set preventively high bail. Pending review, trial courts may exercise their discretion to set preventively high bail under *Kowalczyk* or follow *In re Brown*. (Cal. Rules of Court, rule 8.115(e); *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456.)

Although these key pretrial detention issues remain pending, the committee believes that the form should move forward now in order to provide helpful guidance for courts. This form will assist courts to comply with the ongoing requirements of *Humphrey* by ensuring that all matters considered in the decision-making process are substantiated, documented, and transparent.¹⁸ The committee will continue to monitor relevant cases and issues, including the ultimate outcome of *Kowalczyk*, and respond with any necessary or helpful proposed changes to this form.

Proposal

Findings and Orders for Pretrial Release or Detention (form CR-104) leads a judicial officer chronologically through the process of making findings and an order of pretrial release or detention based on the factors articulated in *In re Humphrey* and article I, section 12 of the California Constitution.

After addressing the procedural posture of the case and evidence reviewed, the form guides the judicial officer through factors relevant to the risk of nonappearance or to public or victim safety, such as the defendant's past history of nonappearances, community ties, and whether a victim sustained any injuries, so that the judicial officer can note their reasons for a finding that the defendant is or is not a flight risk or a danger to the safety of the public or victim. Based on these findings, the court may order pretrial release with appropriate nonfinancial and financial conditions or detain the defendant by denying bail under article I, section 12 of the Constitution, or based on other legal authority. The form also allows the court to set provisional bail if the parties wish to present additional evidence on the matter at a later date.

The form also details the least restrictive conditions imposed by the judicial officer and any additional conditions ordered, guides the judicial officer through the process of imposing financial conditions of release with or without nonfinancial conditions, outlines mandatory conditions required of all defendants released pretrial, and includes findings and orders relevant to preventive detention.

Policy implications

The key policy implications are ensuring that the form correctly implements the law. This proposal is 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 proposal circulated for comment from April 14 to May 23, 2025. The committee received 12 comments and greatly appreciates the time and attention of the commenters. One commenter agreed with the proposal (Judge Linda Colfax), and four agreed with the proposal if modified

¹⁸ It is the committee's understanding that writs of habeas corpus and mandate challenging insufficient findings for pretrial detention decisions under *Humphrey* are being filed throughout the state (see, for example, *Ferrer v. Solano County Superior Court* (June 11, 2025, A173140) [2025 WL 1649417] [nonpub. opn.]; *Pasene v. Superior Court of San Francisco* (Nov. 19, 2024, A171444) [2024 WL 4861815] [nonpub. opn.].)

(Superior Court of Los Angeles County, Superior Court of Orange County, Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, and the Orange County Bar Association). Two commenters opposed the proposal (San Diego District Attorney's Office and Los Angeles County Alternate Public Defender). Five commenters did not indicate a position (Judge Frank Birchak, Alicia Virani, Chief Probation Officers of California, Civil Rights Corps and 17 additional signatories, and Vera Institute). The substantive comments and the committee's responses are summarized below. All comments received and the committee's responses are provided in the attached chart of comments at pages 14–46.

Issues pending review in Kowalczyk

Several commenters raised concerns with item 8d of the form as circulated for comment, which allowed a court to set no bail or preventively high bail under either section 12 or 28 of the Constitution. As noted above, the issue of which section governs the denial of bail in noncapital cases is pending in *Kowalczyk*. In the interim, the form was drafted to allow judges, when relevant findings were made, to use their discretion to deny bail under either section 12 or section 28 or to set preventively high bail:

8. Preventive Detention

- a. The court finds that there is *clear and convincing* evidence that defendant presents
- (1) ☐ A flight risk and/or
 - (2) ☐ A danger to the safety of the public or any victim
- b. The court *has considered* the following less restrictive nonfinancial and financial conditions and finds by *clear and convincing evidence* that they are insufficient to ensure a return to court and/or protect the public:
- (1) ☐ Conditions considered by the court:
 - (2) ☐ Evidence supporting the court's findings, in addition to those listed in item 3:
- c. The court finds that the ☐ facts are evident and/or ☐ presumption is great that the defendant committed the offense.
- d. The court is setting ☐ no bail ☐ preventively high bail in the amount of:
- Under
- (1) ☐ Article I, section 12:
 - (a) ☐ Capital crime.
 - (b) ☐ Committed felony offenses involving an act of violence on another or felony sexual assault offense on another, and the court finds by clear and convincing evidence there is a substantial likelihood release will result in great bodily harm to others.
 - (c) ☐ Committed a felony and the court finds by clear and convincing evidence that the person has threatened another with great bodily harm and there is a substantial likelihood that the person will carry out the threat if released.
 - (2) ☐ Article I, section 28:
 - (a) ☐ Capital crime.
 - (b) ☐ Protection of the public based on the safety of the victim, seriousness of the offense, prior criminal record.
 - (c) ☐ There is a probability the person will not appear at trial or a hearing of the case.

Six commenters recommend postponing the form until *Kowalczyk* is decided, noting that the form in its circulated state would be premature and prejudice the outcome of *Kowalczyk*, and that it was prudent to wait for the Supreme Court decision to ensure that the form is consistent with legal authority. Additionally, Judge Birchak noted that including an option on the form to deny bail under section 28 disregards controlling case law and the rules of precedent.

The committee discussed, at length, whether to postpone the form until *Kowalczyk* is decided. Ultimately, the committee sought to balance the commenters' concerns with the ongoing need to provide courts with guidance in implementing *Humphrey*. Accordingly, the committee recommends a revised version of item 8 that provides judicial officers with guidance on settled law under *Humphrey* and the denial of bail under section 12, removes checkboxes allowing the setting of preventively high bail or denial of bail under section 28, and replaces those checkboxes with an "Other, with legal authority:" checkbox for judges who find it necessary to set preventively high bail or deny bail under section 28 pending the decision in *Kowalczyk*:

- c. ☐ Defendant is to be held without bail pursuant to Article I, section 12 because the court finds the facts are evident or the presumption is great that the defendant committed an offense that is a:
- (1) ☐ Capital Crime
 - (2) ☐ Felony involving an act of violence on another or felony sexual assault offense on another and the court finds by clear and convincing evidence there is substantial likelihood release will result in great bodily harm to others.
 - (3) ☐ Felony and the court finds by clear and convincing evidence that the person has threatened another with great bodily harm and there is a substantial likelihood that the person will carry out the threat if released.
- d. ☐ Other, with legal authority:

Concerns that a form is not an appropriate tool

The Civil Rights Corps (and signatories) and the Los Angeles County Alternate Public Defender commented that while trial courts need guidance for *Humphrey* compliance, a form was not the appropriate tool as it could encourage rote decision-making by courts. The San Diego District Attorney's Office also commented that the form was lengthy and complex and would be challenging for a judge to complete in a busy arraignment calendar. The committee considered these concerns and decided that the optional form is appropriately designed to guide judges in considering pretrial release or detention as required by *Humphrey* and ensuring that the findings are transparent, substantiated, and included in the record and on the minutes.

Request for separate forms for misdemeanors and felonies

The Los Angeles County Alternate Public Defender commented that bail analysis differs depending on the charge and that the form did not account for those differences. The committee does not recommend separate forms, since the *Humphrey* analysis is the same for misdemeanors and felonies. However, the committee recommends adding checkboxes to indicate whether the case involves a misdemeanor or a felony, and if the case is for a misdemeanor, noting that there is a statutory presumption for release on one's own recognizance.

Undue emphasis on grounds for detention

The Los Angeles County Alternate Public Defender commented that the form placed undue emphasis on the grounds for detention when the presumption is release. The commenter noted that item 3 included numerous grounds for detaining an individual based on a prior record but did not include a box indicating no prior history or a minimal criminal record. While the committee agrees that the presumption is release, it believes that the form properly allows the court to identify relevant factors that identify whether the defendant is a flight risk or a danger to public or victim safety.

“The facts are evident and/or presumption is great that the defendant committed the offense.”

The committee requested specific comments on whether there were preferred alternatives for the court to indicate that “the facts are evident and the presumption is great” that the defendant committed the offense (Cal. Const., art. I, §§ 12(b) & (c), 28(f)(3)), item 8c of the circulated form:

c. The court finds that the ☐ facts are evident and/or ☐ presumption is great that the defendant committed the offense.

Prior to circulation, the committee discussed whether to include one checkbox indicating that “the facts are evident or the presumption is great” that the defendant committed the offense, noting that the law was not clear on whether this is one finding or two separate findings. The committee sought to bridge both interpretations by keeping two separate checkboxes but revising the item to state that “the facts are evident and/or presumption is great” to allow a court to check one or both boxes.

Based on comments received noting that the Supreme Court has interpreted the phrase holistically as one standard,¹⁹ the committee recommends using the phrase as one standard. Two commenters recommend replacing the provision with the caselaw interpretation that “the evidence appears sufficient to obtain the conviction,” but the committee prefers the constitutional language.

Court minutes

The committee requested specific comments on whether the form should be retitled to refer to inclusion in the court minutes, such as *Minute Attachment on Findings and Orders for Pretrial Release or Detention*. Some commenters agreed with retitling the form while others did not think it was necessary. In response, the committee recommends adding new language to the form noting that the court must make oral findings and include them in the court minutes. (*In re Humphrey* (2021) 11 Cal.5th 135.)

The San Diego District Attorney’s Office commented that while the form addresses pretrial release and detention, only findings related to detention orders must be on the record and in the minutes. The committee’s position is that courts should memorialize their findings and orders on all pretrial release or detention decisions.

Implementation

One court noted that two months was sufficient to implement the form, while the Joint Rules Subcommittee commented that courts would need four to six months. While the committee appreciates the amount of work involved in implementing new forms, it does not recommend delaying implementation of this optional form, which has been designed to assist judicial officers in their pretrial detention and bail determinations.

¹⁹ See *In re White* (2020) 9 Cal.5th 455, 463.

Alternatives considered

The committee considered not taking action by not developing a form to assist courts with pretrial release or detention findings and orders immediately after *In re Humphrey* was decided. In light of feedback from courts and justice system partners, the committee determined that an optional form detailing the required findings for pretrial release or detention would be helpful for courts to ensure that all matters considered in the decision-making process are substantiated, documented, and transparent. As discussed above, the committee also considered and rejected postponing this proposal to wait for additional developments in the law.

The committee discussed including language in proposed item 8d directing courts to relevant legal authorities (e.g., “judges may want to consult Article I, section 28, *In re Kowalczyk* (2022) 85 Cal.App.5th 667, 686691 (review granted, Mar. 13, 2023) and *In re Brown* (2022) 76 Cal.App.5th 296, 306309.”). However, the committee concluded that that level of detail was not necessary.

Fiscal and Operational Impacts

Commenting courts anticipated costs associated with training staff, judicial officers, and justice system partners, updating court technology, adding new docket codes, and ordering and printing new forms.

Attachments and Links

1. Form CR-104, at pages 10–13
2. Chart of comments, at pages 14–46

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY 8/6/2025 DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
FINDINGS AND ORDERS FOR PRETRIAL RELEASE OR DETENTION	CASE NUMBER:
	FOR COURT USE ONLY Date: Time: Department:

The court must make oral findings and include them in the court minutes. (*In re Humphrey* (2021) 11 Cal.5th 135.)

1. Procedural Posture

The court is addressing pretrial release at:

- a. ☐ Arraignment on a ☐ misdemeanor and/or ☐ felony offense.
- b. ☐ Bail review per Penal Code section 1270.2. No changed circumstances required.
- c. ☐ Bail review per Penal Code section 1277. No changed circumstances required.
- d. ☐ Another hearing based on good cause due to change in circumstances per Penal Code section 1289.

2. The court has reviewed and considered the following items:

- a. ☐ The complaint and/or ☐ information in this case.
- b. ☐ The pretrial services report/risk assessment.
- c. ☐ The People's argument and:
 - (1) ☐ Attachments/exhibits:
 - (2) ☐ Amount of bail the defendant can afford:
 - (3) ☐ Statements/proffer of witnesses or evidence:
- d. ☐ The defense argument and
 - (1) ☐ Attachments/exhibits:
 - (2) ☐ Amount of bail the defendant can afford:
 - (3) ☐ Statements/proffer of witnesses or evidence:
- e. ☐ Criminal history.
- f. ☐ History of appearance.
- g. ☐ Police report/probable cause declaration.
- f. ☐ Proposed conditions of release:
- g. ☐ Other:

3. Risk of Nonappearance or to Public/Victim Safety

- a. The court finds the following factors regarding flight risk:
 - (1) ☐ Does or ☐ does not have a prior history of failures to appear.
 - (a) ☐ Has always made prior court appearances.
 - (b) ☐ Has a minimal history of failing to appear.
 - (c) ☐ Has a significant history of (*number*): _____ failures to appear.



PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

(d) ☐ Previously absconded from the court process for:(e) ☐ Previously cut off GPS device.(f) ☐ Previously attempted to avoid court process by:(g) ☐ Has demonstrated an intention to subvert the criminal process by:(2) ☐ Has been released since *(date)*: and is here in court today.(a) ☐ Has posted a bond and returned to court.(b) ☐ Has posted bail with the court and returned to court.(3) ☐ Has ☐ minimal ☐ significant ties to the community including:(4) ☐ Has stated a willingness to follow any conditions deemed reasonable by the court.(5) ☐ Previously failed to comply with court orders including:(6) ☐ Has *(enter number)*: outstanding felony/misdemeanor warrant(s).(7) ☐ Was on probation/parole/postrelease community supervision/mandatory supervision at the time of the offense.(8) ☐ Faces a potential penalty for the charged offense that is great.(9) ☐ Has a history of untreated mental health or substance abuse issues.(10) ☐ Other:

b. The court finds the following factors regarding danger to the safety of the public or the victim:

(1) ☐ The alleged crime ☐ does ☐ does not involve a victim.(a) ☐ The victim sustained injuries. ☐ The injuries are serious:(b) ☐ Defendant threatened witness(es) or victim(s) by:(2) ☐ The alleged crime ☐ is ☐ is not a crime of violence ☐ including:(a) ☐ A firearm was used in the commission of the crime.(b) ☐ A deadly weapon *(describe)*: was used in the commission of the crime.(3) ☐ Defendant ☐ does ☐ does not present a danger to public safety because:(4) ☐ Defendant ☐ does ☐ does not have a history of violence.(5) ☐ Defendant's criminal record demonstrates a history of violence.(6) ☐ Defendant is alleged to have violated a restraining order.(7) ☐ Defendant has a history of violating restraining orders.(8) ☐ Defendant has a history of untreated mental health or substance abuse issues.(9) ☐ The crime involved a large quantity of a controlled substance *(describe)*:(10) ☐ Mitigating factors were presented:(11) ☐ Other:**4. Finding for Release or Detention**

Based on the factors in item 3, the court

a. ☐ Finds that defendant does not pose a flight risk or a public safety risk, and will release the defendant on their own recognizance. (See item 7.)b. ☐ Finds that the defendant is charged with a misdemeanor offense and the presumption for own recognizance release has been overcome.c. ☐ Finds defendant presents a ☐ flight risk and/or ☐ a public safety risk, but that risk can be mitigated by nonfinancial conditions. (See item 5.)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

- d. ☐ Finds defendant has previously bailed out or was released on their own recognizance but still presents ☐ a flight risk and/or ☐ a public safety risk, but that risk can be mitigated by nonfinancial conditions. (See item 5.)

4. Finding for Release or Detention

- e. ☐ Finds defendant presents a ☐ flight risk and/or ☐ a public safety risk, and finds by clear and convincing evidence that nonfinancial conditions are not sufficient to ☐ ensure a return to court or ☐ protect the public or victims, and will impose a **financial condition** of (amount): _____, **which the defendant has the ability to pay**, ☐ coupled with the following least restrictive nonfinancial conditions. (See items 5 and 6.)
- f. ☐ Finds the defendant presents a ☐ flight risk and/or ☐ public safety risk by clear and convincing evidence and finds by clear and convincing evidence there are no less restrictive nonfinancial conditions or financial conditions that will ensure a return to court or protect the public or victim(s). (See item 8.)
- g. ☐ Finds defendant presents a flight risk and/or public safety risk but that the parties wish to present additional evidence regarding:

(1) ☐ Evidence to support a denial of bail or preventively high bail.

(2) ☐ Evidence of alternative available conditions.

(3) ☐ Evidence regarding ability to pay.

and sets **provisional** bail in the amount of:

and a bail review hearing on (date):

5. Imposition of the Least Restrictive Conditions

- a. ☐ In addition to the mandatory conditions in item 7, the defendant ☐ is subject to monitoring by Pretrial Services, and ☐ must obey the following orders that the court finds are the least restrictive conditions necessary to ensure a return to court and to protect the safety of the public or victim because (explain): _____
- b. ☐ The court finds that nonfinancial conditions are insufficient to protect the government's interests. (See items 6 and 8.)

6. Imposition of Financial Condition of Release

- a. ☐ **Setting financial condition alone or coupled with nonfinancial conditions:** The court has considered nonfinancial conditions and finds that without a financial condition, they would be insufficient to ensure a return to court and/or protect the public:
- (1) ☐ Nonfinancial conditions considered by the court (if not imposed in item 5):
- (2) ☐ Reasons the court finds they are insufficient to protect the government's interests:
- (3) ☐ The court will set economic bail in the amount of:
- (4) ☐ The court finds that the defendant has the ability to pay this amount based on counsel's statements or the evidence presented.

7. Mandatory Conditions for Pretrial Release

The defendant must comply with the terms and conditions of Penal Code section 1318. The defendant is ordered to appear at all times and places by this court and as ordered by any court in which the charge is pending, obey all laws, immediately notify the court of any change of physical or mailing address, not depart the state without leave of the court, and waive extradition if the defendant fails to appear and is apprehended outside the state of California.

8. Preventive Detention

- a. ☐ The court finds that there is **clear and convincing** evidence that the defendant presents a flight risk and/or a danger to the safety of the public or any victim.
- b. The court **has considered** the following less restrictive nonfinancial and financial conditions and finds by **clear and convincing evidence** that they are insufficient to ensure a return to court and/or protect the public:
- (1) ☐ Conditions considered by the court:



PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

(2) ☐ Evidence supporting the court's findings, in addition to those listed in item 3:

c. ☐ Defendant is to be held without bail pursuant to Article I, section 12 because the court finds the facts are evident or the presumption is great that the defendant committed an offense that is a:

(1) ☐ Capital crime.

(2) ☐ Felony involving an act of violence on another or felony sexual assault offense on another and the court finds by clear and convincing evidence there is substantial likelihood release will result in great bodily harm to others.

(3) ☐ Felony and the court finds by clear and convincing evidence that the person has threatened another with great bodily harm and there is a substantial likelihood that the person will carry out the threat if released.

d. ☐ Other, with legal authority:

Date:



JUDICIAL OFFICER

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
1.	Chief Probation Officers of California by Karen A. Pank, Executive Director	NI	The Chief Probation Officers of California (CPOC) write to offer our public comment on the proposed <i>Findings and Orders for Pretrial Release or Detention</i> form (CR-104). Consider Information Already Listed in Pretrial Report You may wish to consider that some of the information listed in the form is already included in the pretrial services report and therefore does not to be further enumerated. Including reiterative information can lead to the request for information that is already included in the report. This can potentially create duplicative work and delay the decision of pretrial release or detention. Additionally, you may wish to consider the time involved in relation to the information listed in the form and how this might affect the timeline for making a decision of pretrial release or detention. Add Option for Pre-Arraignment Lastly, we request revising the form to include an additional option under “1. Procedural Posture” on page 1 to include an option for “pre-arraignment”. We request revising the form to specifically list this option seeing as some jurisdictions address pretrial release at the pre-arraignment stage.	The committee appreciates the comment. The committee prefers to keep the pretrial services report as one of multiple sources of information reviewed and considered by a court. Because pre-arraignment release review differs significantly from the other forms of review, and all counties do not have access to all the information detailed in the form, the committee declines to include pre-arraignment as one of the procedural posture options.
2.	Hon. Frank Birchak, Judge Superior Court of California, County of San Diego	NI	Thank you for the significant effort and work put into this proposed CR-104. It is something that is incredibly useful and clearly had a lot of people working hard to put it together. It will help judges create a clearer record and remind us of the important factors we must consider. But I do have concerns with two parts of the form: Paragraph 4(f)(2) and Paragraph 8(d)(2). As a form coming from the Judicial Council, there is an implication that the options in the	The committee appreciates the comment.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			form are the clear state of the law. These two paragraphs are not based on settled law and there is published case law saying courts do not have the authority to make these orders. Because of that—especially with nothing in the form highlighting the conflicting law—it seems imprudent to include these options. <u>Paragraph 4(f)(2)</u> While <i>In re Kowalczyk</i> (2022) 85 Cal.App.5th 667 did hold that courts can set bail higher than a defendant can afford, the case of <i>In re Brown</i> (2022) 76 Cal.App.5th 296, held that courts cannot. The form does not inform judges in any way of the conflicting authority. When appellate court decisions are in conflict, “the court exercising inferior jurisdiction can and must make a choice between the conflicting decisions.” (<i>Auto Equity Sales, Inc. v. Superior Court of Santa Clara County</i> (1962) 57 Cal.2d 450, 456.) Having a check box that does not reference the conflict in any way, implies that the issue is settled law and does not highlight to judges that they must evaluate the two conflicting lines of cases and choose which they believe is correct. If the decision is to continue to include this option, I would recommend that the form have some acknowledgement of the conflicting law and holding in <i>In re Brown</i> so judges are made aware of their duty to decide which of the conflicting lines of cases they are going to follow. One possible way to do this could be modifying the language of 8(d)(4) to read: “The court is setting . . . preventively high bail and finding the reasoning under <i>In re Kowalczyk</i> (2022) 85 Cal.App.5th 667 more persuasive than the reasoning of <i>In re Brown</i> (2022) 76 Cal.App.5th 296, bail is set in the amount of:” There appears to be plenty of space on the page to accommodate the additional language, it would trigger judges to consider the two cases, and would make a clear record that the cases have been considered and the court is satisfying its obligations under <i>Auto Equity Sales</i>.	In response to other comments, the committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an “Other, with legal authority:” checkbox while <i>In re Kowalczyk</i> is under review.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

Commenter	Position	Comment	Committee Response
		<u>Paragraph 8(d)(2)</u> As to Paragraph 8(d)(2), existing caselaw holds that article I, section 12, of the California Constitution, is the only basis for denying bail. “Although article I, section 12 of the California Constitution permits preventive detention, there is no contention that the instant matter qualifies. For all other offenses, bail is a matter of right.” (<i>In re Christie</i> (2001) 92 Cal.App.4th 1105, 1109.) This case has no negative treatment listed in WestLaw and has never been overruled. Existing caselaw holds that where section 28 conflicts with section 12, section 28’s provisions did not go into effect. Proposition 8 is what created section 28. And Proposition 4 created the current language of section 12. “Because Proposition 4 received a greater number of votes, the bail provisions of Proposition 8 never went into effect.” (<i>People v. Barrow</i> (1991) 233 Cal.App.3d 721, 723 citing <i>Brosnahan v. Brown</i> (1982) 32 Cal.3d 236, 255 which cited Cal. Const., art. XVIII, § 4; see also <i>People v. Cortez</i> (1992) 6 Cal.App.4th 1202, 1211.) “In relying on the bail and OR provisions of Proposition 8, the People fail adequately to take account of a series of opinions, including one by this court, that has concluded that the relevant provision of Proposition 8 never became effective, because a competing initiative measure on the same ballot (Proposition 4) garnered more votes than Proposition 8.” (<i>People v. Standish</i> (2006) 38 Cal.4th 858, 874–875; see also <i>In re York</i> (1995) 9 Cal.4th 1133, 1140, fn. 4.) No cases have overruled these cases.	The California Supreme Court has granted review of <i>In re Kowalczyk</i> on which constitutional provision governs the denial of bail in noncapital cases — article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution — or, in the alternative, whether these provisions be reconciled. The committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an “Other, with legal authority:” checkbox while <i>In re Kowalczyk</i> is under review. See the committee’s response above.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			There is no case holding that a court may deny bail under Article I, section 28, subdivision (f)(3). Therefore, unlike with Paragraph 4(f)(2), there is no conflicting authority that would allow courts to choose between conflicting lines of cases. The California Supreme Court in <i>Humphrey II</i> did not hold that bail can be denied outside of the circumstances specified in article I, section 12. “Even when a bail determination complies with the above prerequisites, the court must still consider whether the deprivation of liberty caused by an order of pretrial detention is consistent with state statutory and constitutional law specifically addressing bail — a question not resolved here⁷ —and with due process.” (<i>In re Humphrey</i> (2021) 11 Cal.5th 135, 155.) In the footnote from the cite above, the Court goes on to indicate “[b]ecause this case does not involve an order denying bail, we leave for another day the question of how two constitutional provisions addressing the denial of bail — article I, sections 12 and 28, subdivision (f)(3) — can or should be reconciled, including whether these provisions authorize or prohibit pretrial detention of noncapital arrestees outside the circumstances specified in section 12, subdivisions (b) and (c).” (<i>In re Humphrey</i> (2021) 11 Cal.5th 135, 155, fn. 7.) Nor did the California Supreme Court create an independent basis to deny bail for failure to appear in <i>Humphrey II</i>. “We have not been asked to decide and do not determine here whether the California Constitution permits pretrial detention based on risk of nonappearance or flight alone, divorced from public and victim safety concerns.” (<i>In re Humphrey</i> (2021) 11 Cal.5th 135, 153, fn. 6.) Until—and unless—an appellate court creates a conflict or finds a case superseded, superior court judges do not have the authority to disregard existing court of appeal decisions or find that they have been superseded. (<i>People v. Letner and Tobin</i> (2010) 50 Cal.4th 99, 197–198; <i>People v. Franc</i> (1990) 218	See response above. See response above. See response above.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			Cal.App.3d 588, 593–594.) And unless the California Supreme finds that one of its decisions is no longer good law, superior court judges do not have the authority to disregard existing California Supreme Court decisions or find that they have been superseded. (<i>Ibid.</i>) Including an option on the form indicating judges can deny bail on the basis of Article I, section 28, subdivision (f)(3), is inviting courts to ignore existing controlling case law and the rules of precedent outlined in <i>People v. Letner and Tobin</i> and <i>People v. Franc</i>. Some have argued that Marsy’s Law—Proposition 9 enacted in 2008—somehow resurrected the language from Proposition 8 in section 28. Nothing in Marsy’s Law specifically indicated an intent to do so and it only added language indicating that safety of victims is to be taken into consideration on bail determinations and added victims to those who need to be notified of a hearing before someone charged with a serious felony is released on bail. “We cannot presume that ... the voters intended the initiative to effect a change in law that was not expressed or strongly implied in either the text of the initiative or the analyses and arguments in the official ballot pamphlet.” (<i>People v. Valencia</i> (2017) 3 Cal.5th 347, 364.) The arguments indicate a belief that Marsy’s Law could be viewed as repealing conflicting language in section 12 by implication. But those arguing this do not address how disfavored repeals by implication are. “[A]ll presumptions are against a repeal by implication.” (<i>Western Oil & Gas Assn. v. Monterey Bay Unified Air Pollution Control Dist.</i> (1989) 49 Cal.3d 408, 419.) Repeals by implication “will occur only where the two acts are so inconsistent that there is no possibility of concurrent operation, or where the later provision gives undebatable evidence of an intent to supersede the earlier; the courts are bound to maintain the integrity of both statutes if they may stand together.” (<i>Hays v. Wood</i> (1979) 25 Cal.3d 772, 784.) And this argument ignores the holding of <i>People v.</i>	See response above.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			<i>Standish</i> (2006) 38 Cal.4th 858 and the rule of precedent that holds that the California Supreme Court is the one to say if <i>Standish</i> has been superseded. Additionally, preventative detention is only constitutional under the Federal Constitution where it is a carefully limited exception with numerous procedural safeguards. (<i>U.S. v. Salerno</i> (1987) 481 U.S. 739 & <i>Foucha v. Louisiana</i> (1992) 504 U.S. 71, 81–82.) “In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” (<i>U.S. v. Salerno</i> (1987) 481 U.S. 739, 755.) When preventative detention schemes are not carefully limited, they are unconstitutional. (<i>Foucha v. Louisiana</i> (1992) 504 U.S. 71, 81–82.) The interpretation of section 28 that is proposed in this form seems to be that courts have unfettered discretion to deny bail on any charge. Unlike section 12 and the federal scheme in <i>Salerno</i>, section 28 doesn’t include the procedural protections of a heightened burden of proof or narrow charges that the denial could apply to. Because of that, it appears section 28 applied as suggested would violate the 5th and 14th Amendments of the United States Constitution, this is especially true considering the interpretation that bail can be denied in misdemeanors under Article I, section 28, subd. (f)(3). The United States Supreme Court in <i>Salerno</i> found that the Federal Bail Reform Act was constitutional based on the significant procedural protections contained in the Act. These protections included defendants’ right to counsel, to “testify in their own behalf, present information by proffer or otherwise, and cross-examine witnesses who appear at the hearing,” a clear and convincing evidence burden of proof, and the requirement of “a written statement of reasons for a decision to	No response required. See response above. No response required.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

Commenter	Position	Comment	Committee Response
		detain.” (<i>U.S. v. Salerno</i> (1987) 481 U.S. 739, 751–752.) The Court also considered that the Act “carefully limits the circumstances under which detention may be sought to the most serious of crimes.” (<i>U.S. v. Salerno</i> (1987) 481 U.S. 739, 747) These most serious crimes include crimes of violence, certain non-violent crimes whose punishment includes a maximum term of 10 years, crimes for which the maximum punishment is life imprisonment or death, non-violent felonies with minor victims, felonies involving firearms or other dangerous weapons, failure to register under SORNA (which carries a maximum punishment of 10 years), and federal crimes of terrorism. (18 U.S.C. § 3142(f).) The Court also considered the limited length of the detention based on the federal Speedy Trial Act. To fall under the careful limited exception for preventative detention the “numerous procedural safeguards detailed above must attend this adversary hearing.” (<i>U.S. v. Salerno</i> (1987) 481 U.S. 739, 755.)	No response required.
		Except for California’s statutory speedy trial rights, none of the Federal Bail Reform Act’s procedural safeguards are contained in section 28. Unlike section 12, section 28 does not contain any mention of a heightened burden of proof or restrict the crimes for which preventative detention may be sought. Neither section contains the other procedural protections relied on by the United States Supreme Court in <i>Salerno</i> . Therefore, it seems unlikely that section 28 can meet the federal constitutional requirements for preventative detention.	No further response required.
		Given the weight the United States Supreme Court in <i>Salerno</i> gives to the careful limitations of crimes to which preventative detention is applied to, an argument that section 28 authorizes trial courts to engage in preventative detention for misdemeanors seems inaccurate and unconstitutional. The California Supreme Court has cautioned that “ courts should likewise bear in mind that <i>Salerno</i> upheld a scheme whose	See response above.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

Commenter	Position	Comment	Committee Response
		scope was ‘narrowly focus[e]d on a particularly acute problem.’ (<i>Id.</i> at p. 750, 107 S.Ct. 2095.) Indeed, the law under review there authorized pretrial detention ‘only on individuals who have been arrested for a specific category of extremely serious offenses.’” (<i>In re Humphrey</i> (2021) 11 Cal.5th 135, 155.) This language does not support an interpretation allowing denial of bail for misdemeanors. <i>Salerno</i> is focused on Substantive Due Process analysis, which requires a weighing of the competing interests—the individual’s right to liberty and the government’s interest in crime prevention. (<i>U.S. v. Salerno</i> (1987) 481 U.S. 739, 748–751.) The difference between misdemeanors and felonies can be viewed reflecting different policy interests. (<i>Burris v. Superior Court</i> (2005) 34 Cal.4th 1012, 1018–1019.) The United States Supreme Court has described misdemeanors as “those ‘smaller faults, and omissions of less consequence,’” (<i>Apprendi v. New Jersey</i> (2000) 530 U.S. 466, 480, fn. 7.) In <i>Salerno</i>, the Court weighed a heightened government interest where there is “convincing proof that the arrestee, already indicted or held to answer for a serious crime, presents a demonstrable danger to the community. Under these narrow circumstances, society’s interest in crime prevention is at its greatest.” (<i>U.S. v. Salerno</i> (1987) 481 U.S. 739, 750.) The balancing conducted in <i>Salerno</i> does not address misdemeanors—or even non-serious felonies. To say that balancing the individual’s strong right to liberty against the smaller faults and omissions of misdemeanor conduct justifies preventative detention seems a far leap from the analysis in <i>Salerno</i>. For these reasons, I do not believe Paragraph 8(d)(2) is an accurate statement of the law. Nor do I believe that it should remain in the form.	See response above. See response above.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			Again, it is clear a tremendous amount of thought and work went into the creation of this and it will be a wonderful tool. Thank you all for your efforts.	
3.	Civil Rights Corps; ACLU of Northern California; Criminal Law & Justice Center at University of California, Berkeley School of Law; California Public Defender's Association; Public Defender's Office of Contra Costa County; Public Defender's Office of Marin County; Public Defender's Office of Monterey County; Public Defender's Office of Nevada County; Public Defender's Office of San Bernardino County; Public Defender's Office of San Diego County; Public Defender's Office of San Francisco County; Public Defender's Office of Santa Clara County; Public Defender's Office of Santa Cruz County; Public Defender's Office of Solano County; Public Defender's Office of Sonoma County; Public Defender's Office of Stanislaus County; Public	NI	We are writing with great concern over elements in the Judicial Council's proposed "Findings and Orders for Pretrial Release or Detention" form. We agree that trial courts are in dire need of guidance and that a standardized tool promulgated by the Judicial Council would help ensure <i>Humphrey</i> compliance. But we cannot agree that a detention checklist is the appropriate tool. It is evident that an enormous amount of work and care went into the creation of this form. But we are concerned that—rather than encouraging the careful, robust and transparent analysis the form was designed to elicit—a <i>checklist</i> flattens the nuanced case law governing pretrial release and will encourage rote decision-making.¹ ¹ Some justice partners have instead provided their courts with a flow chart that guides judges through the analysis required by <i>Humphrey</i> and section 12. A similar tool could capture virtually all of the information contained in this proposed form without inadvertently communicating to courts that they are free to deprive a constitutionally innocent person of their liberty pretrial by simply checking a box. Moreover, the form prejudices the outcome of <i>Kowalczyk</i>, a case currently under review at the California Supreme Court, by inviting courts to intentionally detain defendants using unaffordable money bail (lines 4(f)(2), 8(d)) and to detain them without bail under article I, section 28(f)(3) of the California Constitution (line 8(d)(2)). Unaffordable Money Bail. There is currently a split in authority as to whether <i>Humphrey</i> permits unaffordable money	The committee appreciates the comment. The committee believes that the form is appropriately designed to guide judges in considering pretrial release or detention as required by <i>In re Humphrey</i> and ensuring that the findings are transparent, substantiated, and included in the record and on the minutes. The committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an "Other, with legal authority:" checkbox while <i>In re Kowalczyk</i> is under review. See response above.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

Commenter	Position	Comment	Committee Response
Defender's Office of Yolo County by Carson White, Senior Attorney, Civil Rights Corps; Mica Doctoroff, American Civil Liberties Union, Northern California; Chesa Boudin, Executive Director, Criminal Law & Justice Center, University of California, Berkeley School of Law; Kate Chatfield, Executive Director, California Public Defenders Association; Ellen McDonnell, Public Defender, Contra Costa County; David Sutton, Public Defender, Marin County; Susan Chapman, Public Defender, Monterey County; Keri Klein, Public Defender, Nevada County; Thomas W. Sone, Public Defender, San Bernardino County; Paul Rodriguez, Public Defender, San Diego County; Sujung Kim, San Francisco Public Defender's Office; Damon Silver, Acting Public Defender, Santa Clara		bail. While the question is under review by the California Supreme Court, trial courts have the discretion to decide, based on their own analysis, whether unaffordable money bail is constitutional. The Judicial Council inviting courts to set unaffordable money bail places a heavy thumb on the scale and incorrectly communicates that the constitutionality of intentionally unaffordable money bail is settled law. Detention Without Bail Under Section 28(f)(3). The form's invitation to detain a defendant pretrial without bail under article I, section 28(f)(3) of the California Constitution is even more precarious. Article I, section 12 of the state constitution limits preventive detention to cases where someone is accused of committing a narrow set of serious felonies in which they have hurt, or threatened to hurt, someone. A court must also make additional findings about the strength of the evidence against them and their future dangerousness.² ² The form risks confusion on this point too by suggesting that a court may detain someone without bail under section 12 by making only some of these findings. But this form invites courts to detain defendants without bail under a separate provision of the California Constitution—article I, section 28(f)(3)—regardless of charge, guilt or dangerousness. As constructed, this form gives the impression that courts are free to detain people accused of misdemeanors or infractions without bail, for example. This is contrary to the decision of <i>every Court of Appeal to have considered the question</i>. They have <i>all</i> held that section 28(f)(3) does not authorize detaining defendants without bail outside the limits of section 12.³ The <i>Kowalczyk</i> Court of Appeal explicitly held that there is “no support” for the argument that section 28(f)(3) allows courts to deny bail outside the limitations of section 12.⁴	The committee believes that item 8 sufficiently addresses the required findings for setting no bail under section 12. See response above. The committee has added additional checkboxes indicating whether the case involves a misdemeanor or felony (see item 1a), and if a misdemeanor case, that there is a presumption for OR release (new item 4a). The committee disagrees that the form would be construed as allowing for no bail holds of people charged with infractions.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
	County; Heather Rogers, Public Defender, Santa Cruz County; Elena D'Agustino, Public Defender, Solano County; Brian Morris, Public Defender, Sonoma County; Jennifer Jennison, Public Defender, Stanislaus County; Tracie Olson, Public Defender, Yolo County		³ <i>In re Kowalczyk</i>, 85 Cal.App.5th 667, 684-686 (2022) (holding that section 28(f)(3) does not authorize courts to deny bail outside the limitations of section 12), <i>review granted</i> (Mar. 15, 2023); <i>In re Ung</i>, No. H048152, 2020 WL 4582595, (Cal. Ct. App. Aug. 10, 2020) (same) (unpublished); <i>see also In re Humphrey</i>, 19 Cal. App. 5th 1006, 1047 n.28 (2018) (“the provenance of section 28 gives no indication it was meant to render section 12 ineffective” by allowing preventive detention outside section 12). ⁴ <i>Kowalczyk</i>, 85 Cal.App.5th at 684. The Risk of Confusion in Trial Courts. Prejudging <i>Kowalczyk</i> raises additional, more practical concerns: whatever the outcome, the California Supreme Court’s decision will significantly shape the legal framework governing pretrial detention. Afterward, the legislature may pass new laws in response. There may well be a constitutional referendum. It is unlikely that, when the dust settles, this form will conform to the new legal landscape. The Council and superior courts will have to claw back this form and issue a new one. This is a recipe for confusion in trial courts which are, after over 4 years, still struggling to implement <i>Humphrey</i>. We urge the Judicial Council not to release a detention checklist and to delay the release of any release-decision tool until after <i>Kowalczyk</i> has been decided. If the Judicial Council is unwilling to do so, it should remove the discrete portions of the form that prejudice the outcome of that case. Limiting the form to the well-settled legal principles in <i>Humphrey</i> and section 12 significantly lowers the risk of judicial whiplash.	The committee is closely monitoring pretrial detention issues and intends to recommend timely revisions in response to changing law. See response above.
4.	Hon. Linda Colfax, Judge, Superior Court of California, County of San Francisco	A	I write to commend and thank you for your efforts in putting together this proposed new form for judges to use when they consider the <i>Humphrey</i> factors and make pre-trial release	The committee appreciates the comment.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			decisions. I think the form is clear, concise, easy to use and guides a bench officer through the decision making process. I do fear that the form will receive push back from my colleagues that it is too time consuming or inefficient; I do not share that view because we are required to consider each of the items referenced in the form and, while it might take a few days to get accustomed to filling out the form, it will lead to a clearer and better record in each of these case. As to your specific questions: 1. Does the proposal appropriately address the stated purpose? Yes 2. In denying bail because the “facts are evident or the presumption is great” that the defendant committed the offense (Cal. Const., art. I, §§ 12(b) & (c), 28(f)(3)), are there preferred alternatives for the court to indicate this finding than the one proposed by the committee? No 3. Since the form is intended to be part of the court’s minutes, would it be helpful to refer to the minutes in the form title, such as Minute Attachment on Findings and Orders for Pretrial Release or Detention? I don’t think so. I might suggest adding “after hearing” to Findings and Orders after hearing (FOAH) For Pretrial Release or Detention. This is how it is done in family law proceedings. However, the minutes themselves should refer to the FOAH.	No response required. Based on other comments received, the committee has revised the form to include the necessary finding that “the facts are evident or the presumption is great” as part of item 8c. The committee has added language to the form noting that the court must make oral findings and include them in the court minutes. (<i>In re Humphrey</i> (2021) 11 Cal.5th 135.)
5.	Los Angeles County Alternate Public Defender by Erika Anzoategui	N	The Law Offices of the Los Angeles County Alternate Public Defender respectfully submits the following comments to proposed Judicial Council Form, CR-104, titled “Findings and Orders for Pretrial Release or Detention.” The Los Angeles County Alternate Public Defender has carefully reviewed the proposed form in light of the California Supreme Court’s	The committee appreciates the comment.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			opinion in <i>In re Humphrey</i> (2021) 11 Cal.5th 135 and its progeny. The Alternate Public Defender opposes adoption of a form for use in making bail decisions. Adoption of a checklist form thwarts the overarching goal of <i>Humphrey</i>. In <i>Humphrey</i>, the Supreme Court held that pretrial release decisions must be based on an individualized analysis of the relevant factors. (<i>Humphrey, supra</i>, 11 Cal.5th at pp. 147, 153, 156.) The Court also held that trial courts must set forth the reasons for their decisions on the record and in the minutes to “facilitate review of the detention order, guard against careless or rote decision-making, and promote public confidence in the judicial process.” (<i>Id.</i>, at pp. 155-156.) Judges presented with a form will likely revert to the type of rote decision-making <i>Humphrey</i> says must be avoided. Instead of making a record of the court’s reasons and analysis, which necessarily requires a more careful review of the individual standing before the court, judges will simply check a box. Pretrial release decisions, which by their very nature are individualized, cannot and should not be reduced to a dehumanized rubric given the high stakes involved. Additionally, the form as drafted fails to meet the stated goal of the Committee. The form as drafted is confusing, inaccurate, and invites more error. Accordingly, the Alternate Public Defender opposes adoption of CR-104 in its current form for the following reasons: <i>(1)Form CR-104 Has the Potential to Result in More Errors and Undermine the Goal of Limiting Pretrial Detention as Stated in Humphrey.</i> The Supreme Court clearly stated that in California “liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” [citations] (<i>Humphrey, supra</i>, 11 Cal.5th at p. 156.) The court then provided a clear four-part,	The committee believes that the form is appropriately designed to guide judges in considering pretrial release or detention as required by <i>In re Humphrey</i> and ensuring that the findings are transparent, substantiated, and included in the record and on the minutes.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			step-by-step analysis courts should follow when making pretrial release decisions. The form as structured fails to start with the presumption of release by placing undue emphasis on the grounds for detention. The grounds for detention are prominently set forth in section 3, directly below the recitation of what information the court considered. This section contains numerous grounds for detaining an individual based on their prior record. (see sections 3a(1); 3a(5)-(7); 3b(4)-(7).) Conversely, there is no box on the form for individuals with no prior criminal record or minimal criminal record – an established ground weighing in favor of release. As a result, trial courts relying on this form may erroneously detain individuals who otherwise are eligible for release, including people charged with misdemeanors or who fall outside the narrow exception set forth in Art. 1, sec. 12 of the California Constitution. <i>(2) Form CR-104 Does not Account for the Different Analysis a Court Must Conduct when Making Bail Decisions Depending Upon the Level of Crime and Nature of the Charge.</i> Bail analysis differs depending upon whether an arrestee is charged with a misdemeanor, a felony that falls outside of Art. 1, sec. 12, a felony that falls within Art. 1, sec. 12, or a capital offense. The form does not account for these differences. All persons charged with a misdemeanor are statutorily entitled to release on their own recognizance “unless the court makes a finding on the record, in accordance with Section 1275, that an own recognizance release will compromise public safety or will not reasonably assure the appearance of the defendant as required.” (Pen. Code Sec. 1270.) Similarly, individuals charged with felonies that fall outside Art. 1, sec. 12, are entitled to bail as a matter of right, and may be released on their	The committee agrees that the presumption is release but disagrees with the comment. Item 3 allows the court to identify whether the defendant is a flight risk or a danger to public or victim safety based on a number of relevant factors. The committee agrees, in part, and has added additional checkboxes indicating whether the case involves a misdemeanor or felony (see item 1a), and if a misdemeanor case, that there is a presumption for OR release (new item 4a). Because the court must assess whether the defendant is a flight risk or risk to public safety in both misdemeanors and felonies

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			own recognizance. (Cal. Penal Code Sec. 1271.) Under <i>Humphrey</i>, the presumption is release, unless the court finds, by clear and convincing evidence, that release poses a risk of harm or flight that cannot be addressed through non-financial alternatives to detention. The analysis is different for arrestees charged with a qualifying felony under Art. 1, sec. 12.¹ Those individuals may only be detained pretrial if the court finds 1) that the facts are evident or the presumption great; and 2) the court finds by clear and convincing evidence that there is a substantial likelihood that release would result in either great bodily harm to others or flight. If a court does not find both conditions, arrestees charged with a qualifying offense under Art. 1, sec. 12 are entitled to affordable bail and may be released on their own recognizance. ¹ Those felonies include felony offenses involving acts of violence on another person, felony sexual assault offenses, or felony offenses where the person has threatened another with great bodily harm. Because the form makes no distinction between the different analysis a court must undertake based on the nature and level of the charge, and instead focuses on the grounds for denying release, it will likely result in trial courts erroneously detaining arrestees who are entitled to release. (3) <i>Form CR-104 Misstates the Findings a Court Must Make Before it can Issue a No Bail Detention Order Under Art. 1, secs. 12(b) and (c).</i> Article I, section 12 of the constitution sets forth the exceptions to release on bail for individuals charged with certain felonies. For each exception to release on bail, there is a condition precedent that “the facts are evident or the presumption great.”	under <i>In re Humphrey</i>, the committee does not believe that further differentiation is needed in the form. For a qualifying felony offense specified in Art. 1, section 12, the form takes a judge through the considerations under <i>In re Humphrey</i> as well as the relevant constitutional considerations. As stated, the committee has added additional language regarding the presumption of OR release for misdemeanor offenses. The committee does not believe further differentiation is needed in the form.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

Commenter	Position	Comment	Committee Response
		The supreme court has interpreted this language to mean sufficient evidence to support a hypothetical verdict of guilt (<i>In re White</i> ((2020) 9 Cal.5th 455, 463.) If the evidence presented at a bail hearing falls below this standard, the arrestee is eligible for release. The proposed form treats the necessary finding that “the facts are evident or the presumption great” as the third step in the analysis under section 8, rather than as a condition precedent to the additional findings a court must make pursuant to Art. 1, sec. 12(b) or (c) relating to risk of harm or flight. This structure will result in a misapplication of the law and will result in further confusion and error on the part of trial courts. (4) <i>Adoption of CR-104 Is Premature Since Kowalczyk is Currently Pending in the Supreme Court.</i> Section 8 of the form treats Art. 1, sec. 12 and Art. 1, sec. 28(f)(3) as two alternative grounds for denying bail under the constitution and implies that the law is settled in this area. It is not. Not only does this treatment contradict the holding in <i>Kowalczyk</i> (2022) 85 Cal.App.5th 667, review granted March 15, 2023, S277910, the California Supreme Court has granted review in the case. In granting review, the court asked the parties to address the following issues: “1) Which constitutional provision governs the denial of bail in noncapital cases - article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), - or, in the alternative, can these provisions be reconciled? 2) May a superior court ever set pretrial bail above an arrestee's ability to pay?” The court of appeal in <i>Kowalczyk</i>, reconciled the two constitutional provisions by interpreting Art. 1, sec. 28, subdivision (f)(3) “as a declarative statement recognizing that bail may or may not be denied under existing law.	The committee agrees, in part, and has revised the form to include the necessary finding that “the facts are evident or the presumption is great” as part of item 8c. The committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an “Other, with legal authority:” checkbox while <i>In re Kowalczyk</i> is under review.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			Under this construction, section 12's general right to bail remains intact, while full effect is accorded to section 28(f)(3)'s mandate that the rights of crime victims be respected in bail and OR release determinations." (<i>Kowalczyk, supra</i>, 85 Cal.App.5th at p. 686.) In other words, arrestees charged with non-capital offenses are entitled to bail, and bail/release decisions must respect the rights of crime victims and public safety. In addition to being an incorrect statement of the law as it currently stands, section 8 may need to be amended when the Supreme Court issues an opinion in <i>Kowalczyk</i>. By adopting a form now that contradicts the court of appeal in <i>Kowalczyk</i> and which may need to be changed in the future, the committee risks further confusing trial courts and creating more error in bail determinations - the exact opposite of the stated goal of the form. For these reasons, the Alternate Public Defender opposes the use of a form for making bail decisions and adoption of the proposed form as currently drafted.	The committee is closely monitoring pretrial detention issues and intends to recommend timely revisions in response to changing law.
6.	Orange County Bar Association by Mei Tsang, President	AM	1) The proposal appropriately addresses the stated purpose. However, it includes options for courts to set no bail or preventatively high bail that have not been endorsed by the California Supreme Court. First, Item 4(f) includes options to deny or set preventatively high bail and refers to Item 8. Item 8 then addresses preventative detention. Item 8 also has a box to select setting preventatively high bail. It also allows the court to select if it is making a preventative detention order under section 12 or section 28 of Art. I. <i>In re Kowalczyk</i>, S277910 remains undecided in the California Supreme Court and purports to resolve if section 12 or section 28 or both govern preventative detention and also if a superior court may or may not set pretrial bail above an arrestee's ability to pay. Therefore, depending on the	The committee appreciates the comment. The committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an "Other, with legal authority:" checkbox while <i>In re Kowalczyk</i> is under review.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			resolution of these questions, the form may contain unconstitutional options for the Superior Court to select. 2) The terms “facts are evident” and “presumption is great” both appear in section 12 and section 28. In <i>Yedinak v. Sup Ct</i> (2023) 92 C.A.5th 876, 884, the court affirmed this amounts to “the record contains sufficient evidence of the crime to ‘sustain a [conviction]’ on appeal.” The terms on the proposed form should be substituted out and replace with “The evidence appears sufficient to obtain a conviction.” 3) Yes, it would be helpful to title the form “Minute Attachment...”	The committee prefers to keep the direct language from the Constitution. The committee has added language to the form noting that the court must make oral findings and include them in the court minutes. (<i>In re Humphrey</i> (2021) 11 Cal.5th 135.)
7.	San Diego District Attorney’s Office by Summer Stephan, District Attorney; Linh Lam, Deputy District Attorney Chief, Appellate and Training Division; Valerie Ryan, Deputy District Attorney Asst. Chief, Appellate and Training Division; Emmaline Campbell, Deputy District Attorney	N	Thank you for the opportunity to comment on the proposed pretrial release/detention form. We appreciate the efforts of the Criminal Law Advisory Committee to provide guidance to the trial courts on the important issue of pretrial detention. We write to express our concerns and comments in response to the proposal. Our Big Picture Concerns About the Proposed Form First, the form is lengthy and complex, which may present challenges for practical application. Judges overseeing busy arraignment calendars may find it difficult to complete a four-page form for each case on calendar. Additionally, the form does not clearly distinguish which items apply to the various types of orders (e.g., no-bail versus release on O.R.). As a result, judges would need to review the entire form line by line to determine which sections are relevant to each case—an	The committee appreciates the comment. The committee acknowledges that the form is lengthy, but believes that it is appropriately designed to guide judges in considering pretrial release or detention as required by <i>In re Humphrey</i> and ensuring that the findings are transparent, substantiated, and included in the record and on the minutes.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			especially time-consuming task given that the form includes over 100 checkboxes. Furthermore, any inadvertent errors in completing the form could potentially be cited as grounds for challenging the court’s order through a writ of habeas corpus. (See <i>In re Humphrey</i> (2021) 11 Cal.5th 135, 155-156 (<i>Humphrey</i>).) Second, releasing a new bail form while a seminal bail case is pending before the California Supreme Court may be premature. (<i>In re Kowalczyk</i> (2022) 85 Cal.App.5th 667, rev. granted Mar. 15, 2023.) It would be more prudent to await our high court’s forthcoming decision to ensure that any form is consistent with the most salient legal authorities Specific Provisions That Raise Concerns. Should the form be approved despite the concerns outlined above, we respectfully offer the following detailed feedback. 1. Pretrial Release: The form addresses both pretrial release and pretrial detention. But while pretrial detention requires the court to make findings on the record and in the minutes, pretrial release does not. (See Cal. Const., art. I, §§ 12; 28, subd. (f)(3); <i>Humphrey</i>, supra, 11 Cal.5th at pp. 155-156.) The inclusion of pretrial release on the form adds unnecessary complexity. Additionally, there are specific problems with respect to the portions of the form dealing with pretrial release: a. Release Conditions: In item (5), the prompt conflates two distinct questions: <i>which</i> release conditions the court is ordering, and <i>why</i> the conditions are necessary. b. O.R. Agreement Terms: Item (7) states that the defendant must agree to comply with Penal Code section 1318¹, but this is	The committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an “Other, with legal authority:” checkbox while <i>In re Kowalczyk</i> is under review. The committee’s position is that courts should memorialize their findings and orders on all pretrial release or detention decisions. The committee’s position is that this is an interrelated order and finding.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

Commenter	Position	Comment	Committee Response
		confusing for several reasons. First, section 1318 applies exclusively to pretrial release, yet the form does not clearly reflect that limitation. More significantly, the inclusion of section (7) appears unnecessary. Section 1318 already mandates that the defendant execute a signed release agreement encompassing the terms set forth in section (7). Reiterating that language on this form – which the defendant does not sign – offers little added value and may instead create confusion. 2. Provisional Bail: Item (4)(g) appears to introduce a new procedural requirement that lacks grounding in existing legal authority. Under current San Diego County practice, if the defense is not prepared at arraignment to present evidence in support of its bail position, the court simply sets bail without prejudice, and the defense may present its evidence at the automatic bail review pursuant to section 1270.2. (See <i>Bunker v. Superior Court</i> (2025) 108 Cal.App.5th 1044.) Courts do not presently require either party to precommit to the specific issues they intend to raise at that review—such as ability to pay (item (4)(g)(3)) or proposed alternative conditions of release (item (4)(g)(2)). 3. Lack of Clarity and/or Specificity: The following portions of the form will lead to confusion or misunderstandings. a. Probation Violations: The form does not make clear that it is intended to apply solely to open criminal cases. Defendants arrested for probation violations are subject to a distinct statutory framework that specifically governs their custody and potential release prior to a violation hearing. (See § 1203.25.) b. Automatic Bail Review: Item (1)(b) fails to distinguish between an automatic bail review conducted under section 1270.2 and a subsequent bail modification hearing held	The committee prefers to keep item 7, as it is part of the court’s orders when a person is released. The committee has added a note to the heading that it only applies to pretrial release. The committee prefers to keep item 4g as an option for courts. The form is entitled <i>Findings and Orders for Pretrial Release or Detention</i>, so the committee believes it is sufficiently clear that it is not intended for release decisions on probation violations.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			pursuant to section 1289. This distinction is important because each statute establishes different procedural requirements and timelines. Section 1270.2 mandates that an automatic bail review occur “not later than five days from the time of the original order fixing the amount of bail.” In contrast, section 1289 governs later requests to modify bail and does not impose the same time constraints. Without clear guidance, the form may cause confusion about which type of hearing is being referenced, potentially leading to procedural errors or misapplication of the law. c. Good Cause Bail Review: Item (1)(d) appears to reverse the proper order of operations for non-mandatory bail reviews. Defendants often request such reviews to challenge their continued pretrial detention, and it is the court’s responsibility to determine whether good cause exists based on a change in circumstances. (See § 1289; In re Alberto (2002) 102 Cal.App.4th 421, 426.) By framing the bail review as occurring because good cause has been found, the form presumes the outcome of a determination the judge has yet to make—effectively putting the cart before the horse. d. Proffer: Item (2)(c)(2) provides a checkbox for the court to indicate that it reviewed and considered a “Statement/proffer of witness.” However, in practice, it is typically the attorneys—not the witnesses—who make proffers at bail hearings. Moreover, these proffers often involve evidence unrelated to witness statements, such as DNA results, surveillance footage, or other investigative findings. (See In re Harris (2024) 16 Cal.5th 292.) e. Ability to Pay: i. In item (2)(d)(2), the form provides space for the court to indicate that it reviewed and considered “The defense argument	The committee believes the statutory citations sufficiently distinguish the procedures. The committee anticipates the form would be used after the court finds good cause exists. The committee has added a reference to proffers of evidence. The committee declines to make the change.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			and... Amount of bail the defendant can afford.” But that is not entirely accurate. The court can consider what the defendant says they can afford, but that’s not the same as knowing what they can actually afford. It’s an important difference. ii. Additionally, although ability to pay appears only under the “defense argument” section, the People are also entitled to present evidence on this issue. Relevant information the prosecution may offer includes, for example: the amount of cash seized during a narcotics investigation, or bank records showing substantial balances in a fraud case. f. Preventative Detention: i. Why Conditions Are Insufficient: Item (8)(b) fails to reflect a critical finding required for lawful pretrial detention: not just which conditions were considered by the court, but why those conditions are inadequate. As the California Supreme Court made clear in <i>Humphrey, supra</i>, 11 Cal.5th at pages 151–152, “detention is impermissible unless no less restrictive conditions of release can adequately vindicate the state’s compelling interests.” Yet item (8)(b)(2) merely points—several pages back—to general case factors (e.g., the defendant’s criminal history). Listing such factors, like a prior failure to appear, is not the same as making a specific finding that, for example, GPS monitoring would be insufficient to protect public safety or ensure court appearance. ii. Facts Evident/Presumption Great: Item (8)(c) asks the court to determine whether facts are evident and/or the presumption great. There are two problems here. 1. No-Bail Only: First, the item does not clarify that it applies only to no-bail detentions (Cal. Const., art. I, § 12) and does not apply in detentions based on preventatively high bail (id. § 28, subd. (f)(3)).	The committee agrees and has added the defendant’s ability to pay as new item 2c(2). Item 8b(2) requires the court to state evidence supporting its finding that the listed conditions are insufficient to ensure a return to court and/or protect the public, in addition to those listed in item 3. The committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an “Other, with legal

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			2. One Standard, Not Two: Second, as noted in the Invitation to Comment, it is unnecessary—and potentially confusing—to separate “the facts are evident” and “the presumption is great” into distinct checkboxes. The Supreme of California has interpreted the phrase holistically to represent one standard. (<i>In re White</i> (2020) 9 Cal.5th 455, 463 [“Our court, in step with the broad consensus that has since emerged in other states, has interpreted this odd terminology to require <i>evidence that would be sufficient to sustain a hypothetical verdict of guilt on appeal.</i>”], italics added.) iii. Constitutional Authorities: Item (8)(d) fails to convey that no-bail is always ordered pursuant to article I, section 12, and preventatively high bail is always ordered pursuant to section 28. (See Cal. Const., art. I, § 12 [setting forth the no-bail categories].) In closing, we respectfully oppose adoption of the proposed pretrial release/detention form due to the numerous concerns outlined in this letter. As a potential resource for the Judicial Council’s consideration of alternatives, we have attached the simplified Pretrial Detention Worksheets developed last year by the San Diego County District Attorney’s Office. These worksheets have received positive feedback from our attorneys for their clarity, efficiency, and ease of use. ¹ All further statutory references are to the Penal Code unless otherwise indicated.	authority:” checkbox while <i>In re Kowalczyk</i> is under review. The committee agrees and has updated the form to use the phrase as one standard. See response above.
8.	Superior Court of California, County of Los Angeles	AM	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not	The committee appreciates the comment.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
	by Stephanie Kuo		represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California’s “ITC SPR25-11 Criminal Law: Findings and Orders for Pretrial Release or Detention,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposed changes if modified. The Court agrees that the proposal appropriately addresses the stated purpose and will help judicial officers methodically go through the process of making findings. It also supports the judicial officer’s order for pretrial release or detention. The Court does believe that the language related to denying bail because the “facts are evident or the presumption is great” is confusing on the form because it neglects that the language is used for capital crimes as an exception for sufficient sureties but the form does not specify that the language is related to a capital crime. The exact language for Cal. Const., art. I, §§ 12(b) & (c), 28(f)(3) states the following: Capital crimes when the facts are evident or the presumption great. To implement the proposal, the Court would need to train court staff and its technology services division would need to create new codes to reflect all the findings and order language.	The committee acknowledges the commenter’s agreement. The committee appreciates the comment. A court must also find that the “facts are evident or the presumption is great” that the defendant committed the specified noncapital offenses under Cal. Const., art. I, §§ 12(b) & (c). The committee appreciates the comment.
9.	Superior Court of California, Couty of Orange by Thomas Anthony Williams, Operations Analyst II	AM	• <i>Does the proposal appropriately address the stated purpose?</i> The proposal appropriately addresses the purpose as indicated. • <i>In denying bail because the “facts are evident or the presumption is great” that the defendant committed the offense (Cal. Const., art. I, §§ 12(b) & (c), 28(f)(3)), are there preferred alternatives for the court to indicate this finding than the one proposed by the committee?</i>	The committee appreciates the comment.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			An alternative to the completion of the findings form would be to state findings on the record prior to the setting of bail. • <i>Since the form is intended to be part of the court's minutes, would it be helpful to refer to the minutes in the form title, such as Minute Attachment on Findings and Orders for Pretrial Release or Detention?</i> Inclusion of reference to the Minutes would not be necessary. In Orange County, filed documents are imaged into the case files and available through the Minutes. • <i>Would the proposal provide cost savings? If so, please quantify.</i> Cost savings would not be provided as our Court would have to allocate costs to maintain and print copies of the forms. • <i>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?</i> To implement the recommended, training for staff and judicial officers would be needed. Approximate time estimate for training would be 30-60 minutes. Creation/modification of case management system docket codes and procedure related material would additionally be required. Approximate time estimate for completion would be 9 hours.	The form is for optional use; courts may use alternate ways of making the required findings and orders. To address other comments recommending a reference to the minutes, the committee has added language to the form noting that the court must make oral findings and include them in the court minutes. (<i>In re Humphrey</i> (2021) 11 Cal.5th 135.) No response required. No response required.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			• <i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Two months would be sufficient time for implementation. • <i>How well would this proposal work in courts of different sizes?</i> N/A	No response required. No response required.
10.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	AM	The JRS notes that the proposal should be implemented because the form reflects the application of existing law. The JRS also notes the following impact to court operations: • Impact on existing automated systems. ○ The form will have to be added to a court's CMS, preferably automated and fillable. Courts will have to determine the use and filing of the form within their current criminal case management protocols. • Results in additional training, which requires the commitment of staff time and court resources. ○ Both court staff and bench officers will have to be trained on the use of the form. Suggested modification(s): The committee should consider adding item #9 with language indicating the court is ordering the form be attached to the minutes and be made part of the record of the case. Request for Specific Comments: 1. The proposal adequately addresses the stated purpose. 2. The proposed language in denying bail is appropriate and comports with the current state of the law.	The committee appreciates the comment. No response required. No response required. The committee has added language to the recommended form noting that the court must make oral findings and include them in the court minutes. (<i>In re Humphrey</i> (2021) 11 Cal.5th 135.) The committee appreciates the information provided in response to its specific questions. With respect to comment no. 6, the committee

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			3. The proposed form title appropriately defines the form and its use. The committee should consider adding item #9 with language indicating the court is ordering the form be attached to the minutes and be made part of the record of the case. 4. In using the form, no cost savings have been identified. 5. Implementation of the form would require training of staff and bench officers which would take up to 2 - 5 court days depending on the size of the court; revising processes and procedures including updating the Case Management System and creating new docket codes; and updating justice partners on the use of the form. 6. Sufficient time for implementation would take four to six months from Judicial Council approval due to the issues identified above. 7. The proposed form could be used in courts of different sizes.	appreciates the amount of work involved in implementing new forms, but the committee does not recommend delaying implementation of this proposal.
11.	Vera Institute of Justice by Michelle Parris, Director, Vera California; Madeline Bailey Advocacy Manager, Beyond Jails	NI	Thank you for the opportunity to submit comment on proposed form CR-104. I write on behalf of the Vera Institute of Justice, a national criminal justice research and policy organization that has worked to reform pretrial systems across the country—from New Jersey to Michigan to California—for more than 60 years. Our Los Angeles-based initiative, Vera California, partners with advocates and stakeholders across the state to improve bail and pretrial practices through research and advocacy. Throughout our work across the country, our experience has been that well-crafted bail policies make communities safer, improve case outcomes, and conserve state resources all at the same time. We appreciate the Judicial Council’s efforts to pursue compliance with <i>Humphrey</i> in courtrooms across the state. Existing research suggests inconsistent implementation of <i>Humphrey</i> across counties, resulting in thousands of people stuck in pretrial detention due to high, unaffordable bail	The committee appreciates the comment. See the committee’s responses to the commenter’s substantive comments, below.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			amounts.¹ A forthcoming report from the Vera Institute of Justice finds that for the six California counties where data was available (Kern, Monterey, Placer, Riverside, Solano, and Tulare counties), among cases with only a single charge that had bail set, median bail in 2024 was \$10,000.² Even people charged with a single count of a single misdemeanor had a median bail amount of \$5,000.³ Further, in the five counties where data is available (Kern, Monterey, Placer, Solano, and Tulare counties), since the <i>Humphrey</i> decision was announced, among cases with only a single charge, judges have set bail over the bail schedule recommendation in 45 percent of cases.⁴ ¹ See Alicia Virani, Stephanie Campos-Bui, and Rachel Wallace, et al., <i>Coming Up Short: The Unrealized Promise of In re Humphrey</i> (Los Angeles and Berkeley, CA: UCLA School of Law and Berkeley Law, 2022), http://perma.cc/HL3R-W745; Stephanie Campos-Bui, Rachel Wallace, Alicia Virani, et al., <i>Largely Unchanged: The Limits of In re Humphrey's Impact on Pretrial Incarceration in California</i> (Los Angeles, CA, and Berkeley, CA: UCLA School of Law and Berkeley Law, 2024), https://www.law.berkeley.edu/wp-content/uploads/2024/06/UCLAxUCB-2024-Largely-Unchanged_WEB_Pages.pdf; and Stephanie Campos-Bui, Rachel Wallace, Alicia Virani, <i>Largely Unchanged: The Limits of In re Humphrey's Impact on Pretrial Incarceration in California</i> (Los Angeles, CA, and Berkeley, CA: UCLA School of Law and Berkeley Law, 2024), https://www.law.berkeley.edu/wp-content/uploads/2024/06/UCLAxUCB-2024-Largely-Unchanged_WEB_Pages.pdf at 13 ² Christopher Kaiser-Nyman et al., Report on Bail-Setting in California post-Humphrey (New York, Vera Institute of	

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

Commenter	Position	Comment	Committee Response
		Justice, forthcoming). For more information on this analysis, please contact Michelle Parris at mparris@vera.org. ³Ibid. ⁴Ibid. The Judicial Council is right to seek a solution that promotes consistency and fairness, but the proposed form sidelines the presumption of innocence by focusing almost exclusively on factors that would indicate towards setting bail or ordering detention, as opposed to offering guidance on inquiring into more expansive mitigating factors that would indicate release. It also gets ahead of a pending California Supreme Court case in a way that may lead to unlawful detention, and does not meaningfully address ability to pay bail as required by Humphrey. We are grateful for the opportunity to detail our concerns. 1) The detention findings section implicates serious pending questions before the California Supreme Court in <i>In re Kowalczyk</i> and could lead courts towards setting unlawful “no-bail” holds. The final section of the proposed form suggests that judges are authorized to set “no bail” for any offense—even an offense outside of those enumerated by Article I, section 12 of the California Constitution—based on the broad language of Article I, section 28.⁵ It does this by asking courts to check a box indicating whether they are setting “no bail” under the authority of either Section 12 or Section 28. ⁵Cal. Const. art. I, § 12, 28. Indeed, the central question before the California Supreme Court in the pending <i>In re Kowalczyk</i> case is which section of the state constitution governs pretrial detention determinations.⁶ This question has yet to be answered by the	Item 3 allows the court to identify whether the defendant is a flight risk or a danger to public or victim safety based on a number of relevant factors. The committee has added additional checkboxes indicating whether the case involves a misdemeanor or felony (see item 1a), and if a misdemeanor case, that there is a presumption for OR release (new item 4a). The committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an “Other, with legal authority:” checkbox while <i>In re Kowalczyk</i> is under review.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			Court, and until the proper legal framework for detention decisions has been settled, courts using the proposed form may be led towards ordering erroneous no-bail holds that lead to unlawful and harmful pretrial detention. ⁶<i>In re Kowalczyk on H.C.</i>, 305 Cal. Rptr. 3d 440, (2023). Unless the California Supreme Court rules otherwise, we respectfully suggest clearly reserving “no-bail” on the proposed form for only those offenses enumerated under Article I, Section 12 of the California Constitution. 2) The proposed form should provide additional guidance to courts on how to meaningfully assess ability to pay bail as required by <i>Humphrey</i>. The <i>Humphrey</i> decision requires that courts consider a defendant’s financial circumstances when setting bail, establishing this as a core constitutional requirement.⁷ However, the proposed form provides limited guidance as to how courts should conduct, document, or apply this analysis in practice. To better ensure that ability-to-pay determinations are accurate and meaningful, the proposed form could include fields for documenting the accused person’s income, assets, and financial obligations, as well as guidance on using those figures to calculate a person’s approximate disposable income. The form could then indicate a suggested percentage of a person’s total disposable income that should serve as the amount of bail they have the ability to pay, such that an “affordable” bail amount would not completely wipe out a person’s available resources.⁸ Such tools would help courts determine how to set actually affordable bail according to a person’s ability to pay, as well as more broadly ensure that the ability-to-pay analysis is more than a procedural formality.	The committee acknowledges this concern and is considering developing tools to assist with an ability to pay determination.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			⁷<i>In re Humphrey</i>, 482 P.3d 1008, 1012 (Cal. 2021). ⁸Sandra van den Heuvel, Anton Robinson, and Insha Rahman, <i>A Means to an End: Assessing the Ability to Pay Bail</i> (New York: Vera Institute of Justice, 2019), 4-6, https://vera-institute.files.svcdcdn.com/production/downloads/publications/a-means-to-an-end-assessing-the-ability-to-pay-bail.pdf. 3) If the Judicial Council implements this form, with the corrections suggested above, it should promote consistent use and be transparent about the form's impact on pretrial determinations. While we understand the value of providing flexibility to courts, making the proposed form completely optional will likely only perpetuate the problem of varying applications of <i>Humphrey</i> across jurisdictions, including the continued use of bail schedules in courts that choose not to adopt the form. Instead, the Judicial Council might consider piloting the form in a set of jurisdictions—once critical issues are resolved—and publicly releasing data from the underlying forms on charges, bail amounts, and release and detention determinations. Doing so will protect against unintended consequences and ensure that the form is adequately protecting the constitutional rights that <i>Humphrey</i> underscores. Thank you again for the opportunity to provide comment.	The committee intends for the form to help guide pretrial release or detention decisions in line with <i>In re Humphrey</i> and the Constitution, but does not believe it is necessary to make the form mandatory. The form is not intended for data collection purposes.
12.	Alicia Virani, Attorney	NI	This document reflects my comments regarding proposed form CR-104. Over the past seven years, I have conducted extensive research and legal analysis on pretrial procedures and outcomes in the state of California, particularly with respect to the <i>Humphrey</i> decision. I have also supervised dozens of students conducting <i>Humphrey</i> hearings and engaged in court watching	The committee appreciates the comment.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

	Commenter	Position	Comment	Committee Response
			to see how judges are implementing the <i>Humphrey</i> decision. This comment reflects my extensive experience in this arena. First and foremost, I would strongly recommend against using this form because of its misstatement of the law. I refer specifically to this language: “A defendant cannot be held in custody unless the defendant has the ability to pay but chooses not to post bail or detention is necessary to protect public safety or ensure their future appearance in court and there is clear and convincing evidence of no less restrictive alternative. In the latter case, the court may set no bail or preventively high bail.”¹ This is an inaccurate statement of the <i>Humphrey</i> decision, as that decision consistently reminds us that a setting of no bail is subject to constitutional limitations. ¹ Judicial Council of California, <i>Invitation to Comment</i>, 2. As you are aware, the California Supreme Court has yet to render a decision in <i>Kowalczyk</i>, which would clarify the state of the law regarding which provision of the constitution sets the limitations for no bail holds. I think it would behoove the Judicial Council to wait for that decision to be issued before distributing such a form. My concern with how the law is summarized in this form stems from my research which showed that the <i>Humphrey</i> decision has already been wrongly interpreted by judges across the state, resulting in the imposition of unlawful and unconstitutional no bail holds on indigent clients.² ² Virani et al., <i>Coming Up Short, The Unrealized Promise of In Re Humphrey</i> (2022) available at: https://www.law.berkeley.edu/wp-content/uploads/2022/10/Coming-Up-Short-Report-2022-WEB.pdf.	The quoted language is not recommended on the form. The committee has replaced checkboxes on preventively high bail and no bail under article I, section 28, with an “Other, with legal authority:” checkbox while <i>In re Kowalczyk</i> is under review.

SPR25-11

Criminal Law: Findings and Orders for Pretrial Release or Detention (Approve form CR-104)

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

Commenter	Position	Comment	Committee Response
		If the form is going to be instituted, here are additional comments regarding its provisions: 1. Item 4(c) on page 2 of the proposed form seems to allow a judge to alter conditions of release but does not ask for good cause/change in circumstance, which should be required. 2. One of the biggest changes <i>Humphrey</i> made was the requirement that a judge must consider an individual's ability to pay. In my opinion, there should be a section devoted to ability to pay to help guide and document a judge's analysis regarding an individual's ability to pay. After court watching for a month in two Los Angeles courtrooms, court watchers found that in less than a quarter of the cases did a judge engage in an ability to pay analysis.³ Any form related to pretrial detention should seek to correct this problem. ³ <i>Presumed Guilty, The Pretrial Incarceration Crisis in LA County</i>, La Defensa & UCLA Law's Pretrial Justice Clinic (2024), available at: https://courtwatchla.org/wp-content/uploads/2024/06/Court-Watch-LA-Report-V4.pdf. 3. In section 8, there could be a greater clarification around the law regarding what is required to find that facts are evident or the presumption is great. This could mean including some language from <i>In re White</i> that can help guide the court. 4. I would hope that the Judicial Council would utilize these forms to expand the data available about judicial pretrial decisions. Such a standardized form would lend itself to data collection and if this form is implemented, I hope that robust data would be reported on. Thank you for your consideration of these comments.	A court may reconsider bail determinations made prior to arraignment without good cause shown. The committee acknowledges this concern and is considering developing rules and forms to assist with an ability to pay determination. The committee prefers to keep the direct language from the Constitution. The form is not intended for data collection purposes.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 9/4/2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Criminal Law: Criminal Protective Orders

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

Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162

Committee or other entity submitting the proposal:

Criminal Law Advisory Committee

Staff contact (name, phone and email): Sarah Fleischer-Ihn, 415-865-7702, sarah.fleischer-ihn@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): 10/22/24

Project description from annual agenda: Amend California Rules of Court, rule 4.700, firearm relinquishment procedures, and the criminal protective order forms to incorporate SB 2907 (Stats. 2024, ch. 538) and SB 899 (Stats. 2024, ch. 544), which address firearm relinquishment procedures for criminal protective orders and establish a 15-year maximum postconviction protective order term under Penal Code section 273.5. The committee will also consider revisions to the criminal protective orders based on stakeholder suggestions regarding consequences for violating a protective order and including a protected person's date of birth for inclusion in the National Crime Information Center's Protection Order File, a federal electronic database maintained by the U.S. Department of Justice.

Out of Cycle/Early Implementation: *If requesting July 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) TBD

☒ approved by Office Director (or Designee) (name) Francine Byrne, Kara Portnow
on (date) 7/11/2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-143

For business meeting on October 24, 2025

Title

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162

Date of Report

August 13, 2025

Contact

Sarah Fleischer-Ihn, 415-865-7702
sarah.fleischer-ihn@jud.ca.gov

Recommended by

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Executive Summary

Recent legislation addressed firearm and ammunition relinquishment for defendants subject to a criminal protective order and lengthened the time frame for certain postconviction criminal protective orders. To implement this legislation, the Criminal Law Advisory Committee recommends repealing a rule of court, adopting a new form, approving four new forms and an information sheet, and revising three criminal protective order forms. The committee also recommends adopting a new confidential California Law Enforcement Telecommunications System form for use with criminal protective orders, and amending California Rules of Court, rule 1.51 to require prosecuting agencies to use the form.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026:

1. Amend California Rules of Court, rule 1.51;
2. Repeal California Rules of Court, rule 4.700;
3. Adopt *Confidential Information for Law Enforcement—Criminal* (form CLETS-002) and *Permission to Have Firearm or Ammunition for Work* (form CR-850);
4. Approve *Receipt for Firearms, Firearm Parts, and Ammunition* (form CR-800) and a corresponding information sheet (form CR-800-INFO), *Noncompliance With Firearms and Ammunition Order* (form CR-830), and *Prohibited Items Finding and Orders* (form CR-840); and
5. Revise *Criminal Protective Order—Domestic Violence* (form CR-160), *Criminal Protective Order—Other Than Domestic Violence* (form CR-161), and *Order to Surrender Firearms in Domestic Violence Case* (form CR-162).

The proposed amended and repealed rules and new and revised forms are attached at pages 17–43.

Relevant Previous Council Action

Forms CR-160, CR-161, and CR-162 were most recently revised effective January 1, 2025, to incorporate body armor prohibitions enacted by legislation.

California Rules of Court, rule 1.51, was revised effective July 1, 2025 to include references to retail crime restraining orders under Penal Code section 490.8 and update a reference to a previous form title (*Confidential CLETS Information*) with the current title of the form (*Confidential Information for Law Enforcement*).

Analysis/Rationale

Recent legislation impacted procedures related to the relinquishment of firearms and ammunition when a defendant is subject to a criminal protective order, and lengthened the time frame for protective orders issued under Penal Code section 273.5. Separately, the committee became aware of an issue with the use of the protected person’s date of birth in the federal database. The recent legislation as well as the date-of-birth data entry issue are summarized below.

To address these issues, the Criminal Law Advisory Committee recommends amending rule 1.51; repealing rule 4.700; adopting forms CLETS-002 and CR-850; approving forms CR-800, CR-800-INFO, CR-830, and CR-840; and revising forms CR-160, CR-161, and CR-162, effective January 1, 2026, as described below.

Assembly Bill 2308

Assembly Bill 2308 (Stats. 2024, ch. 649) (Link A) amended Penal Code section 273.5(j), effective January 1, 2025, to authorize a court to issue a postconviction protective order for up to 15 years when a defendant is convicted of a violation of Penal Code section 273.5(a). Previously,

a court could issue such orders for up to 10 years. Based on this change, the committee recommends adding a statement to form CR-160 that orders issued under section 273.5(j) may last up to 15 years.

Assembly Bill 2907

Assembly Bill 2907 (Stats. 2024, ch. 538) (Link B) amended Penal Code section 273.75(d), effective January 1, 2025, to require a court to inform a defendant about how to comply with firearm and ammunition prohibitions if the court has information or evidence that a defendant charged with a domestic violence–related offense *and* subject to a domestic violence criminal protective order has a firearm or ammunition.¹ If evidence of compliance is not provided by the defendant within 48 hours, the court must notify, within two business days, the prosecuting agency and appropriate law enforcement officials. The prosecuting agency and law enforcement must take all necessary action to obtain the firearms and ammunition as soon as practicable.²

AB 2907 also amended Penal Code section 29825.5, effective January 1, 2025, to require defendants who are subject to specified postconviction protective orders³ to relinquish firearms to law enforcement or a licensed firearms dealer within 24 hours of being served with the order and to file proof with the court within a specified period. The court is required to provide information on how to relinquish firearms and ammunition, according to local procedures, and the process for submitting a receipt to the court showing proof of relinquishment.⁴ The bill also adds exemption criteria for sworn peace officers and others.⁵

As a result of the statutory changes enacted by AB 2907, the committee recommends adopting form CR-850, approving forms CR-800, CR-800-INFO, and CR-830, and revising forms CR-160 and CR-161. Form CR-850 allows a court to grant a request for a firearm or ammunition exemption under Penal Code section 29825.5(g). Form CR-800 is a receipt for relinquished prohibited items under Penal Code section 273.75, and form CR-800-INFO is a corresponding information sheet. Form CR-830 allows a court to report noncompliance with relinquishment requirements to law enforcement and the prosecuting agency as required under Penal Code section 273.75. Revisions to forms CR-160 and CR-161 include references to ammunition as a relinquishable item and allow a court to make findings on whether the defendant possesses prohibited items and if so, whether proof of relinquishment was presented.

¹ Pen. Code, § 273.75(d). Section 273.75(d) applies to protective orders issued in a case involving acts of domestic violence under Penal Code section 136.2(h) and (i), and sections 273.5(j), 368(l), 646.9(k), and 1203.097(a)(2). Section 136.2(h)(1) concerns pretrial domestic violence protective orders and (h)(2) concerns a pretrial protective order issued when a sex offense is charged. Because section 273.75 addresses domestic violence offenses, the reference to orders issued under section 136.2(h) likely only applies to cases involving domestic violence.

² Pen. Code, § 273.75(d).

³ Specifically, orders issued under Penal Code section 273.5(j), 368(l), or 646.9(k).

⁴ Pen. Code, § 29825.5(b).

⁵ *Id.*, § 29825.5(g).

Senate Bill 899

Senate Bill 899 (Stats. 2024, ch. 544) (Link C) amended Code of Civil Procedure section 527.9, effective January 1, 2026, to require a defendant subject to a criminal protective order under section 136.2 to relinquish ammunition. This bill also added Penal Code section 18120.5 to add new court procedures related to firearms and ammunition relinquishment.⁶ These new requirements relate to procedures after a court has issued a protective order and when a court receives information that a restrained person has a firearm.

- Upon the issuance of a protective order:
 - The court is required to provide information on how to relinquish firearms and ammunition, according to local procedures, and the process for submitting a receipt to the court showing proof of relinquishment.⁷
 - A court holding a hearing on the matter must determine whether a receipt has been filed and inquire of the respondent whether they have complied.⁸
 - Any violations of the firearms prohibition must be reported to the prosecutor within two business days of the court hearing unless the restrained person provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk.⁹
 - If the restrained person does not file a receipt within 48 hours after receiving the order for a firearm in their possession, the court must notify appropriate law enforcement officials.¹⁰
 - The court may grant an exemption based on modified criteria for sworn peace officers and others.¹¹

⁶ SB 899 also amended statutes governing civil harassment, elder and dependent abuse, postsecondary private school violence, workplace violence, and gun violence restraining orders. The Civil and Small Claims Advisory Committee is recommending changes to several forms to implement SB 899 in a report titled *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899*. Similarly, the Family and Juvenile Law Advisory Committee is recommending form revisions to implement AB 2759, which changed the requirements for granting a firearm exemption to a domestic violence or juvenile restraining order. That report is titled *Protective Orders: Changes to Domestic Violence and Juvenile Forms to Implement Assembly Bill 2759*.

⁷ Code Civ. Proc., § 527.9(b).

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Code Civ. Proc., § 527.9(f).

- When relevant information is provided to the court at any noticed hearing that the restrained person has a firearm:¹²
 - The court must determine whether the restrained person has a firearm in violation of the order.¹³
 - In making the determination, the court may consider whether the restrained person has filed a firearm relinquishment receipt or if an exemption was granted.¹⁴
 - The court may make the determination at any noticed hearing where a restraining order is issued, at a subsequent review hearing, or at any subsequent hearing while the order remains in effect.¹⁵
 - The court may set a review hearing within 10 court days after the hearing at which the information was presented.¹⁶
 - If the restrained person is not present when the court sets the review hearing, the protected person must provide notice of the review hearing to the restrained person.¹⁷

As a result of the statutory changes enacted by SB 899, the committee recommends adopting form CR-850, approving forms CR-800, CR-800-INFO, and CR-840, and revising forms CR-160, CR-161, and CR-162. Form CR-850 allows a court to grant a request for a firearm or ammunition exemption under Code of Civil Procedure section 527.9(f). Form CR-800 is a receipt for relinquished prohibited items under Code of Civil Procedure section 527.9, and form CR-800-INFO is a corresponding information sheet. Form CR-840 is intended for findings and orders by the court when it learns that the restrained person has a firearm *after* a protective order has issued, pursuant to the procedures under Penal Code section 18120.5. Revisions to forms CR-160, CR-161, and CR-162 include references to ammunition as a relinquishable item and allow a court to make findings on whether the defendant possesses prohibited items and if so, whether proof of relinquishment was presented.

¹² SB 899 established identical firearm relinquishment procedures under Penal Code section 18120.5 (for gun violence restraining orders and criminal protective orders issued under Penal Code section 136.2) and Code of Civil Procedure section 527.11 (for civil harassment, workplace violence, school violence, and elder abuse protective orders). Assembly Bill 824, which is currently pending, proposes to move criminal protective orders issued under Penal Code section 136.2 from Penal Code section 18120.5 to Code of Civil Procedure section 527.11. If passed, this change would require revising statutory references to Penal Code section 18120.5 to Code of Civil Procedure section 527.11 in forms CR-160, CR-161, CR-162, and CR-840. Because the sections are identical, no other revisions would be necessary.

¹³ Pen. Code, § 18120.5(a).

¹⁴ Id., § 18120.5(b)(1).

¹⁵ Id. § 18120.5(b)(2).

¹⁶ Id. § 18120.5(c)(1), (2).

¹⁷ Id. § 18120.5(c)(2).

Protected person's date of birth

All restraining orders issued in California must be entered into the California Department of Justice's restraining order database (CARPOS). Eligible restraining orders entered into CARPOS are then forwarded to the National Crime Information Center Protection Order File (NCIC-POF), which is a federal electronic database maintained by the U.S. Department of Justice. The NCIC-POF is used by law enforcement agencies to verify and enforce out-of-state protective orders.

Currently, civil and criminal restraining orders do not require the protected person's date of birth, and only the age of the protected person is required for entry into CARPOS. However, the federal database will not display the protected person's name in a restraining order record unless the protected person's date of birth is provided.

For civil protective orders, *Confidential Information for Law Enforcement* (form CLETS-001) allows a protected party to provide their personal information in a confidential manner.¹⁸ After the protected person's information from the form is entered into the California Law Enforcement Telecommunications System (CLETS),¹⁹ the form must be promptly destroyed.²⁰ The Judicial Council first adopted a confidential CLETS information form to address safety concerns raised by domestic violence victim advocates about how including the protected person's date of birth and other identifying information on a domestic violence restraining order could be used to harass or stalk the protected person.²¹ Subsequently, similar forms were adopted for use with juvenile protective orders and proceedings to prevent elder and dependent abuse, civil harassment, private postsecondary school violence, and workplace violence. These forms were consolidated into a single form, CLETS-001, effective January 1, 2012.

Adopted effective January 1, 2011, California Rules of Court, rule 1.51 provides direction to the public and the courts about how form CLETS-001 should be used, who has access to the information it contains, and how long courts should retain the form.

To provide the protected person's personal information in a confidential manner, including a date of birth for inclusion of the protected person in the federal database, the committee recommends

¹⁸ To address the issue of inclusion in the federal law enforcement database, the Family and Juvenile Law Advisory Committee is recommending revisions to form CLETS-001 to include the following language for petitioners regarding their date of birth, which is an optional field:

If the judge grants your restraining order, your information will be entered into California's law enforcement database. If you give your date of birth, it will also be entered into the federal law enforcement database. If your information is not in the federal law enforcement database, your restraining order may be more difficult to enforce outside of California.

¹⁹ CLETS is a state law enforcement database.

²⁰ Cal. Rules of Court, rule 1.51(e).

²¹ See Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence Prevention Act Forms* (Aug. 27, 2003), p. 2.

adopting *Confidential Information for Law Enforcement—Criminal* (form CLETS-002) and amending rule 1.51 to require its use with criminal protective orders.

Rule and form recommendations

For ease of reference, the committee's recommendations for each rule and form are summarized below.

Repeal rule 4.700

The committee recommends repealing rule 4.700. The rule requires a court, upon issuing specified criminal protective orders, to set a review hearing to determine whether the defendant relinquished firearms if the court has good cause to believe that the defendant owns a firearm. The main rationale for the rule was that at the time, there were no statutory provisions to ensure that a court's order to relinquish firearms had been followed,²² and one of the rule's stated purposes is to assist courts issuing criminal protective orders to determine whether a defendant has a firearm and assist courts to determine compliance with orders to relinquish under Code of Civil Procedure section 527.9.²³

Under Penal Code section 18120.5, the statutory gaps around firearm relinquishment compliance that rule 4.700 sought to address no longer exist. Though section 18120.5 does not directly codify rule 4.700, it does address when and how a court must determine whether a restrained person has a prohibited firearm, and the consequences of noncompliance.

Approve forms CR-800, CR-800-INFO, CR-830, and CR-840, and adopt form CR-850

The committee recommends several new forms to implement the changes in law under AB 2907 and SB 899:

- *Receipt for Firearms, Firearm Parts, and Ammunition* (form CR-800) and a corresponding information sheet (form CR-800-INFO). Under AB 2907 and SB 899, courts must provide information to a defendant subject to a criminal protective order on how to relinquish firearms and ammunition, and the process for submitting a receipt to the court showing proof of relinquishment.²⁴ Optional forms CR-800 and CR-800-INFO are modeled after existing forms for use with civil restraining orders.
- *Noncompliance With Firearms and Ammunition Order* (form CR-830). This optional form may be used by a court to report noncompliance with relinquishment orders to both the prosecuting agency and law enforcement.²⁵ In domestic violence cases, the agencies must "take all actions necessary to obtain those and any other firearms or ammunition

²² See Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Firearms Relinquishment in Criminal Protective Order Cases* (Apr. 19, 2010), p. 1.

²³ Cal. Rules of Court, rule 4.700(b)(2).

²⁴ Code Civ. Proc., § 527.9(b); Pen. Code, § 273.75(d).

²⁵ Code Civ. Proc., § 527.9(b); Pen. Code, § 273.75(d).

owned, possessed, or controlled by the defendant and to address any violation of the order with respect to firearms or ammunition as appropriate and as soon as practicable.”²⁶ This directive is not included for cases that do not involve domestic violence. To reflect these differences, the form has separate items for domestic violence cases and cases not involving domestic violence.

- *Prohibited Items Finding and Orders* (form CR-840). This optional form is intended for use by the court when it learns that the restrained person has a firearm *after* a protective order has issued, pursuant to the procedures under Penal Code section 18120.5 and Code of Civil Procedure section 527.9. The form allows the court to list prohibited firearms and ammunition, note when the defendant provided proof of compliance, set a review hearing on compliance, and state that the court will notify the prosecuting attorney and law enforcement if the defendant has not complied with relinquishment orders.
- *Permission to Have Firearm or Ammunition for Work* (form CR-850). This mandatory form allows the court to make appropriate findings and orders when granting a request for a firearm exemption under Code of Civil Procedure section 527.9(f) or Penal Code section 29825.5(g).

Revise form CR-160

The committee recommends revising *Criminal Protective Order—Domestic Violence* (form CR-160) by:

- Removing the protected person’s gender and age and the gender of additional protected persons and adding a reference to use form CLETS-002, where that information will be provided;
- Adding a statement that orders issued under section 273.5(j) may last up to 15 years, to implement changes in law created by AB 2308;
- Implementing AB 2907 and SB 899 by:
 - Adding, in item 8:
 - Ammunition as an item that must be relinquished;
 - A statement that the defendant may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CR-800); and
 - New item 8e for the court to indicate if a firearm exemption was granted, and if so, to see detailed orders on attached *Permission to Have Firearm or Ammunition for Work* (form CR-850);

²⁶ Pen. Code, § 273.75(d).

- Adding new item 9, “Possession of prohibited items,” for the court to list prohibited firearms and ammunition, note when the defendant provided proof of compliance, and set a review hearing on compliance;
- Adding new item 10, “Noncompliance with surrendering prohibited items,” stating that the court will notify the prosecuting attorney and law enforcement that the defendant has not complied with relinquishment orders; and
- Adding citations to Code of Civil Procedure section 527.12 to the Instructions for Law Enforcement on page 5.

Revise form CR-161

The committee recommends revising *Criminal Protective Order—Other Than Domestic Violence* (form CR-161) by:

- Removing the protected person’s gender and age and the item on the gender of additional protected persons, and adding a reference to use form CLETS-002, where that information will be provided;
- Implementing AB 2907 and SB 899 by:
 - Adding, in item 8:
 - Relinquishment requirements and time frames for orders issued under section 136.2 (item 8b) and sections 368(l) and 646.9(k) (new item 8c);
 - New item 8d stating that the defendant may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CR-800); and
 - New item 8e for the court to indicate if a firearm exemption was granted, and if so, to see detailed orders on attached *Permission to Have Firearm or Ammunition for Work* (form CR-850);
- Adding new item 9, “Possession of prohibited items,” for the court to list prohibited firearms and ammunition, note when the defendant provided proof of compliance, and set a review hearing on compliance;
- Adding new item 10, “Noncompliance with surrendering prohibited items,” stating that the court will notify the prosecuting attorney and law enforcement that the defendant has not complied with relinquishment orders; and
- Adding citations to Code of Civil Procedure section 527.12 to the Instructions for Law Enforcement on page 4.

Revise form CR-162

The committee proposes revising *Order to Surrender Firearms in Domestic Violence Case* (form CR-162) by:

- Changing the form title to *Order to Surrender Firearms, Firearm Parts, and Ammunition in Domestic Violence Case*;
- Revising item 4 to follow the structure and language of forms CR-160 and CR-161;
- Implementing SB 899 by:
 - Adding new item 4b for the court to indicate if a firearm exemption was granted, and if so, to see detailed orders on attached *Permission to Have Firearm or Ammunition for Work* (form CR-850);
 - Adding, in item 5a, ammunition as an item that must be relinquished;
 - Adding new item 5, “Relinquishment of prohibited items,” for the court to list prohibited firearms and ammunition, note when the defendant provided proof of compliance, and set a review hearing on compliance; and
 - Adding new item 6, “Noncompliance with surrendering prohibited items,” stating that the court will notify the prosecuting attorney and law enforcement that the defendant has not complied with relinquishment orders.

Adopt form CLETS-002 and amend rule 1.51

The committee recommends adoption of a new form, *Confidential Information for Law Enforcement—Criminal* (form CLETS-002), modeled after form CLETS-001, for mandatory use with criminal protective orders to provide a protected person’s gender, age, and date of birth, as well as additional optional information about the protected person, other protected people, and the defendant. The committee anticipates that the prosecuting agency would fill out and submit the form with the protected person’s information. Forms CR-160 and CR-161 would be revised to delete the protected person’s gender and age and the gender of additional protected persons, and to include a reference to use form CLETS-002. These changes would align the criminal protective orders with all other protective orders with a protected party that are entered into CLETS, address concerns with the protected person’s identifying information being publicly available on the order, and allow the protected person’s date of birth to be provided for inclusion in the federal database in a confidential manner.

The circulated version of form CLETS-002 noted that “date of birth is required for the protected person’s information to appear in a federal law enforcement database.” The California Department of Justice has indicated that their system is not currently programmed to send additional protected person information to the federal database. Considering this, the language has been removed and the committee will propose reinserting it when the Department of Justice

has updated their programming capacity. To clarify the scope of enforcement, the committee recommends the following underlined changes to the form:

Date of birth is required for the protected person's information to appear in a federal law enforcement database for enforcement of the order outside of California.

Additionally, the committee recommends amending rule 1.51 by adding to subdivision (a) that a prosecuting agency requesting protective orders issued under Penal Code section 136.2, 273.5(j), 368(l), 646.9(k), or 1203.097(a)(2) must submit to the court with the request a completed form CLETS-002. The committee also recommends amending the rule where necessary to make clear that the rule's other provisions apply to form CLETS-002, including the requirement in rule 1.51(b) that CLETS forms be kept confidential.

Policy implications

The proposal implements legislative changes. Accordingly, the key policy implications are ensuring that the rules of court reflect the law. These revisions are therefore 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 proposal circulated for comment from April 14 to May 23, 2025. The committee received four comments agreeing with the proposal if modified from the Superior Court of Los Angeles County, the Superior Court of Orange County, the Orange County Bar Association, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. The substantive comments and the committee's responses are summarized below. All comments received and the committee's responses are provided in the attached chart of comments at pages 44–53.

Form CLETS-002

The committee sought specific comments on whether requiring the use of form CLETS-002 would create workload pressures for prosecuting agencies, law enforcement, and the courts. All four commenters stated that the form would result in a workload increase for prosecutors and the courts, with commenting courts noting that it would require extensive training of court personnel, prosecutors, and law enforcement, as well as costs related to technology updates. The Superior Court of Orange County noted that the form would increase the workload for court staff due to having to compare the information on form CLETS-002 and the criminal protective order to make sure they are the same prior to entry into CLETS. The Orange County Bar Association noted that protecting victim information justified the increased workload.

The committee recognizes the increased workload associated with form CLETS-002 but believes the form is necessary to include the protected person's information in the federal database, which is only possible if a date of birth is provided. To address workload concerns, form CLETS-002

only requires the protected persons' information in items 1 and 2; the defendant's information in item 3 is largely optional since it is already required on the criminal protective order. In response to the public comments, the committee revised item 3 to only require the defendant's name as a mandatory field and to remove the mandatory fields for the defendant's gender, race, and age, since those are already included on the criminal protective order.

Implementation

Courts will have approximately two months to implement the new and revised forms. The Superior Court of Orange County commented that two months will not be sufficient to properly train staff and stakeholders. The Superior Court of Los Angeles County and the Joint Rules Subcommittee also noted the need to train roughly 1,000 court employees in Los Angeles and implement new procedures and case management codes. These commenters noted that implementation in two months was possible, but three months were preferred.

The committee appreciates the amount of work involved in implementing new forms changes. The changes in this proposal are largely to implement laws that became effective on January 1, 2025, or will be effective on January 1, 2026. Given the importance and safety issues associated with the new laws, the committee does not recommend delaying implementation of this proposal.

Other changes

The committee recommends two minor revisions based on comments received. The committee requested specific comments on the most effective way to advise a defendant granted a firearm exemption (see item 2 on form CR-850) that the exemption only applies to the specific restraining order, and that if the defendant is prohibited from having firearms or ammunition by another order or law, the defendant may be in violation of state or federal law. All four commenters preferred a stand-alone warning box rather than including the advisement as part of the order, as was circulated, and the committee therefore recommends that approach.

The committee also asked for specific comments on whether it would be helpful to include language preferences and prohibited item information on form CLETS-002, similar to form CLETS-001. The circulated version of the form did not include that information because the committee thought they were unnecessary. However, all four commenters recommended including those items as optional, and the committee therefore recommends that approach.

Alternatives considered

The committee did not consider the alternative of taking no action because form revisions are needed to comply with AB 2308, AB 2907, and SB 899. To the extent the proposed revisions were not required by the terms of the new laws, the committee considered taking no action but ultimately determined the revisions were warranted considering the benefits the revisions would provide to the courts and court users.

Conflict between relinquishment procedures in SB 899 and AB 2907

Though AB 2907 and SB 899 both address relinquishment of prohibited items due to a criminal protective order, there are some discrepancies in requirements and procedures depending on

whether the order was issued pretrial, postconviction, or in a domestic violence case. Because the discrepancies appear to be due to oversight, the committee discussed whether to attempt to reconcile or standardize the requirements and procedures, but decided to directly reflect the applicable statutory language as much as possible.

For example, while ammunition must now be relinquished with most criminal protective orders,²⁷ no statute requires ammunition relinquishment for postconviction criminal protective orders issued under Penal Code section 273.5(j), 368(l), or 646.9(k) in a case not involving domestic violence (see form CR-161, item 8c) because section 29825.5—the only statute addressing these types of cases—does not include clear language on ammunition relinquishment.

Additionally, section 273.75(d), regarding criminal protective orders issued in domestic violence cases, does not specify how prohibited items should be relinquished but requires the court to provide information to the defendant on how to comply with the prohibition. Given that relinquishment in the criminal context generally involves surrendering to law enforcement or selling to a licensed gun dealer, the committee recommends directing relinquishment to law enforcement or a licensed gun dealer for orders issued under Penal Code section 1203.097.²⁸

Conflict between conviction-based relinquishment procedures under Penal Code section 29810 and postconviction criminal protective order relinquishment procedures

Postconviction criminal protective orders are generally issued in cases in which a conviction of the underlying offense also prohibits the defendant from possessing a firearm. In these matters, the postconviction criminal protective order relinquishment procedures conflict with some of the conviction-based relinquishment procedures under Penal Code section 29810, and there are no cross-references in the statutory language.

It is not certain which provisions supersede, and the committee noted the difficulty for litigants and judges to understand how to navigate the conflicting procedures. The committee discussed whether to try to reconcile the procedures in the forms but decided that it would require legislative clarity or resolution by the courts.

Service by protected person

Penal Code section 18120.5(c)(1), which applies to gun violence restraining orders and criminal protective orders issued under section 136.2, states that if the restrained person is not present when the court sets a review hearing regarding their compliance with relinquishment orders, the protected person must provide notice of the review hearing to the restrained person at least two court days before the review hearing, by personal service or by mail to the restrained person's last known address.

²⁷ See Code Civ. Proc., § 527.9(b); Pen. Code, § 273.75(d).

²⁸ All other criminal protective orders are subject to statutes requiring relinquishment to law enforcement or a licensed gun dealer (see Code Civ. Proc., § 527.9(b); Pen. Code, § 29825.5(b)).

Despite the statutory language, the committee is not including an item addressing service of the defendant by the protected person on form CR-840, as this is not a common practice in a criminal case and it is unlikely that the protected person would be present at the time a review hearing is set. The committee discussed the option of including an item about service of the defendant by the protected person and modifying it to state that the protected person may seek assistance from the prosecuting agency, but ultimately preferred excluding the language entirely.

Mandatory or optional forms

Forms CR-830 and CR-840 are modeled after *Noncompliance With Firearms and Ammunition Order, or Warrant* (form DV-830)²⁹ and *Notice of Compliance Hearing for Firearms and Ammunition* (form DV-840),³⁰ which are used for proceedings related to civil domestic violence restraining orders. Forms CR-830 and DV-830 allow a court to report a restrained person's noncompliance with a relinquishment order to the prosecuting agency and law enforcement, and forms CR-840 and DV-840 are for courts to use when compliance issues arise after a restraining order has issued. Forms DV-830 and DV-840 are mandatory forms. Though there is a preference for Judicial Council forms to be as consistent as possible, the committee recommends making forms CR-830 and CR-840 optional rather than mandatory, since criminal courts generally have additional avenues to address noncompliance, such as a probation revocation, or may have local preferences to communicate with the prosecuting agency and law enforcement.

Notice of noncompliance to law enforcement and prosecuting agency

For the notice to the law enforcement and prosecuting agency of a defendant's noncompliance with surrendering prohibited items,³¹ the committee considered deriving the time frame for such notification from the statutory language of Code of Civil Procedure section 527.9(b)³² and Penal Code section 273.75(d)³³ rather than calling for the court's immediate notification of law enforcement and prosecuting agencies. The committee modeled the language to immediately

²⁹ Available at <https://courts.ca.gov/sites/default/files/courts/default/2024-11/dv830.pdf>.

³⁰ Available at <https://courts.ca.gov/sites/default/files/courts/default/2024-11/dv840.pdf>.

³¹ See item 10 of forms CR-160 and CR-161, and item 5 on form CR-840.

³² "Violations of the firearms prohibition of any restraining order under this section shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court. If the person does not file a receipt with the court within 48 hours after receiving the order for a firearm in their possession, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of the issuance and contents of a protective order, information about the firearm or ammunition, and of any other information the court deems appropriate." (Code Civ. Proc., § 527.9(b).)

³³ "If evidence of compliance with firearms prohibitions is not provided within 48 hours of the defendant being served with the protective order or after a review hearing under rule 4.700 of the California Rules of Court if required or as may be required otherwise, the court shall order the clerk of the court to notify within two business days, by the most effective means available, the prosecuting agency and appropriate law enforcement officials of the issuance and contents of the protective order, information about the firearm or ammunition, and of any other information obtained through the search that the court determines is appropriate." (Pen. Code, § 273.75(d).)

notify the agencies after the language implementing SB 320 in the domestic violence restraining orders, communicating to the restrained person that this exchange would occur swiftly.

Review hearings

Under new Penal Code section 18120.5, when relevant information is provided to the court at any noticed hearing that a person subject to a criminal protective order issued under section 136.2 has a firearm, the court must determine if the person has a firearm in violation of the order, with the option of setting a review hearing.³⁴ Section 18120.5 does not discuss ammunition, though under SB 899, it is now a prohibited item that must be relinquished, along with firearms, under Code of Civil Procedure section 527.9(b).³⁵

To maintain consistency between the prohibited items that are required to be relinquished and the court findings and review hearings, the committee recommends adding ammunition as an item subject to the court findings and review hearings.³⁶ While new Penal Code section 18120.5 only expressly requires the court to determine if a person has a firearm in violation of an order, there is nothing precluding the court from making findings regarding ammunition as well.

Service by peace officer

SB 899 introduced new Code of Civil Procedure section 527.12, requiring a peace officer, “upon the request of a petitioner,” to serve specified protective orders on the respondent, including criminal protective orders issued under section 136.2. The committee considered but declined to include language on the existing or proposed forms regarding this provision, noting that a defendant will generally be personally served at the time the order is issued.

Use of form CLETS-001

The committee initially proposed including criminal protective orders in form CLETS-001, alongside civil restraining orders. However, the committee ultimately recommends a separate form due to the differences present in criminal cases. Form CLETS-002 is intended to be completed by a prosecuting agency rather than a petitioner and is designed for streamlined use by focusing on the protected person’s information.

Fiscal and Operational Impacts

Commenting courts anticipated costs for implementing the new and revised forms, including staff and judicial officer training, updating court technology, adding new event codes in the case management system, and ordering and printing new forms. The courts also noted that new form CLETS-002 would require extensive education for parties, law enforcement, court staff, and judicial officers.

³⁴ Pen. Code, § 18120.5(a), (c)(1).

³⁵ Assembly Bill 824 would add ammunition as a prohibited item subject to court findings and hearings under Penal Code section 18120.5 and Code of Civil Procedure section 527.11.

³⁶ See item 9b on forms CR-160 and CR-161, and item 4 on form CR-840.

Attachments and Links

1. Cal. Rules of Court, rules 1.51 and 4.700, at pages 17–20
2. Form CLETS-002, CR-160, CR-161, CR-162, CR-800, CR-800-INFO, CR-830, CR-840, and CR-850, at pages 21–43
3. Chart of comments, at pages 44–53
4. Link A: Assem. Bill 2308,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2308
5. Link B: Assem. Bill 2907,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2907
6. Link C: Sen. Bill 899,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB899

DRAFT

Rule 1.51 of the California Rules of Court is amended and rule 4.700 is repealed, effective January 1, 2026, to read:

Rule 1.51. California Law Enforcement Telecommunications System (CLETS) information form

(a) Confidential CLETS information form to be submitted to the court

(1) A person requesting protective orders under Code of Civil Procedure section 527.6, 527.8, or 527.85; Family Code section 6320, 6404, or 6454; Penal Code section 490.8 or sections 18100–18205; or Welfare and Institutions Code section 213.5 or 15657.03 must submit to the court with the request a completed *Confidential Information for Law Enforcement* (form CLETS-001).

(2) A prosecuting agency requesting protective orders under Penal Code section 136.2, 273.5(j), 368(l), 646.9(k), or 1203.097(a)(2) must submit to the court with the request a completed *Confidential Information for Law Enforcement—Criminal* (form CLETS-002).

(b) Confidentiality of the form

Forms CLETS-001 and CLETS-002 ~~is~~ are confidential, and access to the information on the forms is limited to the persons listed in (c).

(c) Access to information on the form

Forms CLETS-001 and CLETS-002 must not be included in the court file. After the form is submitted to the court, only the following persons may have access to the information on the form:

- (1) Authorized court personnel; and
- (2) Law enforcement and other personnel authorized by the California Department of Justice to transmit or receive CLETS information.

(d) Amendment of the form

A person or party requesting protective orders or the person's attorney may submit an amended form CLETS-001 or CLETS-002 as a matter of right to provide updated or more complete and accurate information.

(e) Retention and destruction of the form

- 1 (1) When form CLETS-001 or CLETS-002 is submitted to the court, the court, if
2 a temporary restraining order or order after hearing is entered, may:
3
4 (A) Transmit the form to a law enforcement agency for entry into CLETS
5 and not retain any copy; or
6
7 (B) Enter the information on the form into CLETS itself and promptly
8 destroy the form or delete it from its records.
9
10 (2) If no temporary restraining order or order after hearing is entered, the court
11 may promptly destroy the form or delete it from its records.
12
13 (3) Until the court has completed (1) or (2), the form must be retained in a secure
14 manner that prevents access to the information on the form except to those
15 persons identified in (c).
16
17

18 **Rule 4.700. Firearm relinquishment procedures for criminal protective orders**
19 **[Repealed]**
20

21 **(a) Application of rule**
22

23 ~~This rule applies when a court issues a criminal protective order under Penal Code~~
24 ~~section 136.2 during a criminal case or as a condition of probation under Penal~~
25 ~~Code section 1203.097(a)(2) against a defendant charged with a crime of domestic~~
26 ~~violence as defined in Penal Code section 13700 and Family Code section 6211.~~
27

28 **(b) Purpose**
29

30 ~~This rule is intended to:~~
31

- 32 ~~(1) Assist courts issuing criminal protective orders to determine whether a~~
33 ~~defendant subject to such an order owns, possesses, or controls any firearms;~~
34 ~~and~~
35
36 ~~(2) Assist courts that have issued criminal protective orders to determine whether~~
37 ~~a defendant has complied with the court's order to relinquish or sell the~~
38 ~~firearms under Code of Civil Procedure section 527.9.~~
39

40 **(c) Setting review hearing**
41

- 42 ~~(1) At any hearing where the court issues a criminal protective order, the court~~
43 ~~must consider all credible information, including information provided on~~

1 behalf of the defendant, to determine if there is good cause to believe that the
2 defendant has a firearm within his or her immediate possession or control.

3
4 (2) — If the court finds good cause to believe that the defendant has a firearm
5 within his or her immediate possession or control, the court must set a review
6 hearing to ascertain whether the defendant has complied with the requirement
7 to relinquish the firearm as specified in Code of Civil Procedure section
8 527.9. Unless the defendant is in custody at the time, the review hearing
9 should occur within two court days after issuance of the criminal protective
10 order. If circumstances warrant, the court may extend the review hearing to
11 occur within 5 court days after issuance of the criminal protective order. The
12 court must give the defendant an opportunity to present information at the
13 review hearing to refute the allegation that he or she owns any firearms. If the
14 defendant is in custody at the time the criminal protective order is issued, the
15 court should order the defendant to appear for a review hearing within two
16 court days after the defendant's release from custody.

17
18 (3) — If the proceeding is held under Penal Code section 136.2, the court may,
19 under Penal Code section 977(a)(2), order the defendant to personally appear
20 at the review hearing. If the proceeding is held under Penal Code section
21 1203.097, the court should order the defendant to personally appear.

22
23 **(d) Review hearing**

24
25 (1) — If the court has issued a criminal protective order under Penal Code section
26 136.2, at the review hearing:

27
28 (A) — If the court finds that the defendant has a firearm in or subject to his or
29 her immediate possession or control, the court must consider whether
30 bail, as set, or defendant's release on own recognizance is appropriate.

31
32 (B) — If the defendant does not appear at the hearing and the court orders that
33 bail be revoked, the court should issue a bench warrant.

34
35 (2) — If the criminal protective order is issued as a condition of probation under
36 Penal Code section 1203.097, and the court finds at the review hearing that
37 the defendant has a firearm in or subject to his or her immediate possession
38 or control, the court must proceed under Penal Code section 1203.097(a)(12).

39
40 (3) — In any review hearing to determine whether a defendant has complied with
41 the requirement to relinquish firearms as specified in Code of Civil Procedure
42 section 527.9, the burden of proof is on the prosecution.

Advisory Committee Comment

When issuing a criminal protective order under Penal Code section 136.2 or 1203.097(a)(2), the court is required to order a defendant “to relinquish any firearm in that person’s immediate possession or control, or subject to that person’s immediate possession or control” (Code Civ. Proc., § 527.9(b).) Mandatory Judicial Council form CR 160, *Criminal Protective Order—Domestic Violence*, includes a mandatory order in bold type that the defendant “must surrender to local law enforcement or sell to a licensed gun dealer any firearm owned or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.”

Courts are encouraged to develop local procedures to calendar review hearings for defendants in custody beyond the two court day time frame to file proof of firearms relinquishment with the court under Code of Civil Procedure section 527.9.

DRAFT

CLETS-002 Confidential Information for Law Enforcement—Criminal**Instructions:**

- The prosecuting agency seeking the criminal order must complete item ① and ② of this form and give it to the court clerk along with form CR-160 or CR-161. Item ③ is optional.
- If the judge grants the protective order, information on this form will be entered into the California Law Enforcement Telecommunications System (CLETS) and may be entered into a federal law enforcement database.
- If information changes later, this form may be completed again and turned in to the court.

To Court Clerk: Do not file this form. The information on this form must be entered into the protective order registry in CLETS.

PEOPLE OF THE STATE OF CALIFORNIA
v.
DEFENDANT:

Court fills in case number when form is received.

Case Number:

Date received by court: _____

Information that has a star (*) next to it is required. All other information is helpful.

① *Protected Person's Information

***Name:** _____

***Gender:** ☐ M ☐ F ☐ Nonbinary ***Race:** _____

***Age:** _____ **Date of Birth (month, day, year):** _____

(Date of birth is required for the protected person's information to appear in a federal law enforcement database for enforcement of the order outside of California.)

Telephone: _____

Does the protected person speak English? ☐ Yes ☐ I don't know ☐ No *(list language):* _____

② Other Protected People

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

- ☐ Check here if you have more people to list. Write them on a separate piece of paper, write "Item 2" at the top, and attach it to this form.

③ Defendant

***Name:** _____

Other names used: _____

This is not a Court Order—Do not place in court file.



3 Defendant

Marks, scars, or tattoos: _____

Driver's license (*number and state*): _____ SSN: _____

Vehicle type: _____ Model: _____ Year: _____ Plate number: _____

Telephone: _____

Name of employer and address: _____

Does the defendant speak English? ☐ Yes ☐ I don't know ☐ No (*list language*): _____

Does the defendant have any firearms (guns), firearm parts, ammunition, or body armor?

☐ No ☐ I don't know☐ Yes (*Give any information you have below, like the type, amount, or location of any items, if known.*)_____
_____**This is not a Court Order—Do not place in court file.**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY 08/27/2025 DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS—CPO) ☐ ORDER PENDING TRIAL (Pen. Code, § 136.2) ☐ MODIFICATION ☐ PROBATION CONDITION ORDER (Pen. Code, § 1203.097(a)(2)) ORDER UPON ☐ PENAL CODE, § 136.2(i) ☐ PENAL CODE, § 273.5(j) CONVICTION: ☐ PENAL CODE, § 368(l) ☐ PENAL CODE, § 646.9(k)	

This order may take precedence over other conflicting orders; see item 4 on page 5.

1. Restrained person/defendant

*Name: _____ *Gender: ☐ M ☐ F ☐ Nonbinary *Race: _____
 *Date of birth: _____ Height: _____ Weight: _____ Hair color: _____ Eye color: _____

2. Protected person (use form CLETS-002)

*Name: _____

3. Additional protected persons (use form CLETS-002)

*Name _____

Relationship to person in item 2 _____

- a. ☐ The court finds that the additional protected persons were also victims of the crime (finding required for postconviction orders issued under Penal Code section 136.2(i)(1)).
- b. ☐ The court finds by clear and convincing evidence that the above named percipient witnesses have been harassed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)(1)).

(For items 1, 2, and 3: Information that has a star (*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)

4. Expiration date

- a. For pretrial orders, this order remains in effect until further court order. To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).
- b. For postconviction orders, this order expires on (date): _____ (Orders under Penal Code sections 136.2(i), 368(l), and 646.9(k) may be valid for up to 10 years, and orders under section 273.5(j) may be valid for up to 15 years.)

5. Hearing

This proceeding was heard on (date): _____ at (time): _____ in Dept.: _____
 by (judicial officer): _____

6. Personal service

☐ Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

7. The court finds good cause to grant a protective order. See items 8–21.

To the defendant

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense. (18 U.S.C. § 2261(a)(1).)



DEFENDANT:	CASE NUMBER:

8. No firearms (guns), firearm parts, or ammunition

- a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms (guns), firearm parts (meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame; see Penal Code section 16531), or ammunition. Possession of firearms, firearm parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution and may include jail or prison time and/or a fine.
- b. Within 24 hours of receiving this order, the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms, firearm parts, and ammunition owned by the defendant or within the defendant's immediate possession or control.
- c. Within 48 hours of receiving this order the defendant must file a receipt with the court showing that all firearms, firearm parts, and ammunition have been turned in, sold, or stored.
- d. The defendant may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CR-800).
- e. ☐ The court has granted a limited exception to allow firearms or ammunition for work only. See detailed orders on attached form CR-850.

9. ☐ Possession of prohibited items

- a. ☐ The court finds that the defendant has the following prohibited items:

(1) Firearms and/or firearm parts

Description (include serial number, if known)

Location, if known

Proof of compliance received by the court

(a)

☐ (date):

(b)

☐ (date):**(2) Ammunition**

Description

Amount, if known

Location, if known

Proof of compliance received by the court

☐ (date):

- ☐ Check here to list additional items. List them on a separate piece of paper, write "Restrained Person Has Prohibited Items" at the top, and attach it to this form.

- b. ☐ The court sets a review hearing for (date): (time): (dept.): to determine whether the defendant has properly turned in, sold, or stored all prohibited items, including any items listed in item 9a. If the defendant does not attend the review hearing, the court may find that the defendant has violated the protective order and notify law enforcement and a prosecuting attorney of the violation.

10. ☐ Noncompliance with surrendering prohibited items

- a. The court finds that the defendant has not fully complied with the orders previously granted on (date): .
The court has not received a receipt or proof of compliance for all the items listed in item 9a.
- b. ☐ The court will immediately notify the following law enforcement agency of this violation (law enforcement agency or agencies):
- c. ☐ The court will immediately notify the following prosecuting agency of this violation (prosecuting agency):

11. No body armor

The defendant must not own, possess, or buy any body armor (defined in Penal Code section 16288). Defendant must relinquish any body armor in their possession.

12. ☐ No dissuading victim or witness (for pretrial orders issued under Penal Code section 136.2(a)(1))

The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying, or making a report to any law enforcement agency or person.



DEFENDANT:	CASE NUMBER:

13. No obtaining addresses (for orders issued under Penal Code section 136.2)

- a. The defendant must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardians unless good cause exists otherwise.
- b. ☐ The court finds good cause not to make this order.

14. ☐ Order to not abuse

Defendant must not harass, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property, disturb the peace of, keep under surveillance, annoy by phone or other electronic means (including **repeated** contact), impersonate (on the internet, electronically, or otherwise), or block movements of the protected persons named in items 2 and 3.

- “Disturb the peace of” means to destroy someone’s mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.
- “Coercive control” means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, activities, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone’s reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone’s contraception, birth control, pregnancy, or access to related health information.

15. ☐ No-contact order

Defendant must not contact the protected persons named in items 2 and 3, directly or indirectly, by any means, including by telephone, mail, email or other electronic means, or through a third party. Contact through an attorney under reasonable restrictions set by the court does not violate this order.

16. ☐ Stay-away order

Defendant must stay at least _____ yards away from **(check all that apply)**:

- a. ☐ The protected person
- b. ☐ **The protected person’s** ☐ home ☐ job or workplace ☐ vehicle
- c. ☐ Other protected persons in item 3
- d. ☐ Other location:

17. ☐ Exceptions

Defendant may have peaceful contact with the protected persons named in items 2 and 3, as an exception to the no-contact and stay-away orders in items **15** and **16** of this order, only for the safe exchange of children and court-ordered visitation as stated in

- a. ☐ the family, juvenile, or probate court order in *(case number)*:
issued on *(date)*:
- b. ☐ any family, juvenile, or probate court order issued *after* the date this order is signed.

The restrained and protected persons should always carry a certified copy of the most recent order issued by the family, juvenile, or probate court.

18. ☐ Protected animals

- a. The protected persons named in items 2 and 3 are given the exclusive care, possession, and control of the animals listed below:

Name:	Type of animal:	Breed (optional):	Color (optional):

- b. ☐ Defendant must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals listed above.
- c. ☐ Defendant must not come within _____ yards of the animals listed above.



DEFENDANT:	CASE NUMBER:

19. ☐ **Electronic monitoring**

Defendant must be placed on electronic monitoring for *(specify length of time)*:

(Not to exceed **one** year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv), (i)(3).)

20. ☐ **Recordings**

The protected person in item 2 may record communications made by the person in item 1 **who violated** this order.

21. ☐ **Other orders**

Executed on *(date)*:

Judicial Officer

Certificate of Compliance With Violence Against Women Act (VAWA)

This protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.**



DEFENDANT:

CASE NUMBER:

Instructions for Law Enforcement

1. Start Date and End Date of Order

This order starts on the date it was issued by a judicial officer.

This order ends as ordered in item 4 on page 1 of this order.

- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (*People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1), 368(l), and 646.9(k) are valid for up to 10 years, and orders under section 273.5(j) are valid for up to 15 years, and may be issued by the court regardless of whether the defendant is sentenced to state prison, county jail, or subject to mandatory supervision or if imposition of sentence is suspended and the defendant is placed on probation.
- Orders under Penal Code section 1203.097(a)(2) are probationary orders, and the court has jurisdiction as long as the defendant is on probation.
- To terminate this protective order, courts should use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).

2. If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

3. Enforcing This Order in California

- This order must be enforced in California by any law enforcement agency that has received the order, or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
- The peace officer or law enforcement officer must first determine if the restrained person had notice of the order. If notice cannot be verified, the restrained person must be advised of the terms of the order. If the restrained person fails to obey the order, the officer must enforce it. (Code Civ. Proc., § 527.12; Fam. Code, § 6383.)

4. Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Code of Civil Procedure, section 517.12(d)(2), Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

- **Emergency Protective Order (EPO):** If one of the orders is *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
- **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must also be enforced. Item 15 is an example of a no-contact order.
- **Criminal Protective Order (CPO):** If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Code Civ. Proc., § 517.12(d)(2); Fam. Code, §§ 6383(h)(2), 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
- **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY 08/28/2025 DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS—CPO) (Pen. Code, §§ 136.2, 136.2(i), 368(l), and 646.9(k)) ORDER ☐ Pen. Code, § 136.2 ☐ MODIFICATION PENDING TRIAL: ORDER UPON ☐ Pen. Code, § 136.2(i) ☐ Pen. Code, § 646.9(k) CONVICTION: ☐ Pen. Code, § 368(l)	CASE NUMBER:

1. Restrained person/defendant

*Name: _____ *Gender: ☐ M ☐ F ☐ Nonbinary *Race: _____
 *Date of birth: _____ Height: _____ Weight: _____ Hair color: _____ Eye color: _____

2. Protected person (use form CLETS-002)

*Name: _____

3. Additional protected persons (use form CLETS-002)

*Name

Relationship to person in item 2

- a. ☐ The court finds that the additional protected persons were also victims of the crime (finding required for postconviction orders issued under Penal Code section 136.2(i)(1)).
- b. ☐ The court finds by clear and convincing evidence that the above named percipient witnesses have been harassed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)(1)).

(For items 1, 2, and 3: Information that has a star (*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)

4. Expiration date

- a. For pretrial orders, this order remains in effect until further court order. To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).
- b. For postconviction orders, this order expires on (date): _____ . (Postconviction orders under Penal Code sections 136.2(i) and 646.9(k) may be valid for up to 10 years.)

5. Hearing

This proceeding was heard on (date): _____ at (time): _____ in Dept.: _____
 by (judicial officer): _____

6. Personal service

☐ Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

7. The court finds good cause to grant a protective order. See items 8–19.

To the defendant

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.



DEFENDANT:	CASE NUMBER:

8. No firearms (guns), firearm parts, or ammunition

- a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms (guns), firearm parts (meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame; see Penal Code section 16531), or ammunition. Possession of firearms, firearm parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution and may include jail or prison time and/or a fine.
- b. ☐ For orders issued under Penal Code section 136.2: Within 24 hours of receiving this order the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms, firearm parts, and ammunition owned by the defendant or within the defendant's immediate possession or control. Within 48 hours of receiving this order the defendant must file a receipt with the court showing that all firearms, firearm parts, and ammunition have been turned in, sold, or stored.
- c. ☐ For orders issued under Penal Code sections 368(l) or 646.9(k): Within 24 hours of receiving this order the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms and firearm parts owned by the defendant or within the defendant's immediate possession or control. By (date): the defendant must file a receipt with the court showing that all firearms and firearm parts have been turned in, sold, or stored.
- d. The defendant may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CR-800).
- e. ☐ The court has granted a limited exception to allow firearms or ammunition for work only. See detailed orders on attached form CR-850.

9. ☐ Possession of prohibited items

- a. ☐ The court finds that the defendant has the following prohibited items:

(1) Firearms and/or firearm parts

Description (include serial number, if known)

Location, if known

Proof of compliance received by the court

(a)

☐ (date):

(b)

☐ (date):**(2) Ammunition**

Description

Amount, if known

Location, if known

Proof of compliance received by the court

☐ (date):

- ☐ Check here to list additional items. List them on a separate piece of paper, write "Restrained Person Has Prohibited Items" at the top, and attach it to this form.

- b. ☐ The court sets a review hearing for (date): (time): (dept.): to determine whether the defendant has properly turned in, sold, or stored all prohibited items, including any items listed in item 9a. If the defendant does not attend the review hearing, the court may find that the defendant has violated the protective order and notify law enforcement and a prosecuting attorney of the violation.

10. ☐ Noncompliance with surrendering prohibited items (for orders issued under Penal Code section 136.2)

- a. The court finds that the defendant has not fully complied with the orders previously granted on (date): .
The court has not received a receipt or proof of compliance for all the items listed in item 9a.
- b. ☐ The court will immediately notify the following law enforcement agency of this violation (law enforcement agency or agencies):
- c. ☐ The court will immediately notify the following prosecuting agency of this violation (prosecuting agency):

11. No body armor

The defendant must not own, possess, or buy any body armor (defined in Penal Code section 16288). Defendant must relinquish any body armor in their possession.

12. ☐ No dissuading victim or witness (for pretrial orders issued under Penal Code section 136.2(a)(1))

The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying, or making a report to any law enforcement agency or person.



DEFENDANT:	CASE NUMBER:

13. No obtaining addresses (for orders issued under Penal Code section 136.2)

- a. The defendant must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardians unless good cause exists otherwise.
- b. ☐ The court finds good cause not to make this order.

14. ☐ Order to not abuse

Defendant must not harass, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property, disturb the peace of, keep under surveillance, annoy by phone or other electronic means (including repeated contact), impersonate (on the internet, electronically, or otherwise), or block movements of the protected persons named in items 2 and 3.

15. ☐ No-contact order

Defendant must not contact the protected persons named in items 2 and 3, directly or indirectly, by any means, including by telephone, mail, email or other electronic means, or through a third party. Contact through an attorney under reasonable restrictions set by the court does not violate this order.

16. ☐ Stay-away order

Defendant must stay at least _____ yards away from **(check all that apply):**

- a. ☐ The protected person
- b. ☐ **The protected person's** ☐ home ☐ job or workplace ☐ vehicle
- c. ☐ Other protected persons in item 3
- d. ☐ Other location:

17. ☐ Exceptions

Defendant may have peaceful contact with the protected persons named in items 2 and 3, as an exception to the no-contact and stay-away orders in items **15** and **16** of this order, only for the safe exchange of children and court-ordered visitation as stated in

- a. ☐ the family, juvenile, or probate court order in *(case number)*:
issued on *(date)*:
- b. ☐ any family, juvenile, or probate court order issued *after* the date this order is signed.

The restrained and protected persons should always carry a certified copy of the most recent order issued by the family, juvenile, or probate court.

18. ☐ Electronic monitoring

Defendant must be placed on electronic monitoring for *(specify length of time)*:
(Not to exceed **one** year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv), (i)(3).)

19. ☐ Other orders

Executed on *(date)*:

Judicial Officer



DEFENDANT:	CASE NUMBER:

Instructions for Law Enforcement

1. Start Date and End Date of Order

This order starts on the date it was issued by a judicial officer.

This order ends as ordered in item 4 on page 1 of this order.

- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (*People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1) and 646.9(k) are valid for up to 10 years and may be issued by the court regardless of whether the defendant is sentenced to state prison, county jail, or subject to mandatory supervision or if imposition of sentence is suspended and the defendant is placed on probation.
- To terminate this protective order, courts should use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).

2. Enforcing This Order in California

- This order must be enforced in California by any law enforcement agency that has received the order, or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
- The peace officer must first determine if the restrained person had notice of the order. If notice cannot be verified, the restrained person must be advised of the terms of the order. If the restrained person fails to obey the order, the officer must enforce it. (Code Civ. Proc., § 527.12.)

3. Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Code Civ. Proc., § 527.12(d)(2); Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)):

- **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must also be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must also be enforced. Item 15 is an example of a no-contact order.
- **Criminal Protective Order (CPO):** If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced (Code Civ. Proc., § 527.12(d)(2); Fam. Code, §§ 6383(h)(2), 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
- **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY 08/05/2025 DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA DEFENDANT:	v. CASE NUMBER:
ORDER TO SURRENDER FIREARMS, FIREARM PARTS, AND AMMUNITION IN DOMESTIC VIOLENCE CASE (CLETS—CPO) (Pen. Code, § 136.2(a)(1)(G)(ii))	
PERSON TO SURRENDER FIREARMS/DEFENDANT (<i>complete name</i>): Gender: ☐ M ☐ F ☐ Nonbinary Race: Date of birth: Ht.: Wt.: Hair color: Eye color:	

1. This proceeding was heard on (*date*): _____ at (*time*): _____ in Dept.: _____
 Room: _____ by judicial officer (*name*): _____
 2. This order expires on (*date*): _____. If no date is listed, this order remains in effect until further court order.
 To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).
 3. ☐ Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
 4. **No firearms (guns), firearm parts, or ammunition**
 - a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms (**guns**), firearm parts (meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame; see Penal Code section 16531), or ammunition. Possession of firearms, firearm parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution and may include jail or prison time and/or a fine.
 - b. ☐ The court has granted a limited exception to allow firearms or ammunition for work only. See detailed orders on attached form CR-850.
 5. ☐ **Relinquishment of prohibited items**
 - a. Within 24 hours of receiving this order the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms, firearm parts, and ammunition owned by the defendant or within the defendant's immediate possession or control. Within 48 hours of receiving this order the defendant must file a receipt with the court showing that all firearms, firearm parts, and ammunition have been turned in, sold, or stored.
 - b. ☐ The court finds that the defendant has the following prohibited items:

(1) Firearms and/or firearm parts		
Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(a)		☐ (<i>date</i>):
(b)		☐ (<i>date</i>):
(2) Ammunition		
Description	Amount, if known	Location, if known
		Proof of compliance received by the court
		☐ (<i>date</i>):
- ☐ Check here to list additional items. List them on a separate piece of paper, write "Restrained Person Has Prohibited Items" at the top, and attach it to this form.
- c. ☐ The court sets a review hearing for (*date*): _____ (*time*): _____ (*dept.*): _____ to determine whether the defendant has properly turned in, sold, or stored all prohibited, including items described in item 5b. (Code Civ. Proc., § 527.9; Pen. Code, § 18120.5.) If the defendant does not attend the review hearing, the court may find that the defendant has violated the protective order and notify law enforcement and a prosecuting attorney of the violation.



DEFENDANT:	CASE NUMBER:

6. ☐ **Noncompliance with surrendering prohibited items**

- a. ☐ The court finds that the defendant has not fully complied with the orders previously granted on (date):
The court has not received a receipt or proof of compliance for all the items listed in item 5b.
- b. ☐ The court will immediately notify the following law enforcement agency of this violation (*law enforcement agency or agencies*):
- c. ☐ The court will immediately notify the following prosecuting agency of this violation (*prosecuting agency*):

7. **No body armor**

The defendant must not own, possess, or buy any body armor (defined in Pen. Code, § 16288). Defendant must relinquish any body armor in their possession.

Executed on: _____
(DATE)

Judicial Officer

NOTICES

- This order is effective as of the date it was issued by the judicial officer and expires as ordered in item 2.
- This order is to be used ONLY when the court orders firearms relinquishment but does not make any other protective or restraining orders. Do NOT use in conjunction with other criminal protective orders (form CR-160 or CR-161).

This form provides information for a restrained person/defendant who is ordered to turn in firearms, firearm parts, and ammunition under a criminal protective order (form CR-160 or CR-161) or *Order to Surrender Firearms in Domestic Violence Case* (form CR-162).

07/22/2025
DRAFT
Not approved by
the Judicial Council

1 Protected Person:

Name: _____

2 Restrained Person / Defendant

a. Name: _____

Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

State: _____ Zip: _____ Telephone: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

City: _____

Fax: _____

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns), firearm parts, and ammunition—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Pen. Code, § 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete (4) or (5). For more information on how to properly turn in your items, read form CR-800-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

4**To Law Enforcement**

(Complete the section below. Keep a copy and give the original to the person in (2).)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone number: _____ Email address: _____

Items Surrendered

a. Firearms, firearm parts, and ammunition transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

4

To Law Enforcement

b. List of items. (List all the items surrendered by the person in ②. You may attach a separate form from your agency (e.g., a property report), use ⑥, or both.) Check below if you have attached a separate form:

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in ⑥.)

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

► Signature of law enforcement agent _____

5

To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone number: _____

Email address: _____

Items Stored or Sold

a. Firearms, firearm parts, and ammunition transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

b. List of items. (List all the items surrendered by the person in ②. You may attach a separate form (e.g., Department of Justice's Report of Firearm Acquisition), use ⑥, or both.) Check below if you have attached a separate form:

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in ⑥.)

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

► Signature of licensed gun dealer _____

6

☐ **List of Items Surrendered**

a. Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	☐	☐	☐
(2)	_____	_____	_____	☐	☐	☐
(3)	_____	_____	_____	☐	☐	☐
(4)	_____	_____	_____	☐	☐	☐
(5)	_____	_____	_____	☐	☐	☐
(6)	_____	_____	_____	☐	☐	☐

b. Ammunition

	Brand	Type	Amount	Sold	Stored	To be destroyed
(1)	_____	_____	_____	☐	☐	☐
(2)	_____	_____	_____	☐	☐	☐
(3)	_____	_____	_____	☐	☐	☐
(4)	_____	_____	_____	☐	☐	☐
(5)	_____	_____	_____	☐	☐	☐
(6)	_____	_____	_____	☐	☐	☐

☐ Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items, write "CR-800, item 6" at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?

☐ No

☐ Yes (If yes, check one of the boxes below:)

a. ☐ I filed *Receipt for Firearms, Firearm Parts, and Ammunition* (form CR-800) or other proof for those items with the court on (date): _____

b. ☐ I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.

c. ☐ I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. (Explain why not):

Your signature

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

Date: _____

 Type or print your name



 Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

CR-800-INFO**How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?**

This form provides information for a restrained person/defendant who is ordered to turn in firearms, firearm parts, and ammunition under a criminal protective order (form CR-160 or CR-161) or *Order to Surrender Firearms in Domestic Violence Case* (form CR-162).

What do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or own:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, includes receivers, frames, and any item that may be used as or easily turned into a receiver or frame (also called “ghost guns”); and
- Ammunition, including bullets, shells, cartridges, and clips.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items for safekeeping or to destroy,
- or
- A licensed gun dealer, who can buy or store your firearms. If you have firearm parts or ammunition, call ahead for more information.

When do I turn in, sell, or store prohibited items?

In most cases, within 24 hours of being served with the protective order. Check the protective order or court order for further details.

Can I give my prohibited items to family or friends?

No, only to law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact law enforcement or a licensed gun dealer about fees and whether they have space to store your items.

How do I take prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. They will give you specific instructions, like making sure your firearms are unloaded and in the trunk of the car. Take a copy of the protective order or court order with you. **Do not** bring your firearms to court.

If I turn in my firearms to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after a protective order or court order expires. Ask the law enforcement agency.

After I give my firearms to law enforcement, can I change my mind?

Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearms you are selling.

How do I prove to the judge that I have complied with (obeyed) the orders?

- ① Bring a copy of form CR-800, *Receipt for Firearms, Firearm Parts, and Ammunition*, with you, and ask the dealer or officer to complete and sign the form.
- ② File form CR-800 with the court. Make sure you get two copies. All receipts must be filed with the court within 48 hours from the time you were served with the protective order or court order, unless the judge gave you another deadline.

Clerk stamps date here when form is filed.

This notice is provided to the agency or agencies listed below.

1 Protected Person

Name: _____

2 Restrained Person / Defendant

Name: _____

3 ☐ Noncompliance—Domestic Violence

- a. The court has found that the person listed in **(2)** has firearms (guns), firearm parts, or ammunition in violation of the following order in a case involving domestic violence (*choose one*):

- (1) ☐ *Criminal Protective Order—Domestic Violence* (form CR-160)
- (2) ☐ *Order to Surrender Firearms, Firearm Parts, and Ammunition in Domestic Violence Case* (form CR-162)

- b. ☐ Notice to Law Enforcement Agency (*name of agency or agencies*):

- ☐ The person listed in **(2)** is subject to a criminal protective order in a case involving domestic violence. Notice is provided under Penal Code section 273.75(d). The agency must take all actions necessary to obtain the firearms and ammunition.

- c. ☐ Notice to Prosecuting Agency (*name of agency*): _____

- ☐ The person listed in **(2)** is subject to a criminal protective order in a case involving domestic violence. Notice is provided under Penal Code section 273.75(d). The agency must take all actions necessary to obtain the firearms and ammunition.

- d. ☐ Additional information

The court has conducted a background search pursuant to Penal Code section 273.75. In addition to the information provided above, the court is attaching the following information found in the background search. (*Briefly describe information*): _____

4 ☐ Noncompliance—Other Than Domestic Violence

- a. The court has found that the person listed in **(2)** has firearms (guns), firearm parts, or ammunition in violation of the following order:

- ☐ *Criminal Protective Order—Other Than Domestic Violence* (form CR-161)

- b. ☐ Notice to Law Enforcement Agency (*name of agency or agencies*):

- ☐ The person listed in **(2)** is subject to a criminal protective order issued under Penal Code section 136.2. Notice is provided under Code of Civil Procedure section 527.9(b).

08/05/2025
DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____



- ④ c. ☐ Notice to Prosecuting Agency (*name of agency*): _____
- ☐ The person listed in ② is subject to a criminal protective order issued under Penal Code section 136.2. Notice is provided under Code of Civil Procedure section 527.9(b).

⑤ Number of pages attached to this form, if any: _____

Judge's Signature

Date: _____

Judicial Officer

—Clerk's Certificate—

[seal]

I certify that I am not a party to this case and that a true copy of *Noncompliance With Firearms and Ammunition Order* (form CR-830) was sent to the agency or agencies listed on page 1:

a. ☐ **Law enforcement agency listed in (*check one*):** item ☐ 3b or ☐ 4b

(1) ☐ by fax, email, or other electronic means ☐ by personal delivery

(2) (*Phone number, email address, or address*): _____

(3) Date of transmission or delivery: _____

b. ☐ **Prosecuting agency listed in (*check one*):** item ☐ 3c or ☐ 4c

(1) ☐ by fax, email, or other electronic means ☐ by personal delivery

(2) (*Phone number, email address, or address*): _____

(3) Date of transmission or delivery: _____

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

1 Protected Person

Name: _____

07/22/2025
DRAFT
Not approved by
the Judicial Council

2 Restrained Person/Defendant

a. Name: _____

b. The defendant is subject to a criminal protective order issued under Penal Code section 136.2.

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

3 ☐ Restrained Person Has Prohibited Items

The court has found that you have the following prohibited items:

a. Firearms and/or firearm parts

Description (include serial number, if known)

Location, if known

Proof of compliance
received by the court

(1) _____	_____	☐ (date): _____
(2) _____	_____	☐ (date): _____
(3) _____	_____	☐ (date): _____
(4) _____	_____	☐ (date): _____

b. Ammunition

Description

Amount,
if known

Location, if known

Proof of compliance
received by the court

(1) _____	_____	_____	☐ (date): _____
(2) _____	_____	_____	☐ (date): _____
(3) _____	_____	_____	☐ (date): _____
(4) _____	_____	_____	☐ (date): _____

☐ Check here to list additional items. List them on a separate piece of paper, write "CR-840, item 3" at the top, and attach it to this form.



4 ☐ Notice of Compliance Hearing**To the person in ②:**

The restrained person must attend the court hearing listed below to prove that all prohibited items have been properly turned in, sold, or stored. If the restrained person does not attend the hearing listed below, the court may find that the restrained person has violated the protective order and notify law enforcement and a prosecuting attorney of the violation.

	Date: _____	Dept.: _____	Name and address of court, if different from the one listed above: _____
	Time: _____	Room: _____	_____

5 ☐ Restrained Person Has Not Complied With Surrendering Prohibited Items

- a. The court finds that you have not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in ③.
- b. Notify Law Enforcement
The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____.
- c. Notify Prosecutor
The court will immediately notify the following prosecuting agency of this violation (*prosecuting agency*): _____.

Judge's Signature

Date: _____

*Judicial Officer***This is a Court Order.**

CR-850**Permission to Have Firearm or
Ammunition for Work**Case Number:

This form is attached to (*check one*): ☐ Form CR-160 ☐ Form CR-161 ☐ Form CR-162
☐ Other: _____

1 Court Findings

The court finds that the restrained person/defendant (*name*): _____

- a. Is required to carry a specific firearm or ammunition during scheduled work hours as a condition of their continued employment.
- b. Cannot be reassigned by their employer to another position where having a firearm or ammunition is not needed.
- c. Is not otherwise prohibited from having firearms or ammunition under state or federal law.
- d. Does not pose an additional threat of harm to any protected person or the public by having access to a specific firearm or ammunition.
- e. ☐ Is a sworn peace officer and:
 - (1) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise; and
 - (2) The personal safety of the restrained person depends on their ability to carry a specific firearm or ammunition outside of scheduled work hours.
- f. ☐ Is not a sworn peace officer and (*check (1) or (2)*):
 - (1) ☐ The court did not order the restrained person to complete a psychological evaluation.
 - (2) ☐ The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise.
- g. ☐ Other

This is a Court Order.

2 Court Order

a. The restrained person is (*check one*):

(1) ☐ Not a sworn peace officer and may have the items listed in 2b only during scheduled work hours.

(2) ☐ A sworn peace officer and (*check one*):

(A) ☐ May have the items listed in 2b while on duty.

(B) ☐ May have the items listed in 2b while on or off duty.

b. This restraining order does not require the restrained person to relinquish the specific firearm or ammunition listed below:

☐ Firearm (*make*): _____ (*model*): _____ (*serial no.*): _____

☐ Ammunition (*description*): _____

Warning: The court orders listed above only apply to this restraining order. If you are prohibited from having firearms or ammunition by another order or law, you may be in violation of state or federal law.

This is a Court Order.

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Mei Tsang, President	AM	• The proposal appropriately addresses the stated purpose. • There is no apparent reason to retain any part of rule 4.700. The statutory gaps around firearm relinquishment compliance are filled by Penal Code § 18120.5. • The information in item 2c on form CR-850 (advisement to the restricted person that a granted firearm exemption only applies to the specific restraining order, and that if the restricted person is prohibited from having firearms or ammunition by another order or law, the restricted person may be in violation of state or federal law) is important information that would be more clearly communicated in a stand-alone warning box. • Proposed form CLETS-002 would increase the workload for prosecuting agencies, but serves a sufficiently important function (protecting personal information of the protected person) to justify it. • It would be helpful to include language preferences and prohibited item information on form CLETS-002 that is identified as optional information.	The committee appreciates the comment. The committee agrees with repealing rule 4.700. The committee agrees and has added a stand-alone warning box to more clearly communicate the advisement. The committee recognizes the increased workload associated with form CLETS-002 and agrees that the form is necessary to include the protected person's information in the federal electronic database, which is only possible if a date of birth is provided. The committee agrees and has added language preferences and prohibited item information on form CLETS-002 as optional items.

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
2.	Superior Court of Los Angeles County by Stephanie Kuo	AM	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California’s “ITC SPR25-12 Criminal Law: Legislation Regarding Criminal Protective Orders,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposed changes if modified. Regarding California Rules of Court, rule 4.700, the Court believes it should be repealed given Penal Code 18120.5 addresses when and how a court must determine whether a restrained person has a prohibited firearm and the consequences of noncompliance. In response to the proposal to add Item 2c on form CR-850, the information to the defendant is more effectively communicated as a stand-alone warning box. Judicial officers typically read the entire Standardized Advisement of Protective Order (SAPO) to each defendant. Therefore, it would be preferable to incorporate the advisement directly into the form, allowing it to be read to the defendant and entered into the record. However, if the SAPO is not read in its entirety, a stand-alone box could serve to	The committee appreciates the comment. The committee agrees with repealing rule 4.700. The committee agrees and has added a stand-alone warning box to more clearly communicate the advisement.

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
			highlight the advisement. To improve visibility, it is recommended that the stand-alone box be presented in bold text and a larger font for greater emphasis. The proposed form CLETS-002 would undoubtedly increase the workload for the Court. In addition to this, it imposes a burden on the judicial officer to notify law enforcement if the defendant is found to have violated the protective order. If the court determines that the defendant has not complied with the order, it is likely that such a finding would be made after a hearing in which both the defense and prosecution were present. Furthermore, including language preferences and prohibited item information on form CLETS-002, similar to form CLETS-001, would be acceptable. The proposal will not result in cost savings. In fact, it is anticipated that there will be significant costs associated with training staff and updating the Court's technology.	Notification by the court to law enforcement regarding protective order violations, and any associated hearings, are required by statute under recent legislation. (See Code of Civ. Proc., § 527.9(b), Pen. Code, §§ 273.75(d), 18120.5.) Costs associated with these procedures are not attributable to form CLETS-002. The committee agrees that it would be helpful to include language preferences and prohibited item information on form CLETS-002 as optional items and has recommended that approach. The committee recognizes the increased workload associated with proposed form CLETS-002, but believes the form is necessary to include the protected person's information in the federal electronic database, which is only possible if a date of birth is provided. To reduce workload across form CLETS-002 and the associated criminal protective order, form CLETS-002 is drafted so that only the protected persons' information in items 1 and 2 are mandatory, and the defendant's information in item 3 is largely optional since it is already required on the criminal protective order. The committee has

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
			To implement the proposal, training would be required for managers, supervisors, judicial assistants and clerical staff. So, roughly 1,000 employees would need to be trained at the Court on the new process and handling of the CLETS-002. This would also require a new procedure for Criminal Protective Orders in handling the additional CLETS-002 form, as well as a new event code in the case management system. Two months to implement the proposal is possible, but three months is preferable to account for training and testing of new codes. Finally, this proposal may challenge courts of different sizes, especially the largest trial court in California, since it will require extensive education for parties, law enforcement, court staff and judicial officers.	revised item 3 to only require the defendant's name as a mandatory field and to take out the mandatory fields for the defendant's gender, race, and age, since those are already mandatory on each criminal protective order. The committee appreciates the amount of work involved in implementing new forms changes. The changes in this proposal are largely to implement laws that became effective on January 1, 2025, or will be effective on January 1, 2026. Given the importance and safety issues associated with the new laws, the committee does not recommend delaying implementation of this proposal. See response above.
3.	Superior Court of Orange County by Thomas Anthony Williams, Operations Analyst II	AM	• <i>Does the proposal appropriately address the stated purpose?</i> The proposal appropriately addresses the purpose as indicated.	The committee appreciates the comment.

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

Commenter	Position	Comment	Committee Response
		• <i>Should all or parts of California Rules of Court, rule 4.700 be retained rather than repealed? If so, why?</i> All of California Rule of Court (CRC) 4.700 should be repealed. Existing statute will capture gaps identified in CRC 4.700. • <i>Item 2c on form CR-850 is an advisement to the defendant that a granted firearm exemption only applies to the specific restraining order, and that if the defendant is prohibited from having firearms or ammunition by another order or law, the defendant may be in violation of state or federal law. Is such information more clearly communicated as a stand-alone warning box?</i> Information provided as a stand-alone warning box is preferable to avoid confusion and for emphasis. • <i>Would proposed form CLETS-002 increase the workload for courts, prosecuting agencies, and law enforcement?</i> The CLETS-002 form would increase workload for court staff, particularly with review for errors in comparison to the protective order prior to sentencing for entry into CLETS for law enforcement agencies. Workload for prosecutors	The committee agrees with repealing rule 4.700. The committee agrees and has added a stand-alone warning box to more clearly communicate the advisement. The committee recognizes the increased workload associated with proposed form CLETS-002, but believes the form is necessary to include the protected person's information in the federal electronic database, which is only possible if a date of birth is provided. To reduce workload

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
			would also increase as they would be required to complete the form to provide to staff upon issuance of any protective order throughout the life of a case. • <i>Would it be helpful to include language preferences and prohibited item information on form CLETS-002, similar to form CLETS-001?</i> To ensure the process and information is as consistent as possible, provision of language preferences and prohibited item information similar to form CLETS-001 would be helpful. • <i>Would the proposal provide cost savings? If so, please quantify.</i> The proposal would not provide cost savings as ordering and printing costs for provision of the form would be required. • <i>What would the implementation requirements be for courts—for example, training staff</i>	across form CLETS-002 and the associated criminal protective order, form CLETS-002 is drafted so that only the protected persons' information in items 1 and 2 are mandatory, and the defendant's information in item 3 is largely optional since it is already required on the criminal protective order. The committee has revised item 3 to only require the defendant's name as a mandatory field and to take out the mandatory fields for the defendant's gender, race, and age, since those are already mandatory on each criminal protective order. The committee agrees and has added language preferences and prohibited item information on form CLETS-002 as optional items. No response required.

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
			<i>(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?</i> Implementation would require the courts to print and provide the forms. Implementation would also require detailed training of court staff and judicial officers as to the review of the information provided in the CLETS-002 form. The review process itself requires court staff to meticulously compare the information identified on the form is identical to any other CLETS-002 form and the order for successful transmission into CARPOS. The court would also have to meet with the impacted stakeholders to inform them of the forms mandatory use and requirement for prosecutor submission. To further support the process, we may be required to create new system docket codes and procedural updates. Provision of cross training may take one to two weeks as all staff in the courtroom will require training in addition to all staff in the Protective Order Unit. • <i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Two months for implementation would not be sufficient due to the level of impact to staff,	To reduce workload across form CLETS-002 and the associated criminal protective order, form CLETS-002 is drafted so that only the protected persons' information in items 1 and 2 are mandatory, and the defendant's information in item 3 is optional since it is already on the criminal protective order. The committee has revised item 3 to only require the defendant's name as a mandatory field and to take out the mandatory fields for the defendant's gender, race, and age, since those are already mandatory on each criminal protective order. The committee appreciates the amount of work involved in implementing new forms changes.

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
			judicial officers, and stakeholders. • <i>How well would this proposal work in courts of different sizes?</i> N/A	The changes in this proposal are largely to implement laws that became effective on January 1, 2025, or will be effective on January 1, 2026. Given the importance and safety issues associated with the new laws, the committee does not recommend delaying implementation of this proposal. No response required.
4.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	AM	Regarding California Rules of Court, rule 4.700, the JRS believes it should be repealed given Penal Code 18120.5 addresses when and how a court must determine whether a restrained person has a prohibited firearm and the consequences of noncompliance. In response to the proposal to add Item 2c on form CR-850, the information to the defendant is more effectively communicated as a stand-alone warning box. Judicial officers typically read the entire Standardized Advisement of Protective Order (SAPO) to each defendant. Therefore, it would be preferable to incorporate the advisement directly into the form, allowing it to be read to the defendant and entered into the record. However, if the SAPO is not read in its entirety, a stand-alone box could serve to highlight the advisement. To improve visibility, it is recommended that the stand-alone box be presented in bold text and a larger font for greater emphasis.	The committee agrees with repealing rule 4.700. The committee agrees and has added a stand-alone warning box to more clearly communicate the advisement.

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
			The proposed form CLETS-002 would undoubtedly increase the workload for the Court. In addition to this, it imposes a burden on the judicial officer to notify law enforcement if the defendant is found to have violated the protective order. If the court determines that the defendant has not complied with the order, it is likely that such a finding would be made after a hearing in which both the defense and prosecution were present. Furthermore, including language preferences and prohibited item information on form CLETS-002, similar to form CLETS-001, would be acceptable. The proposal will not result in cost savings. In fact, it is anticipated that there will be significant costs associated with training staff and updating the Court's technology.	Notification by the court to law enforcement regarding protective order violations, and any associated hearings, are required by statute under recent legislation. (See Code of Civ. Proc., § 527.9(b), Pen. Code, §§ 273.75(d), 18120.5.) Costs associated with these procedures are not attributable to form CLETS-002. The committee agrees that it would be helpful to include language preferences and prohibited item information on form CLETS-002 as optional items and has recommended that approach. The committee recognizes the increased workload associated with proposed form CLETS-002, but believes the form is necessary to include the protected person's information in the federal electronic database, which is only possible if a date of birth is provided. To reduce workload across form CLETS-002 and the associated criminal protective order, form CLETS-002 is drafted so that only the protected persons' information in items 1 and 2 are mandatory, and the defendant's information in item 3 is largely optional since it is already required on the criminal protective order. The committee has revised item 3 to only require the defendant's name as a mandatory field and to take out the mandatory fields for the defendant's gender, race,

SPR25-12

Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders (Amend Cal. Rules of Court, rule 1.51; repeal rule 4.700; adopt forms CLETS-002 and CR-850; approve forms CR-800, CR-800-INFO, CR-830, and CR-840; revise forms CR-160, CR-161, and CR-162)

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

	Commenter	Position	Comment	Committee Response
			To implement the proposal, training would be required for managers, supervisors, judicial assistants and clerical staff. For Los Angeles, roughly 1,000 employees would need to be trained at the Court on the new process and handling of the CLETS-002. This would also require a new procedure for Criminal Protective Orders in handling the additional CLETS-002 form, as well as a new event code in the case management system. Two months to implement the proposal is possible, but three months is preferable to account for training and testing of new codes. Finally, this proposal may challenge courts of different sizes, especially the largest trial court in California, since it will require extensive education for parties, law enforcement, court staff and judicial officers.	and age, since those are already mandatory on each criminal protective order. The committee appreciates the amount of work involved in implementing new forms changes. The changes in this proposal are largely to implement laws that became effective on January 1, 2025, or will be effective on January 1, 2026. Given the importance and safety issues associated with the new laws, the committee does not recommend delaying implementation of this proposal. See response above.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 9/4/2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Criminal Law: Mental Competency Proceedings

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

Adopt Cal. Rules of Court, rule 4.132 and 4.133; amend rule 4.130 and 4.131

Committee or other entity submitting the proposal:

Criminal Law Advisory Committee

Staff contact (name, phone and email): Sarah Fleischer-Ihn, 415-865-7702, sarah.fleischer-ihn@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): 10/22/24

Project description from annual agenda: Amend California Rules of Court, rule 4.130 on mental competency proceedings to incorporate statutory changes and update case law references. As relevant to the rule, SB 1323 (Stats. 2024, ch. 646) streamlines competency proceeding procedures, provides courts with more treatment-based solutions for felony defendants, and allows courts to determine whether it is in the interests of justice to restore a defendant to competence in a felony case that is eligible for diversion. As relevant to the rule, SB 1400 (Stats. 2024, ch. 647) would remove authority for a court to dismiss a misdemeanor incompetent to stand trial case and instead require the court to determine if the defendant is eligible for mental health diversion or other treatment, and to allow dismissal if a conservatorship is filed. Additionally, while amending the rule to implement the new laws, the committee may update rule 4.130(d)(3), which provides that the defendant's statements made during the examination cannot be used in a trial on the defendant's guilt or a sanity trial in a not guilty by reason of sanity trial, to reflect more recent case law.

Out of Cycle/Early Implementation: *If requesting July 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) 7/2/2025

☒ approved by Office Director (or Designee) (name) Francine Byrne, Kara Portnow
on (date) 6/25/2025

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.](#)

(11/1/24)

☐ 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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on October 24, 2025

Title

Criminal Law: Mental Competency
Proceedings

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rules 4.132 and
4.133; amend rules 4.130 and 4.131

Date of Report

July 30, 2025

Recommended by

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Contact

Sarah Fleischer-Ihn, 415-865-7702
sarah.fleischer-ihn@jud.ca.gov

Executive Summary

Statutes on competency to stand trial in felony and misdemeanor cases were recently amended to provide courts with additional treatment-based solutions for defendants found incompetent to stand trial and to streamline mental competency proceedings. The Criminal Law Advisory Committee recommends adopting, amending, and renumbering rules of court to implement these legislative changes, as well as additional amendments to clarify procedures, remove language duplicative of statute, and improve organization, clarity, and concision.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026:

1. Adopt California Rules of Court, rule 4.132, which consists of current rule 4.130(h) with minor amendments to reflect changes to Penal Code section 1370 by Senate Bill 1323 (Stats. 2024, ch. 646);
2. Adopt California Rules of Court, rule 4.133, renumbered from current rule 4.131;

3. Amend California Rules of Court, rule 4.130 to implement statutory changes, reorganize and streamline the rule, and remove provisions that are duplicative of statute; and
4. Amend California Rules of Court, rule 4.131 to replace its contents with subdivisions (a)(2), (a)(3), and (d) of current rule 4.130 and to implement statutory changes.

The proposed amended rules are attached at pages 8–18.

Relevant Previous Council Action

California Rules of Court, rule 4.130 on mental competency proceedings was adopted effective January 1, 2007, to provide for uniformity and fidelity to the legal requirements of mental competency proceedings by clarifying the appropriate and necessary procedures and bringing together the statutory and case law authorities in a logical and sequential manner.¹ The rule has been amended several times in recent years, largely to implement statutory changes, but has not undergone significant structural amendments aimed at increasing accessibility and utility.

California Rules of Court, rule 4.131, was adopted effective January 1, 2019 to implement legislation allowing a prosecuting attorney to request a probable cause determination for a defendant who is incompetent to stand trial in order to meet criteria needed to establish a conservatorship over the defendant.

Analysis/Rationale

Effective January 1, 2025, Senate Bill 1323 (Stats. 2024, ch. 646) amended several statutes addressing a defendant's competency to stand trial. The amendments include streamlining mental competency proceedings and, in felony cases, requiring courts to determine whether it is in the interests of justice to restore a defendant to competence.² If the court finds that restoring the person to mental competence is not in the interests of justice, the court must hold a hearing on the defendant's eligibility for mental health diversion.³ If the defendant is ineligible for diversion or if diversion is terminated unsuccessfully, the legislation provides for additional treatment-based solutions, as well as the option to reinstate competency proceedings.⁴

Effective January 1, 2025, Senate Bill 1400 (Stats. 2024, ch. 647) amended Penal Code section 1370.01 on misdemeanor competency to stand trial proceedings to state that if a defendant is found mentally incompetent and proceedings are suspended, the court must conduct a hearing on eligibility for mental health diversion.⁵ The Legislature's stated intent is for the court to consider

¹ See Judicial Council of Cal., Advisory Com. Rep., *Criminal Cases: Rules Governing Mental Competency Proceedings in Superior Court* (Aug. 31, 2006), p. 1.

² Pen. Code, § 1370(a)(1)(B)(i)(I). All further statutory references are to the Penal Code unless otherwise specified.

³ § 1370(a)(1)(B)(iii).

⁴ § 1370(a)(1)(B)(iii)(III).

⁵ § 1370.01(b)(1)(A).

all treatment options as provided in section 1370.01 before dismissing criminal charges, without limiting the court's discretion under section 1385.⁶

To implement these statutory changes, the committee recommends amendments to rules 4.130 and 4.131.

In addition to adopting and amending rules to conform with these statutory changes, the committee recommends amendments to clarify procedures and improve the rules' accessibility through reorganization, including adopting rule 4.132, which consists of current rule 4.130(h), and rule 4.133, renumbered from current rule 4.131.

Proposed rule amendments

Rule 4.130

The committee recommends reorganizing and streamlining rule 4.130 and removing provisions that are duplicative of statute, are more appropriate for a practice guide or treatise, or have limited utility. These amendments include the removal of provisions on the mental competency trial, posttrial procedure, reinstatement of felony proceedings under section 1001.36, and related advisory committee comments. These recommended deletions are not based on a change in or repeal of the statutes and case law supporting those provisions. The committee also recommends moving several provisions to other rules, as explained in more detail below. Following are the recommended changes to rule 4.130:

- Move subdivision (a)(2) and (3) to rule 4.131(a);
- Move subdivision (d) to rule 4.131(b), with revisions;
- Delete subdivisions (e), (f), and (g) as duplicative of statute and to simplify the rule;
- Move subdivision (h) to proposed new rule 4.132, with revisions;
- Move the advisory committee comment on experts to rule 4.131; and
- Delete the advisory committee comments on the use of defendant's statements made during the examination and trial procedure, to simplify the rule and as more appropriate for a practice guide.

Additionally, the committee recommends the following substantive changes to rule 4.130:

- Amend subdivision (a) to address when the duty to initiate a competency proceeding arises;

⁶ § 1370.01(e).

- Amend subdivision (b)(2) to clarify that a hearing about counsel’s opinion on the defendant’s mental competency that may reveal attorney-client privileged information is “ex parte” and in camera;
- Amend subdivisions (b) and (c)(2) to streamline existing provisions, clarify requirements and procedures, and remove provisions duplicative of statutory language;
- Amend subdivision (c)(1) to add new statutory language under SB 1323 that criminal proceedings may be reinstated if the defendant is found mentally competent by the court when neither party objects to the competency report under section 1369(c)(1); and
- Add new subdivision (c)(3) to state that the initiation of competency proceedings, in and of itself, is not grounds to revoke release on the defendant’s own recognizance (OR) or modify bail.

Rules 4.131 and 4.133

The committee recommends renumbering current rule 4.131 as new rule 4.133.

The committee also recommends replacing the current text of rule 4.131 with the text of subdivisions (a)(2), (a)(3), and (d) of current rule 4.130, and amending to implement substantive changes:

- In new subdivision (b)(7), to require an opinion on eligibility for mental health diversion and whether symptoms of the mental health disorder would respond to mental health treatment in a misdemeanor case⁷ and upon request by the defense in a felony case;⁸
- In new subdivision (b)(6), to require, in a felony case, an opinion on the likelihood of the defendant attaining competency and on the benefits or necessity of treatment with antipsychotic or other medication;⁹
- In new subdivision (b)(8), on whether cause exists to suspect that the defendant may have a developmental disability, to assist courts with properly referring defendants with a developmental disability to the procedures under section 1370.1; and¹⁰
- In new subdivision (b)(9), to require an opinion on whether the defendant in a felony case may be gravely disabled as defined in statute, as explained further below.¹¹

⁷ § 1370.01(b)(1)(A).

⁸ § 1369(b)(1)(D).

⁹ § 1369(b)(1)(C), (b)(2)(A)–(C).

¹⁰ This provision also supports referrals under section 1369(a)(2), which states that “[i]f it is suspected that the defendant has a developmental disability, the court shall appoint the director of the regional center” for examination.

¹¹ § 1370(a)(1)(B)(iii)(III)(ic).

As discussed above, the committee recommends revising new subdivision (b)(9) to include felony cases. Under current rule 4.130(d)(2)(H), when the defendant is charged only with a misdemeanor offense, the expert is required to provide an opinion on whether the defendant is gravely disabled as defined in statute. This provision allows one court-appointed expert to provide all relevant mental health information instead of requiring appointment of a separate expert at a later time, and allows courts to act swiftly to assist defendants.¹²

Under SB 1323, if a defendant is found incompetent to stand trial in a felony case and the court finds restoration is not in the interests of justice, the court must hold a hearing on eligibility for mental health diversion.¹³ If the defendant is found ineligible for mental health diversion or if diversion is terminated unsuccessfully, the court may refer the defendant to the county conservatorship investigator if it appears to the court or a qualified mental health expert that the defendant appears to be gravely disabled as defined in Welfare and Institutions Code section 5008(h)(1).¹⁴ The committee recommends amending the rule to extend the requirement for an opinion on whether the defendant is gravely disabled to felony cases under the same rationale as misdemeanor cases, allowing the court to timely seek appropriate treatment and referrals for the defendant.

The committee recommends the following revisions aimed at simplifying and streamlining rule 4.131:

- Remove current rule 4.130(d)(2)(F) on the list of sources considered by the examiner and replace with an abbreviated list in new subdivision (b)(2);
- Remove current rule 4.130(d)(3) on the use of statements made by the defendant during the examination to simplify the rule;
- Divide current rule 4.130(d)(2)(B) into new subdivision (b)(2) on the examination summary and new subdivision (b)(4) on current diagnoses applicable to the defendant;
- Amend current rule 4.130(d)(2)(D) in new subdivision (b)(5) to simplify language on malingering or feigning symptoms; and
- Remove current rule 4.130(d)(2)(G). Under the current rule, in a felony case, the expert's report must include a recommendation, if possible, for a placement that is most appropriate for restoring the defendant to competency. The committee recommends

¹² See Judicial Council of Cal., Advisory Com. Rep., *Criminal Procedure: Mental Competency Proceedings* (Apr. 18, 2022), p. 5, <https://jcc.legistar.com/View.ashx?M=F&ID=10816478&GUID=8D1DBF4B-FFD5-4289-A453-4E3FC60CF272>.

¹³ § 1370(a)(1)(B)(iii).

¹⁴ § 1370(a)(1)(B)(iii)(III)(ic).

removing the placement recommendation because it is often not within the expert's scope of knowledge and is not necessary for the report.

Rule 4.132

The committee recommends adopting rule 4.132, which consists of current rule 4.130(h), with minor amendments to replace “regained” competence with “attained” competence, to reflect changes to section 1370 by SB 1323.

Policy implications

The proposal implements legislative changes. Accordingly, the key policy implication is ensuring that the rules of court reflect the law. These revisions are therefore 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 proposal circulated for comment from April 14 to May 23, 2025. Three comments were received—from the Superior Court of Los Angeles County, the Superior Court of Orange County, and the Orange County Bar Association—and all agreed with the proposal. The committee appreciates the time taken to respond to this proposal. All comments received, and the committees' responses, are provided in the attached chart of comments at pages 19–21.

Alternatives considered

The committee did not consider the alternative of not amending the rules because it determined that revisions were necessary to implement new legislation. With respect to the proposed revisions unrelated to the new legislation, the committee considered taking no action but ultimately determined the revisions were warranted in light of the benefits to the courts and court users.

The committee initially discussed amending rule 4.130 to simply reflect changes under SB 1323 and SB 1400, without undertaking further amendments aimed at improving the rule's accessibility. However, the committee agreed that the rule had become dense and difficult to navigate due to piecemeal amendments implementing legislative changes in recent years, and decided to propose further structural amendments.

Some committee members were concerned about the authority to include the provision in rule 4.130(c)(3) about not revoking release on OR or modifying bail when criminal proceedings were suspended, and whether it could be misinterpreted as preventing a judge from revoking release on one's OR or modifying bail in appropriate circumstances. To address these concerns, the committee modified the provision to add that suspension of criminal proceedings “in and of itself” was insufficient to distinguish the practice of revoking release on OR or modifying bail as a matter of course with a process in line with existing law.

Fiscal and Operational Impacts

The fiscal and operational impacts of this proposal are largely attributable to legislative changes related to the contents of the expert's report. The committee anticipates that some of the legislative changes may require a court-appointed expert to conduct further evaluation of a defendant and provide greater detail in the expert report, which may result in greater costs to some courts depending on how they pay for court-appointed experts. For example, the Superior Court of Orange County pays a flat fee for an expert evaluation and commented that proposed amended rule 4.131 could lead to a request for increased fees.

The Superior Court of Los Angeles County commented that it was unclear what the fiscal impact of the proposal would be, including whether there could be cost savings, and thought there would likely be minimal staff training, revisions to procedures, or case management modifications.

The committee does not anticipate additional fiscal impacts from the rule revisions.

Attachments and Links

1. Cal. Rules of Court, rules 4.130, 4.131, 4.132, and 4.133, at pages 8–18
2. Chart of comments, at pages 19–21
3. Link A: Sen. Bill 1323,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1323
4. Link B: Sen. Bill 1400,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1400

Rules 4.132 and 4.133 of the California Rules of Court are adopted and rules 4.130 and 4.131 are amended, effective January 1, 2026, to read:

Rule 4.130. Mental competency proceedings

(a) Application

- (1) ~~This rule applies to proceedings in the superior court under Penal Code section 1367 et seq. to determine the mental competency of a criminal defendant.~~
- (2) ~~The requirements of subdivision (d)(2) apply only to a formal competency evaluation ordered by the court under Penal Code section 1369(a).~~
- (3) ~~The requirements of subdivision (d)(2) do not apply to a brief preliminary evaluation of the defendant's competency if:~~
 - (A) ~~The parties stipulate to a brief preliminary evaluation; and~~
 - (B) ~~The court orders the evaluation in accordance with a local rule of court that specifies the content of the evaluation and the procedure for its preparation and submission to the court.~~

The duty to initiate a competency proceeding may arise at any time before judgment, and after judgment in a proceeding to revoke probation, mandatory supervision, postrelease community supervision, or parole.

(b) Initiation of mental competency proceedings

- (1) ~~The court must initiate mental competency proceedings if the judge has a reasonable doubt, based on substantial evidence, about the defendant's competence to stand trial.~~ If the court has a reasonable doubt based on substantial evidence that the defendant, due to a mental disorder or developmental disability, is incapable of understanding the nature of the proceedings against them or of rationally assisting in their defense, the court must suspend criminal proceedings and commence competency proceedings.
- (2) The opinion of counsel, without a statement of specific reasons supporting that opinion, does not constitute substantial evidence. The court may allow defense counsel to present ~~his or her~~ their opinion regarding the defendant's mental competency ex parte and in camera if the court finds there is reason to believe that attorney-client privileged information will be inappropriately revealed if the hearing is conducted in open court.

- 1 (3) ~~In a felony case, if the judge initiates mental competency proceedings prior to~~
2 ~~the preliminary examination, counsel for the defendant may request a~~
3 ~~preliminary examination as provided in Penal Code section 1368.1(a)(1), or~~
4 ~~counsel for the People may request a determination of probable cause as~~
5 ~~provided in Penal Code section 1368.1(a)(2) and rule 4.131.~~
6

7 (c) **Effect of initiating mental competency proceedings**
8

- 9 (1) If mental competency proceedings are initiated, criminal proceedings are
10 suspended and may not be reinstated until ~~a trial on the competency of the~~
11 ~~defendant has been concluded and the defendant is found mentally competent~~
12 ~~at a trial conducted under Penal Code section 1369, by the court under~~
13 section 1369(c)(1) when neither party objects to the competency report, at a
14 hearing conducted under Penal Code section 1370(a)(1)(G)(I), or at a hearing
15 following a certification of restoration under Penal Code section 1372.
16

- 17 (2) ~~In misdemeanor cases, speedy trial requirements are tolled during the~~
18 ~~suspension of criminal proceedings for mental competency evaluation and~~
19 ~~trial. If criminal proceedings are later reinstated and time is not waived, the~~
20 ~~trial must be commenced within 30 days after the reinstatement of the~~
21 ~~criminal proceedings, as provided by Penal Code section 1382(a)(3).~~
22 Statutory requirements governing the time in which hearings must occur in
23 the underlying criminal proceeding are tolled from the date on which criminal
24 proceedings are suspended until the date on which criminal proceedings are
25 reinstated. Upon reinstatement of criminal proceedings, unless waived by the
26 defendant, all statutory time periods in which proceedings are required to
27 occur are applicable, regardless of whether such time was waived by the
28 defendant before the initiation of competency proceedings.
29

- 30 (3) ~~In felony cases, speedy trial requirements are tolled during the suspension of~~
31 ~~criminal proceedings for mental competency evaluation and trial. If criminal~~
32 ~~proceedings are reinstated, unless time is waived, time periods to commence~~
33 ~~the preliminary examination or trial are as follows: The fact that criminal~~
34 ~~proceedings have been suspended and that competency proceedings have~~
35 ~~been initiated, in and of itself, is not grounds to revoke the defendant's own~~
36 ~~recognizance status or to modify a previous bail order.~~

- 37
38 (A) ~~If criminal proceedings were suspended before the preliminary hearing~~
39 ~~had been conducted, the preliminary hearing must be commenced~~
40 ~~within 10 days of the reinstatement of the criminal proceedings, as~~
41 ~~provided in Penal Code section 859b.~~
42

(B) If criminal proceedings were suspended after the preliminary hearing had been conducted, the trial must be commenced within 60 days of the reinstatement of the criminal proceedings, as provided in Penal Code section 1382(a)(2).

(d) Examination of defendant after initiation of mental competency proceedings

(1) On initiation of mental competency proceedings, the court must inquire whether the defendant, or defendant's counsel, seeks a finding of mental incompetence.

(2) Any court-appointed experts must examine the defendant and advise the court on the defendant's competency to stand trial. Experts' reports are to be submitted to the court, counsel for the defendant, and the prosecution. The report must include the following:

(A) A brief statement of the examiner's training and previous experience as it relates to examining the competence of a criminal defendant to stand trial and preparing a resulting report;

(B) A summary of the examination conducted by the examiner on the defendant, including a summary of the defendant's mental status, a diagnosis under the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders*, if possible, of the defendant's current mental health disorder or disorders, and a statement as to whether symptoms of the mental health disorder or disorders which motivated the defendant's behavior would respond to mental health treatment;

(C) A detailed analysis of the competence of the defendant to stand trial using California's current legal standard, including the defendant's ability or inability to understand the nature of the criminal proceedings or assist counsel in the conduct of a defense in a rational manner as a result of a mental health disorder;

(D) A summary of an assessment—conducted for malingering or feigning symptoms, if clinically indicated—which may include, but need not be limited to, psychological testing;

(E) Under Penal Code section 1369, a statement on whether treatment with antipsychotic or other medication is medically appropriate for the defendant and whether the defendant has capacity to make decisions regarding antipsychotic or other medication as outlined in Penal Code

1 section 1370. If a licensed psychologist examines the defendant and
2 opines that treatment with antipsychotic medication may be
3 appropriate, the psychologist's opinion must be based on whether the
4 defendant has a mental disorder that is typically known to benefit from
5 that treatment. A licensed psychologist's opinion must not exceed the
6 scope of their license. If a psychiatrist examines the defendant and
7 opines that treatment with antipsychotic medication is appropriate, the
8 psychiatrist must inform the court of their opinion as to the likely or
9 potential side effects of the medication, the expected efficacy of the
10 medication, and possible alternative treatments, as outlined in Penal
11 Code section 1370;

- 12
- 13 (F) A list of all sources of information considered by the examiner,
14 including legal, medical, school, military, regional center, employment,
15 hospital, and psychiatric records; the evaluations of other experts; the
16 results of psychological testing; police reports; criminal history;
17 statement of the defendant; statements of any witnesses to the alleged
18 crime; booking information, mental health screenings, and mental
19 health records following the alleged crime; consultation with the
20 prosecutor and defendant's attorney; and any other collateral sources
21 considered by the examiner in reaching a conclusion;
- 22
- 23 (G) If the defendant is charged with a felony offense, a recommendation, if
24 possible, for a placement or type of placement or treatment program
25 that is most appropriate for restoring the defendant to competency; and
- 26
- 27 (H) If the defendant is charged only with a misdemeanor offense, an
28 opinion based on present clinical impressions and available historical
29 data as to whether the defendant, regardless of custody status, appears
30 to be gravely disabled, as defined in Welfare and Institutions Code
31 section 5008(h)(1)(A).

- 32
- 33 (3) Statements made by the defendant during the examination to experts
34 appointed under this rule, and products of any such statements, may not be
35 used in a trial on the issue of the defendant's guilt or in a sanity trial should
36 defendant enter a plea of not guilty by reason of insanity.

37

38 **(e) Trial on mental competency**

- 39
- 40 (1) Regardless of the conclusions or findings of the court-appointed expert, the
41 court must conduct a trial on the mental competency of the defendant if the
42 court has initiated mental competency proceedings under (b).
- 43

1 (2) ~~At the trial, the defendant is presumed to be mentally competent, and it is the~~
2 ~~burden of the party contending that the defendant is not mentally competent~~
3 ~~to prove the defendant's mental incompetence by a preponderance of the~~
4 ~~evidence.~~

5
6 (3) ~~In addition to the testimony of the experts appointed by the court under (d),~~
7 ~~either party may call additional experts or other relevant witnesses.~~

8
9 (4) ~~After the presentation of the evidence and closing argument, the trier of fact~~
10 ~~is to determine whether the defendant is mentally competent or mentally~~
11 ~~incompetent.~~

12
13 (A) ~~If the matter is tried by a jury, the verdict must be unanimous.~~

14
15 (B) ~~If the parties have waived the right to a jury trial, the court's findings~~
16 ~~must be made in writing or placed orally in the record.~~

17
18 **(f) Posttrial procedure**

19
20 (1) ~~If the defendant is found mentally competent, the court must reinstate the~~
21 ~~criminal proceedings.~~

22
23 (2) ~~If the defendant in a felony case is found to be mentally incompetent under~~
24 ~~section 1370 or the defendant in any criminal action is found to be mentally~~
25 ~~incompetent under section 1370.1 due to a developmental disability, the~~
26 ~~criminal proceedings remain suspended and the court either:~~

27
28 (A) ~~Must issue an order committing the person for restoration treatment~~
29 ~~under the provisions of the governing statute; or~~

30
31 (B) ~~In the case of a person eligible for commitment under sections 1370, if~~
32 ~~the person is found incompetent due to a mental disorder, may consider~~
33 ~~placing the person on a program of diversion under section 1001.36 in~~
34 ~~lieu of commitment.~~

35
36 (3) ~~If the defendant is found to be mentally incompetent in a misdemeanor case~~
37 ~~under section 1370.01, the criminal proceedings remain suspended, and the~~
38 ~~court may dismiss the case under section 1385 or conduct a hearing to~~
39 ~~consider placing the person on a program of diversion under section 1001.36~~
40

41 **(g) Reinstatement of felony proceedings under section 1001.36(g)**
42

1 If a defendant eligible for commitment under section 1370 is granted diversion
2 under section 1001.36, and during the period of diversion, the court determines that
3 criminal proceedings should be reinstated under section 1001.36(g), the court must,
4 under section 1369, appoint a psychiatrist, licensed psychologist, or any other
5 expert the court may deem appropriate, to examine the defendant and return a
6 report opining on the defendant's competence to stand trial. The expert's report
7 must be provided to counsel for the People and to the defendant's counsel.
8

9 (1) On receipt of the evaluation report, the court must conduct an inquiry into the
10 defendant's current competency, under the procedures set forth in (h)(2) of
11 this rule.
12

13 (2) If the court finds by a preponderance of the evidence that the defendant is
14 mentally competent, the court must hold a hearing as set forth in Penal Code
15 section 1001.36(g).
16

17 (3) If the court finds by a preponderance of the evidence that the defendant is
18 mentally incompetent, criminal proceedings must remain suspended, and the
19 court must order that the defendant be committed and placed for restoration
20 treatment.
21

22 (4) If the court concludes, based on substantial evidence, that the defendant is
23 mentally incompetent and is not likely to attain competency within the time
24 remaining before the defendant's maximum date for returning to court, and
25 has reason to believe the defendant may be gravely disabled, within the
26 meaning of Welfare and Institutions Code section 5008(h)(1), the court may,
27 instead of issuing a commitment order under section 1370, refer the matter to
28 the conservatorship investigator of the county of commitment to initiate
29 conservatorship proceedings for the defendant under Welfare and Institutions
30 Code section 5350 et seq.
31

32 **(h) Posttrial hearings on competence under section 1370**
33

34 (1) If, at any time after the court has declared a defendant incompetent to stand
35 trial, and counsel for the defendant, or a jail medical or mental health staff
36 provider, provides the court with substantial evidence that the defendant's
37 psychiatric symptoms have changed to such a degree as to create a doubt in
38 the mind of the judge as to the defendant's current mental incompetence, the
39 court may appoint a psychiatrist or a licensed psychologist to examine the
40 defendant and, in an examination with the court, opine as to whether the
41 defendant has regained competence.
42

1 (2) On receipt of an evaluation report under (h)(1) or an evaluation by the State
2 Department of State Hospitals under Welfare and Institutions Code section
3 4335.2, the court must direct the clerk to serve a copy on counsel for the
4 People and counsel for the defendant. If, in the opinion of the appointed
5 expert or the department's expert, the defendant has regained competence,
6 the court must conduct a hearing, as if a certificate of restoration of
7 competence had been filed under section 1372(a)(1). At the hearing, the court
8 may consider any evidence, presented by any party, that is relevant to the
9 question of the defendant's current mental competency.

10
11 (A) At the conclusion of the hearing, if the court finds that it has been
12 established by a preponderance of the evidence that the defendant is
13 mentally competent, the court must reinstate criminal proceedings.

14
15 (B) At the conclusion of the hearing, if the court finds that it has not been
16 established by a preponderance of the evidence that the defendant is
17 mentally competent, criminal proceedings must remain suspended.

18
19 (C) The court's findings on the defendant's mental competency must be
20 stated on the record and recorded in the minutes.

21 22 **Advisory Committee Comment**

23
24 The case law interpreting Penal Code section 1367 et seq. established a procedure for judges to
25 follow in cases ~~where~~ in which there is a concern whether the defendant is legally competent to
26 stand trial, but the concern does not necessarily rise to the level of a reasonable doubt based on
27 substantial evidence. Before finding a reasonable doubt as to the defendant's competency to stand
28 trial and initiating competency proceedings under Penal Code section 1368 et seq., the court may
29 appoint an expert to assist the court in determining whether such a reasonable doubt exists. As
30 noted in *People v. Visciotti* (1992) 2 Cal.4th 1, 34–36, the court may appoint an expert when it is
31 concerned about the mental competency of the defendant, but the concern does not rise to the
32 level of a reasonable doubt, based on substantial evidence, required by Penal Code section 1367
33 et seq. Should the results of this examination present substantial evidence of mental
34 incompetency, the court must initiate competency proceedings under (b).

35
36 ~~Once mental competency proceedings under Penal Code section 1367 et seq. have been initiated,~~
37 ~~the court is to appoint at least one expert to examine the defendant under (d). Under no~~
38 ~~circumstances is the court obligated to appoint more than two experts. (Pen. Code, § 1369(a).)~~
39 ~~The costs of the experts appointed under (d) are to be paid for by the court as the expert~~
40 ~~examinations and reports are for the benefit or use of the court in determining whether the~~
41 ~~defendant is mentally incompetent. (See Cal. Rules of Court, rule 10.810, function 10.)~~
42

Subdivision (d)(3), which provides that the defendant's statements made during the examination cannot be used in a trial on the defendant's guilt or a sanity trial in a not guilty by reason of sanity trial, is based on the California Supreme Court holdings in *People v. Arcega* (1982) 32 Cal.3d 504 and *People v. Weaver* (2001) 26 Cal.4th 876.

Although the court is not obligated to appoint additional experts, counsel may nonetheless retain their own experts to testify at a trial on the defendant's competency. (See *People v. Mayes* (1988) 202 Cal.App.4th 908, 917-918.) These experts are not for the benefit or use of the court, and their costs are not to be paid by the court. (See Cal. Rules of Court, rule 10.810, function 10.)

Both the prosecution and the defense have the right to a jury trial. (See *People v. Superior Court (McPeters)* (1995) 169 Cal.App.3d 796.) Defense counsel may waive this right, even over the objection of the defendant. (*People v. Masterson* (1994) 8 Cal.4th 965, 970.)

Either defense counsel or the prosecution (or both) may argue that the defendant is not competent to stand trial. (*People v. Stanley* (1995) 10 Cal.4th 764, 804 [defense counsel may advocate that defendant is not competent to stand trial and may present evidence of defendant's mental incompetency regardless of defendant's desire to be found competent].) If the defense declines to present evidence of the defendant's mental incompetency, the prosecution may do so. (Pen. Code, § 1369(b)(2).) If the prosecution elects to present evidence of the defendant's mental incompetency, it is the prosecution's burden to prove the incompetency by a preponderance of the evidence. (*People v. Mixon* (1990) 225 Cal.App.3d 1471, 1484, fn. 12.)

Should both parties decline to present evidence of defendant's mental incompetency, the court may do so. In those cases, the court is not to instruct the jury that a party has the burden of proof. "Rather, the proper approach would be to instruct the jury on the legal standard they are to apply to the evidence before them without allocating the burden of proof to one party or the other." (*People v. Sherik* (1991) 229 Cal.App.3d 444, 459-460.)

Rule 4.131. Evaluation of defendant after initiation of mental competency proceedings

(a) Application

The requirements of (b) of this rule apply only to a formal competency evaluation ordered by the court under section 1369(a). They do not apply to a brief preliminary evaluation of the defendant's competency if:

- (1) The parties stipulate to a brief preliminary evaluation; and

1 (2) The court orders the evaluation in accordance with a local rule of court that
2 specifies the content of the evaluation and the procedure for its preparation
3 and submission to the court.

4
5 **(b) Examination of defendant**

6
7 A court-appointed expert or experts must examine the defendant, review the
8 records provided, and, in a report filed with the court and made available to counsel
9 for the defendant and the prosecution, opine as to whether the defendant is
10 currently competent to stand trial. The expert's report must include the following:

11
12 (1) A brief statement of the examiner's training and previous experience as it
13 relates to examining the competence of a criminal defendant to stand trial and
14 preparing a resulting report;

15
16 (2) A summary of the examination conducted by the examiner on the defendant,
17 including statements made by the defendant during that examination, and a
18 list of the records, digital media, and other information reviewed and
19 considered by the examiner;

20
21 (3) A detailed analysis of the competence of the defendant to stand trial using
22 California's current legal standard, including the defendant's ability or
23 inability to understand the nature of the criminal proceedings or assist
24 counsel in the conduct of a defense in a rational manner as a result of a
25 mental health disorder;

26
27 (4) An analysis of all current diagnoses under the most recent version of
28 the *Diagnostic and Statistical Manual of Mental Disorders* applicable to the
29 defendant, based on the available records and evaluation;

30
31 (5) A summary of any assessment—which may include test results—into
32 whether the defendant is malingering or feigning symptoms;

33
34 (6) In a felony proceeding, an opinion as to whether:

35
36 (A) There is a substantial likelihood that the defendant will attain
37 competency in the foreseeable future, with consideration as to the
38 possible benefits of treatment with antipsychotic medication, if within
39 the scope of the expert's licensure;

40
41 (B) Treatment with antipsychotic or other medication is necessary to
42 restore the defendant to competency; and
43

(C) The defendant has capacity to make decisions regarding antipsychotic medication;

(7) An opinion as to whether the defendant is eligible for mental health diversion under section 1001.36, and a statement as to whether symptoms of the mental health disorder or disorders that motivated the defendant's behavior would respond to mental health treatment. This opinion must be provided in a misdemeanor case or upon request by the defense in a felony case;

(8) An opinion as to whether cause exists to suspect that the defendant may have a developmental disability, with an explanation; and

(9) An opinion based on present clinical impressions and available historical data as to whether the defendant, regardless of custody status, appears to be gravely disabled, as defined in Welfare and Institutions Code section 5008(h)(1)(A).

Advisory Committee Comment

Once mental competency proceedings under Penal Code section 1367 et seq. have been initiated, the court is to appoint at least one expert to examine the defendant. Under no circumstances is the court obligated to appoint more than two experts. (Pen. Code, § 1369(a).) The costs of the experts appointed are to be paid for by the court, as the expert examinations and reports are for the benefit or use of the court in determining whether the defendant is mentally incompetent. (See Cal. Rules of Court, rule 10.810, function 10.)

Rule 4.132. Posttrial hearings on competence under section 1370

(a) If, at any time after the court has declared a defendant incompetent to stand trial, and counsel for the defendant, or a jail medical or mental health staff provider, provides the court with substantial evidence that the defendant's psychiatric symptoms have changed to such a degree as to create a doubt in the mind of the judge as to the defendant's current mental incompetence, the court may appoint a psychiatrist or a licensed psychologist to examine the defendant and opine as to whether the defendant has attained competence.

(b) Upon receipt of an evaluation report under (a) or an evaluation by the State Department of State Hospitals under Welfare and Institutions Code section 4335.2, the court must direct the clerk to serve a copy on counsel for the People and counsel for the defendant. If, in the opinion of the appointed expert or the department's expert, the defendant has attained competence, the court must conduct a hearing as if a certificate of restoration of competence had been filed under

1 section 1372(a)(1). At the hearing, the court may consider any evidence, presented
2 by any party, that is relevant to the question of the defendant's current mental
3 competency.

4
5 (1) At the conclusion of the hearing, if the court finds that it has been established
6 by a preponderance of the evidence that the defendant is mentally competent,
7 the court must reinstate criminal proceedings.

8
9 (2) At the conclusion of the hearing, if the court finds that it has not been
10 established by a preponderance of the evidence that the defendant is mentally
11 competent, criminal proceedings must remain suspended.

12
13 (3) The court's findings on the defendant's mental competency must be stated on
14 the record and recorded in the minutes.

15
16
17 **Rule 4.133.4.131. Probable cause determinations under section 1368.1(a)(2)**

18
19 **(a) Notice of a request for a determination of probable cause**

20
21 The prosecuting attorney must serve and file notice of a request for a determination
22 of probable cause on the defense at least 10 court days before the time appointed
23 for the proceeding.

24
25 **(b) Judge requirement**

26
27 A judge must hear the determination of probable cause unless there is a stipulation
28 by both parties to having the matter heard by a subordinate judicial officer.

29
30 **(c) Defendant need not be present**

31
32 A defendant need not be present for a determination of probable cause to proceed.

33
34 **(d) Application of section 861**

35
36 The one-session requirement of section 861 does not apply.

37
38 **(e) Transcript**

39
40 A transcript of the determination of probable cause must be provided to the
41 prosecuting attorney and counsel for the defendant consistent with the manner in
42 which a transcript is provided in a preliminary examination.

SPR25-13

Criminal Law: Mental Competency Proceedings (Adopt Cal. Rules of Court, rules 4.132 and 4.133; amend rules 4.130 and 4.131)

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

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Mei Tsang, President	A	1) The proposal appropriately addresses the stated purpose 2) There are no unintended fiscal impacts	The committee appreciates the comment.
2.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's "ITC SPR25-13 Criminal Law: Mental Competency Proceedings," the Superior Court of California, County of Los Angeles (Court), agrees with the proposed changes. As of now, it is unclear what the fiscal impact of the committee's proposed amendments to rule 4.131 will be or if the proposal will provide cost savings. The proposed amendments primarily clarify procedures and eliminate duplicative language. As such, it does not appear that implementation would pose significant challenges for the courts. There would likely be minimal need for staff training, revisions to processes and procedures, or modifications to docket codes and case management systems. Furthermore, two months from Judicial Council approval should be enough and should work well in courts of different sizes.	The committee appreciates the comment. No response required. No response required.
3.	Superior Court of Orange County by Thomas Anthony Williams, Operations Analyst II	A	• <i>Does the proposal appropriately address the stated purpose?</i> The proposal appropriately addresses the	The committee appreciates the comment.

SPR25-13

Criminal Law: Mental Competency Proceedings (Adopt Cal. Rules of Court, rules 4.132 and 4.133; amend rules 4.130 and 4.131)

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

Commenter	Position	Comment	Committee Response
		purpose as indicated. • <i>Do any of the committee's proposed amendments to rule 4.131 to streamline and simplify the expert's report have an unintended fiscal impact?</i> Yes, in Orange County, the court pays appointed doctors a flat fee for conducting an evaluation and preparing a report pursuant to PC 1368/1369. The requirements of the proposed rule 4.131 could lead to an evaluator's asking for an increased rate to our existing fee schedule since there are now detailed requirements for the contents of their report. • <i>Would the proposal provide cost savings? If so, please quantify.</i> The proposal would not provide cost savings. • <i>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?</i> The process indicated is currently in place in Orange County. We don't anticipate additional training or updates. • <i>Would two months from Judicial Council approval of this proposal until its effective date</i>	While the amendments to the content of the experts' report are largely based on legislative changes, and are largely similar to existing requirements in rule 4.130(d), the committee is aware that these changes may increase fees in some counties. No response required. No response required.

SPR25-13

Criminal Law: Mental Competency Proceedings (Adopt Cal. Rules of Court, rules 4.132 and 4.133; amend rules 4.130 and 4.131)

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

	Commenter	Position	Comment	Committee Response
			<i>provide sufficient time for implementation?</i> Two months would be sufficient time for implementation. • <i>How well would this proposal work in courts of different sizes? Would the proposal provide cost savings? If so, please quantify.</i> N/A	No response required. No response required.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 9/4/2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion

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

Approve form CR-163

Committee or other entity submitting the proposal:

Criminal Law Advisory Committee

Staff contact (name, phone and email): Sarah Fleischer-Ihn, 415-865-7702, sarah.fleischer-ihn@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): 10/22/24

Project description from annual agenda: The committee will consider developing a new court form to reflect findings under Penal Code section 1001.36(m), which allows the court to prohibit the possession of firearms when a person is on mental health diversion and the court finds that the person is a danger to themselves or others. The prohibition was added by AB 455 (Stats. 2023, ch. 236). This proposal was suggested by the California DOJ Bureau of Firearms

Out of Cycle/Early Implementation: *If requesting July 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) 7/7/2025

☒ approved by Office Director (or Designee) (name) Francine Byrne and Kara Portnow on (date) 6/11/2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-142

For business meeting on October 24, 2025

Title

Criminal Law: Findings and Orders
Regarding Prohibited Items While on
Diversion

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Approve form CR-163

Date of Report

August 13, 2025

Recommended by

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Contact

Sarah Fleischer-Ihn, 415-865-7702
sarah.fleischer-ihn@jud.ca.gov

Executive Summary

Recent legislation prohibits the possession of firearms, other deadly weapons, and ammunition by a defendant participating in mental health or military diversion, based on specified findings by the court. The prohibition remains in effect until the defendant has either successfully completed diversion or has their firearms rights restored. The Criminal Law Advisory Committee recommends a new optional form to assist courts with making the appropriate findings and orders prohibiting a defendant from owning or possessing firearms, other deadly weapons, and ammunition while on mental health or military diversion.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026, approve *Findings and Orders Regarding Prohibited Items While on Diversion* (form CR-163).

The proposed new form is attached at page 8.

Relevant Previous Council Action

Because this form is based on new laws, there is no relevant previous council action.

Analysis/Rationale

Assembly Bill 455 (Stats. 2023, ch. 236) amended Penal Code section 1001.36 to allow the prosecution, beginning on July 1, 2024, to request a court order prohibiting a defendant on mental health diversion from owning or possessing a firearm because they are a danger to themselves or others. For the court to order the prohibition, the prosecution must prove by clear and convincing evidence that (1) the defendant poses a significant danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm; and (2) the prohibition is necessary to prevent personal injury to the defendant or any other person because less restrictive alternatives either have been tried and found to be ineffective or are inadequate or inappropriate for the circumstances of the defendant.¹ If the court orders the prohibition, the court “shall inform the person that they are prohibited ... from owning or controlling a firearm until they successfully complete diversion because they are a danger to themselves or others.”²

The order remains in effect until the defendant successfully completes diversion or has firearm rights restored under Welfare and Institutions Code section 8103(g)(4).³ The bill also amended section 8103 to add reporting requirements from the court to the Department of Justice when an order prohibiting firearms while on mental health diversion is issued.⁴

Effective January 1, 2025, Senate Bill 1002 (Stats. 2024, ch. 526) amended Welfare and Institutions Code section 8103 to add other deadly weapons and ammunition to existing firearm prohibitions when specified mental health–related findings have been made.⁵ Although this statute was amended to include, alongside firearms, other deadly weapons and ammunition as prohibited items, Penal Code section 1001.36(m) was not similarly amended and, as a result, only lists firearms as prohibited items.

Also effective January 1, 2025, Senate Bill 1025 (Stats. 2024, ch. 924) amended Penal Code section 1001.80 on military diversion, including adding subdivision (p) to allow, upon a prosecutor’s request, a court to prohibit firearms. This new subdivision outlines a procedure substantially similar to mental health diversion under Penal Code section 1001.36(m). Welfare and Institutions Code section 8103(i) was also amended to refer to orders issued under Penal Code section 1001.80(p), alongside orders issued under Penal Code section 1001.36(m).

¹ Pen. Code, § 1001.36(m)(2)(A), (B).

² Pen. Code, § 1001.36(m)(3)(B).

³ Pen. Code, § 1001.36(m)(4); Welf. & Inst. Code, § 8103(i)(1).

⁴ Welf. & Inst. Code, § 8103(i)(2).

⁵ Prior to SB 1002, Welfare and Institutions Code section 8103(i)(1) stated that a person prohibited from owning or controlling a firearm when they have been found to be a danger to themselves or others and are on mental health diversion under Penal Code section 1001.36(m) must not own or control a firearm until diversion is completed successfully or firearm rights are restored under Welfare and Institutions Code section 8103(g)(4).

Recommended optional form CR-163

To assist courts with making findings and orders on prohibited items under Penal Code section 1001.36(m) for mental health diversion or 1001.80(p) for military diversion, *Findings and Orders Regarding Prohibited Items While on Diversion* (form CR-163) includes:

- The prohibited person's name and identifying information.
- Information about the hearing.
- An item in which the court should insert the date, select the type of diversion granted, and select whether misdemeanor or felony charges are pending.
- A section stating that the order remains in effect until the defendant successfully completes either mental health diversion or military diversion, or their firearms rights are restored under Welfare and Institutions Code section 8103(g)(4).
- A section on court findings, stating that the court finds by clear and convincing evidence that both of the following are true:
 - The defendant poses a significant danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm.⁶
 - The prohibition is necessary to prevent personal injury to the defendant or any other person because less restrictive alternatives either have been tried and found to be ineffective or are inadequate or inappropriate for the circumstances of the defendant.⁷
- A section outlining prohibited items⁸ and a modified court advisement that the defendant is prohibited from owning or possessing the prohibited items because they are a danger to themselves or others.⁹
- A prohibition against the possession of body armor, under Penal Code section 31360, which prohibits the possession of body armor by any person prohibited from possessing a firearm under state law.
- An item allowing the court to make further orders regarding relinquishment.
- A notice that courts must report the order to the Department of Justice as statutorily required through prescribed methods.

⁶ Pen. Code, §§ 1001.36(m)(2)(A), 1001.80(p)(2)(A).

⁷ Pen. Code, §§ 1001.36(m)(2)(B), 1001.80(p)(2)(B).

⁸ Although Penal Code sections 1001.36(m) and 1001.80(p) only prohibit owning or possessing firearms, Welfare and Institutions Code section 8103(i)(1) also prohibits other deadly weapons and ammunition. The form includes all of these as prohibited items, as well as firearm parts under Penal Code section 16520(b)(26) (definition of firearm includes firearm parts per Welfare and Institutions Code sections 8100–8108).

⁹ Pen. Code, §§ 1001.36(m)(3)(B), 1001.80(p)(3)(B).

Policy implications

The proposal is based on legislative changes adding a new court procedure in diversion cases. Accordingly, the key policy implications are to support courts in adjudicating these requests in a timely and transparent manner. These revisions are therefore 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 proposal circulated for comment from April 14 to May 23, 2025. The committee received six comments. Three commenters agreed with the proposal (Superior Court of Los Angeles County, Orange County Bar Association, and Giffords¹⁰). One commenter agreed but requested modifications (Superior Court of Orange County), and two did not indicate a position (California Department of Justice (DOJ) and Judge Richard Couzens (Ret.)). The substantive comments and the committee's responses are summarized below. All comments received and the committee's responses are provided in the attached chart of comments at pages 9–25.

Additional identifying information about the defendant

The DOJ requests additional identifying items about the defendant to bolster its ability to accurately identify the defendant as a prohibited person during a firearms eligibility check, including separate fields for the defendant's first, middle, and last name, and requiring the defendant's driver's license or identification number and criminal identification and information (CII) number. The committee recommends revising the name item and including the defendant's driver's license or identification number and CII number as optional and not required, because this information is not always readily available to courts.

Reporting the order to the DOJ

Courts are statutorily required to report the prohibitions to the DOJ, and they currently do so through the Mental Health Reporting System (MHRS) for orders issued under Penal Code section 1001.36 or a Bureau of Firearms form for orders issued under Penal Code section 1001.80. Because form CR-163 supplements court reporting to the DOJ, but does not replace it, the DOJ requests language on the form to remind courts that the form does not replace current court reporting methods. In response, the committee recommends adding language to the form reminding courts to notify the DOJ of the order through the department's prescribed methods.

Basis for military diversion

The DOJ requests that the form state the qualifying reason for the grant of military diversion. The committee declined to add the qualifying reasons for military diversion because the form is not intended to reflect diversion qualification findings.

Termination of order

To estimate when the prohibition may be lifted, the DOJ requests the form include an expected date for diversion termination or, in the alternative, whether the case involves a felony or

¹⁰ Giffords is a gun violence prevention advocacy organization.

misdemeanor. The committee recommends adding, in item 2, a checkbox to indicate whether the pending charges are misdemeanor and/or felony level.

Supplemental advisement

The DOJ and Judge Couzens recommend a supplemental advisement noting that termination of the diversion prohibition order may not restore firearm rights under federal prohibitions on firearms (see 18 U.S.C. § 922(g)(4)) or based on other statutes or court orders. The committee recommends not adding a supplemental advisement to the form, finding it would be better to advise a defendant of these issues at the time the order terminates.

Firearm relinquishment

Penal Code sections 1001.36(m) and 1001.80(p) do not address how firearms and other prohibited items in the defendant's possession should be relinquished. In his comment, Judge Couzens notes that relinquishment is "presumably left to the discretion of the court" and should include elements of relinquishment procedures set forth in other statutes, such as Code of Civil Procedure section 527.9. Because the statutes do not address relinquishment, Judge Couzens suggests, at the very least, adding a provision in the form that permits the judge to write in relinquishment requirements. The committee agrees and recommends adding new item 6 for this purpose, which provides a space for courts to write in other orders regarding relinquishment.

Requiring the defendant to be present

Prior to circulation for public comment, the committee extensively discussed whether the form should require the personal presence of the defendant, either physically or remotely, at the time the findings and order are made. The statute does not squarely address this issue but does require the court to inform the defendant of the prohibition. The committee discussed the importance of proper service and notice of the prohibition to the defendant, especially since the prohibition may outlast the period of diversion if diversion is unsuccessfully terminated.¹¹

The committee considered several alternatives to accommodate situations in which defense counsel is appearing for a defendant under Penal Code section 977, such as allowing counsel to notify the defendant and calendaring a follow-up date to require the defendant's presence or the filing of an acknowledgment of receipt. Because of the nature and durability of the finding, and the significant consequences it holds, the committee believed at the time the proposal circulated for comment that the defendant's presence at the time the findings and order were made was crucial, and included the following sentence in item 4b:

b. The court finds that the defendant was personally present when this order issued.

The committee sought specific comments on possible alternatives to this requirement.

Judge Couzens and the Superior Court of Los Angeles County agreed with the personal presence requirement for reasons similar to those offered by the committee in the invitation to comment.

¹¹ Pen. Code, §§ 1001.36(m)(4), 1001.80(p)(4); Welf. & Inst. Code, § 8103(i)(1).

The Orange County Bar Association and the Superior Court of Orange County offered alternatives, such as requiring defense counsel to provide the form to the defendant to sign or acknowledge receipt.

In consideration of these comments, the committee recommends removing item 4b. While the statutes require the court to inform the defendant of the prohibition, they do not address the defendant's presence, and Penal Code section 977 allows for appearances by counsel in a misdemeanor case¹² and with leave of court and defense counsel's approval in a felony case.¹³ In recommending the removal of item 4b, the committee notes that the form includes the statutorily required orders. The court minutes would reflect whether the defendant was physically or remotely present and, if not, how the defendant was properly informed of the prohibition. While the committee's consensus was that most courts would require a defendant to be present at the time the order issued, this approach would allow for a measure of flexibility as permitted under law.

Alternatives considered

The committee initially considered the alternative of not developing a new form because members did not anticipate that courts would need to issue a large number of these orders. However, because the orders are similar to temporary restraining orders, the committee decided that a statewide form would be helpful for courts to make the appropriate findings and orders and to assist courts to comply with reporting requirements to the DOJ.

The committee discussed whether to create two separate forms, one for mental health diversion and one for military diversion. While there are some minor differences between Penal Code sections 1001.36(m) and 1001.80(p), given that the court findings and orders are largely identical, the committee decided to propose one form applicable to both types of diversion.

Although Penal Code sections 1001.36(m) and 1001.80(p) only prohibit the possession of firearms while on diversion when specific findings are made, Welfare and Institutions Code section 8103(i), which is cross-referenced in both statutes,¹⁴ was amended under SB 1002 to reference other deadly weapons or ammunition as additional prohibited items. The committee questioned whether to prohibit other deadly weapons or ammunition when there is no corresponding prohibition in Penal Code sections 1001.36(m) and 1001.80(p). Because the statutes reference Welfare and Institutions Code section 8103(i), which includes other deadly weapons or ammunition as additional prohibited items, the committee recommends including other deadly weapons or ammunition across the board as prohibited items.

¹² Pen. Code, § 977(a)(1).

¹³ Pen. Code, § 977(b)(1).

¹⁴ See Pen. Code, §§ 1001.36(m)(1), 1001.80(p)(1). (The prosecution may request an order from the court that the defendant be prohibited from controlling, owning, purchasing, possessing, or receiving a firearm until they successfully complete diversion because they are a danger to themselves or others under Welfare and Institutions Code section 8103(i).)

When ordering the prohibition, the court “shall inform the person that they are prohibited ... from owning or controlling a firearm until they successfully complete diversion because they are a danger to themselves or others.”¹⁵ The committee discussed including a verbatim version of this statutory advisement but was concerned that it is not complete, given that the defendant is also prohibited from owning or controlling other deadly weapons or ammunition and that the second pathway for ending the prohibition is restoration of firearm rights under Welfare and Institutions Code section 8103(g)(4). The committee therefore recommends supplementing the advisement with references to this additional information (see item 5b).

Fiscal and Operational Impacts

Expected costs include staff and judicial officer training, case management system updates, and time on reviewing and processing the form.

Attachments and Links

1. Form CR-163, at page 8
2. Chart of comments, at pages 9–25
3. Link A: Assem. Bill 455,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB455
4. Link B: Sen. Bill 1002,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1002
5. Link C: Sen. Bill 1025,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1025

¹⁵ Pen. Code, §§ 1001.36(m)(3)(B), 1001.80(p)(3)(B).

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY 08/12/2025 DRAFT Not approved by the Judicial Council
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
FINDINGS AND ORDERS REGARDING PROHIBITED ITEMS WHILE ON DIVERSION (Pen. Code, §§ 1001.36(m), 1001.80(p); Welf. & Inst. Code, § 8103(i))	CASE NUMBER:
*First Name: _____ Middle Name: _____ *Last Name: _____ *Gender: ☐ M ☐ F ☐ Nonbinary *Race: _____ *Date of birth: _____ Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Driver's license/ID no.: _____ CII no.: _____ Information that has a star (*) is required.	

1. This proceeding was heard on *(date)*: _____ at *(time)*: _____ in Dept.: _____
 Room: _____ by judicial officer *(name)*: _____
2. On *(date)*: _____ the count granted *(check one)*: ☐ mental health diversion (Pen. Code, § 1001.36)
☐ military diversion (Pen. Code, § 1001.80)
 This case involves pending *(choose all that apply)*: ☐ misdemeanor charges ☐ felony charges
3. **Term of order**
 This order remains in effect until the defendant has successfully completed either mental health diversion or military diversion, or their firearms rights are restored under Welfare and Institutions Code section 8103(g)(4).
4. **Court findings**
 The court finds by clear and convincing evidence that both of the following are true:
 - a. The defendant poses a significant danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm.
 - b. The prohibition is necessary to prevent personal injury to the defendant or another person because less restrictive alternatives either have been tried and found to be ineffective or are inadequate or inappropriate for the circumstances of the defendant.
5. **No firearms (guns), firearm parts, other deadly weapons, ammunition, or body armor**
 The court orders that:
 - a. The defendant must not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearms (guns), firearm parts (meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame; see Penal Code section 16531), other deadly weapon, or ammunition until they successfully complete diversion or their firearms rights are restored under Welfare and Institutions Code section 8103(g)(4). Possession of prohibited items while this order is in effect may subject the defendant to prosecution and may include a fine and jail or prison time.
 - b. The defendant is prohibited from owning, controlling, purchasing, possessing, or receiving the prohibited items because the defendant is a danger to themselves or others.
 - c. The defendant must not own, possess, or buy any body armor (defined in Penal Code section 16288). Defendant must relinquish any body armor in their possession.
6. **Other orders regarding relinquishment of firearms and other prohibited items:**

Date: _____

JUDICIAL OFFICER

Note: Courts must notify the Department of Justice of this order through the department's prescribed methods as soon as possible, but not later than one court day after issuing the order. (Welf. & Inst. Code, § 8103(i)(2).)

SPR25-14**Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion** (approve form CR-163)

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

	Commenter	Position	Comment	Committee Response
1.	California Department of Justice by Charlie Sarosy, Deputy Attorney General	NI	The California Department of Justice (Department) respectfully submits this public comment regarding the proposed new CR-163 form. The Invitation to Comment (Invitation) noted that the initial request for this form came from the Bureau of Firearms within the Department's Division of Law Enforcement, and specifically requested comments on whether "the proposal appropriately address[es] the stated purpose." The Department accordingly submits this public comment. The Department's Bureau of Firearms (BOF) serves the people of California through education, regulation, and enforcement actions regarding the manufacture, sales, ownership, safety training, and transfer of firearms. As part of this mission, BOF conducts firearms eligibility checks for, among other things, firearm purchases and transfers (Pen. Code, § 28220) and carry concealed weapons licenses (Pen. Code, § 26185). For these two types of specific firearms eligibility checks, among others, BOF must determine whether a person is prohibited from possessing or owning firearms under both California and federal law. (Pen. Code, §§ 26185, subd. (a)(2), 28220, subds. (a), (b).) California law prohibitions are outlined in various statutes in the Penal Code and Welfare and Institutions Code. (See, e.g., Pen. Code, §§ 29800-29830; Welf. & Inst. Code, §§ 8100-8108.) Federal law prohibitions are outlined in United States Code, title 18, section 922.	The committee appreciates the comment.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		Determining whether these prohibitions apply often requires access to records and information from California courts. Accordingly, the Department has an overarching comment about the CR-163, as well as comments on specific portions of the form. Under Welfare and Institutions Code section 8103, subdivision (i)(2), a court that finds a defendant is prohibited from possessing firearms pursuant to Penal Code section 1001.36, subdivision (m) or section 1001.80, subdivision (p) “shall notify the Department of Justice . . . as soon as possible, but not later than one court day after issuing the order.” Additionally, a court “shall also notify the Department of Justice that the person has successfully completed diversion as soon as possible, but not later than one court day after completion.” (Welf. & Inst. Code, § 8103, subd. (i)(2).) Courts currently comply with these mandatory reporting requirements through the Mental Health Reporting System (MHRS) (for findings under Penal Code section 1001.36, subdivision (m)) and the BOF 4076 form (for findings under Penal Code section 1001.80, subdivision (p), until these findings can also be reported through MHRS). The Invitation notes that the proposed CR-163 “could assist courts to comply with reporting requirements to the Department of	

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		Justice.” However, the Invitation also notes that the CR-163 would be optional. Additionally, the defendant’s identifying information required in the CR-163 is less detailed than the identifying information required through MHRS and the BOF 4076. And, there are no instructions in the CR-163 on how a court can transmit the form to the Department of Justice. Accordingly, while the CR-163 would certainly be a helpful aid for the reasons described in the Invitation (and because the CR-163 memorializes the findings that a court must make to impose the firearm prohibition), it would be helpful to communicate to courts that the CR-163 should not replace the current methods (i.e., MHRS and the BOF 4076) that courts use to comply with their reporting requirements under Welfare and Institutions Code section 8103, subdivision (i). The Department additionally proposes the following revisions to the CR-163 to help the form accomplish the stated goal of “making the appropriate findings and orders prohibiting a defendant from owning or possessing firearms, other deadly weapons, and ammunition while on mental health or military diversion,” as well as to enhance the usefulness of the form for firearms eligibility checks: • In the box that requests the defendant’s identifying information, add separate lines for the first, middle (optional), and last names of the defendant to ensure	The committee agrees to recommend adding language to the form reminding courts to notify the Department of Justice of the order through the department’s prescribed methods. The committee agrees to recommend adding separate fields for the defendant’s first, middle, and last name.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		that a complete name is given. Additionally, add fields to request the defendant's driver's license or identification number, and to request the defendant's Criminal Identification and Information (CII) number; the fields should be indicated as required with a star, likewise, if the defendant's identifying information is available to the court. These changes would help to ensure that the correct person is connected to the CR-163 during a firearms eligibility check. • In item #2, or elsewhere in the CR-163, specify that "mental health diversion" arises from Penal Code section 1001.36, subdivision (m) and "military diversion" arises from Penal Code section 1001.80, subdivision (p). While these Penal Code sections are identified in the title of the form, the sections are not connected with the applicable type of diversion anywhere on the form. • In the box next to "military diversion" in item #2, add the qualifying reason for placing the defendant on that diversion under Penal Code section 1001.80, as specified in subdivision (b)(2)(A) (i.e., Sexual Trauma, Traumatic Brain Injury, Post-Traumatic Stress Disorder, Substance Abuse, or Mental Health Problem). Unlike mental health diversion under Penal Code section	The committee agrees to recommend adding additional fields for the defendant's driver's license or identification number and CII number. The committee recommends including them as optional because the information is not always available to courts. The committee agrees to recommend specifying that mental health diversion is under Penal Code section 1001.36 and military diversion is under Penal Code section 1001.80. The committee declines to add the qualifying reasons for military diversion on the form because the form is not intended to reflect diversion eligibility findings.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		1001.36, there are limited bases to be placed on diversion under Penal Code section 1001.80, and it would be helpful to specify that basis in the CR-163. • In item #3, or elsewhere on the CR-163, add the date that diversion is expected to be successfully completed or otherwise expire. Additionally, or in the alternative, specify whether the diversion is for an alleged felony offense or an alleged misdemeanor offense. This would help the defendant, the court, and others subsequently reviewing the form get an estimate as to how long the California law firearm prohibition will be in effect. It would also help to remind the court of its obligation to “notify the Department of Justice that the person has successfully completed diversion as soon as possible, but not later than one court day after completion.” (Welf. & Inst. Code, § 8103, subd. (i)(2).) • Items #3 and #5.a suggest that a defendant can possess a firearm after they “successfully complete diversion or their firearms rights are restored under Welfare and Institutions Code section 8103(g)(4).” However, these advisements speak to only firearm prohibitions under California law, and do not address whether the defendant is prohibited under federal law;	The committee agrees to recommend adding an item for the court to indicate whether the pending charges in the case are for misdemeanors or felonies.

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

SPR25-14**Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion** (approve form CR-163)

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

	Commenter	Position	Comment	Committee Response
			specifically under 18 U.S.C. § 922(g)(4). (See also 28 C.F.R. 478.11 (defining the phrases used in 18 U.S.C. § 922(g)(4)). A person is prohibited from possessing firearms under 18 U.S.C. § 922(g)(4) if a court finds that they are “a danger to himself or to others” “as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease.” (28 C.F.R. 478.11.) Accordingly, to help reduce a defendant’s confusion as to their firearm eligibility status, the advisements at items #3 and #5.a could specify that they are specific to only California law. Alternatively, there could be a separate advisement in the CR-163, perhaps in item #3, that states: “The completion of diversion or the restoration of rights under Welfare and Institutions Code section 8103(g)(4) does not affect the applicability of firearm prohibitions under federal law (18 U.S.C. § 922(g)(4)).”	The committee declines to include a supplemental advisement, finding that it would be more appropriate at the time the order terminates.
2.	Hon. J. Richard Couzens (Ret.), Superior Court of California, County of Placer	NI	Thank you for this opportunity to comment on the proposed form for use in imposing firearms restrictions on persons being granted diversion. The form is excellent and will well serve the bench and the litigants. In filling out the form the court will be provided with a checklist of the holdings that are necessary for entry of the	The committee appreciates the comment.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		order. A reminder of the elements for relief is always helpful. I do have specific comments on three areas: (1) advising the defendant of the potential of other firearms restrictions even though the court enters its order of restoration of firearms rights; (2) providing instruction on surrendering of firearms; and (3) advisement of surrender of body armor. (1) CONFLICT WITH OTHER FIREARMS RESTRICTIONS Sections 1001.36(m) and 1001.80(p) state that the defendant may recover their firearms rights either by completion of diversion or requesting special relief from the court under Welfare and Institutions Code, section 8103(g)(4). Because of federal law and other provisions allowing the court to order firearms restrictions, the statement without qualification is at the very least misleading and could set up the defendant for a potential violation of the law. Conflict with federal statute The provisions of sections 1001.36 and 1001.80 permitting the return of a defendant's firearms rights upon successful completion of diversion or petition under Welfare and Institutions Code, section 8103, subdivision (g)(4), appear to conflict with federal firearms restrictions. The problem is in the application of 18 U.S.C. § 922, subdivision (g)(4): "It shall be unlawful for any person . . . who has been adjudicated as a mental	

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		defective or who has been committed to a mental institution . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” “Adjudicated as a mental defective” means “[a] determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) Is a danger to himself or to others.” (27 C.F.R. § 478.11, subd. (a).) “The term shall include (1) [a] finding of insanity by a court in a criminal case; and (2) [t]hose persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.” (27 C.F.R. § 478.11, subd. (b).) Briefly stated, the federal lifetime ban on the possession of firearms applies to any person adjudged to be a danger to themselves or others – equivalent to the basis for requesting the prohibition under sections 1001.36 and 1001.80 that the “defendant be prohibited from owning or possessing a firearm until they successfully complete diversion because they are a danger to themselves or others pursuant to subdivision (i) of Section 8103 of the Welfare and Institutions Code.” (§§ 1001.36, subd. (m)(1), and 1001.80, subd. (p)(1).) Additionally, subdivision (3)(B)	

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		specifically requires the court to advise the defendant that the restrictions are being imposed because “they are a danger to themselves or others.” Conflict with other statutes or court orders A defendant who successfully completes diversion may have firearms restrictions because of other statutes or orders entered by the court. A person having a prior felony conviction or an active civil restraining order against them, for example, is subject to a firearms restriction regardless of the circumstances occurring with the application of sections 1001.36 or 1001.80. Firearms restrictions may have been imposed because of other proceedings such as for a Criminal Protective Order or Domestic Violence Restraining Order. The procedures authorized by sections 1001.36, subdivision (m), and 1001.80, subdivision (p), will have no effect on these other orders. However, in considering issuing a prohibition in diversion cases, the court may find it relevant to consider whether the other prohibitions may end before diversion ends or will continue after diversion is completed. Supplemental advisement of the defendant In view of the potential conflict with federal firearms law and other statutes or orders prohibiting the possession of firearms, it seems inappropriate to indicate to the defendant without qualification that they will recover their firearms rights if they successfully complete	

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		diversion or successfully petition the court for reinstatement under Welfare and Institutions Code, section 8103, subdivision (g)(4). At the very least, the court's order should reflect the following additional advisement: <i>"Successful completion of diversion or relief granted under Welfare and Institutions Code, section 8103, subdivision (g)(4), will not remove a firearms restriction imposed by another state or federal law or court order."</i> (2) RELINQUISHMENT PROCEDURE Sections 1001.36(m) and 1001.80(p) are wholly silent on the process of relinquishment: When are the firearms to be surrendered? To whom? Is there to be verification of the relinquishment? The failure of the court to address these kinds of questions will lead to confusion and delay, and increase the likelihood that the firearms will be available to the defendant for a longer period than desirable. Nothing in sections 1001.36 or 1001.80 specifies a relinquishment process. Presumably left to the discretion of the court will be the specification of the time and manner by which the firearms are to be relinquished. From a safety perspective, the earlier the relinquishment the more likely the order will protect against gun violence. The court should also consider the mechanism for verifying that all firearms have	The committee declines to include a supplemental advisement, finding that it would be more appropriate at the time the order terminates.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		been relinquished consistent with the court's order. The key elements for relinquishment include providing information to the prohibited person about the prohibition and when and how to comply, requiring proof of compliance such as a receipt from a dealer or law enforcement, reviewing the file or setting the matter for review to determine whether compliance has occurred, and addressing non-compliance to reduce risk and effectuate the order. The Automated Firearms System (AFS) information indicating whether the person has firearms they previously acquired legally may be provided by the prosecutor as part of CLETS report. The best practice would be for the prosecution to present this information as part of the request by the prohibition so that the court may be informed as to whether the person currently owns firearms. Once the individual becomes prohibited, if the firearms are not relinquished, they will be in the Armed Prohibited Persons System (APPS), which can result in additional follow up by the Department of Justice or local law enforcement officials. While the court will have full discretion in determining the mechanics of relinquishment, at least some basic instruction to the defendant would avoid confusion and potential violations of the order. The court may wish to utilize the procedures for relinquishment specified in Code	

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		of Civil Procedure, section 527.9. Although the procedures outlined in section 527.9 are mandated in specific situations not involving either section 1001.36 or 1001.80, nothing prevents a court from incorporating the requirements by reference as a matter of judicial discretion. Section 527.9 provides a comprehensive and standardized mechanism for relinquishment of firearms including time of relinquishment, verification of surrender, and storage. While the Judicial Council may not wish to dive into the specifics of relinquishment that are not outlined in the statute, at the very least there should be a provision in the form that permits the addition of relinquishment requirements: <i>Other orders regarding surrender of firearms:_____.</i> (3) RELINQUISHMENT OF BODY ARMOR The proposed admonishment of the defendant includes no reference to surrender of body armor; such an advisement is required by current law. Penal Code, section 31360, subdivision (b)(1), provides that a person “who is prohibited from possessing a firearm under the laws of this state, . . . who purchases, owns, or possesses body armor, as defined in Section 16288, . . . is guilty of a misdemeanor.” Subdivision (b)(2) provides that “[u]pon advising a person of their firearm prohibition, a	The committee agrees to recommend adding an additional item on other orders regarding relinquishment of firearms (see new item 6). Item 5c of the proposed form states that the defendant must relinquish any body armor in their possession, as required under Penal Code section 31360.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		court shall also advise them of their body armor prohibition pursuant to this section. A person shall relinquish any body armor in their possession.” It is suggested the court advise the defendant in the following general form: <i>“Because the defendant has been found to be a danger to self or others, the defendant is prohibited from controlling, owning, purchasing, possessing, or receiving a firearm, other deadly weapon, or ammunition, until the defendant successfully completes diversion or has their firearms rights restored under Welfare and Institutions Code, section 8103, subdivision (g)(4). The defendant must sell or store with law enforcement or a licensed gun dealer any firearms currently owned or possessed by the defendant. The defendant also is not to purchase, own, or possess body armor, as defined in Section 16288, and must relinquish any body armor in their possession.”</i> (4) PRESENCE OF THE DEFENDANT I concur with the requirement that the defendant be personally advised of the firearms restrictions. The restrictions are very serious and the consequences of not following the court's directions in that regard can be catastrophic. The restrictions likely will arise when the court is setting up other conditions of diversion. Very likely the defendant will be in court for that purpose - there is little inconvenience to the	The committee recommends removing item 4b. While the statutes require the court to order and inform the defendant of the prohibitions, they do not address the defendant's presence, and Penal Code section 977 allows for appearances by counsel. The committee notes that the form includes the statutorily required orders and the court minutes would reflect whether the

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

	Commenter	Position	Comment	Committee Response
			defendant but great potential benefit to the community by requiring the defendant to be personally present.	defendant was physically or remotely present, and if not, how the defendant was properly informed of the prohibitions. While the committee's consensus was that most courts would require defendants to be present at the time the order issued, this approach allows for appropriate flexibility as permitted under law.
3.	Giffords by Ethan Murray, State Policy Attorney	A	Giffords agrees with the form proposed in SPR-25-14 to support implementation of the prohibition in mental health and military diversion cases.	The committee appreciates the comment and acknowledges the commenter's agreement with the proposal.
4.	Orange County Bar Association by Mei Tsang, President	A	1) The proposal appropriately addresses the stated purpose. 2) A possible alternative to personal presence of the defendant could be to order the defense attorney to provide a form to the defendant and order the defendant to either sign the form acknowledging receipt, to be filed with the court at the next court date, or be personally present at the next court date to be served.	The committee appreciates the comment and acknowledges the commenter's agreement with the proposal. The committee recommends removing item 4b. While the statutes require the court to order and inform the defendant of the prohibitions, they do not address the defendant's presence, and Penal Code section 977 allows for appearances by counsel. The committee notes that the form includes the statutorily required orders and the court minutes would reflect whether the defendant was physically or remotely present, and if not, how the defendant was properly informed of the prohibitions. While the committee's consensus was that most courts would require defendants to be present at the time the order issued, this approach allows for appropriate flexibility as permitted under law.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

	Commenter	Position	Comment	Committee Response
5.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's "ITC SPR25-14 Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion," the Superior Court of California, County of Los Angeles (Court), agrees with the proposed changes. Requiring the personal presence of the defendant at the time the findings and order are made is essential. This is particularly important as the defendant must be advised of the terms and conditions of mental health diversion or military diversion. These diversions often include the prohibition of possessing firearms or other deadly weapons as a condition. The Order form should be provided to the defendant at the same time they are granted diversion, ensuring they are fully informed of the conditions imposed. It is unclear to determine if the proposal will provide cost savings. To implement the proposal, there would be an	The committee appreciates the comment and acknowledges the commenter's agreement with the proposal. The committee recommends removing item 4b. While the statutes require the court to order and inform the defendant of the prohibitions, they do not address the defendant's presence, and Penal Code section 977 allows for appearances by counsel. The committee notes that the form includes the statutorily required orders and the court minutes would reflect whether the defendant was physically or remotely present, and if not, how the defendant was properly informed of the prohibitions. While the committee's consensus was that most courts would require defendants to be present at the time the order issued, this approach allows for appropriate flexibility as permitted under law. No further response is required. No further response is required.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

	Commenter	Position	Comment	Committee Response
			additional Order that would be included in mental health or military diversion. Adding that should require nominal work. Two months from Judicial Council approval of the proposal should be sufficient for implementation. The Court also believes the proposal will work well in courts of different sizes.	No further response is required.
6.	Superior Court of California, County of Orange by Thomas Anthony Williams, Operations Analyst II	AM	• <i>Does the proposal appropriately address the stated purpose?</i> The proposal appropriately addresses the purpose as indicated. • <i>Are there alternatives to requiring the personal presence of the defendant at the time the findings and order are made?</i> Potential alternative would be to order defendant to be present through counsel to a continued date, or if the form had a designated signature line for defendant to sign, submission of a notarized form upon entry would suffice.	The committee appreciates the comment and acknowledges the commenter's support of the proposal. The committee recommends removing item 4b. While the statutes require the court to order and inform the defendant of the prohibitions, they do not address the defendant's presence, and Penal Code section 977 allows for appearances by counsel. The committee notes that the form includes the statutorily required orders and the court minutes would reflect whether the defendant was physically or remotely present, and if not, how the defendant was properly informed of the prohibitions. While the committee's consensus was that most courts would require defendants to be present at the time the order issued, this approach allows for appropriate flexibility as permitted under law.

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

SPR25-14

Criminal Law: Findings and Orders Regarding Prohibited Items While on Diversion (approve form CR-163)

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

Commenter	Position	Comment	Committee Response
		• <i>Would the proposal provide cost savings? If so, please quantify.</i> The proposal would not provide cost savings. • <i>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?</i> Upon implementation, we would be required to provide staff and judicial officers with training as to roles and responsibilities, reviewing/processing of the form, update of our case management system, docket codes, and procedure related material. Time estimate for training would be approximately four hours. • <i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Two months would be sufficient time for implementation. • <i>How well would this proposal work in courts of different sizes?</i> N/A	No further response required. No further response required. No further response required. No further response required.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Family Law: Rules and Forms to Determine Parental Relationship Based on Gestational Carrier Agreement

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

Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165 and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR, SUR 115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL 250

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Gabrielle D.Selden, 415-865-8085 gabrielle.selden@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 22, 2024; Amended: November 26, 2024

Project description from annual agenda: Item 6. California has become a hub for surrogacy arrangements because of its abundance of fertility clinics, favorable court rulings, and clear-cut legislation for establishing parentage for the intended parents. Each court in California has had the burden of figuring out how to handle surrogacy parentage cases with little to no guidance or precedent, resulting in inconsistent approaches to the documents filed by the parties' attorneys and the documents required by court. This lack of uniform procedure has resulted in significant variations in processing time and created burdens on court staff and judges when reviewing the applications for a parentage judgment. A uniform statewide procedure in a rule of court and implementing forms could ease these burdens and prevent forum shopping.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

The committee recommends a delayed implementation date of July 1, 2026, principally to allow courts the time needed to prepare for these new rules of court and forms.

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) 7/11/2025

☒ approved by Office Director (or Designee) (name) Anna Maves, Principal Managing Attorney on (date) 08/14/2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-037

For business meeting on October 24, 2025

Title

Family Law: Rules and Forms to Determine Parental Relationship Based on Gestational Carrier Agreement

Rules, Forms, Standards, or Statutes Affected
Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Tari L. Cody, Cochair

Hon. Stephanie E. Hulsey, Cochair

Report Type

Action Required

Effective Date

July 1, 2026

Date of Report

August 27, 2025

Contact

Gabrielle D. Selden, 415-865-8085

gabrielle.selden@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends a new form series for parties (intended parents) who conceive a child with a gestational carrier (also known as a surrogate) under the terms of a gestational carrier agreement (also called “an assisted reproduction agreement for gestational carriers”) and then seek a judgment in family court determining a parental relationship under Family Code sections 7960–7962. The committee also recommends that the council adopt a new rule of court, amend several rules, repeal one rule, and revise three family law forms to add content for gestational surrogacy cases. The proposal originates from judicial officers and attorneys who shared their ideas for uniform rules and forms, specific to

gestational surrogacy cases, that would benefit family court judges, court clerks, the parties, and their attorneys.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2026:

1. Adopt California Rules of Court, rule 5.78, Actions or proceedings to determine a parental (or nonparental) relationship involving an assisted reproduction agreement.
2. Amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96 to include new terms, references to forms in a new gestational surrogacy (SUR) series, and procedures specific to parentage cases based on a gestational carrier agreement.
3. Repeal rule 5.51, Confidential cover sheet for parentage actions or proceedings involving assisted reproduction; other requirements, the substance of which is being moved into rule 5.78.
4. Adopt six mandatory forms:
 - *Petition to Determine Parental Relationship* (form SUR-100), for alternative mandatory use;
 - *Joint Petition to Determine Parental Relationship* (form SUR-100(J)), for alternative mandatory use;
 - *Summons—Gestational Carrier Agreement* (form SUR-110);
 - *Response to Petition to Determine Parental Relationship* (form SUR-120);
 - *Request to Enter Default* (form SUR-165); and
 - *Declaration for Default or Uncontested Judgment* (form SUR-230).
5. Approve five optional forms:
 - *How to Ask for a Judgment—Gestational Carrier Agreement* (form SUR-050-INFO);
 - *Notice of Lodging* (form SUR-113);
 - *Proof of Service of Summons* (form SUR-115);
 - *Notice and Acknowledgment of Receipt* (form SUR-117); and
 - *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act* (form SUR-230(A)).
6. Revise three forms to include parentage cases involving a gestational carrier agreement:
 - *Notice of Entry of Judgment* (form FL-190);
 - *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211); and
 - *Judgment* (form FL-250).

The proposed rules and forms are attached at pages 18–56.

Relevant Previous Council Action

The Judicial Council has not previously taken action to develop rules and forms specifically to determine a parental relationship based on a gestational carrier agreement.

The Judicial Council previously took action with respect to a number of rules (rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96) and three forms (forms FL-190, FL-211, and FL-250) in this report but that action is not relevant to this report.

Analysis/Rationale

Assisted reproduction

Assisted reproduction is conception by any means other than sexual intercourse.¹ It typically involves the use of technology to help increase the chance of conception and birth of a child and can include the use of donated genetic material (sperm, ova, or fertilized embryos) to conceive a child. Children conceived through assisted reproduction may be carried either by a person who intends to be a parent to the child (an “intended parent”) or by a surrogate.

Assisted reproduction often involves parties executing an “assisted reproduction agreement.” One type of agreement is a gestational carrier agreement used in surrogacy arrangements. Family Code section 7962 mandates that there be a written agreement and enumerates the mandatory content for an assisted reproduction agreement for gestational carriers.

There is also statutory language found in Family Code section 7613.5 (known as “statutory forms”), which can be used to create agreements for situations in which the person who carries and gives birth to the child is an intended parent. An intended parent may, but is not required to, incorporate the statutory language in their agreements to demonstrate their intent to be a legal parent of a child conceived in a manner described in section 7613.²

Surrogacy and surrogacy arrangements

Surrogacy is the process by which a woman (known as a surrogate or gestational carrier) carries and gives birth to a child for another person or persons (called the intended parent(s)).³ Family Code section 7960(f) identifies two types of surrogates: (1) a “traditional surrogate” is a woman who carries an embryo that was formed with her own ova and donated sperm, and (2) a

¹ Fam. Code, § 7606(a).

² The recommendations do not encompass cases involving statutory forms under section 7613.5. A party to an arrangement addressed by a statutory form for assisted reproduction would, instead, use the existing Judicial Council forms to ask for a judgment under the Uniform Parentage Act (UPA), commencing with *Petition to Determine Parental Relationship* (form FL-200), including *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211).

³ Fam. Code, § 7960(f). A gestational carrier has no genetic relationship to the child or children because they do not provide any genetic material required to create the embryo or embryos used in the embryo transfer. (*Id.*, § 7960(f)(2).)

“gestational carrier” is a woman who is not the intended parent and who agrees to gestate a genetically unrelated embryo pursuant to an assisted reproduction agreement.

Section 7962 sets forth a process to be followed by parties to an “assisted reproduction agreement for gestational carriers” (referred to as a “gestational carrier agreement” in this proposal) to (1) establish a parent and child relationship between the intended parent or parents and the child conceived under the terms of that agreement and (2) rebut the presumptions of parentage of the gestational carrier and, if applicable, the gestational carrier’s spouse or domestic partner.⁴ The committee proposes to formalize the process described in section 7962 in the California Rules of Court and Judicial Council forms.

Cases and statutes involving a gestational carrier agreement

In 2013, Family Code sections 7960–7962 (Link A) were enacted to codify a series of California cases that upheld the validity of surrogacy contracts involving disputes between the intended parents and the surrogate about legal parentage of the child conceived under the terms of the contract.⁵ As amended in 2016, Family Code section 7620 established the requirements for subject matter jurisdiction and venue for parties who seek a judgment determining a parental relationship in family court under the Uniform Parentage Act (UPA). In 2020, section 7962 was amended to provide the requirements for a gestational carrier agreement.

Current procedures to begin parentage action involving a gestational carrier agreement

Parties to a gestational carrier agreement are required to obtain a judgment in family court to establish that the intended parents named in the agreement are the legal parents of the child and that the gestational carrier and the spouse or domestic partner of the gestational carrier are not the legal parents.⁶

Currently there are no Judicial Council forms that specifically address gestational surrogacy filings. As a result, intended parents and gestational carriers must pursue a judgment of parentage using the existing family law forms to establish a parent and child relationship between the intended parent or parents and the child conceived under the terms of a gestational carrier agreement. To this end, one of the parties—usually but not always the intended parents—will commence an action in family court to determine a legal parental relationship by filing *Petition to Determine Parental Relationship* (form FL-200), which requires *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211).

⁴ The committee also recommends using “gestational carrier agreement” in the forms and rules of court instead of the statutory phrasing, an “assisted reproduction agreement for gestational carriers.”

⁵ *Johnson v. Calvert* (1993) 5 Cal.4th 84, *In re Marriage of Buzzanca* (1998) 61 Cal.App.4th 1410, *C.M. v. M.C.* (2017) 7 Cal.App.5th 1188, and a series of three companion cases before the California Supreme Court in 2005: *Elisa B. v. Superior Court* (2005) 37 Cal.4th 108, *K.M. v. E.G.* (2005) 37 Cal.4th 130, and *Kristine H. v. Lisa R.* (2005) 37 Cal.4th 156.

⁶ Fam. Code, § 7962(f)(2).

As reported to the committee by a group of attorneys who practice reproduction and fertility law and assisted reproduction technology law in California and internationally, many petitions to determine parental relationship in cases of gestational surrogacy are uncontested because both sides want the same relief—a determination based on their written agreement that the intended parents are the child’s parents, and the gestational carrier and any spouse or partner are not. This often results in the parties working together. For example, it is common practice for the petitioner’s attorney to prepare the forms on behalf of the respondent or respondents for review and signature. It is also common practice for the petitioner to file the initial papers, the completed response to the petition, and all documents necessary on behalf of all parties to request that the court enter a judgment.

New form series to increase uniformity in processing judgments

The committee recommends a new series of Judicial Council forms for cases involving gestational carrier agreements to facilitate processing a judgment in these cases. Having statewide forms for actions involving gestational carrier agreements under the UPA will create more uniformity, standardize processes statewide, and reduce delay in establishing parent and child relationships. This would facilitate:

- The timely entry of the intended parents’ names on the initial birth certificate as the child’s legal parents;⁷
- Authorizing the intended parents to independently direct the medical staff with respect to the child’s care after birth;
- Allowing the intended parents to add the child to their health insurance; and
- Permitting the intended parents to obtain travel documents for the child, for example, if traveling with the child to their home country.

Rules of court

To align with current practices and ensure that the process for obtaining a parentage judgment in gestational surrogacy cases is accessible, efficient, and uniform throughout the state, the committee recommends adopting a new rule, amending five rules, and repealing one rule.

Rule 5.78, Actions or proceedings to determine a parental (and nonparental) relationship involving an assisted reproduction agreement

This new rule identifies the forms needed to file a petition and response to determine a parental (and nonparental) relationship for cases involving the statutory forms for assisted reproduction, as well as traditional surrogacy and gestational surrogacy actions.

The rule incorporates the language in current rule 5.51 about the confidentiality of these actions. It also includes new content which reflects (1) existing collaborative practice in which a petitioner commences the action by filing and serving initial papers for the petitioner in the case or by completing all forms, declarations, and other documents for *all* parties to request entry of

⁷ Health and Safety Code section 102400 states “[e]ach live birth shall be registered with the local registrar of births and deaths for the district in which the birth occurred within 21 days following the date of the event.”

judgment and (2) existing practice of filing a declaration of the parties' fertility physician to demonstrate compliance with Family Code section 7962(d).⁸

Rule 5.51, Confidential cover sheet for parentage actions or proceedings involving assisted reproduction; other requirements

This rule, which mandates the filing of a cover sheet to specify that an action is being filed under Family Code sections relating to assisted reproduction agreements, will be repealed because the proposal incorporates its provisions into new rule 5.78.

Rule 5.2, Division title; definitions; application of rules and laws

This rule includes and defines terms that are not found in the Family Code but are commonly used by parties, law practitioners, and court professionals. Rule 5.2(b) will be amended to add the term "gestational carrier agreement" and specify that it refers to an assisted reproduction agreement for gestational carriers as described in Family Code 7962.

Rule 5.7, Use of forms

Rule 5.7(a) lists the types of forms adopted by the Judicial Council for use in family law proceedings. The rule will be revised to include the new form series for gestational surrogacy (to be identified by the prefix "SUR") in the list of form series (ADOPT, DV, EJ, and FL).

Rule 5.16, Designation of parties

Rule 5.16(b)(5) describes the parties who may take part in a proceeding to determine parentage. The text of subdivision (b)(5) will be reformatted as a list of such persons and expanded to include the intended or natural parents⁹ of a child conceived through assisted reproduction and the gestational carrier (and the gestational carrier's spouse or domestic partner, if applicable).

In addition, the rule will be amended to replace "the minor child" with "the child, as described in Family Code section 7635(a)." Even though the term "minor child" is used throughout the Family Code relating to actions for dissolution, legal separation, and nullity, the UPA specifically uses the term "child." Section 7635(a) specifies that the child under 12 years of age may and a child 12 years of age or older must be made a party to the action, and if the child is a minor, then the child must be represented by a guardian ad litem. This change makes the rule more consistent with the language of the governing law.¹⁰

⁸ Family Code section 7962(d) provides that the parties to a gestational carrier agreement must not undergo an embryo transfer procedure or commence injectable medication in preparation for an embryo transfer for assisted reproduction purposes, until the gestational carrier agreement has been fully executed as required by subdivisions (b) and (c).

⁹ Under Family Code section 7601, "natural parent" means a nonadoptive parent, whether biologically related to the child or not.

¹⁰ The committee's recommendation in this report relates only to rule 5.16(b). However, rule 5.16(a) is part of a Judicial Council report *Family Law: Joint Petition for Dissolution or Legal Separation* (report number 25-155).

Rule 5.50, Papers issued by the court

Rule 5.50 lists the summons forms that must be issued by the court in family law proceedings. Rule 5.50(a) will be amended to provide that *Summons—Gestational Carrier Agreement* (form SUR-110) must be issued when the parties file *Petition to Determine Parental Relationship* (form SUR-100).¹¹ The heading of subdivision (b) will be amended to state “the clerk of the court,” instead of “clerk.”

Rule 5.52, Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

This rule requires parties to file *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120) in all child custody, support, and parentage cases. The committee recommends amending the rule to include that, in actions involving an assisted reproduction agreement, form FL-105/GC-120 must be filed only when child custody or visitation (parenting time) or both are at issue. Using the term “assisted reproduction agreement” in the rule will cover all cases involving such an agreement—not only those involving a gestational carrier agreement.

Rule 5.96, Place and manner of filing

The new subdivision in the rule will establish the procedures for handling material lodged physically or electronically with the clerk of the court after a determination is made.¹² This new subdivision is modeled on an analogous provision in California Rules of Court, rule 3.1302, which addresses requirements for lodged material in civil matters.¹³ It is included in this proposal because Family Code section 7962(f)(1) requires that the parties lodge the gestational carrier agreement with the superior court.

Forms proposal

The committee recommends revising three mandatory forms in the family law series and creating 11 new forms in a new forms series, which will use the prefix “SUR,” for gestational surrogacy cases.

The recommended new forms series includes those that must be filed and served for gestational surrogacy cases that are uncontested, contested, or proceed by default. They include a joint petition form, which can be used when all parties to the arrangement are in agreement, and petition and response forms if the parties are not willing to sign a joint petition. The new form series also includes optional forms that parties file in support of a request to enter a judgment and an information sheet that describes several paths to obtain a judgment.

¹¹ The committee’s recommendation is to add a new subpart (E) to rule 5.50(a)(1). Rule 5.50 is also part of the Judicial Council report *Family Law: Joint Petition for Dissolution or Legal Separation* (report number 25-155), which adds a new subpart (F) to subdivision (a)(1).

¹² Family Code section 7962 requires that the gestational carrier agreement be lodged with the court.

¹³ See Cal. Rules of Court, rules 3.1100, 3.1103. The rules do not apply to causes arising under the Family Code, except to discovery proceedings in family law.

Formatting and party references

Each form is specifically formatted to meet the needs of gestational surrogacy parentage cases. For example:

- Each form (except for the summons and information sheet) is marked “Confidential” because assisted reproduction cases are confidential cases under Family Code section 7643.5;
- The forms’ captions include space to provide the names of multiple petitioners and respondents for cases in which there are more than two intended parents or the gestational carrier has a spouse or domestic partner;¹⁴
- Additional date and signature lines are included for the parties and their attorneys; and
- Each form uses “(Gestational Carrier Agreement)” to designate the form family in the footer. Each form will also state that a gestational carrier agreement is also called “assisted reproduction agreement for gestational carriers” and will include a reference to Family Code section 7962.

Proposed new forms

How to Ask for a Judgment—Gestational Carrier Agreement (form SUR-050-INFO)

This information sheet is intended to serve as a resource for parties, attorneys, court clerks, and judicial officers. It lists the forms and documents required to be filed to commence an action in family court involving a gestational carrier agreement, as well as those required to ask for a judgment. The information sheet includes a list of resources to help connect parties to attorneys who specialize in assisted reproduction law and to free and low-cost legal help.

Petition to Determine Parental Relationship (form SUR-100)

This alternative mandatory form allows a party to petition the court to determine the parentage of any child conceived under the terms of a gestational carrier agreement if a joint petition (form SUR-100(J)) cannot be filed.¹⁵ It requires the petitioner to (1) specify the names, birthdates, and ages of the children (or the expected date of delivery of any children who are not yet born), the anticipated place of birth, and the number of children expected to be born; (2) provide information relating to jurisdiction and venue; (3) identify statutory claims that the party wants to make in the case; (4) detail their request for specific orders; (5) state whether they request other orders; and (6) date and sign the form.

Form SUR-100 also includes an item for the petitioner to declare that the gestational carrier agreement:

¹⁴ The spouse or domestic partner is a required party to the action or proceeding under Family Code section 7962 because they are presumed to be the child’s parents under Family Code sections 7540 and 7611, unless the presumption is rebutted.

¹⁵ The Judicial Council has adopted mandatory forms as alternative forms, one of which must be used in a proceeding. For example, rule 7.101(b) of the California Rules of Court lists forms used in probate proceedings that have been adopted as alternative mandatory forms. Forms SUR-100 and SUR-100(J) would be the first forms adopted for alternative mandatory use in family law proceedings.

- Meets the requirements of section 7962;
- Does not fully meet the requirements of section 7962 but, even so, the parties agree that parentage should be established; or
- Does not fully meet the requirements of section 7962 and thus a parental relationship should not be established.

Joint Petition to Determine Parental Relationship (form SUR-100(J))

This alternative mandatory form permits parties to a gestational carrier agreement to jointly petition the court for a judgment under the UPA. Parties who are in agreement on the terms of their proposed judgment would complete and sign the joint petition, lodge the gestational carrier agreement, file all declarations, and submit a judgment packet that includes *Judgment* (form FL-250), *Notice of Entry of Judgment* (form FL-190), and self-addressed, stamped envelopes.

This joint petition process is patterned after the summary dissolution proceeding for marriage or domestic partnership cases in which parties jointly request that the court enter a dissolution judgment under Family Code section 2400. As in the summary dissolution proceeding, the court will not issue a summons with the joint petition. Further, the joint petition is a simplified form that incorporates several of the forms used to ask for a judgment of legal parentage.¹⁶

Summons (form SUR-110)

Form SUR-110 is recommended for mandatory use as the summons when a petitioner files *Petition to Determine Parental Relationship* (form SUR-100). It mirrors *Summons* (form FL-210) and includes the statutory content required for UPA cases.

Notice of Lodging (form SUR-113)

Family Code section 7962(e) requires that a copy of the gestational carrier agreement be lodged with the court. Form SUR-113 is an optional form that parties may use to comply with that statutory requirement.

Proof of Service of Summons (form SUR-115)

This optional form will allow parties to comply with rule 5.66 (Proof of service), which requires parties to “file with the court a completed form to prove that the other party received the petition or complaint or response to petition or complaint.”¹⁷ The content of form SUR-115 reflects the collaborative practice among attorneys in gestational surrogacy cases in which a petitioner’s attorney may complete all the paperwork for the petitioner *and* each respondent.

¹⁶ Content from the following forms has been combined into the new form: *Appearance, Stipulations, and Waivers* (form FL-130), *Declaration for Default or Uncontested Judgment* (form FL-230), *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235), and *Stipulation for Entry of Judgment Re: Determination of Parental Relationship* (form FL-240).

¹⁷ Cal. Rules of Court, rule 5.66(a).

Notice and Acknowledgment of Receipt (form SUR-117)

This form for optional use is patterned after *Notice and Acknowledgment of Receipt* (form FL-117), which is used instead of a proof of service of summons form for cases in which the petitioner declares that the documents listed on the form were served by mail to the respondent.

Response to Petition to Determine Parental Relationship (form SUR-120)

This mandatory form allows respondents to indicate whether they agree or disagree with the assertions in the petition about such matters as parentage and nonparentage, jurisdiction, venue, and whether the gestational carrier agreement complies with Family Code section 7962.

Request to Enter Default (form SUR-165)

This mandatory form is filed by the petitioner to ask the court to issue a default judgment when the respondent has failed to file and serve a response to the petition within 30 days. As in the current family law parentage process, a default judgment could be entered as either a “true” default (no response to the petition is filed in the case) or a “default with agreement” (no response to petition is filed but the parties have signed a settlement agreement or proposed judgment).

Declaration for Default or Uncontested Judgment (form SUR-230)

The committee recommends this single declaration form for mandatory use. The form—based on the content of several forms used to determine a parental relationship (see footnote 16)—would be used to ask that the court enter the judgment based on a respondent’s default or the agreement of the parties in an uncontested matter

Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act (form SUR-230(A))

Optional form SUR-230(A) is based on form FL-130(A). Form SUR-230(A) will serve as the mandatory waiver attached to form SUR-230 if the respondent is a member of the military services of the United States of America, per item 1b of form SUR-230. The form is drafted to comply with the requirements of the Servicemembers Civil Relief Act, including that the waiver must be in at least 12-point type.¹⁸

Revised FL forms

The committee recommends that parties in assisted reproduction cases be required to complete the two current forms used in nonconfidential parentage proceedings, *Notice of Entry of Judgment* (form FL-190) and *Judgment* (form FL-250), rather than recreating these forms with the prefix “SUR.” And because form FL-250 is not a confidential form, the committee proposes revisions that will maintain the confidential nature of the assisted reproduction proceeding. For example, no content on the forms would specify that the case involves an assisted reproduction

¹⁸ 50 U.S.C. § 3918.

agreement. This protection is particularly important for some international intended parents who will return to their home country and seek to establish a legal parental relationship once there.¹⁹

Notice of Entry of Judgment (form FL-190)

This form is used by court clerks to notify the parties and their attorneys that the court entered a judgment in the case. The caption of current form FL-190 will be revised to accommodate cases involving multiple parties. Items 1 through 8 will be reformatted to allow for more space at the bottom of the form for two additional mailing address boxes.

To address a separate issue raised by court professionals, the form will be updated to provide two separate fields for the effective date of a judgment of dissolution.²⁰ The revision is unrelated to the changes required for parties to use the form for parentage cases involving assisted reproduction.

Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction (form FL-211)

Family Code section 7643.5 requires that a party use this form to identify that the party is initiating an action or proceeding involving assisted reproduction under Family Code section 7613, section 7630(f), or sections 7960–7962. The form will be revised to remove references to sections 7960–7962 and specify that the form is not used for cases involving gestational carrier agreements under sections 7960–7962.

Judgment (form FL-250)

The committee recommends various changes to form FL-250. Its caption will be revised to provide space to identify multiple parties. Several items in the form will also be changed for the parties to specify that there are multiple petitioners and multiple respondents in the case.

The committee recommends reorganizing item 2 on the current form under new headings numbered as items 2 to 5 to make the form easier to read. Item 3 will include the list of all persons present at the hearing, if applicable. Items 4 and 5 reorganize the declarations for each party that are at items 2f and 2g in the current form.

The committee recommends formatting and other technical changes to the second page of the form to accommodate the needs of parentage actions involving gestational carrier agreements. The changes include blank space in item 6 to write the names of the parties who are, and are not, determined to be the parents of the children also listed in item 6, adding a separate heading for child support orders, and, under the item for further court orders, include a check box and blank

¹⁹ International laws on surrogacy are inconsistent, and some countries have banned all forms of surrogacy. More information on surrogacy laws is available at Surrogacy360, <https://surrogacy360.org/considering-surrogacy/current-law/>.

²⁰ In response to requests from court professionals, the form will be updated to provide two separate fields for the effective date of termination of marital status and domestic partnership status to accommodate situations in which a party has petitioned to dissolve both their marriage and domestic partnership in a single proceeding under Family Code section 299(e).

space for the court to indicate the changed names of the children and additional check boxes for the court to specify how the birth certificate must be amended.

Policy implications

The rules and forms in this report contribute to two goals outlined in the *Strategic Plan for California's Judicial Branch*.²¹ The new rules and forms contribute to: (1) Goal I, “Access, Fairness, Diversity, and Inclusion,” in that they promote procedures that are uniform, efficient, and understandable, and that increase equal access to the court and litigants’ access to justice; and (2) Goal III, “Modernization of Management and Administration,” by allowing courts across the state to uniformly implement fair and effective practices specific to petitions to determine parental relationship based on a gestational carrier agreement.

Comments

This proposal was open for public comment from April 14 through May 23, 2025. A total of 79 commenters responded to the proposal, including 73 commenters who agreed with the proposal; three who agreed, if it were modified; and three who did not indicate a position but expressed support while requesting changes to forms. No commenter disagreed with the proposal.

Most comments were submitted by legal professionals who specialize in surrogacy and fertility law, including attorneys, legal assistants, and paralegals, all of whom generally noted their support for the proposal as a whole and did not request any changes to the rules and forms.

The committee also received comments from the following organizations and courts: California Lawyers Association, Family Law Section, Executive Committee; Child Support Directors Association of California; Department of Child Support Services; Orange County Bar Association; Superior Court of Los Angeles County; Superior Court of Orange County; Superior Court of San Diego County; and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee.

The most significant changes made in response to comments are described below. All comments and the committee’s responses are provided in the attached chart of comments at pages 57–94.

Comments about application of rules and forms beyond gestational surrogacy

One commenter stated that the rules and forms exclude traditional surrogacy. The commenter recommended that the forms be redrafted for general use by parties to surrogacy agreements. In response, the committee notes that rule 5.78 addresses traditional surrogacy and references the definition of “traditional surrogacy” found in the Family Code. The rule also provides direction to parties to traditional surrogacy agreements.

²¹ For information about the *Strategic Plan for California's Judicial Branch*, visit <https://courts.ca.gov/policy-administration/judicial-council/judicial-branch-strategic-plan>.

The committee does not recommend that the forms be expanded for use in all surrogacy actions. The Legislature has provided statutory language in Family Code section 7613.5, which intended parents may incorporate into their written agreement to establish legal parentage for traditional surrogacy matters. The SUR series of forms are intended to reflect only the requirements for gestational carrier agreements under Family Code sections 7960–7962.

Comments about form FL-250

In response to comments about *Judgment* (form FL-250), the committee recommends changes to the form to be consistent with two sections of the current *Judgment* (form FL-180). Specifically, the space for the judicial officer to print their name will be removed to avoid confusion by the parties, who might believe that they need to complete this part of the form. In addition, a statement will be added above the judicial officer’s signature to note that the attachments to the judgment are incorporated into the judgment.

The committee also recommends reformatting items 4, 5, and 9 to include an item for “other (specify):” to allow the parties to provide information pertinent to their case, which is not accounted for in the preprinted, numbered items on the form.

Adding a reference to child support

The Department of Child Support Services (DCSS) and the Child Support Directors Association of California (CSDAC) commented that the petitions do not address child support, and that “[f]ailure to provide notice to the parties that child support could be at issue may require child support agencies to duplicate efforts when and if they intervene in these cases.” CSDAC stated that “The petition should raise the issue of child support for it to be ordered in the Judgment...”

In response, the committee agreed with the suggestions and incorporated the following language into forms SUR-100, SUR-100(J), and SUR-120: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.” This change will more closely align these SUR forms with the content of current forms FL-200 and FL-220.

Attorney declarations under Family Code section 7962(f)(1)

The committee recognized that changes were needed to the proposed rules and forms because they circulated for comment specifying that the attorney declarations are filed, instead of attached to the gestational carrier agreement. Family Code section 7962(f)(1) requires that these declarations be attached to the gestational carrier agreement and lodged with the court. To align with the statute, the committee decided to recommend that rule 5.78 and forms SUR-050-INFO, SUR-113, SUR-115, and SUR-117 specify that the attorney declarations must be attached to the gestational carrier agreement that is lodged with the clerk of the court.

Alternatives considered

The committee considered the alternative of taking no action to adopt rules and forms for actions under the UPA involving gestational surrogacy but determined that courts, attorneys, and self-represented parties in such cases would benefit from a uniform statewide method of seeking a

judgment that complies with the requirements of the Family Code. Without this action, existing resources for filing these cases would remain sparse in some counties and courts would not realize savings from efficiencies in case processing.

Content addressing a party's primary language

The committee deliberated about the items regarding primary language on the proposed petition (form SUR-100), joint petition (form SUR-100(J)), and response (form SUR-120). There was a concern that this information could potentially introduce bias into the proceedings. For this reason, the committee sought specific input from the public on this question as it appears on the petition and response forms, as well as in the "Interpreter's Declaration" on form SUR-100(J) and form SUR-210.

Two commenters believed that inquiring about a party's primary language should not be in the forms because it could, for example, "evoke unintended bias." A third commenter also stated that "There is no specific reference in any of the proposed forms for disclosure of 'primary language' and the rules and statutes referenced do not provide for such disclosure."

After considering the comments, along with the stated purpose of the forms, the committee notes that:

- *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235) currently requires *the interpreter* to provide the primary language of each party who is unable to read or understand the *Judgment* (form FL-250) and form FL-235.
- *Joint Petition to Determine Parental Relationship* (form SUR-100(J)) and *Declaration for Default or Uncontested Judgment* (form SUR-230) (used if form SUR-100 is filed) incorporate a similar Interpreter's Declaration as that found in form FL-235. The difference is that the SUR forms require the parties—not the interpreter—to identify their primary language only if English is not their primary language.
- Gestational surrogacy cases are unique among family law proceedings. All parties could potentially be visitors to the United States who undergo fertility treatments or an embryo transfer in California. Thus, the case could involve more than one interpreter or translator.
- The forms require the parties to declare under penalty of perjury that they fully understand the documents written in English.

Based on the above, the committee concluded that the content should remain on the forms. Including the statements could avoid having the court set a hearing on its own motion for the sole purpose of ensuring that the parties whose primary language is not English fully understand the documents they signed and the terms of the judgment before it is entered.

Implementation date

The committee considered recommending that the proposal take effect on January 1, 2026, the customary effective date for proposals circulated for comment during the spring rule-making cycle. The committee also considered recommending a delay in implementing the proposal. Four of seven commenters supported delaying implementation until July 1, 2026, for several reasons. Following discussion, the committee decided to recommend a delayed implementation date of July 1, 2026, principally to allow courts the time needed to prepare for these new forms.

Declarations to implement Family Code section 7962(d)

Family Code section 7962 requires specific declarations from the parties and their attorneys in these cases.²² However, there is no specific guidance about how parties demonstrate compliance with section 7962(d).²³ The rule and forms in the proposal reflect a common practice among attorneys specializing in this field, which is to file the declaration of the fertility physician who performed the medical procedures to verify compliance with subdivision (d).

With respect to the fertility physician's declaration, the committee considered whether or not to propose that the rule and forms reflect the common practice of using a declaration of the fertility physician to verify compliance with section 7962(d). The committee considered if there were other ways that parties could verify compliance with Family Code section 7962(d) in place of a physician's declaration. The committee also considered whether to develop an optional declaration form as part of the new forms series to implement section 7962(d). The committee decided to recommend that the declaration of the fertility physician be listed as a required declaration in the new rule and forms to uniformly implement 7962(d) statewide. However, the committee decided not to develop an optional form for this purpose. It believed that referencing the declaration of the fertility physician in rule 5.78 and form SUR-050-INFO would be sufficient to inform the parties about how to comply with section 7962(d).

Questions on forms to identify prior use of surrogacy services

The committee discussed the potential for abuse in surrogacy cases, including for bad actors to use the statutory framework as a means for human trafficking. The committee understands the gravity of the potential harm and considered if any of the rules and forms developed in this proposal could address these concerns. For example, the committee considered recommending that the petition and response forms require parties to indicate the number of times either intended parent has used the services of a surrogate and the number of times the surrogate has served as a surrogate. Having this information on the forms could assist the judicial officer to

²² Section 7962(e) requires parties to the gestational carrier agreement to declare that they have complied with this section in entering into that agreement. Section 7962(f)(1) requires that the declarations of the separate, independent attorneys who represented the parties to the gestational carrier agreement be attached and lodged with clerk of the court.

²³ Family Code section 7962(d) provides that the parties to a gestational carrier agreement must not undergo an embryo transfer procedure or commence injectable medication in preparation for an embryo transfer for assisted reproduction purposes, until the gestational carrier agreement has been fully executed as required by subdivisions (b) and (c).

determine if the court should set a hearing to obtain information and testimony from the parties before additional steps are taken to finalize legal parentage.

However, the committee decided not to require the parties to provide information related to surrogacy services previously used or rendered as doing so would impose requirements not mandated by statute. Similar questions are not included on forms for other types of parenting actions. For example, forms for cases involving custody or parentage do not ask parties to indicate the number of children they have with other persons who are not parties to the immediate action. While the committee recognizes the seriousness of the concerns regarding abuse of the gestational surrogacy process, it determined that this problem is more appropriate for the Legislature to address.

The committee considered delaying this recommendation to a future cycle to coincide with potential legislative updates to the gestational surrogacy provisions of the Uniform Parentage Act that may address some of these concerns. However, given the positive comments the committee received on this proposal, the committee believes that finalizing these new rules and forms so that they can take effect on July 1, 2026, will bring uniformity to these cases that courts, justice partners, and the public greatly desire. The committee will continue to monitor developments and relevant legislation and make recommendations for future revisions as appropriate.

Fiscal and Operational Impacts

Based on comments received from the Superior Courts of Los Angeles, Orange, and San Diego Counties, as well as the Joint Rules Subcommittee regarding the requirements for courts to implement the new forms series, courts will be required to do such things as:

- Develop internal procedures;
- Add filings and create new case codes in the case management system;
- Configure the electronic filing and portal access systems;
- Change the public website;
- Provide many hours of training to judicial officers, supervisors, court clerks (senior clerks, self-help clerks, and processing clerks), and self-help attorneys; and
- Create new forms packets and other materials for self-help centers to instruct parties on how to complete the forms.

The committee believes that the initial costs for implementing the new rules and forms will be offset by the savings achieved through more efficient case processing once the rules are in effect and the forms are in use.

Attachments and Links

1. Cal. Rules of Court, rules 5.2, 5.7, 5.16, 5.50, 5.51, 5.52, 5.78, 5.96, at pages 18–24
2. Forms FL-190, FL-211, FL-250, SUR-050-INFO, SUR-100, SUR-100(J), SUR-110, SUR-113, SUR-115, SUR-117, SUR-120, SUR-165, SUR-230, SUR-230(A), at pages 25–56
3. Chart of comments, at pages 57–94

4. Link A: Fam. Code, §§ 7960–7962,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=12.&title=&part=7.&chapter=&article=
5. Link B: Fam. Code, § 7643.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=7643.5

DRAFT

Rule 5.78 of the California Rules of Court is adopted; rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96 are amended; and rule 5.51 is repealed, effective July 1, 2026, to read:

Rule 5.2. Division title; definitions; application of rules and laws

(a) * * *

(b) Definitions and use of terms

As used in this division, unless the context or subject matter otherwise requires, the following definitions apply:

(1)–(11) * * *

(12) “Gestational carrier agreement” refers to an assisted reproduction agreement for gestational carriers as described in Family Code section 7962.

Rule 5.7. Use of forms

(a) Status of family law and domestic violence forms

All forms adopted or approved by the Judicial Council for use in any proceeding under the Family Code, ~~including any form in the FL, ADOPT, DV, and EJ, and SUR series;~~ are adopted as rules of court under the authority of Family Code section 211; article VI, section 6 of the California Constitution; and other applicable law.

(b)–(c) * * *

Rule 5.16. Designation of parties

(a) * * *

(b) Parties to proceeding

(1)–(4) * * *

(5) The only persons or agencies permitted to be parties to a family law proceeding to ~~establish~~ determine parentage are ~~the following: the presumed or putative parents of the minor child, the minor child, a third party who is joined in the case under rule 5.24, or a local child support agency that intervenes in the case.~~

- 1 (A) The presumed or putative parents of the child;
2
3 (B) The intended or natural parents of a child conceived through assisted
4 reproduction as defined in Family Code section 7613 and sections
5 7690–7692;
6
7 (C) The gestational carrier, as named in a gestational carrier agreement, and
8 the gestational carrier’s spouse or domestic partner;
9
10 (D) The child, as described in Family Code section 7635(a);
11
12 (E) A third party who is joined in the case under rule 5.24; or
13
14 (F) A local child support agency that intervenes in the case.
15

16 **Rule 5.50. Papers issued by the court**

17
18 **(a) Issuing the summons; form**

19
20 If a summons is required to commence a family law case, the clerk of the court
21 must issue the summons using the same procedure for issuing a summons in civil
22 actions, generally.

23
24 (1) The clerk of the court must:

- 25
26 (A) Issue ~~a~~ *Summons (Family Law)* (form FL-110) for divorces, legal
27 separations, or annulment cases involving married persons or domestic
28 partnerships;
29
30 (B) Issue ~~a~~ *Summons (Uniform Parentage—Petition for Custody and*
31 *Support)* (form FL-210) for parentage or custody and support cases;
32
33 (C) Issue ~~a~~ *Summons (UIFSA)* (form FL-510) when a party seeks to
34 establish or enforce child support orders from other states; ~~and~~
35
36 (D) Process ~~a~~ *Summons and Complaint or Supplemental Complaint*
37 *Regarding Parental Obligations* (form FL-600) as specified in rule
38 5.325;
39
40 (E) Issue *Summons—Gestational Carrier Agreement* (form SUR-110)
41 when parties file *Petition to Determine Parental Relationship* (form
42 SUR-100); and
43

(F) Issue Joint Summons—Joint Petition (form FL-710) when parties file a joint petition for dissolution of marriage or domestic partnership or legal separation as specified in Family Code sections 2330(c) and 2331.

(2) * * *

(b) Automatic temporary family law restraining order in summons; handling by the clerk of the court

* * *

(c) * * *

Rule 5.51. Confidential cover sheet for parentage actions or proceedings involving assisted reproduction; other requirements [Repealed]

~~(a) Application~~

~~This rule applies to actions or proceedings filed with the court after January 1, 2023, involving assisted reproduction, in which the parties seek to determine a parental relationship under Family Code section 7613 or 7630, or sections 7960–7962.~~

~~(b) Filing Requirement~~

~~To comply with Family Code section 7643.5, for all actions in (a):~~

~~(1) Petitioner must complete a *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211) and attach it to the initial papers being filed with the court; and~~

~~(2) The court clerk must maintain form FL-211, the initial papers, and all subsequent papers—other than the final judgment—in a confidential court file.~~

Rule 5.52. Declaration under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

(a) Filing requirements; application

(1) Petitioner and respondent must each complete, serve, and file a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*

(form FL-105/GC-120) if there are children of their relationship under the age of 18 years.

(2) The form is a required attachment to the petition and response in actions for divorce; or in actions to establish parentage to determine a parental relationship (except as provided in (3)), or in actions for custody and support of minor children.

(3) The form is not a required attachment to the petition and response in actions to determine a parental relationship involving a gestational carrier agreement unless the petition or response specifies that child custody or visitation (parenting time) or both are at issue in the case.

(b) * * *

Rule 5.78. Actions or proceedings to determine a parental (or nonparental) relationship involving an assisted reproduction agreement

(a) Authority

This rule applies to actions or proceedings filed with the court involving an assisted reproduction agreement as defined by Family Code section 7606(b), in which the parties seek a court judgment determining a parental (or nonparental) relationship under Family Code section 7613 or 7630(f) or sections 7960–7962.

(b) Confidentiality

Actions or proceedings to determine a parental (or nonparental) relationship involving an assisted reproduction agreement are confidential under the Uniform Parentage Act.

(c) Actions involving statutory forms and traditional surrogacy

For matters involving traditional surrogacy, as defined by Family Code section 7960(f)(1), or matters involving use of the assisted reproduction agreements found in Family Code section 7613.5 (including those involving the disposition of embryos), parties commence an action in family court to seek a judgment determining a parental (or nonparental) relationship by using the following forms:

(1) *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211);

(2) *Summons* (form FL-210);

- 1
2 (3) Petition to Determine Parental Relationship (form FL-200);
3
4 (4) Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act
5 (UCCJEA) (form FL-105), only if child custody or visitation (parenting time)
6 or both are at issue in the case; or
7
8 (5) Any forms required for subsequent filings in actions under the Uniform
9 Parentage Act.
10

11 **(d) Actions involving a gestational carrier agreement**
12

- 13 (1) Parties to a gestational carrier agreement must commence an action in family
14 court to seek a judgment determining a parental (or nonparental) relationship
15 to a child born or expected to be born by using either:
16
17 (A) Petition to Determine Parental Relationship (form SUR-100); or
18
19 (B) Joint Petition to Determine Parental Relationship (form SUR-100(J)).
20
21 (2) Petitioner may, with the consent of other parties, complete and file with the
22 clerk of the court all the forms and documents required of all parties to
23 initiate the case and request entry of judgment. Petitioner may, but is not
24 required to, file all the forms and documents at one time.
25
26 (3) Consistent with Family Code section 7962:
27
28 (A) A true and correct copy of the notarized gestational carrier agreement
29 must be lodged with the clerk of the court, with the declarations of the
30 separate, independent attorneys attached. If applicable, a true and
31 correct copy of the English translation of the gestational carrier
32 agreement (certified under oath by a qualified interpreter) must also be
33 lodged with the clerk of court
34
35 (B) Parties must file a declaration of the fertility physician with the clerk of
36 the court to demonstrate compliance with section 7962(d).
37
38 (C) Parties must file their declarations under section 7962(e) with the clerk
39 of the court.
40
41 (4) For cases in which respondent wants to file a response to *Petition to*
42 *Determine Parental Relationship* (form SUR-100), the response must be

provided on *Response to Petition to Determine Parental Relationship* (form SUR-120).

(e) Issuance of judgment

(1) In all assisted reproduction parentage proceedings, a judgment:

(A) Must be issued on *Judgment* (form FL-250); and

(B) Need not reference that the case involves a gestational carrier agreement, if applicable.

(2) The clerk of the court must mail *Notice of Entry of Judgment* (form FL-190) to the parties or their attorneys, if the parties are represented, as specified in the Clerk's Certificate of Mailing.

(f) Confidentiality in actions to determine a parental (or nonparental) relationship involving an assisted reproduction agreement

Other than the final judgment, the clerk of the court must maintain the following in a confidential court file subject only to access under Family Code section 7643.5:

(1) *Confidential Cover Sheet—Parentage Action Involving Assisted Reproduction* (form FL-211) (not used in cases involving a gestational carrier agreement);

(2) *Petition to Determine Parental Relationship* (form SUR-100);

(3) *Joint Petition to Determine Parental Relationship* (form SUR-100(J)); and

(4) All subsequent papers filed in the case.

Rule 5.96. Place and manner of filing

(a)–(c) * * *

(d) Requirements for and maintenance of lodged materials

(1) Materials lodged physically with the clerk of the court must be accompanied by a self-addressed envelope with sufficient postage for mailing the material if the party wants the clerk of the court to return the materials lodged physically. If a self-addressed, stamped envelope does not accompany materials lodged physically, the clerk of the court may destroy the lodged

1 materials after determination of the matter and after notice to the party who
2 lodged the materials.
3
4 (2) Materials lodged electronically with the clerk of the court must clearly
5 specify an email address to which the notice of deletion may be sent. After
6 determination of the matter, the clerk of the court may delete lodged
7 materials in electronic form after sending electronic notice to the party who
8 lodged the materials.

DRAFT

1. ☐ Dissolution 4. ☐ Dissolution—status only 7. ☐ Dissolution—reserving jurisdiction over termination of marital status or domestic partnership

2. ☐ Legal separation 5. ☐ Parent-child relationship

3. ☐ Nullity 6. ☐ Judgment on reserved issues 8. ☐ Other (*specify*):

—NOTICE TO ATTORNEY OR RECORD OR PARTY WITHOUT ATTORNEY—

STATEMENTS IN THIS BOX APPLY ONLY TO JUDGMENT OF DISSOLUTION

Effective date of termination of domestic partnership status (*specify*):

WARNING: Neither party may remarry or enter into a new domestic partnership until the effective date of the termination of marital or domestic partnership status, as shown in this box.

CLERK'S CERTIFICATE OF MAILING

at (place): _____, California, on (date): _____

Date: _____ Clerk, by _____, Deputy

____ Name and address of petitioner or attorney _____ Name and address of respondent or attorney _____

Name and address of petitioner or attorney _____ Name and address of respondent or attorney _____

1. ☐ This judgment ☐ contains personal conduct restraining orders ☐ modifies existing restraining orders.
 a. The restraining orders are contained in item: _____ of the attachment.
 b. The restraining orders expire on (date): _____
 c. A CLETS form must be attached.

2. This matter proceeded as follows:
 a. ☐ Default or uncontested ☐ By declaration ☐ Contested
 b. Date: _____ Department: _____ Room: _____
 c. Judicial officer (name): _____ ☐ Temporary judge

3. ☐ Present at the proceeding, if applicable:
 a. ☐ Petitioner (name): _____ ☐ Attorney (name): _____
 b. ☐ Petitioner (name): _____ ☐ Attorney (name): _____
 c. ☐ Respondent (name): _____ ☐ Attorney (name): _____
 d. ☐ Respondent (name): _____ ☐ Attorney (name): _____
 e. ☐ Other parties or attorneys present (specify): _____

4. ☐ **Petitioner** ☐ **Petitioners** (check all that apply):
 a. ☐ appeared without counsel and was (or were) advised of relevant rights.
 b. ☐ signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235) or its equivalent.
 c. ☐ signed a voluntary declaration of parentage or paternity.
 d. ☐ declares (or declare) that there is a prior judgment of parentage in a family support, juvenile, or adoption court case.
 e. ☐ is respondent's spouse or domestic partner, and no other action is pending.
 f. ☐ other (specify): _____

5. ☐ **Respondent** ☐ **Respondents** (check all that apply):
 a. ☐ appeared without counsel and was (or were) advised of relevant rights.
 b. ☐ signed *Advisement and Waiver of Rights Re: Determination of Parental Relationship* (form FL-235) or its equivalent.
 c. ☐ signed a voluntary declaration of parentage or paternity.
 d. ☐ declares (or declare) that there is a prior judgment of parentage in a family support, juvenile, or adoption court case.
 e. ☐ is petitioner's spouse or domestic partner, and no other action is pending.
 f. ☐ other (specify): _____

PETITIONER: RESPONDENT:	CASE NUMBER:

6. PARENTAL RELATIONSHIPa. Name or names (*specify*):☐ is the parent (or are the parents) of:

Child's name

Date of birth

☐ a child (or children) not yet born

Expected date of delivery:

Number of unborn children, if known:

Expected place of birth:

b. Name or names (*specify, if applicable*):☐ is not the parent (or are not the parents) of the child or children:☐ listed in item 6a.☐ not yet born.**7. ☐ CHILD CUSTODY ORDERS**

Child custody and visitation are as specified in one or more of the attached forms:

a. ☐ *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341)b. ☐ *Stipulation and Order for Custody and/or Visitation (Parenting Time)* (form FL-355)c. ☐ Other (*specify*):**8. ☐ CHILD SUPPORT ORDERS**a. ☐ Child support is as stated in one or more of the attached forms:(1) ☐ *Child Support Information and Order Attachment* (form FL-342)(2) ☐ *Stipulation to Establish or Modify Child Support and Order* (form FL-350)(3) ☐ Other (*specify*):b. All parties must complete and file with the court *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.c. The form *Notice of Rights and Responsibilities Regarding Child Support* (form FL-192) is attached.**9. ☐ THE COURT FURTHER ORDERS**a. ☐ The names of the children are changed to (*specify*):b. ☐ The birth certificates must be amended to conform to this court order by(1) ☐ adding the following parent's name:(2) ☐ changing the names of the children, as specified in item 9a.(3) ☐ other (*specify*):c. ☐ Attorney's fees and costs are as stated in the attached *Attorney's Fees and Costs Order Attachment* (form FL-346).d. ☐ Reasonable expenses of pregnancy and birth are as stated in the attachment.e. ☐ Other (*specify*):f. ☐ Continued on Attachment 9f.

Each attachment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions. Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date:



JUDICIAL OFFICER

10. Number of pages attached: _____

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

SUR-050-INFO How to Ask for a Judgment—Gestational Carrier Agreement

This form lists the documents that a court may require to request a judgment determining a parental relationship based on a gestational carrier agreement (also called an “assisted reproduction agreement for gestational carriers” in Family Code section 7962). For information that includes how to start your case, visit the online Self-Help Guide to the California Courts at selfhelp.courts.ca.gov/parentage/surrogacy.

The forms that you need to finish the case will depend on how the case was started, whether the other party filed a response, and whether the parties have an agreement about the judgment.

You may use this form to understand what forms you need to:

① Request a judgment by filing *Joint Petition to Determine Parental Relationship* (form SUR-100(J));

or

② Finish your case after *Summons* (form SUR-110) and *Petition to Determine Parental Relationship* (form SUR-100) have been filed and served, a copy of the gestational carrier agreement has been lodged, the declarations mandated by statute have been filed, and the other party or parties:

- Did not file a response after 30 days of being served with the petition;
- Did not file a response after 30 days of being served with the petition because you have a written agreement with the other party or parties establishing a parental relationship;
- Filed a response or made an appearance, and there is a written agreement establishing a parental relationship; or
- Filed a response and there is no agreement establishing a parental relationship.

! To finish your case, you must provide the clerk of the court with envelopes of sufficient size and with sufficient postage to mail the *Judgment* (form FL-250) and *Notice of Entry of Judgment* (form FL-190) to the parties.

- One stamped envelope you provide is to mail the documents to the intended parents (unless they are represented by two separate attorneys).
- The other envelope is to mail the documents to the gestational carrier and, if applicable, the gestational carrier's spouse or domestic partner (unless they are represented by two separate attorneys).

① Joint Petition Process

File, lodge, or submit all of the following with the clerk of the court:

- File *Joint Petition to Determine Parental Relationship* (form [SUR-100\(J\)](#)).
- Use *Notice of Lodging* (form [SUR-113](#)) or similar document to lodge the gestational carrier agreement.
- Lodge a true and correct copy of the notarized gestational carrier agreement. Attach to the agreement the:
 - Certified English translation of the agreement, if applicable.
 - Declaration of the attorney for the intended parent or intended parents.
 - Declaration of the attorney for the gestational carrier and their spouse or domestic partner.
- File the declarations of the following people to comply with Family Code section 7962:
 - Each intended parent (individually or jointly).
 - Gestational carrier.
 - Gestational carrier's spouse or domestic partner, if applicable.
 - Fertility physician (to show that you complied with Family Code section 7962(d)).
- Submit *Judgment* (form [FL-250](#)), any attachments, and copies.
- Submit *Notice of Entry of Judgment* (form [FL-190](#)) and copies.



2 Finish Your Case After Forms SUR-100 and SUR-110 Are Served

Choose the situation that applies to your case.

Default Process

*(No Response to Petition to Determine Parental Relationship (form SUR-120) was filed and served. The parties **do not** have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court and the declarations listed in ① were filed with the clerk of the court.)*

Forms to complete and file with the clerk of the court:

- *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- *Request to Enter Default* (form [SUR-165](#)).
- *Declaration for Default or Uncontested Judgment* (form [SUR-230](#)).
- *Judgment* (form [FL-250](#)), any attachments, and copies.
- *Notice of Entry of Judgment* (form [FL-190](#)) and copies.

Default with Agreement Process

(No Response to Petition to Determine Parental Relationship (form SUR-120) was filed and served. The parties have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court, and the declarations listed in ① were filed with the clerk of the court.)

Forms to complete and file with the clerk of the court:

- *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- *Request to Enter Default* (form [SUR-165](#)).
- *Declaration for Default or Uncontested Judgment* (form [SUR-230](#))
 - (For members of the U.S. military entering active duty): *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act* (form [SUR-230\(A\)](#)).
 - Attach written agreement signed by the parties and their attorneys, if applicable.
Respondent's signature must be notarized.
- *Judgment* (form [FL-250](#)), any attachments, and copies.
- *Notice of Entry of Judgment* (form [FL-190](#)) and copies.

Uncontested Process

(No Response to Petition to Determine Parental Relationship (form SUR-120) was filed and served (or respondent made an appearance). The parties have a written agreement about legal parental relationship. The gestational carrier agreement was lodged with the clerk of the court, and the declarations listed in ① were filed with the clerk of the court.)

Forms to complete and file with the clerk of the court:

- *Proof of Service of Summons* (form [SUR-115](#)) or other proof of service.
- *Declaration for Default or Uncontested Judgment* (form [SUR-230](#)). Attach written agreement signed by the parties and their attorneys, if applicable.
- *Judgment* (form [FL-250](#)), any attachments, and copies.
- *Notice of Entry of Judgment* (form [FL-190](#)) and copies.



Contested Case

(Response to Petition to Determine Parental Relationship (form SUR-120) was filed and served. Parties do not agree about the parental relationship. If the parties disagree about who is (or is not) a child's parent, the case is contested. The parties will need to ask the court to make a decision about the legal relationship between the parties and the child or children.)

Genetic testing

In cases involving a gestational carrier agreement, the court can order genetic testing to determine whether the gestational carrier surrogate is a biological parent (Fam. Code, § 7551(b)(1)(B)). To ask the court to order genetic testing, you can:

- File *Request for Order* (form [FL-300](#)) and [ask the court](#) to order the testing allowed by law.
- If you and the other person agree to the limited genetic testing under the Family Code, write up your agreement and submit it to the judge to make a court order.

Ask for a trial

If genetic testing does not answer who the child's legal parents are, then you can ask for a trial. Each court has its own process for how to set a case for trial. When you get a trial date, the court may set other court dates and give you tasks to complete, like file a trial brief. Talk to your [self-help center](#) or an [attorney](#) to learn more about how to ask for and prepare for trial.

Judgment

After genetic testing or after a trial, you will need to complete the final paperwork (a judgment) and submit it to the judge to sign. A party must prepare *Judgment* (form [FL-250](#)) and *Notice of Entry of Judgment* (form [FL-190](#)) and submit them as described on page 1 of this form.

Will there be a hearing?

- It is possible that parties may finalize their case and get a judgment without ever having a hearing.
- Even if the parties file a joint petition, the judge may, but is not required to, set a hearing for the parties to answer questions before a decision is made about the judgment.
- The parties may also decide to request a hearing if they cannot agree on an important issue in the case. To learn about how to ask for a hearing, read *Information Sheet for Request for Order* (form [FL-300-INFO](#)).

What if I have questions or need help?

This form provides only basic information. If you have questions or need help:

- Find an attorney who specializes in assisted reproduction technology law and fertility law through the Academy of California Adoption-ART Lawyers at www.acal.org/member-directory/.
- Find an attorney through your local bar association, the State Bar of California at www.calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.
- Contact your court's family law facilitator or self-help center for information and assistance, and referrals to local legal services providers. Go to selfhelp.courts.ca.gov/court-based-self-help-services.
- Find step-by-step instructions about how to start and finalize a parentage case on the Self-Help Guide to the California Courts selfhelp.courts.ca.gov/parentage.

SUR-100

32

PETITIONER:	CASE NUMBER:
RESPONDENT:	

2. **Petitioner's claims (or petitioners' claims) about the gestational carrier agreement** (*select a, b, or c.*)

a. ☐ **The agreement meets all of the following requirements of Family Code section 7962, and it should be enforced.**

- (1) The agreement includes the date or dates of execution.
- (2) The agreement includes the identity of the person or persons from whom gametes originated, or if donated gametes were used, specifies whether the donated gamete or gametes were eggs, sperm, embryos, or all three.
- (3) The agreement includes the identity of the intended parent or parents.
- (4) The agreement includes disclosure regarding how the intended parents will cover the medical expenses of the gestational carrier and of the newborn or newborns. The disclosure includes a review of health-care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the gestational carrier, third-party liability liens or other insurance coverage, and any notice requirements that could affect coverage or liability of the gestational carrier.
- (5) Before executing the written agreement, both parties were represented by separate independent licensed attorneys of their choosing.
- (6) All party signatures on the agreement have been notarized or witnessed by an equivalent method of affirmation.
- (7) The agreement was fully executed before the parties underwent the embryo transfer procedure or commenced injectable medication in preparation for an embryo transfer for assisted reproduction purposes.

b. ☐ **The agreement meets all of the requirements of Family Code section 7962, but it should *not* be enforced.**

If you checked item 2b, you must attach a declaration that specifies why the court should not enforce the terms of the gestational carrier agreement. *Attached Declaration* (form [MC-031](#)) may be used for this purpose.

c. ☐ **The agreement does not meet all of the requirements of Family Code section 7962, but it should still be enforced.**

(If you checked item 2c, you must do the following):

- (1) Attach a declaration to identify the specific statutory requirement or requirements that the gestational carrier agreement fails to meet (*Attached Declaration* (form [MC-031](#)) may be used for this purpose); and
- (2) Submit sufficient proof to show that the gestational carrier agreement establishes the parental relationship of the intended parents and rebuts the presumption of a parental relationship of the gestational carrier even though the requirement is not met.

3. **Lodging of gestational carrier agreement.**

A true and correct copy of the notarized gestational carrier agreement is being lodged with the court. You may use *Notice of Lodging* (form [SUR-113](#)) for this purpose.

☐ The gestational carrier agreement is not written in English. A true and correct copy of the English translation of the notarized agreement (certified under oath by a qualified interpreter) is also being lodged with the court.

4. **The child or children** conceived under the terms of the gestational carrier agreement:

- a. ☐ has not (or have not) yet been born
 Number of unborn children, if known:
 Expected date of delivery:
 Expected place of birth:

b. ☐ has (or have) been born

Full Name

Date of Birth

Place of Birth



PETITIONER: RESPONDENT:	CASE NUMBER:

5. Child support

The court may make orders for support of the children and issue an earnings assignment without further notice to any person determined to be a parent or intended parent in this matter.

6. Jurisdiction

The court has jurisdiction under Family Code section 7620(b) because *(check all that apply)*:

- a. ☐ one or more of the parties to the gestational carrier agreement live in this state. The parties are *(specify each name)*:
- b. ☐ one or more of the parties lived in this state when the gestational carrier agreement was executed. The parties are *(specify each name)*:
- c. ☐ the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were carried out in this state.
- d. ☐ the child or children *(select one)* ☐ was (or were) born ☐ is (or are) anticipated to be born in this state.

7. Venue

The action is brought in this county because *(you must check one or more to file in this county; check all that apply)*:

- a. ☐ the child (or children) *(select one)* ☐ was (or were) born ☐ is (or are) anticipated to be born in this county.
- b. ☐ the intended parent or parents live in this county.
- c. ☐ the gestational carrier lives in this county.
- d. ☐ the gestational carrier agreement was executed in this county.
- e. ☐ the medical procedures under the gestational carrier agreement were performed in this county.
- f. ☐ a parent is deceased and proceedings for administration of the estate have been or could be started in this county *(specify name of parent)*:

8. Each petitioner asks that the court make the determinations indicated below

- a. ☐ Petitioner is or petitioners are
 - (1) ☐ the legal parent or parents of the child or children listed in item 4.
 - (2) ☐ **not** the legal parent or parents of the child or children listed in item 4.
- b. ☐ Respondent is or respondents are
 - (1) ☐ the legal parent or parents of the child or children listed in item 4.
 - (2) ☐ **not** the legal parent or parents of the child or children listed in item 4.
- c. ☐ Other *(specify)*:

Note: If the other court orders you are requesting are about child custody and visitation (parenting time), you must fill out and attach *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105/GC-120](#)).



PETITIONER: RESPONDENT:	CASE NUMBER:

9. ☐ **Petitioner's or petitioners' primary language is not English**

- a. The primary language of each petitioner is (*specify*):

- b. Did petitioner or petitioners receive the assistance of a translator or interpreter, or both, in their primary language with the petition? ☐ Yes ☐ No (*explain your answer in item 9d*)

- c. Do all petitioners fully understand the documents written in English that were signed and are being filed with the court in support of this petition? ☐ Yes ☐ No (*explain your answer in item 9d*)

- d. ☐ Explanation (*specify*): ☐ below ☐ See [Attachment 9](#)

10. I have read the restraining order on page 2 of *Summons* (form [SUR-110](#)) and I understand that it applies to me when this Petition is filed and that it applies to each respondent when it is served on them.

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 PETITIONER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:

We jointly petition for an uncontested judgment determining parental relationship and declare that all the following conditions exist on the date that this joint petition is filed with the court:

1. The child or children conceived under the terms of a gestational carrier agreement:

- a. ☐ has not (or have not) yet been born
 Number of unborn children, if known: Expected date of delivery:
 Expected place of birth:
- b. ☐ has (or have) been born
- | | | |
|------------------|----------------------|-----------------------|
| <u>Full Name</u> | <u>Date of Birth</u> | <u>Place of Birth</u> |
|------------------|----------------------|-----------------------|

2. Gestational carrier agreement

Petitioners jointly claim that the gestational carrier agreement should be enforced (*check a or b*):

- a. ☐ **The gestational carrier agreement meets all of the following requirements of Family Code section 7962**
- (1) The agreement includes the date or dates of execution.
 - (2) The agreement includes the identity of person or persons from whom gametes originated, or if donated gametes were used, specifies whether the donated gamete or gametes were eggs, sperm, embryos, or all three.
 - (3) The agreement includes the identity of the intended parent or parents.
 - (4) The agreement includes a disclosure regarding how the intended parents will cover the medical expenses of the gestational carrier and of the newborn or newborns. The disclosure includes a review of health-care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the gestational carrier, third-party liability liens or other insurance coverage, and any notice requirements that could affect coverage or liability of the gestational carrier.
 - (5) Before executing the written agreement, both parties were represented by separate independent licensed attorneys of their choosing.
 - (6) All party signatures on the agreement have been notarized or witnessed by an equivalent method of affirmation.
 - (7) The agreement was fully executed before the parties underwent the embryo transfer procedure or commenced injectable medication in preparation for an embryo transfer for assisted reproduction purposes.
- b. ☐ **The gestational carrier agreement does not meet all of the requirements of Family Code section 7962**
(If you checked item 2b, you must do the following):
- (1) Attach a declaration to identify the specific statutory requirement or requirements that the gestational carrier agreement fails to meet (*Attached Declaration* (form [MC-031](#)) may be used for this purpose); and
 - (2) Submit sufficient proof to show that the gestational carrier agreement establishes the parental relationship of the intended parents and rebuts the presumption of a parental relationship of the gestational carrier without meeting all the statutory requirements.

3. Lodging of gestational carrier agreement

A true and correct copy of the notarized gestational carrier agreement is being lodged with the court. You may use *Notice of Lodging* (form [SUR-113](#)) for this purpose.

- ☐ The gestational carrier agreement is not written in English. A true and correct copy of the English translation of the notarized agreement (certified under oath by a qualified interpreter) is also being lodged with the court.

4. Request to determine parental relationship

- a. The intended parent wants (or the intended parents want) to be determined to be the parent (or parents) of the child or children listed in item 1.
- b. The gestational carrier wants (and their spouse or domestic partner, if applicable, wants) to be determined *not to be* a parent of the child or children listed in item 1.



INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:

5. Child support

The court may make orders for support of the children and issue an earnings assignment without further notice to any person determined to be a parent or intended parent in this matter.

6. Jurisdiction

The court has jurisdiction under Family Code section 7620(b) because *(check all that apply)*:

- a. ☐ one or more of the parties to the gestational carrier agreement live in this state. The parties are *(specify each name)*:
- b. ☐ one or more of the parties lived in this state when the gestational carrier agreement was executed. The parties are *(specify each name)*:
- c. ☐ the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were carried out in this state.
- d. ☐ the child or children *(select one)* ☐ was (or were) born ☐ is (or are) anticipated to be born in this state.

7. Venue

The action is brought in this county because *(you must check one or more to file in this county; check all that apply)*:

- a. ☐ the child (or children) *(select one)* ☐ was (or were) born ☐ is (or are) anticipated to be born in this county.
- b. ☐ the intended parent or parents live in this county.
- c. ☐ the gestational carrier lives in this county.
- d. ☐ the gestational carrier agreement was executed in this county.
- e. ☐ the medical procedures under the gestational carrier agreement were performed in this county.
- f. ☐ a parent is deceased and proceedings for administration of the estate have been or could be started in this county.
(Specify name of parent):

8. Judgment of parental relationship

- a. We ask the court to approve the proposed *Judgment* (form FL-250) that is attached to this joint petition, and in which:
- (1) Each intended parent is identified as the *(specify)*: ☐ petitioner or petitioners. ☐ respondent or respondents.
 - (2) The gestational carrier ☐ and spouse or domestic partner is (or are) identified as the *(specify below)*:
☐ petitioner or petitioners. ☐ respondent or respondents.
- b. With this joint petition, we are also submitting:
- (1) The original and copies of the proposed *Judgment* (form FL-250) and *Notice of Entry of Judgment* (form FL-190) for the court to sign; and
 - (2) Postage prepaid (stamped) envelopes.
(Note: Unless the parties are represented by two separate attorneys, one stamped envelope must be submitted to the clerk of the court for mailing to the intended parents, and one stamped envelope must be submitted for the clerk of the court to mail to the gestational carrier and, if applicable, the gestational carrier's spouse or domestic partner.)
- c. We will keep the court and each other informed of any change of mailing address or phone number occurring before the court enters a judgment in the case using the *Notice of Change of Address or Other Contact Information* (form [MC-040](#)).

9. Waiver of Rights

- a. Each of us, individually, understands all of the following rights:
- (1) *Legal representation.* I have the right to be represented by an attorney of my own choice at my own expense. If I cannot afford an attorney, I can contact the attorney referral service of the local bar association or the family law facilitator for assistance.
 - (2) *Trial and appeal.* I have a right to have a judge decide whether I am the parent of the children named in this action. I also understand that I have the right to a notice of trial, a statement of decision, a motion for a new trial, and the right to appeal.



INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:

- (3) *Confront and cross-examine witnesses.* In a trial, I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
- (4) *Genetic testing.* Under Family Code section 7551(b)(1)(B), genetic testing may be ordered to resolve a dispute about whether the gestational carrier surrogate is a genetic parent.

b. Each intended parent further understands all of the following obligations:

- (1) *Obligations.* If I admit that I am the parent of the children in this action then those children will be my children for legal purposes. I will also have the duty to contribute to the support of the children named in this action; this duty of support will continue for each child until the obligation is terminated by law.
- (2) *Criminal nonsupport.* If I willfully fail to support the child or children, criminal proceedings may be initiated against me.

c. Each party agrees to all of the following:

- (1) I have read and understand *Judgment* (form FL-250) and the waiver of rights.
- (2) If I am represented by an attorney, my attorney has read and explained to me the contents of any and all stipulations, recitals, and waivers, and I acknowledge that I understand them.
- (3) I give up the rights that apply to me (except the right to an attorney, if I have an attorney) and freely and voluntarily agree that a judgment may be entered in accordance with the parties' agreements.
- (4) That none of the waivers or agreements included in the judgment will apply unless the court approves the judgment or incorporates the stipulation for judgment determining parental rights.

10. Agreements and requests about party appearances and the proceeding (choose all that apply):

- a. ☐ By filing this form, I make a general appearance in this case.
- b. ☐ This cause may be decided as an uncontested matter without notice.
- c. ☐ If I were to appear in court and were sworn, I would testify to the truth of the facts in this joint petition.
- d. ☐ I waive the right to notice of trial, a statement of decision, a motion for new trial, and the right to appeal.
- e. ☐ I agree that this joint petition may be decided by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
- f. ☐ None of these agreements or waivers will apply unless the court approves *Judgment* (form FL-250).
- g. ☐ I request that proof will be by this declaration and that I will not appear before the court unless I am ordered by the court to appear.
- h. ☐ I request that the court issue a judgment forthwith and without further evidence under Family Code section 7962(f)(2).

11. ☐ **Other (specify below):**

☐ [Attachment 11.](#)

12. ☐ **English is not the primary language of one or more parties.**

a. Specify the name and primary language of each party who was assisted by a translator, interpreter, or both.

- b. ☐ Each party whose primary language is not English was assisted by a translator or interpreter, or both, in their primary language with this joint petition and *Judgment* (form FL-250) and all attachments, and fully understands the documents written in English that were signed and are being filed and submitted with the court in support of this joint petition.

13. Number of pages attached: _____



INTENDED PARENT OR PARENTS: GESTATIONAL CARRIER: GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER:	CASE NUMBER:

14. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date:	
_____	_____
(TYPE OR PRINT NAME OF INTENDED PARENT)	(SIGNATURE OF INTENDED PARENT)
Date:	
_____	_____
(TYPE OR PRINT NAME OF INTENDED PARENT)	(SIGNATURE OF INTENDED PARENT)
Date:	
_____	_____
(TYPE OR PRINT NAME OF INTENDED PARENT)	(SIGNATURE OF INTENDED PARENT)
Date:	
_____	_____
(TYPE OR PRINT NAME OF GESTATIONAL CARRIER)	(SIGNATURE OF GESTATIONAL CARRIER)
Date:	
_____	_____
(TYPE OR PRINT NAME OF GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER)	(SIGNATURE OF GESTATIONAL CARRIER'S SPOUSE OR DOMESTIC PARTNER)

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that

1. I have, to the best of my ability, interpreted or translated this *Joint Petition* and *Judgment* (form FL-250) for the person or persons indicated below in their primary language.
 - a. ☐ Each party listed in item 12a.
 - b. ☐ Name (*specify*):
2. Each person listed above stated to me that they understood the contents of this *Joint Petition* and *Judgment* (form FL-250) before signing them.
3. ☐ Other (*specify below*):

Date:	
_____	_____
(TYPE OR PRINT NAME)	(SIGNATURE OF INTERPRETER)

Note: If more than one interpreter was needed in this case, complete and attach a separate "Interpreter's Declaration" to this petition that includes the same content as the above "Interpreter's Declaration." (*Declaration* (form [MC-031](#)) may be used for this purpose.)

SUMMONS—Gestational Carrier Agreement**CITACIÓN—Acuerdo de portadora gestacional**FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO RESPONDENT (Name):

AVISO AL DEMANDADO (Nombre):

You have been sued. Read the information below and on the next page.
 Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name:

El nombre del demandante:

CASE NUMBER: (Número de caso)

DRAFT**NOT APPROVED BY THE
JUDICIAL COUNCIL**

A "gestational carrier agreement" is also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962.	Un <<acuerdo de portadora gestacional>> también se llama <<un acuerdo de reproducción asistida para portadoras gestacionales>> en las secciones 7606 y 7962 del Código de Familia.
You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> (form SUR-100) are served on you to file a <i>Response</i> (form SUR-120) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.	Tiene 30 días calendarios después de haber recibido la entrega legal de esta Citación y Petición (formulario SUR-100) para presentar una Respuesta (formulario SUR-120) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.
If you do not file your <i>Response</i> on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.	Si no presenta su Respuesta a tiempo, la corte puede hacer órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.
For legal advice, contact an attorney immediately. Get help finding an attorney at the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), at the California Legal Services website (www.lawhelpca.org), or by contacting your local bar association.	Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), en el sitio web de los Servicios Legales de California (www.lawhelpca.org/es), o poniéndose en contacto con el colegio de abogados de su condado.
NOTICE: The restraining order on page 2 remains in effect against each party until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.	AVISO: La orden de protección que aparece en la página 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se despida la petición o la corte haga otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla cumplir en cualquier lugar de California.
FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.	EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.

[SEAL]

1. The name and address of the court are: (El nombre y dirección de la corte son:)
2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)

Date (Fecha): _____ Clerk, by (Secretario, por) _____, Deputy (Asistente)



STANDARD RESTRAINING ORDER
(Gestational Carrier Agreement)

ORDEN DE RESTRICCIÓN ESTÁNDAR
(Acuerdo de Portadora Gestacional)

Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.

This restraining order takes effect against the petitioner when the petitioner files the petition and against the respondent when the respondent is personally served with the *Summons* and *Petition* OR when the respondent waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.

Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la entrega legal en persona de la Citación y Petición, o una vez que renuncie a su derecho a la entrega legal y acepte la entrega de los dos documentos legales.

Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despida la petición o la corte haga otras órdenes.

Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla cumplir en cualquier lugar de California.

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.

AVISO—ACCESO A SEGURO DE SALUD MÁS

ECONÓMICO: ¿Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede solicitar cobertura con Covered California. Covered California puede ayudar a reducir lo que tiene que pagar por seguro de salud asequible y de alta calidad. Para obtener más información, visite www.coveredca.com. O llame a Covered California al 1-800-300-0213.

SUR-113

1. The documents listed in this form are to be lodged in support of (check a or b):
 - a. ☐ *Petition to Determine Parental Relationship* (Gestational Carrier Agreement) (form SUR-100).
 - b. ☐ *Joint Petition to Determine Parental Relationship* (Gestational Carrier Agreement) (form SUR-100(J)).
2. Documents for lodging required by Family Code section 7962:
 - a. True and correct copy of the notarized gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962).
☐ True and correct copy of the English translation of the agreement in item 2a (certified under oath by a qualified interpreter).
 - b. The declarations of the separate independent licensed attorneys who represented the intended parent (or intended parents) and the gestational carrier (and their spouse or domestic partner) before the gestational carrier agreement was executed.
3. ☐ Other documents (*specify*):
4. I understand that under California Rules of Court, rule 5.96:
 - a. Materials lodged *physically* with the clerk of the court must be accompanied by a self-addressed envelope with sufficient postage for mailing the materials if the party wants the clerk of the court to return the materials.

If the party lodging the materials does not include a self-addressed, stamped envelope, the clerk of the court may destroy the lodged materials after a determination of the matter and after notice to the party who lodged the materials.
 - b. Materials lodged *electronically* with the clerk of the court must clearly specify the electronic address to which the notice of deletion may be sent. After determination of the matter, the clerk of the court may delete lodged materials in electronic form after sending electronic notice to the party who lodged the materials.
5. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Judicial Council of California, courts.ca.gov
New July 1, 2026, Optional Form
Fam. Code, § 7962

Notice of Lodging
(Gestational Carrier Agreement)

SUR-113, Page 1 of 1

SUR-115

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served each respondent with the following:
 - a. ☐ *Summons—Gestational Carrier Agreement* (form [SUR-110](#)) and *Petition to Determine Parental Relationship* ([SUR-100](#))
 - b. ☐ Lodging of gestational carrier agreement
 - (1) ☐ Notice of lodging (not a form) ☐ *Notice of Lodging* (form [SUR-113](#))
 - (2) ☐ Gestational carrier agreement ☐ English translation of gestational carrier agreement
 - (3) ☐ Declaration of attorney for intended parent or intended parents (*name*):
 - (4) ☐ Declaration of attorney for gestational carrier (and the gestational carrier's spouse or domestic partner) (*name*):
 - c. ☐ Other declarations
 - (1) ☐ Declaration of intended parents ☐ Joint declaration ☐ Individual declarations (*names*):
 - (2) ☐ Declaration of gestational carrier ☐ Declaration of gestational carrier's spouse or domestic partner (*names*):
 - (3) ☐ Declaration of fertility physician (*name*):
 - d. ☐ Other (*specify*):
3. Indicate whether the documents listed below being served (1) were prepared by petitioner's attorney for each respondent to review and sign or (2) are blank forms to be completed by each respondent:
 - a. ☐ I also served each respondent with the following
 - (1) ☐ blank forms:
 - (2) ☐ forms prepared by petitioner's attorney for each respondent to review:
 - b. ☐ *Response to Petition to Determine Parental Relationship* (form [SUR-120](#))
 - c. ☐ Other (*specify*):
4. Address where each respondent was served:
Name and address:
Name and address:
Name and address:

PETITIONER:	CASE NUMBER:
RESPONDENT:	

5. I served each respondent by the following means (*check the appropriate boxes*):

- a. ☐ **Personal service** (Code Civ. Proc., § 415.10). I personally delivered the copies on
 Name: (date and time):
 Name: (date and time):
 Name: (date and time):
- b. ☐ **Substituted service.** On (date and time): I left the copies with or in the presence of
 (name): who is (title or relationship to respondent):
 (name): who is (title or relationship to respondent):
 (name): who is (title or relationship to respondent):
- (1) ☐ **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of each respondent. I informed the person of the general nature of the papers.
- (2) ☐ **(Home)** a competent member of the household (at least 18 years of age) at the home of each respondent. I informed the person of the general nature of the papers.
- I thereafter mailed additional copies (by first class, postage prepaid) to each respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date):
- A declaration of diligence is attached, stating the actions taken to first attempt personal service.
- c. ☐ **Mail and acknowledgment service.** I mailed the copies to each respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): from (city):
- (1) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form [SUR-117](#)) and a postage-paid return envelope addressed to me. (**Attach completed *Notice and Acknowledgment of Receipt* (form SUR-117).**) (Code Civ. Proc., § 415.30.)
- (2) ☐ to an address outside California (by registered or certified mail with return receipt requested). (**Attach signed return receipt or other evidence of actual delivery to the respondent.**) (Code Civ. Proc., §§ 415.40, 417.20.)
- d. ☐ **Other** (specify code section):

6. **Person who served papers**

Name:

Address:

Telephone number:

This person is

- a. ☐ exempt from registration under Business and Professions Code section 22350(b).
- b. ☐ not a registered California process server.
- c. ☐ a registered California process server: ☐ an employee. ☐ an independent contractor.
- (1) Registration no.:
- (2) County:
- (3) The fee for service was (specify): \$

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

—or—

8. ☐ I am a California sheriff, marshal, or constable, and I certify that the foregoing is true and correct.

Date:

 (NAME OF PERSON WHO SERVED PAPERS)

 (SIGNATURE OF PERSON WHO SERVED PAPERS)

SUR-117

46

PETITIONER:	CASE NUMBER:
RESPONDENT:	

d. ☐ Other (*specify*):

5. a. ☐ I agree that I also received the following

(1) ☐ blank forms:

(2) ☐ forms prepared by petitioner's attorney to be reviewed and signed:

b. ☐ *Response to Petition to Determine Parental Relationship* (form SUR-120)

c. ☐ Other (*specify*):

6. Recipient signed this acknowledgment on
(*specify date*):

(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

7. Recipient signed this acknowledgment on
(*specify date*):

(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

8. Recipient signed this acknowledgment on
(*specify date*):

(TYPE OR PRINT NAME OF PERSON ACKNOWLEDGING RECEIPT)



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

SUR-120

Use this form to respond to *Petition to Determine Parental Relationship* (form SUR-100) when there is a written gestational carrier agreement (also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962). For more information, go to selfhelp.courts.ca.gov/parentage/surrogacy.

- Judicial Council of California, courts.ca.gov
New July 1, 2026, Mandatory Form
Fam. Code, §§ 7613, 7620, 7960–7962

SUR-120, Page 1 of 3

PETITIONER: RESPONDENT:	CASE NUMBER:

4. The child or children conceived under the terms of a gestational carrier agreement.

- a. ☐ I agree with the information in item 4 of the petition.
- b. ☐ I disagree with some or all of the information in item 4 of the petition and provide the following information:

The child or children who was (or were) conceived based on a gestational carrier agreement:

- (1) ☐ has not (or have not) yet been born
 Number of unborn children, if known:
 Expected date of delivery:
 Expected place of birth:

- (2) ☐ has (or have) been born

Full Name

Date of Birth

Place of Birth

5. Child support

The court may make orders for support of the children and issue an earnings assignment without further notice to any person determined to be a parent or intended parent in this matter.

6. Jurisdiction

- a. ☐ The court has jurisdiction under Family Code section 7620, as stated in the petition.
- b. ☐ The court does not have jurisdiction under Family Code section 7620 because all of the following apply:
- (1) the medical procedures leading to conception, including in vitro fertilization or embryo transfer, or both, were not carried out in this state;
 - (2) none of the parties to the gestational carrier agreement live in this state;
 - (3) none of the parties lived in this state when the gestational carrier agreement was executed; and
 - (4) the child or children (*select one*) ☐ was (or were) not born ☐ is (or are) not anticipated to be born in this state.
- c. ☐ Other (*specify*):

7. Venue

- a. ☐ Venue for this case is proper in the county where the petition was filed under Family Code section 7620.
- b. ☐ Venue is not proper in the county where the petition was filed because all of the following apply:
- (1) the child or children (*select one*) ☐ was (or were) not born ☐ is (or are) not anticipated to be born in this county;
 - (2) the intended parent does not (or the intended parents do not) live in this county;
 - (3) the gestational carrier does not live in this county;
 - (4) the gestational carrier agreement was not executed in this county;
 - (5) the medical procedures under the assisted reproduction agreement were not performed in this county; and
 - (6) no proceedings for administration of the estate of a deceased parent have been or could be started in this county.
- c. ☐ Other (*specify*):



PETITIONER: RESPONDENT:	CASE NUMBER:

8. Response to request for court determination regarding parental relationship

- a. ☐ I agree with the requests in item 8 of the petition.
- b. ☐ I disagree with some or all of the claims in item 8 of the petition, and request that the court make the following determinations:
- (1) ☐ Petitioner is or petitioners are
☐ the legal parent or parents of the child or children listed in ☐ the petition. ☐ item 4 of this form.
☐ **not** the legal parent or parents of the child or children listed in ☐ the petition. ☐ item 4 of this form.
- (2) ☐ Respondent is or respondents are
☐ the legal parent or parents of the child or children listed in ☐ the petition. ☐ item 4 of this form.
☐ **not** the legal parent or parents of the child or children listed in ☐ the petition. ☐ item 4 of this form.
- (3) ☐ Other (*specify*):

Note: If the other court orders you are requesting are about child custody and visitation (parenting time), you must fill out and attach *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105/GC-120](#)).

9. ☐ Respondent's or respondents' primary language is not English

- a. The primary language of each respondent is (*specify*):
- b. Did respondent or respondents receive the assistance of a translator or interpreter, or both, in their primary language with this response? ☐ Yes ☐ No (*explain your answer in item 9d*)
- c. Does each respondent fully understand the documents written in English that were signed and are being filed with the court in support of their response to the petition? ☐ Yes ☐ No (*explain your answer in item 9d*)
- d. ☐ Explanation (*specify*): ☐ below ☐ See [Attachment 9d](#).

10. I have read the restraining order on the back of the *Summons* (form [SUR-110](#)) and I understand that it applies to me.

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 RESPONDENT)
Date: (TYPE OR PRINT NAME)	(SIGNATURE OF RESPONDENT)
Date: (TYPE OR PRINT NAME)	(SIGNATURE OF RESPONDENT)

1. **TO THE COURT CLERK:** On the *Petition to Determine Parental Relationship* (form SUR-100)

a. filed on (*specify date*):

b. filed by (*name*):

c. I request that the court enter the default of respondent (*name*):

(Note: A gestational carrier agreement is also called an "assisted reproduction agreement for gestational carriers" in Family Code section 7962.)

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)



 (SIGNATURE OF [ATTORNEY FOR] PETITIONER)



 (SIGNATURE OF [ATTORNEY FOR] PETITIONER)



 (SIGNATURE OF [ATTORNEY FOR] PETITIONER)

a. ☐ No mailing is required because service was by publication or posting and the address of the respondent remains unknown.

b. ☐ A copy of this *Request to Enter Default*, including any attachments and an envelope with sufficient postage, was provided to the court clerk, with the envelope addressed as follows (*address of the respondent's attorney or, if none, the respondent's last known address*):

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

(TYPE OR PRINT NAME OF EACH DECLARANT)

(SIGNATURE OF EACH DECLARANT)

Judicial Council of California, courts.ca.gov
New July 1, 2026, Mandatory Form
Code Civ. Proc., §§ 585, 587;
Fam. Code, § 2335.5

SUR-165, Page 1 of 2

PETITIONER: RESPONDENT:	CASE NUMBER:

3. Memorandum of costs

- a. ☐ Costs and disbursements are waived.
- b. Costs and disbursements are listed as follows:
- | | | |
|--|-----------|--|
| (1) ☐ Clerk's fees | \$ | |
| (2) ☐ Process server's fees | \$ | |
| (3) ☐ Other (<i>specify</i>): | \$ | |
| | \$ | |
| | \$ | |
| | \$ | |
| TOTAL | \$ | |
- c. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief, the foregoing items of cost are correct and have been necessarily incurred in this cause or proceeding.

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)

4. Declaration of nonmilitary status (*required for a judgment*)

The respondent is not in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that the respondent is not in the U.S. military service because (*check all that apply*):

- a. ☐ the search results that I received from scra.dmdc.osd.mil/ say the respondent is not in the U.S. military service.
- b. ☐ I am in regular communication with the respondent and know that they are not in the U.S. military service.
- c. ☐ I recently contacted the respondent, and they told me that they are not in the U.S. military service.
- d. ☐ I know that the respondent was discharged from U.S. military service on or about (*date*):
- e. ☐ the respondent is not eligible to serve in the U.S. military because they are incarcerated (in jail or prison).
- f. ☐ Other (*specify*):

Note

- U.S. military status can be checked online at scra.dmdc.osd.mil/.
- If the respondent is in the military service, or their military status is unknown, the respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see selfhelp.courts.ca.gov/military-defaults.

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

Date:

(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)

PETITIONER:	CASE NUMBER:
RESPONDENT:	

3. a. ☐ a child (or children) not yet born. Number of unborn children, if known:

Expected date of delivery:

Expected place of birth:

b. Name or names (*specify*):

☐ is not the parent (or are not the parents) of the child or children ☐ listed in item 3a. ☐ not yet born.

4. Declarations and agreements about determination of parental relationship

Each party:

- Declares that the parties have an agreement about the legal parental relationship of the child or children (conceived under the terms of a gestational carrier agreement) that is set forth in the proposed *Judgment* (form FL-250).
- Agrees that the legal parental relationship of the child or children should be ordered as set forth in the proposed *Judgment* (form FL-250).
- Asks the court to approve the proposed *Judgment* (form FL-250) that is attached to this *Declaration for Default or Uncontested Judgment*.
- Declares that the original and copies of the proposed *Judgment* (form FL-250) and *Notice of Entry of Judgment* (form FL-190) are also being submitted for the court to sign, along with the postage prepaid (stamped) envelopes. One stamped envelope is provided for each party in this case.
- Agrees to keep the court and each other informed of any change of mailing address or phone number occurring before the court enters a judgment in the case using the *Notice of Change of Address or Other Contact Information* (form [MC-040](#)).

5. Advisement and waiver of rights as to determination of parental relationship

a. I understand all of the following rights:

- Legal representation.** I have the right to be represented by an attorney of my own choice at my own expense. If I cannot afford an attorney, I can contact an attorney referral service of the local bar association or the family law facilitator for assistance.
- Trial and appeal.** I have a right to have a judge decide if I am the parent of the children named in this action. I also understand that I have the right to a notice of trial, a statement of decision, a motion for a new trial, and the right to appeal.
- Confront and cross-examine witnesses.** In a trial, I have the right to confront and cross-examine the witnesses against me and to present evidence and witnesses in my own defense.
- Genetic testing.** Under Family Code section 7551(b)(1)(B), genetic testing may be ordered if there is a dispute about whether the gestational carrier surrogate is a genetic parent.

b. Each intended parent further understands all of the following obligations:

- Obligations.** If I admit that I am the parent of the children in this action then those children will be my children for legal purposes. I will also have the duty to contribute to the support of the children named in this action; this duty of support will continue for each child until the obligation is terminated by law.
- Criminal nonsupport.** If I willfully fail to support the child or children, criminal proceedings may be initiated against me.

c. Understanding

- I have read and understand the contents of this *Declaration for Default or Uncontested Judgment*, including the advisement and waiver of rights as to a determination of parental relationship.
- If I am represented by an attorney, my attorney has read and explained to me the contents of this *Declaration for Default or Uncontested Judgment* and the proposed *Judgment* (form FL-250) and I acknowledge that I understand them.
- I give up the rights that apply to me (except the right to an attorney, if I have an attorney) and freely agree that the court may enter the proposed *Judgment* (form FL-250).
- I understand that none of the waivers or recitals in this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) will apply unless the court approves the judgment.



PETITIONER: RESPONDENT:	CASE NUMBER:

6. Agreements about the proceeding and requests (*choose all that apply*):

- a. ☐ In this *Declaration for Default or Uncontested Judgment*, I am not seeking any relief not requested in the petition.
- b. ☐ This cause may be decided as an uncontested matter without notice.
- c. ☐ I waive the right to notice of trial, a statement of decision, and a motion for new trial.
- d. ☐ I agree that this matter may be decided by a commissioner sitting as a temporary judge who may determine whether to grant this request or require my appearance.
- e. ☐ None of these agreements or waivers will apply unless the court approves *Judgment* (form FL-250).
- f. ☐ I request that the court issue a judgment forthwith and without further evidence under Family Code section 7962(f)(2).

7. ☐ Other (*specify*): ☐ [Attachment 7.](#)

8. Number of pages attached: _____

9. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date:

(TYPE OR PRINT NAME OF EACH PETITIONER)		(SIGNATURE OF EACH PETITIONER)

Date:

(TYPE OR PRINT NAME OF ATTORNEY FOR EACH PETITIONER)		(SIGNATURE OF ATTORNEY FOR EACH PETITIONER)



STOP SIGNING HERE if a *Response* (form SUR-120) was *not* filed AND *no* person is using this form to make a general appearance in the case.

Date:

(TYPE OR PRINT NAME OF EACH RESPONDENT)		(SIGNATURE OF EACH RESPONDENT)

Date:

(TYPE OR PRINT NAME OF ATTORNEY FOR EACH RESPONDENT)		(SIGNATURE OF ATTORNEY FOR EACH RESPONDENT)

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that:

1. I have, to the best of my ability, interpreted or translated this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) for (*specify name or names below*):

in the primary language of each party (*specify*):

2. Each person listed above stated to me that they understood the contents of this *Declaration for Default or Uncontested Judgment* and *Judgment* (form FL-250) before signing them.

Date:

(TYPE OR PRINT NAME)		(SIGNATURE OF INTERPRETER)

Note: If more than one interpreter was needed in this case, complete and attach a separate "Interpreter's Declaration" to this petition that includes the same content as the above "Interpreter's Declaration." (*Declaration* (form [MC-031](#)) may be used for this purpose.)

PETITIONER: RESPONDENT:	CASE NUMBER:

DECLARATION AND CONDITIONAL WAIVER OF RIGHTS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT
Attachment to Declaration for Default or Uncontested Judgment (form SUR-230)

Notice to Servicemember

The Servicemembers Civil Relief Act (50 U.S.C. §§ 3901–4043) is a federal law that provides protections for military members when they enter active duty. You may obtain a copy of the act from the public law library or from the website of the United States Department of Justice at www.justice.gov.

By signing this conditional waiver and attaching it to *Declaration for Default or Uncontested Judgment* (form SUR-230), I declare that I am entitled to the benefits of the Servicemembers Civil Relief Act (SCRA).

1. To permit the court to decide this cause as an uncontested matter and enter a judgment that incorporates the terms of the written agreement made between the petitioner and me (a copy of which is attached to this form), I make a knowing, intelligent, and voluntary conditional waiver of the right to seek to set aside a default judgment entered against me in this matter, as provided by section 3918 of the SCRA.
2. This waiver is conditioned as follows:
 - a. The waiver applies only to a default judgment that incorporates the terms and conditions of the written agreement between the petitioner and me that is titled
☐ *Judgment* (form FL-250)
☐ *other (specify):*
 - b. The court must enter a judgment that incorporates only the terms and conditions of the above written agreement without any change; and
 - c. Should the court enter a judgment that changes the above written agreement in any way, then I do not waive any of my rights under the SCRA, including my right to seek to set aside the judgment at any time.
3. This conditional waiver was executed during or after a period of military service.

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)

Date:

(SIGNATURE OF RESPONDENT)

(TYPE OR PRINT NAME)

Date:

(SIGNATURE OF RESPONDENT)

(TYPE OR PRINT NAME)

(SIGNATURE OF RESPONDENT)

Attention Clerk of the Court:	By law, a servicemember must not be charged a fee to file <i>Declaration for Default for Uncontested Judgment (form SUR-230).</i>

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
1.	AC Howard Law by Kaliana Ashkarian, Paralegal	A	See general comments below.	See response below.
2.	Fayaz Ahmadi Legal Assistant International Fertility Law Group	A	No narrative comments submitted.	No response required.
3.	Rubina Aslanyan Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
4.	Ariana	A	See general comments below.	See response below.
5.	Toni Boone Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
6.	Vanessa Bowman Case Manager International Fertility Law Group	A	See general comments below.	See response below.
7.	Stephanie Caballero Principal Attorney The Surrogacy Law Center, APC	A	See general comments below.	See response below.
8.	California Lawyers Association Family Law Section Executive Committee (FLEXCOM) by Shannon Quinley FLEXCOM Legislation Chair and by Saul Bercovitch Associate Executive Director, Governmental Affairs California Lawyers Association	A	See general comments below.	See response below.
9.	Kate Chao	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
	Paralegal International Fertility Law Group			
10.	Child Support Directors Association of California By Michael Smitsky, Executive Director	NI	See comments on specific provisions below.	See response below.
11.	Christy Clark Senior Matching Coordinator International Surrogacy Center	A	See general comments below.	See response below.
12.	Katie Deaquino Senior Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
13.	Department of Child Support Service by Shannon Richards, Attorney III Office of Legal Services	NI	See comments on specific provisions below.	See response below.
14.	Sahar Douraghy Attorney OC Child and Family Formation Law Group, LLP	A	See general comments below.	See response below.
15.	Emily Duskow Attorney and Mediator	A	See general comments below.	See response below.
16.	Mariah Duck, BSW	A	See general comments below.	See response below.
17.	Leah S. Dunn Attorney and Counselor at Law AC Howard Law, APC	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
18.	Family Choice Surrogacy by Leah Potter Fishers, Indiana	A	See general comments below.	See response below.
19.	Alexandra Ferber Paralegal	A	See general comments below.	See response below.
20.	Cynthia E. Fruchtman Law Offices of Cynthia E. Fruchtman	AM	See comments on specific provisions below.	See response below.
21.	Genesis Group by Lisa Chiya, President	A	See general comments below.	See response below.
22.	Thomas S. Gleeson Baby Legal	A	No narrative comments submitted.	No response required.
23.	Anna C. Howard Founding Attorney AC Howard Law, APC	A	See general comments below.	See response below.
24.	Chatima Hughes Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
25.	International Fertility Law Group by Alex Espinoza, Legal Administrative Assistant	A	No narrative comments submitted.	No response required.
26.	International Fertility Law Group by Kim Letzkus, Senior Paralegal	A	See general comments below.	See response below.
27.	International Fertility Law Group by Meghan Roche, Paralegal	A	See general comments below.	See response below.
28.	International Surrogacy Center by Arianna Shelter, Chief Executive Officer	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
29.	Douglas Michael Kautzky, Esq. Law Offices of Douglas M. Kautzky	A	See general comments below.	See response below.
30.	Loni Klein Attorney	A	See general comments below.	See response below.
31.	William E. Knox-Davies Legal Research Attorney (CRC 5.407 Review) Superior Court of Alameda County	AM	See comments on specific provisions below.	See response below.
32.	Alex Lanchares Paralegal The Surrogacy Law Center, APC	A	No narrative comments received.	No response required.
33.	Law Offices of Sean C. Sobottka, APC by Sean C. Sobottka, Principal Attorney	A	See general comments below.	See response below.
34.	Jennifer Madrid	A	See general comments below.	See response below.
35.	Gregory Masler Attorney Law Offices of Gregory S. Masler	A	No narrative comments submitted.	No response required.
36.	Dean Masserman, Esq. Partner Vorzimmer/Masserman – Fertility & Family Law Center	A	No narrative comments submitted.	No response required.
37.	Polly May Paralegal International Fertility Law Group	A	See general comments below.	See response below.
38.	Catherine Babette McGowan International Reproductive Law Group, Inc.	A	See general comments below.	See response below.
39.	Melissa McNeillie Case Manager	A	No narrative comments submitted.	No response required.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
	International Fertility Law Group			
40.	Ken Mosesian Chief Executive Officer International Fertility Law Group	A	No narrative comments submitted.	No response required.
41.	New Family Fertility Law, APC by Lila M. Seif, Attorney/Founder	A	See general comments below.	See response below.
42.	NewGen Families by Janelle Hammet Surrogacy Journey Director	A	See general comments below.	See response below.
43.	Casey Oakley Paralegal International Fertility Law Group	A	No narrative submitted.	No response required.
44.	Molly O'Brian Partner International Fertility Group	A	No narrative comments submitted.	No response required.
45.	Casey O'Connell Attorney Klein Fertility Law, APC	A	See general comments below.	See response below.
46.	Milena O'Hara Attorney Modern Fertility Law, PC	A	See general comments below.	See response below.
47.	Erin O'Kane Allen Attorney The Law Office of Erin C. O'Kane, Esq.	A	See general comments below.	See response below.
48.	Orange County Bar Association by Mei Tseng, President	A	See comments on specific provisions below.	See response below.
49.	Hon. Amy M. Pellman (Ret.)	A	See general comments below.	See response below.
50.	Pondel Law, PC	A	No narrative comments submitted.	No response required.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
	by Sara McGlocklin, Attorney			
51.	Pondel Law, PC by Miriam Zacuto, Paralegal and Practice Manager	A	See general comments below.	See response below.
52.	Rose Kesten Pondel Attorney/Owner Pondel Law, PC	A	See general comments below.	See response below.
53.	Kristin Przeklasa OC Child Law	A	See general comments below.	See response below.
54.	Reproductive Law Center by Michelle Keyes, Managing Attorney	A	See general comments below.	See response below.
55.	Julia Robinson, JD Legal Assistant International Fertility Law Group	A	See general comments below.	See response below.
56.	Trisha Rodriguez	A	No narrative comments submitted.	No response required.
57.	Deborah B. Rosenthal, Esq. Law Office of Deborah B. Rosenthal	A	See general comments below.	See response below.
58.	Phoebe Sadler Attorney International Fertility Law Group	A	See general comments below.	See response below.
59.	Rachael Sandifer Senior Associate International Reproductive Law Group	A	See general comments below.	See response below.
60.	Ilse Sapien Legal Assistant New Family Fertility Law, APC	A	See general comments below.	See response below.
61.	Megan Segura Associate Attorney A Center for Children & Family Law	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
62.	Melanie Siebert Director of Operations The Surrogacy Law Center	A	See general comments below.	See response below.
63.	Bonnie Sloate Legal Assistant Pondel Law, P.C.	A	See general comments below.	See response below.
64.	Luis Sosa Paralegal International Fertility Group Law	A	See general comments below.	See response below.
65.	Cara Stecker Paralegal International Fertility Law Group	A	See general comments below.	See response below.
66.	Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	A	See comments on specific provisions below.	See response below.
67.	Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	NI	See comments on specific provisions below.	See response below.
68.	Superior Court of San Diego County by Michael Roddy, Executive Director	AM	See comments on specific provisions below.	See response below.
69.	Kimberly Surratt Attorney Reno, NV	A	See general comments below.	See response below.
70.	Surrogacy Is LLC by Sunshine Hanson, President	A	No narrative comments submitted.	No response required.
71.	Surrogacy Mentor, LLC by Carey Flamer-Powell, Founder and Director	A	See general comments below.	See response below.
72.	Shelly Tarnoff Attorney Tarnoff Law	A	See general comments below.	See response below.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

List of All Commenters and Overall Positions on the Proposal				
	Commenter	Position	Comment	Committee Response
73.	Andrea Thong Paralegal International Fertility Law Group	A	No narrative comments submitted.	No response required.
74.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	A	See comments on specific provisions below.	See response below.
75.	Richard B. Vaughn, Esq. Founding Partner International Fertility Law Group	A	See general comments below.	See response below.
76.	Brittany Wells Paralegal International Fertility Law Group	A	See general comments below.	See response below.
77.	Christa Wensel Legal Case Manager International Fertility Law Group	A	See general comments below.	See response below.
78.	Russell Werts Attorney Law Office of Werts and Werts	A	No narrative comments submitted.	No response required.
79.	Lisa Wippler Case Manager International Fertility Law Group	A	No narrative comments submitted.	No response required.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
AC Howard Law by Kaliana Ashkarian, Paralegal	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays, stress, irritation, and exhaustion for everyone involved – the family court judges, the court clerks, the parties and their attorneys and staff. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15. *The above verbatim comments of AC Howard Law are nearly identical comments that were submitted by the following commenters: 1. Ariana [last name not provided]; 2. Stephanie Caballero; 3. Christy Clark; 4. Leah S. Dunn; 5. Family Choice Surrogacy 6. International Fertility Law Group; 7. Law Offices of Sean C. Sobottka, APC; 8. New Family Fertility Law, APC; 9. Milena O’Hara; 10. Erin O’Kane Allen; 11. Rose Kesten Pondel; 12. Julia Robinson, JD; 13. Ilse Sapien; and 14. Bonnie Sloate 15. Christa Wensel	The committee appreciates receiving the commenter’s feedback on the proposal.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
Vanessa Bowman Case Manager International Fertility Law Group	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	The committee appreciates the commenter's feedback.
California Lawyers Association Family Law Section Executive Committee (FLEXCOM) by Shannon Quinley FLEXCOM Legislation Chair and by Saul Bercovitch Associate Executive Director, Governmental Affairs California Lawyers Association	FLEXCOM agrees with this proposal. FLEXCOM supports the use of the current versions of the proposed forms and would like to see them implemented by January 1, 2026.	The committee appreciates the commenter's feedback.
Kate Chao Paralegal International Fertility Law Group	This is such a great idea, and would help lower the cost and barriers to entry for families pursuing parentage via Surrogacy. Full support!!!	The committee appreciates the commenter's feedback.
Sahar Douraghy Attorney	I fully support the proposed terms, rules and changes outlined in SPR25-15. I agree that streamlining this process is long overdue.	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
OC Child and Family Formation Law Group, LLP	Inconsistencies in surrogacy parentage filing requirements from county to county in California creates delays and stress. It would be so helpful to have one process for all counties to reduce confusion and prevent delays in obtaining judgments.	
Emily Duskow Attorney and Mediator	As an ART attorney practicing in multiple counties, I consider this a huge step forward in supporting families using assisted reproduction. The proposed changes will make the process of obtaining a judgment of parentage clearer and more efficient by creating consistency throughout California counties. It will save untold attorney time, clerk time, and judicial time and resources as we will not have to use trial and error to figure out what each county's procedures are for filing pre-birth parentage cases.	The committee appreciates the commenter's feedback.
Mariah Duck, BSW	I strongly support the proposed changes outlined in SPR25-15. The current lack of uniformity in how surrogacy parentage cases are processed across California counties—including inconsistencies in procedural requirements, required documentation, and filing fees—creates significant inefficiencies and unnecessary burdens. These discrepancies not only delay the resolution of cases but also impose undue stress on all involved parties: family court judges, court clerks, legal practitioners, and especially the families navigating the process. The proposed rules and forms represent a long-overdue and much-needed effort to streamline these proceedings. By establishing a standardized, statewide approach tailored specifically to gestational carrier agreements, this proposal promises to enhance clarity, reduce delays, and promote fairness and accessibility in the judicial process. These reforms will ultimately facilitate more efficient court operations and better serve California families and professionals engaged in	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
	assisted reproduction arrangements. I commend the Judicial Council and the Family and Juvenile Law Advisory Committee for advancing this thoughtful and practical proposal, and I urge its full adoption.	
Alexandra Ferber Paralegal	Inconsistencies in surrogacy parentage filing requirements from county to county in California with regard to how these cases are processed and what is required create inefficiencies, significant delays and stress for all parties involved. Streamlining this process for all involved is long overdue. I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	The committee appreciates the commenter's feedback.
Genesis Group by Lisa Chiya, President	Inconsistencies in surrogacy parentage filing requirements across counties in California create unnecessary inefficiencies, delays, and stress for all parties involved, particularly the intended parents. There is no compelling reason not to streamline this process. I fully support the proposed forms, rules, and changes outlined in SPR25-15, which would bring much needed clarity, uniformity, and efficiency to surrogacy parentage proceedings	The committee appreciates the commenter's feedback.
Anna C. Howard Founding Attorney AC Howard Law, APC	I had a clerk once put a post-it note on my submissions and put the case on a shelf somewhere for two weeks, waiting on something we'd already submitted. I've had clerks return conformed copies back of a doctor's declaration and demand we mail in another wet-ink original even though they had filed it originally and we got a conformed copy back. I have had courts in one county say petitioners filings must be sent first, stamped and only then could respondents packet be submitted, which runs contrary to how MSAs can be submitted. I feel less like a	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
	lawyer in these cases and more like a fan-girl of whatever clerk in the business office decides to field these cases. Please, let's streamline this!!! Practitioner for over 12 years in ART law.	
International Fertility Law Group by Meghan Roche, Paralegal	I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15. Streamlining this process for all involved is long overdue. Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the judges, the clerks, the parties and attorneys.	The committee appreciates the commenter's feedback.
International Surrogacy Center by Arianna Shelter, Chief Executive Officer	As the CEO of a surrogacy agency and a former surrogate, I understand intimately the strain caused by the inconsistent surrogacy parentage filing requirements across California's counties. The current disparate approaches to case processing, required submissions, and fee collection lead to substantial inefficiencies, regrettable delays, and heightened stress for everyone involved: the family court judiciary, court staff, and the parties and their legal representatives. This much-needed streamlining of the process is overdue, and I wholeheartedly endorse the proposed forms, rules, and modifications outlined in SPR25-15.	The committee appreciates the commenter's feedback.
Douglas Michael Kautzky, Esq. Law Offices of Douglas M. Kautzky	I am a legal practitioner in the field of assisted reproduction and have filed thousands of cases in many jurisdictions throughout CA and a uniform statewide procedure on filing surrogacy cases is essential to the industry.	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
	I know Judge Pellman very well, and she would be proud of the legacy she has passionately strove for.	
Loni Klein Attorney	These forms will be extremely helpful in brin[g]ing continuity to surrogacy throughout the state.	The committee appreciates the commenter's feedback.
Jennifer Madrid	Despite having a surrogacy statute, parentage actions in surrogacy cases have been handled differently in counties across California, causing inefficiencies for practicing attorneys and uncertainty for the clients relying on those judgments. The proposed changes will streamline the parentage process and increase efficiency for the courts as well as the attorneys and parties.	The committee appreciates the commenter's feedback.
Polly May Paralegal International Fertility Law Group	Making this process more efficient and less stressful for all involved is a wonderful idea, and I support the proposed forms, rules and changes outlined in SPR25-15. Thank you.	The committee appreciates the commenter's feedback.
Catherine Babette McGowan Senior Associate International Reproductive Law Group, Inc.	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	The committee appreciates the commenter's feedback.
NewGen Families by Janelle Hammet Surrogacy Journey Director	I would love for this to be passed so parentage can be streamline for [intended parents] in all of CA. This will save time for all involved. Thank you!	The committee appreciates the commenter's feedback.
Casey O'Connell Attorney Klein Fertility Law, APC	As an attorney who has filed in over 35 of CA's counties, this is long overdue. The lack of certainty involved in using family law forms for gestational surrogacy, the lack of consistency in county courts statewide, the delays from rejected filings due to these inconsistencies only strain judicial resources and present unnecessary hurdles to	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
	securing parental rights. Uniformity in these filings is absolutely needed and I would love any chance to provide input or assistance. This will greatly benefit all parties availing themselves of CA's gestational surrogacy statutes. I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	
Hon. Amy M. Pellman (Ret.)	I was the sole judicial officer in Los Angeles County handling surrogacy cases (in addition to my other work!) from 2013-2024, until I retired. I saw the area grow from handling 200 cases to well over a thousand (I believe 6 judicial officers are now doing handling the cases I did by myself). I was also the co-chair of the FAMJUV until my retirement. The need for these forms is enormous - for the court, the clerk's office, the intended parents, the surrogates and most of all, the babies. The parentage forms were problematic and clearly not fit correctly address the subject matter. The attorneys changed the forms or made up their own attachments. Judges and court clerks required different documents, causing delays and confusion. These cases are time sensitive as birth certificates need to be filed within certain dates and babies do not arrive on time! Since I was doing the cases for so long, other Judges across the state started calling me for advice. It became glaringly apparent to me that we needed judicial forms dedicated to the subject matter. To highlight and fully articulate the issue, Rich Vaughn, esq. (a leader in the Surrogacy field) and I wrote a white paper, then, over the next few years, I started a working group. We spent years discussing this issue, we even worked up fake "judicial council forms" to see what might be needed. Finally, the judicial council agreed to take up the issue. Thanks to the committee members and the tremendous dedication of	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
	Gabrielle Seld[e]n, we have made tremendous progress. If we, as a State, can create these forms, we will be the first in the country and a leader in the field. Not to be too greedy, but I would highly suggest that a benchguide come next! Currently, there are no treatises or books that can assist judges to understand this complex and new field of law. It has been a long road and labor of love, and although I am no longer on the court, I have stayed the course continuing to work on these forms in the hopes that they will be adopted. Thank you for allowing me to comment.	
Pondel Law, PC by Miriam Zacuto, Paralegal and Practice Manager	As a paralegal preparing and submitting these cases on an ongoing basis, I fully support this effort to streamline gestational surrogacy parentage filings in every County in California. I believe the creation of a filing checklist and standardized procedures will greatly improve the filing of these matters. We find that inconsistencies in surrogacy parentage filing requirements from county to county (in regard to how these cases are processed, what is required, what fees are charged, etc.) create significant inefficiencies, delays and undoubtedly stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. We applaud this initiative and encourage its swift approval.	The committee appreciates the commenter’s feedback.
Kristin Przeklasa OC Child Law	Fully support. Requirements varying by county are difficult to navigate and time consuming for parties.	The committee appreciates the commenter’s feedback.
Reproductive Law Center by Michelle Keyes, Managing Attorney	The lack of uniformity in surrogacy parentage filing procedures across California counties—ranging from variations in processing protocols to differing documentation requirements and fee structures—results in unnecessary inefficiencies, delays, and added stress for all parties	The committee appreciates the commenter’s feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
	involved. This includes family court judges, clerks, attorneys, and the intended parents. A standardized approach is both necessary and overdue, and I fully endorse the proposed forms, rules, and reforms presented in SPR25-15.	
Deborah B. Rosenthal, Esq. Law Office of Deborah B. Rosenthal	As an attorney who practices day and day out in the Surrogacy field I can attest that inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15	The committee appreciates the commenter's feedback.
Phoebe Sadler Attorney International Fertility Law Group	Inconsistencies in surrogacy parentage filing requirements from county to county in California create inefficiencies, delays, and stress for everyone involved. Streamlining this process by creating consistent practices across all counties would help bring courts in each county up to speed on surrogacy cases and potentially eliminate 'forum shopping' in many cases. I wholeheartedly support the proposed forms, rules, and changes outlined in SPR25-15	The committee appreciates the commenter's feedback.
Rachael Sandifer Senior Associate International Reproductive Law Group	The absence of uniform filing requirements and procedures throughout the State of California often result in significant delays and inconsistencies among courts. Implementing a standard procedure will reduce the level of stress to all parties involved as there will be a streamlined process and realistic	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
	expectations will be established and met. Courts will become efficient in its time management since there will be a protocol in place. Matters will not be reviewed and processed on a case-by-case basis. I support the proposed documents and rules.	
Megan Segura Associate Attorney A Center for Children & Family Law	It is important that things are uniform across the state.	The committee appreciates the commenter's feedback.
Melanie Siebert Director of Operations The Surrogacy Law Center	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	The committee appreciates the commenter's feedback.
Luis Sosa Paralegal International Fertility Group Law	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved.	The committee appreciates the commenter's feedback.
Cara Stecker Paralegal International Fertility Law Group	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
	wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	
Kimberly Surratt Attorney Reno, NV	I write in enthusiastic support of the proposed rules and forms addressing the determination of a legal parental relationship based on a Gestational Carrier Agreement under California law. This proposal represents a necessary and forward-thinking effort to ensure that our judicial and administrative processes align with the evolving landscape of family formation through assisted reproductive technology (ART). The proposed rules honor the integrity of properly executed gestational carrier agreements, ensuring that intended parents—who have undertaken rigorous legal, medical, and ethical protocols—can be promptly and securely recognized as the legal parents of children born through surrogacy. This recognition is essential to upholding the dignity, security, and stability of all parties, especially the child.	The committee appreciates the commenter's feedback.
Surrogacy Mentor, LLC by Carey Flamer-Powell, Founder and Director	The lack of uniformity in how surrogacy parentage cases are handled across California counties—ranging from procedural steps to required documentation and associated fees—leads to unnecessary confusion, delays, and frustration for all parties involved, including judges, court staff, attorneys, and intended parents. It's clear that a more consistent, streamlined approach is needed, and I fully endorse the forms, rules, and revisions proposed in SPR25-15.	The committee appreciates the commenter's feedback.
Shelly Tarnoff Attorney Tarnoff Law	This will assist all parties and attorneys to efficiently establish parental rights in surrogacy matters. Statewide uniformity is urgently needed!	The committee appreciates the commenter's feedback.
Richard B. Vaughn, Esq. Founding Partner	Inconsistencies in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Commenter	General Comments	Committee Response
International Fertility Law Group	processed, what is required, what fees are charged, etc.) create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. Streamlining this process for all involved is long overdue, and I wholeheartedly support the proposed forms, rules and changes outlined in SPR25-15.	
Brittany Wells Paralegal International Fertility Law Group	Streamlining the process in surrogacy parentage filing requirements from county to county in California (in regard to how these cases are processed, what is required, what fees are charged, etc.) is long overdue. Currently, the inconsistencies create inefficiencies, delays and stress for everyone involved – the family court judges, the court clerks, the parties and their attorneys. I entirely support the proposed forms, rules and changes outlined in SPR25-15.	The committee appreciates the commenter's feedback.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Rules of Court		
Commenter	Comment	Committee Response
Cynthia E. Fruchtman Law Offices of Cynthia E. Fruchtman	The Rules and the forms exclude Traditional Surrogacy Agreements for no apparent reason or purpose. Court clerks in the past have rejected filings relating to parentage actions pursuant to Traditional Surrogacy agreements because the forms appear not to allow such filings. Starting with Rule 5.2, there needs to be a definition of a "traditional surrogacy agreement" with the deletion of the word "gestational" from all the rules and the forms in favor of a more generic "surrogacy agreement/arrangement", allowing for those situations that may come under Family Code section 7613(d) or lack a formal written agreement altogether.	Rule 5.78(c) addresses traditional surrogacy cases. It provides: "For matters involving traditional surrogacy, as defined by Family Code section 7960(f)(1), or matters involving use of the assisted reproduction agreements found in Family Code 7613.5, parties commence an action in family court to seek a judgment determining a parental (nor nonparental) relationship by using the following forms:" The committee did not revise the proposal to include all surrogacy actions. The Legislature has provided statutory forms (specific language in Family Code section 7613.5), which may be used to determine legal parentage for certain types of surrogacy matters. Otherwise, the traditional surrogate or parties to a traditional surrogacy agreement may commence an action under the Uniform Parentage Act by filing Petition to Determine Parental Relationship (Form FL-200). On the other hand, the SUR- series of forms reflect only the requirements for gestational carrier agreements, as they have their own venue, jurisdiction, and other specific requirements under Family Code sections 7960–7962.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Rules of Court		
Commenter	Comment	Committee Response
Cynthia E. Fruchtman Law Offices of Cynthia E. Fruchtman	Starting with Rule 5.2, there needs to be a definition of a "traditional surrogacy agreement" with the deletion of the word "gestational" from all the rules and the forms in favor of a more generic "surrogacy agreement/arrangement", allowing for those situations that may come under Family Code section 7613(d) or lack a formal written agreement altogether.	The committee does not agree to recommend the amendment to rule 5.2 suggested by the commenter. This would be a substantive change to the proposal, which is also beyond the scope of the proposal.

Form FL-250		
Commenter	Comment	Committee Response
William E. Knox-Davies Legal Research Attorney (CRC 5.407 Review) Superior Court of Alameda County	Item 2 on the Judgment (form FL-250) should be redesigned like this: 2. This matter proceeded as follows: a. Default or uncontested By declaration b. Contested (1) Date: Dept: Room: (2) Judicial officer (name): Temporary Judge The date, department and other information is only relevant in a contested case. Separating it out this way makes that clearer and reduces the likelihood of parties inappropriately completing date/dept/room/JO information (which is only relevant in a contested case) in the far more common default or uncontested cases.	The committee appreciates the commenter's suggestions. The committee prefers not to assign the date, department, and judicial officer name information to only contested matters. This will allow the most flexibility, for instance, if the court—on its own motion—sets a default or uncontested matter for hearing. The committee recommends reformatting item 2 using subitems 2a, b, and c to be consistent with the other items on the form.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

	The redesign of item 4.a and 4.b on the Judgment (form FL-250) only contemplates an uncontested parentage judgment. There is way to indicate that parentage is being determined on the basis of Petitioner’s allegations in the Petition to Determine Parental Relationship (form FL-200) after Respondent’s default or after some sort of contested hearing. Further, why is a section for “Party declarations” on the Judgment in the first place? These sorts of declarations should appear on the Declaration for Default or Uncontested Judgment (form FL-230) instead. The redesign of item 8.b on the Judgment (form FL-250) needs a section for REMOVING a parent’s name from a birth certificate. I’ve received letters from litigants stating that Vital Records will only remove a name if the judgment is explicit about it. The “Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment’s provisions. Jurisdiction is reserved to make other orders necessary to carry out this judgment.” language on the Judgment (form FL-180) is good. It automatically incorporates anything submitted as part of the judgment into the judgment. The same language should be included just above the judicial signature line on the new proposed Judgment (form FL-250).	The committee appreciates the comment about item 4 (<i>now items 4 and 5</i>). Rather than provide new categories on the form, the committee added a new item for “Other (specify)” in each item. The content under “Party Declarations” was not added to the judgment, but were reorganized under a separate heading in the form that circulated for comment. Reviewing the form after comment, the committee decided to remove the heading “Party Declaration” and incorporate that content under both items 4 and 5. The committee added a section for “other (specify)” in item 8 (<i>now item 9</i>) for a party to add other proposed orders in the judgment relating to the birth certificate. More detailed information about the birth certificate, including removing a parent’s name form a birth certificate may be included in attachments to the judgment. The committee agrees with these suggestions and has incorporated them, with minor alterations, into form FL-250.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

	The space to print a name at the end of the FL-250 is confusing and inconsistent with the FL-180. Pro per litigants are going to end up writing their own name here. It should be removed. Move item 9 (<i>now item 10</i>) so that it comes after the judicial signature block. This will make it consistent with the FL-180	The committee agrees with these suggestions and has incorporated them into the form being recommended for adoption. The committee agrees with these suggestions and has incorporated them into the form being recommended for adoption.

Form SUR-100		
Commenter	Comment	Committee Response
Child Support Directors Association of California By Michael Smitsky, Executive Director	The Committee recommends correcting the form number to SUR-100(J). Comment: This suggestion references the correct form number. • In the first box, under Note, first sentence: add the letter (J). • It should read: Note: You may use <i>Joint Petition to Determine Parental Relationship</i> (Gestational Carrier Agreement) (form SUR-100(J)), instead of this form, if all parties to the gestational carrier agreement agree that:	The committee appreciates the comment and has incorporated the edits among the other changes it is recommending to this form.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

	The committee recommends adding a new #7. “CHILD SUPPORT. The court may make orders for support of the children and issue an earnings assignment without further notice to either party/parties. Comment: The petition should raise the issue of child support for it to be ordered in the Judgment. The suggestion aligns with the language of the Judgment which includes a section on child support. The Rule of Court 5.16(b)(5)(F) anticipates a local child support agency intervening in these actions. These changes would be consistent with other petitions pertaining to children. To allow for this recommended change, the Committee further suggestions renumbering current #7 to #8 and current #8 to #9.	The committee agrees with the commenter and recommends adding a new item 5, as follows: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.” The committee agrees with the commenter and recommends renumbering the form, as suggested, to account for the inclusion of new item 5.
Department of Child Support Services by Shannon Richards Attorney III Office of Legal Services	Note Judgment form FL-250 used in these cases includes options for child support orders, but the proposed Petitions do not address child support. This Petition does not address child support. Failure to provide notice to the parties that child support could be at issue may require child support agencies to duplicate efforts when and if they intervene in these cases. The department therefore suggests that language like the language in FL-200, item 12 be added such as: “9. The court may make orders for support of the child(ren) and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.”	The committee agrees with the commenter and recommends adding a new item 5, as follows: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.”

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Form SUR-100(J)		
Commenter	Comment	Committee Response
Child Support Directors Association of California By Michael Smitsky, Executive Director	1. The Committee recommends changing the captions from “Intended Parent or Parents” to “Intended Parent 1 and Intended Parent 2”. Comment: This separation will more clearly identify each individual rather than combining them under a single label. 2. The Committee recommends adding a parenthesis after the word “wants” at 3.b. Comment: This change would close out the reference with the correct punctuation. • In 3.b., add a closing parenthesis • It should read: The gestational carrier wants (and their spouse or domestic partner, if applicable, wants) to be determined <i>not to be</i> a parent of the child or children listed in item 1. 3. The Committee suggests deleting extra space at item #6.a.(2) after the word “partner”. 4. The Committee suggests adding the words “and voluntarily” after the word “freely” in item #7.c.(3).	The committee appreciates the suggested change to the caption, but recommends that the forms be captioned to allow for the greatest flexibility. For example, maintaining “Intended Parent or Parents” would allow for cases in which there are more than two intended parents to a gestational carrier agreement. The committee also added signature lines at the end of the form to allow space for a third intended parent. The committee agrees with the commenter’s suggestions numbered 2 through 5 and has incorporated them into the form being recommended for adoption.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

	Comment: Waiver of rights include the language “freely and voluntarily” as they connote different meanings. • In 7.c.(3), add the words “and voluntarily” • It should read: I give up the rights that apply to me (except the right to an attorney, if I have an attorney) and freely and voluntarily agree that a judgment may be entered in accordance with the parties’ agreements. 5. The Committee suggests adding the words “type or print name” next to the words “signature of” the intended parents and gestational carriers in item #12. Comment: This would clarify who signed the document. Item 3(b): It appears that a closing parenthesis is missing, and the word “wants” is duplicated. The department suggests the language read: “The gestational carrier (and their spouse or domestic partner, if applicable) wants to be determined <i>not to be</i> a parent of the child or children listed in item 1.	

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Department of Child Support Services by Shannon Richards Attorney III Office of Legal Services	Item 3(b): It appears that a closing parenthesis is missing, and the word “wants” is duplicated. The department suggests the language read: “The gestational carrier (and their spouse or domestic partner, if applicable) wants to be determined <i>not to be</i> a parent of the child or children listed in item 1. Although the parties signing the Joint Petition assert their understanding of their own duty to support the children named in the action, the Joint Petition does not address the court’s ability to make orders for support and the issuance of an earnings assignment order without further notice to the parties. The department suggests adding a paragraph with language like the notice in FL-200, item 12, as follows: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.”	The committee appreciates the comment and recommends incorporating the changes into the form. The committee agrees with the suggestion and recommends incorporating it into the form. The committee agrees with the commenter and recommends adding a new item 5, as follows: “CHILD SUPPORT: The court may make orders for support of the children and issue an earnings assignment order without further notice to any person found to be a parent or intended parent in this matter.” The committee also recommends including the same language to <i>Response to Petition to Determine Parental Relationship</i> (form SUR-120).
Superior Court of San Diego County by Michael Roddy, Executive Director	Item 8f (now item 9f): The reference to Judgment should reference “FL-250” not “FL-150.”	The committee appreciates the comment and recommends incorporating the change to the form.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Form SUR-110		
Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Executive Director	For consistency, propose adding a colon after Notice – Access to Affordable Health Insurance section on page 2.	The committee appreciates the comment and recommends incorporating the change to this form.

Form SUR-117		
Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Executive Director	Propose including the form number for the Response in the Notice section, “...you must submit a completed Response (SUR-120)”	The committee appreciates the comment and recommends making the change to the form.

Form SUR-120		
Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Executive Director	Item 1: Propose renaming as “The respondent (or each respondent) or respondents.”	The committee appreciates the comment but recommends maintaining item 1 as it circulated for comment to avoid redundancy and simplify the language in the checkboxes below item 1.
	Item 4b(2) (<i>now item 6b(2)</i>): Propose changing “lives” to “live.”	The committee appreciates the comment and recommends incorporating the change to the form.
	Item 6 (<i>now item 8</i>): Propose changing the Note to read, “If the other court orders you are requesting are about child custody and visitation (parenting time) orders...”	The committee appreciates the comment and recommends incorporating the change to this form. For consistency, the committee recommends that form SUR-100 includes the same change.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Form SUR-165		
Commenter	Comment	Committee Response
Superior Court of San Diego County by Michael Roddy, Executive Director	Item 2c includes a statement that a Request to Enter Default must be filed for each respondent who has failed to respond to the petition, however the proposed form does not include a field to list the defendant who is to be defaulted. Propose adding a field to item 1, similar to the form used in civil actions, CIV-100 .	The committee agrees with the suggestion and recommends that the form reflect the fields in item 1, so that it is similar to form CIV-100.

Does the proposal appropriately address the stated purpose?		
Commenter	Comment	Committee Response
Department of Child Support Services by Shannon Richards Attorney III Office of Legal Services	The proposal does address the process described in section Family Code section 7962 and provides that information on the forms in an understandable way.	The committee appreciates this comment.
Orange County Bar Association by Mei Tseng, President	Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates this comment.
Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates this comment.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	Yes.	The committee appreciates this comment.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Should the forms include questions requiring that parties disclose their primary language in the manner proposed? (Please explain your answer)..		
Commenter	Comment	Committee Response
Orange County Bar Association by Mei Tseng, President	There is no specific reference in any of the proposed forms for disclosure of “primary language” and the rules and statutes referenced to not provide for such disclosure.	The committee disagrees with the statement. Forms SUR-100, SUR-100(J), SUR-120, and SUR-230 include items that require a party to indicate if a party’s primary language is not English and then identify the primary language of each party whose primary language is not English.
Superior Court of San Diego County by Michael Roddy, Executive Director	No, the forms should not include questions requiring that parties disclose their primary language, as doing so could evoke unintended bias. No other family law or surrogacy judicial council forms have such questions regarding primary language.	The committee appreciates the commenter’s response. In response, the committee notes that <i>Advisement and Waiver of Rights Re: Determination of Parental Relationship</i> (form FL-235) is currently used in parentage cases. It requires the interpreter who completes the Interpreter’s Declaration at the bottom of the form to provide the primary language of each party who is unable to read or understand the Judgment (form FL-250) and form FL-235. <i>Joint Petition</i> (form (SUR-100(J)) and <i>Declaration for Default or Uncontested Judgment</i> (form SUR-230) (used if form SUR-100 is filed) incorporate a similar Interpreter’s Declaration as that found in form FL-235. The committee drafted the forms to allow the parties themselves, not the interpreter, to identify their primary language only if English is not their primary language. Gestational surrogacy cases are unique among family law proceedings. Parties may be foreign nationals who

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

		undergo fertility treatments and/or embryo transfer in California. They may require interpreters, translators, or both, to understand the forms and agreements that they are completing and filing with the court, as well as the documents that become the judgment determining a parental relationship. The entries on the forms about primary language not only allow the parties themselves to identify their primary language but also allow them to declare under penalty of perjury that they received assistance of a translator or interpreter, or both, in their primary language and that they fully understand the documents written in English that were signed and are being filed with the court in support of their petition. Providing this information on the forms could streamline the process of obtaining a judgment. For example, including the statements could avoid having the court set a hearing on its own motion for the sole purpose of ensuring that the parties whose primary language is not English fully understand the documents they signed and the terms of the judgment before it is entered. Having the entries about primary language helps communicate to the judicial officer evaluating a request to enter <i>Judgment</i> (form FL-250) that the parties were fully informed of their rights. This could, ultimately, reduce any implicit bias against a party whose primary language is not English. Based on the foregoing, the committee has maintained the items on the form regarding a party's primary language, with minor revisions to content and formatting.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	No. Including this information on the forms could result in implicit bias.	Same as above response.

**Should the forms take effect on January 1, 2026 (two months after the Judicial Council meeting)
Or should the implementation be delayed until July 1, 2026 (*Please explain your answer*)**

Commenter	Comment	Committee Response
Department of Child Support Services by Shannon Richards Attorney III Office of Legal Services	The effective date of the forms will not impact the child support program, so the department takes no position on the effective date.	No response required.
California Lawyers Association Family Law Section Executive Committee (FLEXCOM) by Shannon Quinley FLEXCOM Legislation Chair and by Saul Bercovitch Associate Executive Director, Governmental Affairs California Lawyers Association	FLEXCOM agrees with this proposal. FLEXCOM supports the use of the current versions of the proposed forms and would like to see them implemented by January 1, 2026.	The committee appreciates the commenter's response. However, considering the work required of courts to implement the new rules and forms, and because the forms are not mandated by statute, the committee recommends that implementation be delayed until July 1, 2026.
Orange County Bar Association by Mei Tseng, President	The new "SUR" forms should take effect July 1, 2026, to allow the revision to other forms to be done prior to the insertion of a new category of forms to use that are both mandatory and permissive use.	The committee agrees with the commenter and recommends that implementation of the new rules and forms be delayed until July 1, 2026.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	Three months from Judicial Council approval should be sufficient time for implementation.	The committee appreciates the commenter's response. However, considering the work required of courts to implement the new rules and forms, and because the forms are not mandated by statute, the committee recommends that implementation be delayed until July 1, 2026.
Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the commenter's response. However, considering the work required of courts to implement the new rules and forms, and because the forms are not mandated by statute, the committee recommends that implementation be delayed until July 1, 2026.
Superior Court of San Diego County by Michael Roddy, Executive Director	Since the effective date is not mandated by statute, our court would request that the forms take effect on July 1, 2026. This will provide additional time to develop internal procedures and train staff and allow the court to focus on implementing legislation that is effective/ operative January 1, 2026. Our court would prefer that implementation be delayed until July 1, 2026. This will allow the court to utilize resources to implement legislation that takes effect on January 1st. If the forms are implemented effective January 1, 2026, we would request that the forms be provided at least two months prior to the effective date.	The committee agrees with the commenter and recommends that implementation of the new rules and forms be delayed until July 1, 2026.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	Implementation should be delayed until July 1, 2026, to ensure ample time to provide training to staff, enter case management configurations, and make necessary changes or additions for electronic filing. These processes can consume a significant amount of time and allowing two months for this purpose, while at the same time other legislative changes are being implemented, could result in a lower standard of service to the public whereas allowing a period of six months would ensure preparedness and thorough effectuation of implementation.	The committee agrees with the commenter and recommends that implementation of the new rules and forms be delayed until July 1, 2026.

Would the proposal provide cost savings? If so, please quantify.

Commenter	Comment	Committee Response
Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	The proposal will not provide cost savings. The Court will incur costs for training judicial officers and staff on the new process and forms.	The committee appreciates the commenter's response.
Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	No, the proposal does not appear to provide cost savings.	The committee appreciates the commenter's response.
Superior Court of San Diego County by Michael Roddy, Executive Director	No.	The committee appreciates the commenter's response.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	Ultimately, yes. Initially there would be costs associated with training and configurations of both case management and portal access; however, the addition of forms created specifically for these filings would greatly benefit parties in the relevance of information requested/provided on the forms, a more expedient process leading to judgment, and result in more efficient operational processes for the Court.	The committee appreciates the commenter's response.

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?

Commenter	Comment	Committee Response
Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	[The court] will also need to create new event codes in the case management system	The committee appreciates the commenter's response.
Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	Implementation will require providing communication to judicial officers and court staff, revising current procedures, and conducting court staff training (approximately 2 hours).	The committee appreciates the commenter's response.
Superior Court of San Diego County by Michael Roddy, Executive Director	Developing internal procedures, adding filings to the case management system, training staff, and notifying judicial officers.	The committee appreciates the commenter's response.

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	Ultimately, yes. Initially there would be costs associated with training and configurations of both case management and portal access; however, the addition of forms created specifically for these filings would greatly benefit parties in the relevance of information requested/provided on the forms, a more expedient process leading to judgment, and result in more efficient operational processes for the Court. 1. Training – hours of court operations would prohibit group training exercises in excess of 2 clerks at a time. <table><tr><th>Position</th><th>Hours of Training</th></tr><tr><td>Supervisor</td><td>4</td></tr><tr><td>Senior Clerk</td><td>4</td></tr><tr><td>Self-Help Attorney</td><td>4</td></tr><tr><td>Clerk – Self Help (4 hrs ea x 4 clerks)</td><td>12</td></tr><tr><td>Clerk – Processing (4 hrs ea x 4 clerks)</td><td>12</td></tr><tr><td>Total Hours Est:</td><td>36</td></tr></table> 2. Self-Help: Form packet copies and copier configurations. Creation of self-help materials such as a binder of sample forms with instructions on how to complete the forms. 3. Processes & Procedures: Different processes for petition vs. joint petitions. 4. Case Management Configuration: Case type, events, hearings, time standards. 5. Clerk Edition Configurations 6. Electronic Filing Configuration: Timeline of which is impacted by vendor processing that can be inconsistent and lengthy 7. Portal Access Configuration 8. Changes to Public Website 9. Changes to Local Forms and Rules	Position	Hours of Training	Supervisor	4	Senior Clerk	4	Self-Help Attorney	4	Clerk – Self Help (4 hrs ea x 4 clerks)	12	Clerk – Processing (4 hrs ea x 4 clerks)	12	Total Hours Est:	36	The committee appreciates the commenter’s response.
Position	Hours of Training															
Supervisor	4															
Senior Clerk	4															
Self-Help Attorney	4															
Clerk – Self Help (4 hrs ea x 4 clerks)	12															
Clerk – Processing (4 hrs ea x 4 clerks)	12															
Total Hours Est:	36															

SPR25-15

Family Law: Rules and Forms to Determine Parentage Relationship Based on Gestational Carrier Agreement (Adopt Cal. Rules of Court, rule 5.78; amend rules 5.2, 5.7, 5.16, 5.50, 5.52, and 5.96; repeal rule 5.51; adopt forms SUR-100, SUR-100(J), SUR-110, SUR-120, SUR-165, and SUR-230; approve forms SUR-050-INFO, SUR-113, SUR-115, SUR-117, and SUR-230(A); revise forms FL-190, FL-211, and FL-250)

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

How well would this proposal work in courts of different sizes?

Commenter	Comment	Committee Response
Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	The proposal should work well in courts of different sizes.	The committee appreciates the commenter's response.
Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst	Our court is a large court, and this could work in Orange County.	The committee appreciates the commenter's response.
Superior Court of San Diego County by Michael Roddy, Executive Director	It appears the proposal would work for courts of all sizes.	The committee appreciates the commenter's response.
Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee (JRS)	Courts of a larger size may have an advantage in the amount of time needed for implementation in that the related tasks could be divided up amongst more individuals with specialized training and abilities; however, the end result of increased efficiency and access to justice for the public would be the same.	The committee appreciates the commenter's response.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Family Law: Standards for Computer Software to Assist in Determining Support

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

Amend rule 5.275

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Marina Soto, 916-643-6906, marina.soto@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 22, 2024; Amended: November 26, 2024

Project description from annual agenda: Item 11. The committee will develop a recommendation to amend California Rules of Court, rule 5.275, to implement recent changes made by Senate Bill 343 (Stats. 2023, ch. 213, § 9), which amended the provisions of Family Code section 4061 related to the method for apportioning additional child support between parents. The amendment to Family Code section 4061, which took effect on September 1, 2024, changed the presumption for apportionment of additional child support from one-half to each parent to an allocation in proportion to the parents' net incomes. Rule 5.275 provides the standards for computer software used to determine child support including additional support for children under Family Code sections 4061 and 4062. Rule 5.275 must be revised to require that the standards for computer software used to assist courts and parents in determining child support obligations default to allocate the expenses for additional items of child support in proportion to the parents' net incomes. The committee will also develop a recommendation to clarify language in rule 5.275 regarding the standards that the Judicial Council uses to test the computer software to resolve confusion expressed by developers inquiring about the testing and certification requirements.

Out of Cycle/Early Implementation: *If requesting July 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 23, 2025; August 8, 2025

☒ approved by Office Director (or Designee) (name) Anna Maves
on (date) July 15, 2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-160

For business meeting on October 24, 2025

Title

Family Law: Standards for Computer
Software Used to Assist in Determining
Support

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 5.275

Date of Report

August 18, 2025

Recommended by

Family and Juvenile Law Advisory
Committee

Contact

Marina Soto, 916-643-6906

Hon. Tari L. Cody, Cochair

marina.soto@jud.ca.gov

Hon. Stephanie E. Hulsey, Cochair

Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend a rule of court that provides standards for computer software that assists in determining child and spousal support. This action is necessary to conform the rule to current law. The recommended changes also update terminology and requirements related to technology and clarify language related to the Judicial Council's guideline calculator testing and certification process.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend rule 5.275 of the California Rules of Court, effective January 1, 2026, to:

- Bring the standards into conformity with existing law regarding the treatment of subsequent partner income when calculating child support and recent changes to Family Code section 4061 related to the apportionment of expenses for additional child support between parents;
- Update terminology and requirements related to computer hardware, operating systems, and software necessary to test support calculators; and

- Clarify language related to the use of scenarios created to test the accuracy of support calculator software to resolve confusion expressed by developers concerning the certification process, and make minor technical and grammatical changes.

The proposed amended rule is attached at pages 8–11.

Relevant Previous Council Action

Family Code section 3830 prohibits courts from using computer software to assist in determining child support or spousal support, unless the software meets standards set by the Judicial Council to ensure that it performs in a manner consistent with applicable statutes and rules of court for determination of child support or spousal support.¹ In response to that mandate, the council adopted standards under former rule 1258. The standards went into effect on December 1, 1993, and required that the software, among other things:

- Calculate child support within 1 percent of the correct amount for “examples provided by the Judicial Council”;
- Contain written instructions for entry of the income of a subsequent partner as a factor rebutting the presumptive guideline amount; and
- Allocate, in its default setting, one-half of the expenses for additional items of child support to each parent.

These three standards have remained the same since the adoption of the rule. The standards under former rule 1258 also required that the person seeking certification of software make available to the Judicial Council the hardware required to use the software if it did not operate on a “standard MS/DOS compatible or Macintosh computer.”

On November 1, 2002, the Judicial Council reorganized the California Rules of Court under a new numbering format to make them consistent with other Judicial Council rules, reflect changes in law and procedure, and make the rules easier to read and more accessible to court users. At that time, rule 1258 was renumbered as rule 5.275.² The rule was also amended to update the operating systems available for the Judicial Council to operate support calculators submitted for certification.

¹ The Legislature originally enacted the statute in 1992 as former Civil Code section 4395. (Stats. 1992, ch. 1157, § 1.) A year later, the Legislature repealed former Civil Code section 4395 and recast the provision as Family Code section 3830. (Stats. 1993, ch. 219, § 46 [repealing Civ. Code provision]; Stats. 1993, ch. 219, § 129 [enacting Fam. Code, § 3830].) Aside from restructuring the provision into two subdivisions, the language recast in section 3830 has remained substantively the same.

² Judicial Council of Cal., mins. (Nov. 1, 2002), item A32, pp. 17–18, <https://courts.ca.gov/sites/default/files/courts/default/2024-10/min1102.pdf>.

Analysis/Rationale

The complexity of California's child support guidelines necessitates the use of computer software to assist in calculating child support in accordance with the mathematical formula set by statute.³ Computer software that incorporates guidelines provided by local rules can also be used to assist with calculating temporary spousal support.⁴ Rule 5.275 provides the standards for software used to assist the court in determining child and spousal support.

Under rule 5.275, the Judicial Council is required to test software submitted by developers for certification to ensure it accurately calculates support and otherwise meets the standards set. Once software has been certified for use by the court, developers must annually apply to renew the certification. As part of the renewal process, the Judicial Council reviews and tests the software to ensure it continues to comply with the standards set forth in the rule.

Senate Bill 343 (Stats. 2023, ch. 213) amended Family Code section 4061, effective September 1, 2024, as it relates to the method for apportioning additional child support between parents. Because rule 5.275 provides the standard that child support calculators must meet regarding the apportionment of child support expenses, the amendment made by SB 343 is the primary catalyst for amending the rule at this time. In addition, the rule needs amending to (1) correct an oversight regarding the treatment of subsequent partner income when calculating child support, (2) update terminology and requirements in the rule related to technology necessary for the Judicial Council to use and test software submitted for certification and, (3) resolve confusion expressed by software developers regarding the Judicial Council's testing procedures.

Specifically, the committee recommends amending the following three provisions of rule 5.275:

Rule 5.275(b)(2)

Rule 5.275(b)(2) explains the process used by the Judicial Council to determine whether software to calculate child support is accurate to within 1 percent of the correct amount in its default setting. The committee recommends amending this provision to clarify that the scenarios developed by the Judicial Council are for the council's internal use to assist it in testing software submitted for certification.

The proposed amendment to rule 5.275(b)(2) is necessary because, in recent years, staff have received requests from developers for copies of the "examples" that are to be provided by the council under the rule to assist them in programming their software to calculate support within 1 percent of the correct amount. However, the intended purpose of the examples is for the council's testing the accuracy of the software. It is essential that the examples are not distributed

³ *In re Marriage of Cheriton* (2001) 92 Cal.App.4th 269, 284.

⁴ Courts can use computer programs to set temporary spousal support to maintain the financial status quo of the parties pending trial. (*In re Marriage of Olson* (1993) 14 Cal.App.4th 1, fn. 3.) Courts cannot, however, rely on a computer program to set or modify a permanent spousal support order as such an order requires an exercise of the court's discretion after considering and weighing factors enumerated in Family Code section 4320 (formerly Civil Code section 4801(a)). (*In re Marriage of Olson, supra*, 14 Cal.App.4th at fn. 3.)

to developers prior to testing to ensure the software is programed to accurately calculate support for every possible scenario, rather than just those scenarios developed by the Judicial Council. The proposed amendment would clarify that the scenarios developed by the council are for the purpose of testing software that developers submit for certification, and not for distribution to developers to assist them in programing their software.

In addition, the committee recommends removing any reference to a specific operating system or computer platform to avoid the need for future updates as technology changes. Instead, the rule would require a person seeking certification of software to provide the council with any hardware or operating system required to use the software “[i]f the Judicial Council does not have the computer hardware or operating system necessary to use and test the software.”

Rule 5.275(b)(4)

Rule 5.275(b)(4) requires that software used to calculate support contain, either on the screen or in written form, instructions for the entry of each figure required for the computation of child support and provides a list of four items that must be included in the instructions. Rule 5.275(b)(4)(D) currently provides that software must contain written instructions for entry of two factors rebutting the presumptive guideline amount. The committee recommends deleting the second factor, “4057(b)(3) (income of subsequent partner),” because it is no longer a factor that may rebut the guideline child support amount.

In July 1993, Assembly Bill 1500 (Stats. 1993, ch. 219) added section 4057 to the Family Code, which included a provision providing that one of the factors for rebutting the presumption that the guideline amount of child support is correct was that “a parent’s subsequent spouse or nonmarital partner has income that helps meet that parent’s basic living expenses, thus increasing the parent’s disposable income available to spend on the children.”⁵ A few months later, and before section 4057 became operative on January 1, 1994, the Legislature amended subdivision (b) of section 4057 to remove the income of a subsequent spouse or nonmarital partner as a factor for rebutting the amount of child support calculated under the guideline.⁶

Rule 5.275 as originally adopted in December 1993 incorporated the “income of subsequent partner” language initially contained in Family Code section 4057(b)(3), rather than conforming with the amendment that removed the language from 4057(b) a few months later. Deleting reference to the income of a subsequent partner from rule 5.275(b)(4)(D) will correct this oversight.

Although the income of a parent’s subsequent partner is no longer grounds for rebutting guideline support, Family Code section 4057.5 does allow the court to consider such income when determining or modifying child support in an extraordinary case. The committee is,

⁵ This provision was carried over from former Civil Code section 4721(e), when the section was repealed and reenacted under the Family Code as section 4057(b). (Stats. 1992, ch. 46, § 9 [adding former Civ. Code, § 4721]; Stats. 1993, ch. 219, § 50 [repealing former Civ. Code, § 4721], § 138 [adding Fam. Code, § 4057]).

⁶ Stats. 1993, ch. 935, § 1; Stats. 1993, ch. 1156, § 3.

therefore, also recommending the addition of subparagraph (E) to rule 5.275(b)(4) to require instructions be provided for entry of “[t]he income of a subsequent partner as provided for in Family Code section 4057.5.” Adding the new subparagraph would ensure software continues to provide instructions for entry of this income into support calculators when the court determines it is necessary to compute child support.

Rule 5.275(b)(5)

The committee recommends amending rule 5.275(b)(5) to change the standard that support calculator software must follow, in its default setting, for the apportionment of expenses for additional child support. Currently the rule requires software allocate additional items of child support, one-half to each parent. The software must also provide, in an easily selected option, for the alternative allocation of the expenses as provided for by Family Code section 4061(b).

Senate Bill 343 amended Family Code section 4061, effective September 1, 2024, by changing the method for apportioning expenses for additional child support from one-half to each parent to dividing the expenses in proportion to the net incomes of each parent, unless a party requests or the court finds on its own motion that expenses should be divided in a different manner.⁷ To conform the standard in rule 5.275(b)(5) to current law, the committee recommends amending the rule to provide that expenses for each additional item of child support must be allocated in proportion to the parents’ net incomes. The rule would also be amended to reflect that the software must provide an option for an alternative allocation of expenses as provided for by Family Code section 4061(a), rather than under section 4061(b), so that the rule accurately refers to the renumbered subdivisions of section 4061.

Policy implications

The proposal aligns with the Judicial Council’s policy to have rules correctly reflect the law.

Comments

This proposal was circulated for comment from April 15 to May 23 during the spring 2025 invitation-to-comment cycle. It was circulated to the committee’s standard mailing list for family and juvenile law proposals, including appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, and other family law professionals. The proposal also went to the state Department of Child Support Services (DCSS), the Child Support Directors Association of California (CSDA), and the five software developers whose guideline calculators are currently certified for use by the courts: Nolo Press Occidental, Legal+Plus Software Group Inc., Family Law Software Inc., Tolapa Inc., and DCSS’s Policy and Program Branch.

In total, eight organizations or individuals submitted comments. Six commenters agreed with the proposal as circulated; one commenter agreed with certain modifications; and one did not indicate a position. None opposed the proposal. The comments and the committee’s responses

⁷ Fam. Code, § 4061(a); Stats. 2023, ch. 213, §§ 8, 9.

are set out in full in the chart of comments attached to this report at pages 12–20. Two issues raised by a commenter who suggested modifications are discussed below.

Judge Rebecca Wightman, who is a tribal judge and retired commissioner, suggested adding language to rule 5.275(b)(2) that (1) explicitly states the scenarios developed by the Judicial Council for testing are for the council’s internal use only and (2) requires software developers provide the Judicial Council with all licenses necessary to use and test submitted software. The committee agrees with both suggestions. The first suggestion advances the intended purpose of the amendment to rule 5.275(b)(2) and clarifies that test scenarios are not available for distribution to assist developers in programming their software. The second suggestion of adding language to the rule that requires the person seeking certification “grant or obtain all licenses necessary for the Judicial Council to use and test the software” would ensure the Judicial Council obtains permission to access and utilize all components of the software being tested as an end user, as well as any operating system that may be provided by the developer for testing purposes. Requiring the person seeking certification to provide the Judicial Council with a license for any software furnished for the testing process is therefore an essential component to the testing and certification of guideline calculators and within the scope of this proposal. The committee therefore recommended adding both suggested amendments into revised rule 5.275(b)(2).

Alternatives considered

The committee considered whether action to amend rule 5.275 is necessary. The committee concluded that, because the existing rule’s standards for computer software that assists with calculating support do not accurately reflect the requirements of Family Code sections 4057 and 4061, it is essential that action be taken to amend the rule.

The committee also considered making only the changes needed to bring rule 5.275(b)(4)(D) and (b)(5) into conformity with the law. However, after being made aware of inquiries received from developers, reviewing the rule, and considering the comments received on the proposal, the committee has concluded that clarifying the responsibilities of both the Judicial Council and software developers under rule 5.275(b)(2) is necessary to avoid confusion, provide greater transparency, and promote public trust in the procedures used to test and certify guideline calculators.

Fiscal and Operational Impacts

Most of the amendments proposed are necessary to conform rule 5.275 to the law and are, therefore, the result of legislative action. The committee anticipates that courts will incur some costs to train court staff on the updates made to guideline calculator software used by the court.

Attachments and Links

1. Cal. Rules of Court, rule 5.275, at pages 8–11
2. Chart of comments, at pages 12–20

3. Link A: Fam. Code, § 3830,
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAM&division=9.&title=&part=1.&chapter=9.&article=
4. Link B: Fam. Code, § 4057,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4057
5. Link C: Fam. Code, § 4057.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=4057.5
6. Link D: Fam. Code, § 4061,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=4061

Rule 5.275 of the California Rules of Court is amended, effective January 1, 2026, to read:

Rule 5.275. Standards for computer software to assist in determining support

(a) * * *

(b) Standards

The standards for computer software to assist in determining the appropriate amount of child or spousal support are:

(1) * * *

(2) ~~Using examples provided by the Judicial Council, The software must calculate a child support amount, using its default settings, that is accurate to within 1 percent of the correct amount. In making this determination To determine the accuracy of the software, the Judicial Council must will develop scenarios for internal use to test the software, calculate the correct amount of support for each example scenario, and must then calculate the amount for each example scenario using the software program. Each person seeking certification of software must supply a copy of the software to the Judicial Council. If the software does not operate on a standard Windows 95 or later compatible or Macintosh computer, Judicial Council does not have the computer hardware or operating system necessary to use and test the software, the person seeking certification of the software must make available to the Judicial Council any hardware or operating system required to use and test the software. The person seeking certification must also grant or obtain all licenses necessary for the Judicial Council to use and test the software.~~ The Judicial Council may delegate the responsibility for the calculation and determinations required by this rule.

(3) The software must contain, either on the screen or in written form, a glossary defining each term used on the computer screen or in printed hard copy produced by the software.

(4) The software must contain, either on the screen or in written form, instructions for the entry of each figure that is required for computation of child support using the default setting of the software. These instructions must include but not be limited to the following:

(A) The gross income of each party as provided for by Family Code section 4058;

- (B) The deductions from gross income of each party as provided for by Family Code section 4059 and ~~subdivision (b)(1)~~ of this rule;
- (C) The additional items of child support provided for in Family Code section 4062; ~~and~~
- (D) The ~~following factors~~ factor rebutting the presumptive guideline amount under Family Code section 4057(b)(2) (deferred sale of residence) ~~and 4057(b)(3) (income of subsequent partner); and~~
- (E) The income of a subsequent partner as provided for in Family Code section 4057.5.
- (5) In making an allocation of the additional items of child support under ~~subdivision (b)(4)(C)~~ of this rule, the software must, as its default setting, allocate the expenses ~~one-half~~ for each additional item of child support to each parent in proportion to the parents' net incomes, as adjusted under Family Code section 4061(c) and (d). The software must also provide, in an easily selected option, ~~the an~~ an alternative allocation of the expenses as provided for by Family Code section ~~4061(b)~~ 4061(a).
- (6) The printout of the calculator results must display, on the first page of the results, the range of the low-income adjustment as permitted by Family Code section 4055(b)(7), if the low-income adjustment applies. If the software generates more than one report of the calculator results, the range of the low-income adjustment only must be displayed on the report that includes the user inputs.
- (7) The software or a license to use the software must be available to persons without restriction based on profession or occupation.
- (8) The sale or donation of software or a license to use the software to a court or a judicial officer must include a license, without additional charge, to the court or judicial officer to permit an additional copy of the software to be installed on a computer to be made available by the court or judicial officer to members of the public.

(c) Expiration of certification

Any certification provided by the Judicial Council under Family Code section 3830 and this rule must expire one year from the date of its issuance unless another expiration date is ~~set forth~~ stated in the certification. The Judicial Council may provide for earlier expiration of a certification if (1) the provisions involving the

1 calculation of tax consequences change or (2) other provisions involving the
2 calculation of support change.

3
4 **(d) Statement of certified public accountant**

5
6 If the software computes the state and federal income tax liability as provided in
7 ~~subdivision~~ (b)(1)(B) of this rule, the application for certification, whether for
8 original certification or for renewal, must be accompanied by a statement from a
9 certified public accountant that:

- 10
11 (1) The accountant is familiar with the operation of the software;
12
13 (2) The accountant has carefully examined, in a variety of situations, the
14 operation of the software in regard to the computation of tax liability;
15
16 (3) In the opinion of the accountant the software accurately calculates the
17 estimated actual state and federal income tax liability consistent with Internal
18 Revenue Service and Franchise Tax Board procedures;
19
20 (4) In the opinion of the accountant the software accurately calculates the
21 deductions under the Federal Insurance Contributions Act (FICA), including
22 the amount for social security and for Medicare, and the deductions for
23 California State Disability Insurance and properly annualizes these amounts;
24 and
25
26 5) States which calendar year the statement includes and must clearly indicate
27 any limitations on the statement. The Judicial Council may request a new
28 statement as often as it determines necessary to ensure accuracy of the tax
29 computation.
30

31 **(e) * * ***

32
33 **(f) Modifications to the software**

34
35 The certification issued by the Judicial Council under Family Code section 3830
36 and this rule imposes a duty upon the person applying for the certification to
37 promptly notify the Judicial Council of all changes made to the software during the
38 period of certification. Upon request, the Judicial Council will keep the information
39 concerning changes confidential. The Judicial Council may, after receipt of
40 information concerning changes, require that the software be recertified under this
41 rule.
42

1 **(g) Definitions**

2
3 As used in this chapter:

- 4
5 (1) “Software” refers to any program or digital application used to calculate the
6 appropriate amount of child or spousal support.
7
8 (2) “Default settings” refers to the status in which the software first starts when it
9 is installed on a computer system. The software may permit the default
10 settings to be changed by the user, either on a temporary or a permanent
11 basis, if (1) the user is permitted to change the settings back to the default
12 without reinstalling the software, (2) the computer screen prominently
13 indicates whether the software is set to the default settings, and (3) any
14 printout from the software prominently indicates whether the software is set
15 to the default settings.
16
17 (3) “Contains” means, with reference to software, that the material is either
18 displayed by the program code itself or is found in written documents
19 supplied with the software.
20

21 **(h) Explanation of discrepancies**

22
23 Before the Judicial Council denies a certificate because of failure to comply with
24 the standards in paragraph (b)(1) or (b)(2) of this rule, the Judicial Council may
25 request the person seeking certification to explain the differences in results.
26

27 **(i)–(j) * * ***

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
1.	Child Support Director's Association of California by Michael Smitsky Executive Director	A	The Committee agrees with the proposed changes.	No response required
2.	Family Law Section Executive Committee (FLEXCOM), California Lawyers Association, by Shanon Quinley FLEXCOM Legislation Chair	A	FLEXCOM agrees with this proposal.	No response required.
3.	Harriett Buhai Center for Family Law by Rebecca L. Fischer Director of Legal Services	A	The Harriett Buhai Center for Family Law ("the Buhai Center") supports the Judicial Council's proposal regarding amending California Rules of Court as to rule 5.275. The proposed amendment allows software to be re-certified on an annual basis without delay. Deleting the operating system required to use the software reflects how quickly technology can change. Section (b)(2) of the rule referenced Windows 95; since Windows 95 was released, there have been 8 more versions of the operating system. The proposed amendment in section (b)(4) helps to promote conformity between California Rules of Court and California Family Code. This helps avoid confusion and more accurately reflects the law. The proposed amendment in section (b)(5) accurately reflects the new allocation of child support add-ons, an important issue for many families.	No response required. The committee appreciates the commenter's feedback regarding each proposed amendment to rule 5.275.

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
			Many litigants, particularly self-represented litigants, rely heavily on these programs to determine support orders and it is critical that the basic requirements of the systems accurately reflect California law.	
4.	Orange County Bar Association by Mei Tseng President	A	The Proposed Forms Appropriately Address the Stated Purpose: Yes	No response required.
5.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California’s ITC, “Family Law: Standards for Computer Software Used to Assist in Determining Support,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its ability to appropriately address its stated purpose. The proposal effectively addresses the purpose of updating Rule 5.275 to reflect statutory changes and ensure that certified software accurately calculates child and spousal support under current Family Code provisions. The revisions clarify how calculations should be performed, how default settings are defined, and how certification should be maintained, thereby aligning the rule with legislative intent and practical court use. The proposed inclusion of glossary definitions and the requirement that default settings be indicated on screen and in printouts will enhance transparency and	No response required. The committee appreciates the information provided by the commenter. This comment is beyond the scope of the invitation to comment. Rule 5.275(b)(4) currently requires that software developers

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
			reduce confusion for both legal professionals and self-represented litigants. It may be helpful for the Judicial Council to consider requiring vendors to provide short user guides and visual tutorials as part of certification. Also, establishing a central webpage listing all currently certified software and expiration dates would be helpful. Lastly, encouraging integration with family law facilitators' services to support public users would be beneficial.	provide instructions for the entry of each figure that is required for computation of child support, using the default setting of the software, on either the screen or in written form. While the inclusion of visual tutorials may be helpful to users, such a requirement would likely result in additional cost to developers. The committee, therefore, believes public comment should be sought before the suggestion to require visual tutorials as a certification requirement is considered for adoption. The committee also notes that the Judicial Council's public website, among other things, lists each guideline calculator certified for use by the courts, the dates the calculators were submitted for certification, their current certification status, and when certification is expected to expire: https://courts.ca.gov/programs-initiatives/families-and-children/family-law/ab-1058-child-support-program/guideline. Lastly, the commenter suggests that the rule should encourage integration with Family Law Facilitator's services to support public users. Although Family Code section 3830 requires that the standards ensure software performs in a manner consistent with applicable statutes and rules of court for the determination of child and spousal support, there is no requirement in the Family Code or rules of

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
			The proposal may provide cost savings by reducing the need for staff to verify or correct support calculations manually. Standardizing for software use may also reduce litigation or continuances caused by inconsistent data. Furthermore, user comprehension will be improved with the glossaries and clear default settings. To implement, the Court would need to train its judicial officers, judicial assistants and self-help staff. The Court estimates it would take two to three hours to review the updated standards, default settings, glossary functions, and certification compliance. The Court would also need to update its procedures to reflect default setting checks, glossary availability and verification of certified software use in non-IV-D cases. There would be minimal technology adjustments, since the Court would likely only need to confirm the software is installed and available to the public and staff according to the rule requirements. Three months from Judicial Council approval should be sufficient time for implementation. Courts would also benefit from a Judicial Council-hosted webinar or Q & A sessions early in the implementation period.	court requiring guideline calculators be integrated with the work of the Family Law Facilitator's Office. The committee will consider these suggestions in a future rules cycle as time and resources allow. The committee appreciates the information provided by the commenter. No response required. The committee appreciates the insight and information provided by the commenter. The committee appreciates the feedback from the commentator. The committee notes that, under this year's calendar, there will be two months between Judicial Council approval and the effective date of the

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
			The proposal should scale well across courts of varying sizes. Small courts will benefit from clearer standards, which reduce training and oversight burdens. Large Courts gain efficiency through standardization, reduced disputes over calculation discrepancies and more streamlined support proceedings.	amendments to the rule of court. Other courts have indicated that this lead time is sufficient; the committee hopes it will also work well for the Los Angeles Superior Court. The committee also appreciates the feedback provided by the commenter regarding resources that may be of assistance to courts during the implementation period. No response required. The committee appreciates the insight and information provided by the commenter.
6.	Superior Court of California, County of Orange Family Law and Juvenile Divisions by Katie Tobias Operations Analyst	NI	Comments N/A Request for Specific Comments In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following: <i>Does the proposal appropriately address the stated purpose?</i> Yes, the proposal appropriately addresses the stated purpose.	No response required. The committee appreciates the insight and information provided by the commenter.

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
			The advisory committee also seeks comments from courts on the following cost and implementation matters: <i>Would the proposal provide cost savings? If so, please quantify.</i> No, it does not appear to provide cost savings. <i>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?</i> Implementation will require providing communication to judicial officers and court staff. <i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes, two months would be sufficient time for Orange County. <i>How well would this proposal work in courts of different sizes?</i> Our court is a large court, and this could work for Orange County.	No response required. The committee appreciates the insight and information provided by the commenter. No response required. The committee appreciates the insight and information provided by the commenter. No response required. The committee appreciates the insight and information provided by the commenter. No response required. The committee appreciates the insight and information provided by the commenter.

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
7.	Superior Court of California, County of San Diego by Michael M. Roddy Executive Officer	A	<i>Does the proposal appropriately address the stated purpose?</i> Yes. <i>Would the proposal provide cost savings? If so, please quantify.</i> No. <i>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?</i> None. <i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation ?</i> Yes.	No response required. The committee appreciates the insight and information provided by the commenter. No response required. The committee appreciates the insight and information provided by the commenter. No response required. The committee appreciates the insight and information provided by the commenter. No response required. The committee appreciates the insight and information provided by the commenter.

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
			<i>How well would this proposal work in courts of different sizes?</i> It appears the proposal would work for courts of all sizes.	No response required. The committee appreciates the insight and information provided by the commenter.
8.	Hon. Rebecca Wightman Tribal Judge for Bear River Band Retired Commissioner, Superior Court of California, County of San Francisco	AM	Agree, if modified. I understand the purpose of this rule, among other corrective legislative issues, is to allow for testing for annual certification. The Judicial Council needs to be able to fully test a variety of scenarios for the purpose of testing the accuracy of various developers' programs without fear of running into any obstacles, such as licensing issues. I also think it is important for the Judicial Council to do its internal testing without giving developers advance knowledge of the internal scenarios used solely for testing. I propose the Judicial Council modify subdivision (b)(2) of CRC 5.275 by adding the language added in yellow highlighting below (or similar language, e.g. use "test-only scenarios" vs. "internal"): ~~(2) Using examples provided by the Judicial Council,~~ The software must calculate a child support amount, using its default settings, that is accurate to within 1 percent of the correct amount. ~~In making this determination~~ <u>To determine the accuracy of the software, the Judicial Council must will develop its own internal</u> scenarios to test the software, calculate	The committee agrees with the suggestion to add language to rule 5.275(b)(2) that explicitly states the scenarios developed by the Judicial Council are only for internal use. This change will advance the intended purpose of the amendment, which is to clarify that the test scenarios are not available for distribution to assist developers in programing their software. The committee also agrees that language should be added to rule 5.275(b)(2) requiring the person seeking certification to provide the Judicial Council with any licenses required to use and test the submitted software, as such licenses are necessary for the Judicial Council to use any computer hardware, operating systems, and software provided by the developers for testing purposes. The addition of the suggested language will help avoid obstacles that could delay the certification review process or create potential liability for the Judicial Council when using and testing the submitted software. The suggested changes have been incorporated,

SPR25-16

Family Law: Standards for Computer Software Used to Assist in Determining Support (amend Cal. Rules of Court, rule 5.275)

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

	Commenter	Position	Comment	Committee Response
			the correct amount of support for each ~~example~~ scenario, and ~~must~~ then calculate the amount for each ~~example~~ scenario using the software program. Each person seeking certification of software must supply a copy of the software to the Judicial Council. If the ~~software does not operate on a standard Windows 95 or later compatible or Macintosh computer, Judicial Council does not have the computer hardware or operating system necessary to use and test the software~~, the person seeking certification of the software must make available to the Judicial Council any hardware ~~or operating system~~ required to use and test the software. The person seeking certification shall also grant or obtain the licenses necessary to enable the Judicial Council to use and test the software. The Judicial Council may delegate the responsibility for the calculation and determinations required by this rule.	with slight alteration, into the revisions being recommended for the council's approval.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4 or 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children

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

Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt forms JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; approve form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Stephanie Lacambra, 415-865-7564, stephanie.lacambra@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 22, 2024; Amended: November 26, 2024

Project description from annual agenda: New and One-Time Projects section, item 3: Retention of Juvenile Jurisdiction and Clarifying Rules for Petitions Requesting Juvenile Case Files of Deceased Children AB 1756 (Committee on Judiciary) Committee on Judiciary: judiciary omnibus (Stats. of 2023, Ch. 478) (One-Time Project) (pgs.9-10)

Out of Cycle/Early Implementation: *If requesting July 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.)

This proposal was first circulated for public comment during the Spring 2024 rules cycle and was deferred to the current cycle and substantially rewritten to address issues raised during public comment.

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) 8/1/25

☒ approved by Office Director (or Designee) (name) Audrey Fancy
on (date) 8/5/25

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: SPR25-038

For business meeting on October 24, 2025

Title

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected
Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt forms JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; approve form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574

Date of Report

August 26, 2025

Contact

Stephanie Lacambra, 415-865-7564
stephanie.lacambra@jud.ca.gov

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Tari L. Cody, Cochair

Hon. Stephanie E. Hulse, Cochair

Executive Summary

To implement Assembly Bill 1756 (Stats. 2023, ch. 478, § 62) and Senate Bill 1161 (Stats. 2024, ch. 782, § 12), the Family and Juvenile Law Advisory Committee recommends (1) amending one rule of the California Rules of Court to comply with AB 1756's amendment to Welfare and Institutions Code section 10850.4 to extend the juvenile court's jurisdiction in cases involving the death of a child or nonminor dependent; (2) amending one rule of court to implement SB 1161's amendment to the definition of a "juvenile case file" in Welfare and Institutions Code section 827(e); and (3) adopting one rule of court, amending two rules of court, adopting six mandatory forms, approving one optional form, and revising six forms to clarify the different legal standards for requesting any juvenile delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under Welfare and Institutions Code section 827.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026:

1. Amend rule 5.510 of the California Rules of Court to implement AB 1756 by granting the juvenile court discretion to retain its jurisdiction in cases in which a child or nonminor dependent dies while under the juvenile court's jurisdiction;
2. Adopt rule 5.551 of the California Rules of Court to implement SB 1161 by clarifying that the definition of a juvenile case file has the same meaning as defined in Welfare and Institutions Code section 827(e) and recognize the coextensive application of other confidentiality laws on the confidentiality of juvenile records codified in Welfare and Institutions Code section 827(a)(3);
3. Amend rule 5.552 of the California Rules of Court to clarify that it applies only to requests for a juvenile delinquency case file or a living child's juvenile dependency case file;
4. Amend rule 5.553 of the California Rules of Court to clarify that it applies only to requests for a deceased child's juvenile dependency case file and to mirror the format in rule 5.552 for consistency;
5. Revise *Proof of Service—Petition for Access to Juvenile Case File* (form JV-569) to update its title to *Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, update all references to other retitled forms to reflect the proposed revisions to the form titles, and remove all references to requests for a juvenile dependency case file of a deceased child (for all forms in the series JV-569 through JV-574), add fields for petitioners to provide their contact information or the name and contact information of their lawyer in item 1, add the age qualification to items 2c and 4c, and add individuals protected by Welfare and Institutions Code section 827(a)(3) to items 2 and 4;
6. Revise *Petition for Access to Juvenile Case File* (form JV-570) to update its title to *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, add fields for petitioners to provide their contact information or the name and contact information of their lawyer in item 1, revise item 4 to remove subitem b and letter the boxes, add an option to attach additional information to items 5 and 7, and revise item 7 to include a juvenile delinquency case file or a living child's juvenile dependency case file;
7. Revise *Notice of Petition for Access to Juvenile Case File* (form JV-571) to update its title to *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, revise the introductory paragraph to instruct petitioners on how to fill out the proof of service (form JV-569), and move the warning box above the signature line;

8. Revise *Objection to Release of Juvenile Case File* (form JV-572) to update its title to *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, add fields for petitioners to provide their contact information or the name and contact information of their lawyer in item 1, renumber the subsequent items accordingly, and add an option to attach additional information to item 5;
9. Revise *Order on Petition for Access to Juvenile Case File* (form JV-573) to update its title to *Order on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* and revise item 2 to include a juvenile delinquency case file or a living child's juvenile dependency case file;
10. Revise *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574) to update its title to *Order After Judicial Review on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File*, revise items 2 and 3 to state: "After review of the juvenile delinquency case file or a living child's juvenile dependency case file . . .," add a checkbox in item 3c for redaction of information that relates to another child or could identify another child who is not the subject of the petition, and remove items 4 and 5 pertaining to a deceased child and renumber items 6–9 as items 4–7;
11. Approve one new optional form, *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576); and
12. Adopt six new mandatory forms: *Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-583), *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584), *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-585), *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586), *Order on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-587), and *Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-588).

The proposed new and amended rules and the new and revised forms are attached at pages 18–50.

Relevant Previous Council Action

The Judicial Council last amended rule 5.510 of the California Rules of Court¹ on January 1, 2021, to address the exclusive jurisdiction of the juvenile court. The council previously amended rule 5.552, effective September 1, 2020, for access to juvenile case files in appellate court proceedings. The council last addressed different standards for requesting the juvenile case file of a living versus a deceased child when it adopted rule 5.553, effective January 1, 2009, to

¹ All further rule references are to the California Rules of Court.

differentiate the procedures for petitions requesting the juvenile case file of a deceased child from those of a living child set forth in rule 5.552.

Proof of Service—Petition for Access to Juvenile Case File (form JV-569), *Petition for Access to Juvenile Case File* (form JV-570), *Notice of Petition for Access to Juvenile Case File* (form JV-571), and *Objection to Release of Juvenile Case File* (form JV-572) were most recently revised for mandatory use on September 1, 2020. *Order on Petition for Access to Juvenile Case File* (form JV-573) and *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574) were most recently revised for mandatory use on January 1, 2021.

Prior Circulation

An earlier version of this proposal² circulated for public comment between March 29 and May 3, 2024, as part of the regular spring 2024 rules cycle. The previous proposal had proposed revising existing council forms to create separate subsections for petitions requesting release of a living child's juvenile case file and petitions requesting public disclosure of a deceased child's juvenile case file to minimize possible disruption of existing court workflows.

The committee received 10 comments on this prior proposal. Some of these comments raised substantive issues regarding the proposal, including whether “interested parties” should include categories of parties without a personal privacy interest in the juvenile case file of the deceased child. In light of the substantive differences in procedures and based on the public comments received in the prior circulation, the committee concluded that offering a single set of forms was overly confusing and untenable. A chart of the comments received during the spring 2024 rules cycle and the committee's responses is attached at pages 100–127.

Analysis/Rationale

This proposal addresses three different issues related to juvenile case files: (1) extending the juvenile court's jurisdiction to receive death-related documents and information, (2) updating the definition of a juvenile case file, and (3) defining different procedures and standards for release of juvenile dependency case files of deceased children.

AB 1756 and Welfare and Institutions Code section 10850.4(q)

Assembly Bill 1756 amended Welfare and Institutions Code section 10850.4(q) to provide that the court may retain jurisdiction if a child or nonminor dependent dies while subject to the jurisdiction of juvenile court and there is a reasonable suspicion that the death was caused by abuse or neglect for the purpose of receiving documents and information related to the

² Judicial Council of Cal., Invitation to Comment SPR24-20, *Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children* (posted Mar. 29, 2024), <https://courts.ca.gov/system/files?file=itc/spr24-20.pdf>.

circumstances of the death.³ The committee recommends amending rule 5.510 of the California Rules of Court to incorporate this revised statutory language.

The committee recommends adding a new subdivision (d) to rule 5.510, which would incorporate the discretionary extension of the juvenile court's jurisdiction for the limited purpose of receiving documents and information related to the circumstances of the death of a child while under the jurisdiction of the juvenile court.

SB 1161 and Welfare and Institutions Code section 827(e)

Senate Bill 1161 amended the definition of a “juvenile case file” in section 827(e) to include “any writing as defined in Section 250 of the Evidence Code, or electronically stored information relating to the minor.” The committee recommends moving the definition of “juvenile case file” from rule 5.552 to proposed new rule 5.551 and incorporating this revised statutory language. Proposed new rule 5.551(a) would clarify that a juvenile case file has the same meaning as defined in section 827(e) and includes the specific items enumerated in the current rule 5.552(a).⁴ In addition, the committee recommends moving the section titled “Other applicable statutes” from rule 5.552(g) to the proposed new rule 5.551(b).

Defining different procedures and standards for release of juvenile dependency case files of deceased children

Access to juvenile case files is governed by section 827. This statute establishes different procedures and standards for access to all juvenile delinquency case files and juvenile dependency case files of living children, versus public disclosure of juvenile dependency case files of deceased children.

Section 827(a)(1) governs access to juvenile dependency case files of living children and all juvenile delinquency case files of both living and deceased children. It generally restricts access to specifically enumerated individuals and organizations. Any party not statutorily entitled to access under that paragraph must petition the juvenile court for access to and disclosure of juvenile court records under section 827(a)(1)(Q).

³ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

⁴ There are several definitions of a juvenile case file in statute, rule of court, and case law. A “juvenile case file” is defined in section 827(e), and a “juvenile court file” is defined in section 825. Current rule 5.552(a) incorporates the definition from section 827(e) but includes additional items not enumerated in statute. In case law, some courts have interpreted the definition of “juvenile case file” in section 827(e) broadly to include any documents and other information housed in a county child welfare agency file regarding a child who has suffered or is at serious risk of suffering abuse or neglect that brings the child within the jurisdiction of the juvenile court under section 300. This includes information in agency files where no juvenile court proceedings have been instituted and the matter is handled informally. See *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767, 780–781; *In re Elijah S.* (2005) 125 Cal.App.4th 1532; and 87 Ops.Cal.Atty.Gen. 72, 75 (2004).

Section 827(a)(2) governs access to juvenile dependency case files of deceased children and, in contrast to section (a)(1), carries a presumption of public disclosure.⁵ The presumption is overcome only if the objecting party shows, by a preponderance of the evidence, that release of the juvenile case file, or any portion thereof, is detrimental to the safety, protection, or physical or emotional well-being of a surviving⁶ child or nonminor dependent who is directly or indirectly connected to the juvenile case that is the subject of the petition.⁷ In codifying the presumptive public right of access in section 827(a)(2), the Legislature intended to promote prompt access to the records of children who die while in the custody of the state and recognized that delays in accessing the juvenile dependency case files of deceased children reduce the likelihood that disclosure of those files will bring public attention to problems in the juvenile court system and result in corresponding reforms.⁸

Rules 5.552 and 5.553 implement section 827(a)(1)(Q) and (2), addressing the confidentiality of juvenile dependency case files for living children and juvenile delinquency case files, and juvenile dependency case files of deceased children, respectively, and provide guidance on requests for access to and release of juvenile case files. Currently, rule 5.552 contains detailed procedures for petitions seeking the dependency files of living children and juvenile delinquency case files, including requiring that the petitioner (1) establish good cause, (2) demonstrate that the need for access outweighs the policy considerations favoring confidentiality of juvenile case files, and (3) show by a preponderance of the evidence that the records requested are necessary and have substantial relevance to a legitimate need.⁹

⁵ See § 827(a)(2)(A): “[J]uvenile case files . . . that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. . . .

(B) This paragraph represents a presumption in favor of the release of documents when a child is deceased unless the statutory reasons for confidentiality are shown to exist.

(C) If a child whose records are sought has died, and documents are sought pursuant to this paragraph, no weighing or balancing of the interests of those other than a child is permitted.”

⁶ The limiting factor of “surviving” was added because it has long been recognized that privacy rights expire upon death. See *Flynn v. Higham* (1983) 149 Cal.App.3d 677, at 683. (“It is well settled that the right of privacy is purely a personal one; it cannot be asserted by anyone other than the person whose privacy has been invaded, that is, plaintiff must plead and prove that *his* privacy has been invaded. [citations omitted] Further, the *right does not survive but dies with the person.*” (Emphasis added.))

⁷ § 827(a)(2)(A): “Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.”

⁸ Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill 199 (1999–2000 Reg. Sess.), as amended May 6, 1999, p. 5 (stating a delay in the process harms the statute’s purpose because “the community’s reaction would have died down, and the opportunity to effect positive change may have passed”).

⁹ Cal. Rules of Court, rule 5.552(d)(1), (5), and (6).

In contrast, rule 5.553 simply contains cross-references to statutes addressing access to the juvenile dependency case files of deceased children. It does not set out detailed procedures for requesting such files, nor does it explicitly include the presumptive public right of access for the juvenile dependency case files of deceased children. In addition, neither rule 5.552 nor rule 5.553 currently recognizes that under section 827(a)(3), individuals who have an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof are also entitled to notice and an opportunity to object to a petition requesting release under either section 827(a)(1)(Q) or section 827(a)(2).

Differentiating standards for release under section 827: rules 5.552 and 5.553

The committee recommends amending rules 5.552 and 5.553 to better reflect the different procedures and standards for the release of any juvenile delinquency case file and a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, subdivisions (a)(1)(Q) and (a)(2), respectively, and to recognize the rights of individuals protected under subdivision (a)(3).

Rule 5.552

The committee recommends amending rule 5.552 to clarify its application and the procedures for release of any juvenile delinquency case file or living child's juvenile dependency case file:

- Change the title of the rule to “Procedure for requesting any juvenile delinquency case file or a living child's juvenile dependency case file.”
- Add specific language to clarify that the rule applies only to petitions requesting any juvenile delinquency case file and a living child's juvenile dependency case file by adding the words “juvenile delinquency case file(s) and a living child's juvenile dependency” to the relettered subdivisions.
- Amend relettered subdivision (a) to add that “information from the file may not be disclosed in testimony without a juvenile court order” to prevent a party from attempting to obtain juvenile case file information without a court order in keeping with relevant case law.¹⁰
- Amend relettered subdivision (b) to include children who are or were subject to a section 300 petition, and add to the notice requirements individuals, and their representatives, with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof who are entitled to notice and an opportunity to object under section 827(a)(3). The committee determined that specifically calling out the recognized representatives of this class of individuals would be helpful to petitioners and the courts.
- Amend relettered subdivision (b) to require the clerk to serve parties *if* the petitioner or their counsel indicate on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the parties or the clerk possesses information,

¹⁰ See *City of San Diego v. Superior Court* (1981) 136 Cal.App.3d 236, 239 (reasoning that “a litigant may not obtain indirectly what is directly privileged and immune from discovery” in a police personnel records context).

such as a more current address, indicating that service by the petitioner on any of those parties may have been ineffective. This amendment benefits both courts and litigants by removing the need for further continuances to effect proper service and would harmonize the service requirements for 827 petitions. The committee recommends this amendment because the court clerk, as the custodian of the court's records, is in the best position to have the correct contact information for parties whose personal information is contained in the juvenile case file.

Rule 5.553

Rule 5.553 governs the process for petitioning for public disclosure of the juvenile dependency case files of deceased children under section 827(a)(2). The committee recommends amending the rule as follows:

- Change the title of the rule to “Procedure for requesting a deceased child’s juvenile dependency case file”;
- Add language to clarify that the rule specifically applies to the disclosure of the juvenile dependency case files of deceased children;
- Add the presumption of public access to and procedural timelines for section 827(a)(2) petitions requesting the juvenile dependency case files of deceased children; and
- Expand the rule to mirror the structure of rule 5.552, including adding three new subdivisions: rule 5.553(a) (Petition for requesting a deceased child’s juvenile dependency case file) retains the language of current rule 5.553 but reverses the order of paragraphs (1) and (2) and clarifies that a member of the public seeking to disclose the juvenile case files of deceased children under section 827(a)(2) must petition the presiding judge of the juvenile court for authorization using *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-584), rule 5.553(b) (Notice of petition requesting a deceased child’s juvenile dependency case file) instructs petitioners seeking the juvenile dependency case file of a deceased child on the proper procedure for filing and serving the petition and instructs the custodian of records on the proper procedure for serving interested parties, and rule 5.553(c) (Procedure for evaluating a request for a deceased child’s juvenile dependency case file) refers petitioners to the procedures and timelines governing objections and replies to objections and hearings on a petition for public disclosure of a deceased child’s juvenile dependency case file set forth in section 827(a)(2)(A)–(C) and (E)–(F) and, subject to section 827(a)(3)(A), the standards for granting or denying such a petition.

Creating new forms for section 827(a)(2) petitions

As discussed above, there are important substantive differences between the procedures for release of the juvenile delinquency case file and a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency file.

The committee recommends (1) revising the set of existing forms (JV-569 through JV-574) to clarify that they apply to petitions requesting access to a delinquency file or a living child’s juvenile dependency case file, (2) creating a second set of new forms (numbered JV-583 to JV-

588) limited to section 827(a)(2) petitions requesting public disclosure of a deceased child's juvenile dependency case file, and (3) creating a new optional form attachment (JV-576) for orders granting disclosure of all or portions of the juvenile case file pursuant to section 827 petitions and enumerating the most common redactions required by federal and state privacy laws and regulations in addition to redactions required under section 827.

Existing form series revisions to limit to 827(a)(1)(Q) petitions

The committee recommends revising the following existing set of mandatory forms to clearly indicate their use for requesting any juvenile delinquency case file or a living child's juvenile dependency case file. These revisions include modifying the form titles as indicated below, updating all references to other forms to reflect the proposed revisions to the form titles, and removing all references to requests for a juvenile dependency case file of a deceased child:

- *Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-569). The committee recommends the following revisions in addition to the ones described above:
 - Update item 1 to add fields for petitioners to provide their contact information or the name and contact information of their lawyer.
 - Revise items 2c and 4c to add the age qualification of "10 years of age or older."
 - Revise items 2 and 4 to add individuals protected by section 827(a)(3).
- *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570). The committee recommends the following revisions in addition to the ones described above:
 - Update item 1 to add fields for petitioners to provide their contact information or the name and contact information of their lawyer.
 - Revise item 4 to remove subitem b and letter the boxes.
 - Revise item 7 to include a juvenile delinquency case file or a living child's juvenile dependency case file.
- *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-571). The committee recommends the following revisions in addition to the ones described above:
 - Revise the introductory paragraph to instruct petitioners on how to fill out the proof of service (form JV-569).
 - Move the warning box above the signature line.
- *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-572). The committee recommends the following revisions in addition to the ones described above:

- Update item 1 to add fields for petitioners to provide their contact information or the name and contact information of their lawyer.
- Renumber the subsequent items accordingly.
- Revise item 5 to add an option to attach additional information.
- *Order on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-573). The committee recommends the following revisions in addition to the ones described above:
 - Revise item 2 to include a juvenile delinquency case file or a living child's juvenile dependency case file.
- *Order After Judicial Review on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-574). The committee recommends the following revisions in addition to the ones described above:
 - Revise items 2 and 3 to state: "After review of the juvenile delinquency case file or a living child's juvenile dependency case file . . ."
 - Add a checkbox in item 3c for redaction of information that relates to another child or could identify another child, who is not the subject of the petition.
 - Renumber the subsequent items accordingly.

New form series for 827(a)(2) petitions

The following new mandatory forms would be created exclusively for use in requesting public disclosure of a deceased child's juvenile dependency case file under section 827(a)(2):

- *Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-583);
- *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584);
- *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-585);
- *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586);
- *Order on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-587); and
- *Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-588).

Creating a new attachment for court orders granting section 827 petitions

A new optional form entitled *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576) is meant to help guide courts on the information that must be redacted from the juvenile case file as required by some of the most common overlapping federal and state privacy laws and regulations in addition to section 827,

prior to release or disclosure of all or portions of the juvenile case file. Section 827 also generally prohibits testimony regarding information in the juvenile case file; form JV-576 provides an option for the court to authorize testimony regarding the released information, as necessary.

Policy implications

This proposal furthers the council’s policy of ensuring equal access to the courts and court proceedings, fair and understandable court procedures for all litigants, and the highest quality of justice and service to the public by (1) conforming the rules and forms to reflect statutory requirements ensuring a public right of access to the juvenile dependency case files of deceased children and (2) implementing recent legislative amendments to section 827.

Comments

The proposal circulated for public comment between April 14 and May 23, 2025, as part of the regular spring comment cycle. Ten commenters provided feedback. Three superior courts, a county bar association, the state department of social services, a county child welfare agency, two legal advocacy organizations, a court operations manager in their individual capacity, and an internal joint rules subcommittee submitted comments on this proposal. Two commenters agreed with the proposal as proposed, six commenters agreed if modified, and two did not indicate a position, but one of them expressed that the proposal appropriately addressed its stated purpose.

A chart with the full text of the comments received during the spring 2025 rules cycle and the committee’s responses are attached at pages 51–99. The comments specifically addressed proposed changes to rules and forms aimed at clarifying language, refining procedural requirements, enhancing privacy protections, and addressing concerns about including or redacting sensitive information in juvenile case files.

Comments on rule 5.510

Clarifying rule 5.510 by incorporating section 10850.4(c)

The California Department of Social Services (CDSS) requested that rule 5.510 be amended because the language in subdivision (d)(2) as initially drafted for the 2025 rules cycle created ambiguity by using both “order” and “request” in the same sentence, implying that the court may order the placing agency to request *others* to send relevant documents and information to the court. Rather than adopting the commenter’s proposed language, the committee recommends amending rule 5.510(d)(2) to more closely track the statutory language of section 10850.4: “The court may order the placing agency to release the documents and information itemized in Welfare and Institutions Code section 10850.4(c) to the court, subject to the redactions set forth in (e).”

Comments on rule 5.551

Requesting additional categories of information be included in the definition of a juvenile case file in rule 5.551

The California Lawyers Association’s Family Law Section Executive Committee requested that the definition of a juvenile case file in rule 5.551 include Child Protective Services investigations that do not result in a dependency case and Delivered Service Logs. The committee declined to

include these specific categories in the definition of a juvenile case file because they are already encompassed within rule 5.551(a)(3) and (4). The Youth Law Center requested that the definition of a juvenile case file specifically include the terms “juvenile dependency case file” and “juvenile delinquency case file.” The committee declined to make this change because the reference to juvenile delinquency versus dependency case files in the form titles is meant to differentiate the basis for juvenile court jurisdiction over the child.

Comments on multiple rules or forms

Removing restraints on testimony about information from the juvenile case file in rules 5.552 and 5.553

The Youth Law Center requested that all references to prohibiting testimony regarding information from a juvenile case file in the proposed rules be removed because the commenter fears the rules as written may prevent people from testifying to facts for which they have independent knowledge. The committee added “and the information in the file may not be disclosed in testimony” to rules 5.552(a) and 5.553(a)(3) in response to public comment from the San Diego County Office of County Counsel during the 2024 rules cycle specifically requesting the rules include protection for social worker or probation officer testimony about juvenile case file information to prevent a party from attempting to obtain juvenile case file information without a court order through testimony. (See *City of San Diego v. Superior Court* (1981) 136 Cal.App.3d 236, 239 (applying protection in the context of law enforcement personnel files).) The committee does not recommend the suggested change, but instead added “without a juvenile court order” after “the file may not be disclosed in testimony” and replaced “information *in* the file” with “information *from* the file” (italics added) to make it clear that disclosure of information taken from the juvenile case file, not from personal knowledge, must be reviewed by the juvenile court before it can be released.

Removing notice required by section 827(a)(3)(B) from rules 5.552 and 5.553

The Youth Law Center raised concerns that expanding the petitioner’s notice and service obligations to individuals with protected privacy interests under section 827(a)(3) may undermine the Judicial Council’s goal of preserving such individuals’ privacy because the amended rules require the petitioner or custodian of records to identify and serve these individuals. The committee does not recommend removing the notice requirements because section 827(a)(3)(B) requires that notice be provided to all interested parties. Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be noticed under the statute. The committee specifically included “Any other interested party as determined by the court” in rule 5.553(b)(1)(H) to reserve the court’s discretion in determining who must be served as an interested party under section 827.

Clarifying conditions that trigger the clerk or custodian of record’s duty to serve in rules 5.552 and 5.553

The Superior Court of San Diego County raised concerns that rule 5.552(b)(3) as written implies the clerk has a duty to serve, not re-serve, the parties where the petitioner attempted service but

did not succeed. The committee agrees with the commenter's feedback and recommends amending rules 5.552(b)(3) and 5.553(b)(3) to clarify that the clerk or custodian of record's duty to serve is triggered only after the petitioner or their counsel has indicated on the proof of service (as set forth in item 2 of either form JV-569 or JV-583, respectively) that they do not know or cannot reasonably determine the identity or address of the parties in rules 5.552(b)(1) and 5.553(b)(1) or the clerk possesses information, such as a more recent address, indicating that service by the petitioner on any of those parties may have been effective.

Including an example of information indicating service was ineffective in rules 5.552 and 5.553

Three superior court commenters, one bar association commenter, and one internal joint rules subcommittee commenter agreed that rules 5.552(b)(3) and 5.553(b)(3) should include the language from section 827(a)(2)(D) that gives an example of how a clerk or custodian of records possesses information indicating that the service by the petitioner on interested parties may have been ineffective, such as a more recent address. The committee agrees with the commenters' feedback and recommends amending rules 5.552(b)(3) and 5.553(b)(3) to include the language "such as a more recent address" from section 827(a)(2)(D) to give an example of circumstances in which the clerk or custodian of records possesses information indicating that the service by the petitioner on interested parties may have been ineffective.

Suggested changes to form titles

Two superior court commenters and one county child welfare agency suggested changes to the form titles. The Superior Court of San Diego County suggested removing reference to "delinquency case file" and the Orange County Social Services Agency suggested removing reference to "a living child" from the proposed revisions to the existing set of forms. To avoid confusion, the committee decided to maintain the distinction between the process of requesting any juvenile delinquency case file (of either a living or deceased child) or the dependency case file of a living child versus the dependency case file of a deceased child.

Comments on advisory committee comment

The Superior Court of San Diego County questioned the advisory committee comment's reference to California Rules of Court, rule 5.165 because it is housed in chapter 7 (Request for Emergency Orders (Ex parte Orders)) of division 1 (Family Rules) as opposed to division 3 (Juvenile Rules). The advisory committee comment was removed in light of concerns raised by commenters regarding its clarity and the potential for multiple interpretations that could result in confusion or misapplication.

Comments on form JV-569

Converting form JV-569 from mandatory to optional

One court operations manager requested to amend rules 5.552(b)(3)(B) and 5.553(b)(3)(B) to allow the use of form JV-569 or a local form. The committee does not recommend the suggested change because form JV-569 is part of a mandatory series of plain language forms meant to assist self-represented litigants in requesting a juvenile case file.

Adding “if 10 years of age or older” qualifier to “child” receiving notice

The Superior Court of San Diego County suggested adding “if 10 years of age or older” as a qualifier to “child” requiring notice in items 2c and 4c of form JV-569. The committee agrees and recommends adding “if the child is 10 years of age or older” to items 2c and 4c on form JV-569, consistent with newly amended rule 5.552(b)(1)(C).

Comments on form JV-576

Adding other categories of protected confidential information in items 1 and 2

The Superior Court of San Diego County suggested including additional checkboxes for other categories of information protected by other state and federal confidentiality laws and regulations in items 1 and 2 of form JV-576. The committee agrees with the commenter’s feedback and recommends revising items 1 and 2 on form JV-576 to include the additional proposed categories of information to provide a more comprehensive list of protected confidential information that may warrant removal or redaction. The committee decided to refrain from referring to specific form numbers to err on the side of inclusivity rather than risk exclusion by omission.

Including additional categories of proceedings in item 4

The Superior Court of Orange County suggested including additional checkboxes for family law and probate proceedings in item 4 of form JV-576. The committee agrees with the suggestion and recommends adding separate checkboxes for “juvenile,” “family law,” and “probate” proceedings in item 4 along with separate fields for petitioners to provide the respective case number(s), if known.

Revising the instructions and item 4 to “restrict” instead of “authorize” testimony

The Youth Law Center suggested replacing “authorize” with “restrict” or “limit” in item 4 and the introductory instructions to form JV-576 because it is concerned that the form may authorize testimony that is prohibited by other orders of the court, including legally required redactions or document removals. The committee does not recommend the suggested change because testimony regarding confidential information taken from a juvenile case file is generally restricted unless authorized by juvenile court order.

Comments on form JV-584

The Superior Court of San Diego County requested “county child welfare” be added before “agency” in item 4b of form JV-584. The committee does not recommend the suggested change because it would exclude dual status cases where the lead agency is not a child welfare agency.

Comments on form JV-585

The Superior Court of San Diego County suggested revising the introductory instructions to form JV-585 to require petitioners to notice all parties listed in items 2 and 4 of the *Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-583) if their names and addresses are known. The committee agrees and recommends revising the first paragraph of form JV-575 to require service on parties listed in item 4 of form JV-583, if their names and addresses are known to the petitioner, and for the petitioner to indicate which parties they were unable to serve in item 2 of form JV-583.

Comments on form JV-587

The Superior Court of San Diego County requested a blank line be inserted at the end of item 2 on form JV-587 for the clerk to fill in the deadline for the issuance of the court's decision on the section 827 petition because the petitioning party might not be able to calculate the deadline on their own. The committee declines to incorporate the suggested change because the deadline for the court's decision is not fixed and will have to be calculated on a case-by-case basis depending upon the date of service by the custodian of records on the parties, which would create undue burden on the court clerk with minimal benefit to litigants.

Comments regarding nonminor dependents

The Superior Court of San Diego County requested that the rules and corresponding forms in this proposal address that the confidentiality of case files for nonminor dependents is governed by section 362.5. This suggestion is beyond the scope of the invitation to comment. Incorporation of nonminor dependent records into the section 827 petition process via court rules and forms will require further consideration by subject matter experts and juvenile law stakeholders and an opportunity for public comment in a future cycle.

Comments on need for additional forms

The Youth Law Center requests that an INFO form be created to be included in this series of forms because it is unclear which set of forms should be used and how they should be completed. The committee acknowledges that an INFO form may be helpful to courts and litigants and will monitor implementation and assess the potential need for an INFO form in a future cycle.

Alternatives considered

The committee considered several alternatives to aspects of this proposal as discussed below. The committee rejected the alternative of taking no action because amendments to rule 5.510 and 5.552 are legislatively mandated. The committee also rejected the alternative of delaying the proposal to incorporate statutory amendments to section 827 contained in pending Senate Bill 413 (Allen, as amended June 25, 2025) (Juveniles: case file inspection) because the proposed revisions were delayed from the last legislative cycle and need to be implemented.

Proposing amendments only to rule 5.510 to implement AB 1756 and SB 1161

The committee considered proposing amendments only to rule 5.510 to reflect the recently enacted legislation. However, the committee noted that the definition of a juvenile case file in rule 5.552 would still need to be revised to comply with SB 1161's amendment of section 827(e), and there is confusion around the different standards governing requests for access to the juvenile dependency case file of a living child and requests for disclosure of a juvenile dependency case file of a deceased child. Based on this, the committee concluded that the additional proposed amendments to the rules and revisions to forms would be helpful to courts, litigants, and the public by providing clarification and better guidance on the proper standards and procedures for access to and disclosure of juvenile case files.

Proposing that existing forms continue to be used for petitions to access juvenile dependency case files of deceased children

The committee considered revising the existing forms to clearly articulate the standards for release of juvenile case files of both living and deceased children so that they could continue to be used in both types of cases. However, the committee ultimately decided to propose a separate series of forms for section 827(a)(2) petitions seeking access to the juvenile dependency case files of deceased children after considering comments from the previous public comment cycle.

Interested parties definition

The committee considered multiple ways of defining “interested parties” who must be served with notice of section 827(a)(2) petitions seeking public disclosure of a deceased child’s juvenile dependency case file. The following options were considered and ultimately rejected by the committee.

Mirroring rule 5.552

“Interested parties” could be defined to be the same parties identified in rule 5.552(c)(1) who must be served with notice of a petition requesting juvenile delinquency case files or the juvenile dependency case file of a living child. The committee declined to adopt this option because, based on legislative intent,¹¹ there is no statutory authority for a broad construction to include persons who do not have a cognizable privacy interest in the personal information contained within the deceased child’s juvenile dependency case file.¹²

Providing courtesy notice to persons other than interested parties

The committee considered a rule dividing the parties who receive notice of a section 827(a)(2) petition into two classes: (1) “interested parties” who are statutorily entitled to notice and an opportunity to object and (2) persons who did not have a right to notice or to object but who might have useful input to provide to the court in deciding whether a deceased child’s juvenile dependency case file or any portion thereof should be withheld from public disclosure. However, the committee discarded this option for exceeding the scope of the legislative mandate.

Refraining from defining “interested parties” altogether

The committee considered the option of not defining “interested parties” at all. However, the committee concluded that it would be helpful to petitioners who must serve interested parties and

¹¹ Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill 199 (1999–2000 Reg. Sess.), as amended May 6, 1999, p. 5. (Section 827(a)(2) was meant to increase governmental transparency by compelling public disclosure of the deceased child’s juvenile case file when a child dies while in the custody and care of the state to promote prompt access to the records and to recognize that delays in disclosure reduce the likelihood that public attention will be paid to problems within the juvenile court system and result in corresponding reforms because “the community’s reaction would have died down, and the opportunity to effect positive change may have passed.”)

¹² Section 827(a)(2): “Juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, *shall be released to the public* pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection.” (Emphasis added.)

to courts to specifically identify the parties with a cognizable privacy interest in personal information contained within the deceased child’s juvenile dependency case file, while still leaving the juvenile court discretion to make its own determination of the meaning of “interested party.”

Fiscal and Operational Impacts

Implementation of AB 1756 and SB 1161 and clarification of the standards and process for disclosure of the juvenile case files of deceased children may create additional costs for courts to update their case management systems to track relevant information and hearing and decision deadlines, as well as to integrate the new mandatory forms into current court workflows. In addition, the committee recommends increasing the clerk’s responsibilities under rule 5.552(b)(3) to require the clerk to serve parties *if* the petitioner or their counsel indicate on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the parties or the clerk possesses information, such as a more current address, indicating that service by the petitioner on any of those parties may have been ineffective. Education or training on the legal standard and procedural requirements for processing section 827 petitions may be required for courts, social welfare agencies, probation departments, county counsel, prosecutors, and defense counsel.

Attachments and Links

1. Cal. Rules of Court, rules 5.510, 5.551, 5.552, and 5.553, at pages 18–27
2. Forms JV-569, JV-570, JV-571, JV-572, JV-573, JV-574, JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588, at pages 28–50
3. SPR25-17 public comment chart, at pages 51–99
4. SPR24-20 public comment chart, at pages 100–127
5. Link A: Judicial Council of Cal., Invitation to Comment SPR25-17, *Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children* (posted Apr. 14, 2025), <https://courts.ca.gov/system/files/itc/spr25-17.pdf>
6. Link B: Judicial Council of Cal., Invitation to Comment SPR24-20, *Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children* (posted Mar. 29, 2024), <https://courts.ca.gov/system/files?file=itc/spr24-20.pdf>
7. Link C: Welf. & Inst. Code, § 10850.4(q), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10850.4.&lawCode=WIC
8. Link D: Welf. & Inst. Code, § 827(e), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=827&lawCode=WIC

Rule 5.551 of the California Rules of Court is adopted, and rules 5.510, 5.552, and 5.553 are amended, effective January 1, 2026, to read:

Rule 5.510. Proper court; determination of child’s residence; exclusive jurisdiction; retention of jurisdiction after death of child or nonminor dependent

(a)–(c) * * *

(d) Retention of jurisdiction (§ 10850.4(q)(1))

- (1) If the death of a child or nonminor dependent occurs while the child or nonminor dependent is within the jurisdiction of the court, whether or not a petition was filed, the court may retain jurisdiction on its own motion or at the request of a party for the exclusive purpose of receiving documents and information related to the circumstances of the death, including but not limited to medical records, police reports, and autopsy reports.
- (2) If the court retains jurisdiction, the case must remain open until the court receives the documents and information related to the circumstances of death. The court may order the placing agency to release the documents and information itemized in Welfare and Institutions Code section 10850.4(c) to the court, subject to the redactions set forth in section 10850.4(e).
- (3) The court must terminate jurisdiction upon receipt of the documents and information.

Rule 5.551. Confidentiality of a juvenile case file (§ 827)

This rule defines the scope of a juvenile case file for both living and deceased children and recognizes the applicability of other confidentiality laws.

(a) Definition of a juvenile case file

A juvenile case file is confidential and includes the records and information described in Welfare and Institutions Code section 827(e), as well as the following:

- (1) All records and information filed in a juvenile court case or made available to the court;
- (2) Reports to the court by probation officers, social workers of child welfare services programs, and CASA volunteers;
- (3) Records and information made available to probation officers, social workers of child welfare services programs, and CASA volunteers in preparation of reports to the court;

- 1
2 (4) Records and information relating to a child within the jurisdiction of the
3 juvenile court, whether or not a petition has been filed, that are maintained in
4 the office files of probation officers, social workers of child welfare services
5 programs, and CASA volunteers;
6
7 (5) Transcripts, records, or reports relating to matters prepared or released by the
8 court, probation department, or child welfare services program; and
9
10 (6) Records and information, including but not limited to video or audio
11 recordings, photographs, digital images and recordings, and exhibits admitted
12 into evidence at juvenile court hearings.
13

14 **(b) Other applicable law (§ 827(a)(3))**

15
16 Under no circumstances may this rule, rule 5.552, rule 5.553, or any subdivision of
17 these rules be interpreted to permit access to or release of a juvenile case file, or
18 any portion thereof, that is protected under any other federal or state law, including
19 Penal Code section 11165 et seq., except as provided in those laws, or to limit
20 access to or release of a juvenile case file, or any portion thereof, permitted under
21 any other federal or state law.
22
23

24 **Rule 5.552. Confidentiality of records Procedure for requesting any juvenile**
25 **delinquency case file and a living child's juvenile dependency case file**
26 **(§§ 827(a)(1), 827.12, 828)**
27

28 **(a) Definitions**

29
30 For purposes of this rule, "juvenile case file" includes:

- 31
32 (1) ~~All documents filed in a juvenile court case;~~
33
34 (2) ~~Reports to the court by probation officers, social workers of child welfare~~
35 ~~services programs, and CASA volunteers;~~
36
37 (3) ~~Documents made available to probation officers, social workers of child~~
38 ~~welfare services programs, and CASA volunteers in preparation of reports to~~
39 ~~the court;~~
40
41 (4) ~~Documents relating to a child concerning whom a petition has been filed in~~
42 ~~juvenile court that are maintained in the office files of probation officers,~~
43 ~~social workers of child welfare services programs, and CASA volunteers;~~

- 1 (5) Transcripts, records, or reports relating to matters prepared or released by the
2 court, probation department, or child welfare services program; and
3
4 (6) Documents, video or audio recordings, photographs, and exhibits admitted
5 into evidence at juvenile court hearings.
6

7 **(b) (a) Petition for access to any juvenile delinquency case file and a living child's**
8 **juvenile dependency case file**
9

10 Juvenile delinquency case files and a living child's juvenile dependency case files
11 may be obtained or inspected, and information from the file may be disclosed, only
12 in accordance with sections 827, 827.12, and 828. ~~They~~ The file may not be
13 obtained or inspected by civil or criminal subpoena, and the information from the
14 file may not be disclosed by testimony without a juvenile court order. With the
15 exception of those persons permitted to inspect juvenile case files without court
16 authorization under sections 827 and 828, and the specific requirements for
17 accessing juvenile case files provided in section 827.12(a)(1), every person or
18 agency seeking to inspect or obtain the juvenile delinquency case file or a living
19 child's dependency case files must petition the court for authorization using
20 *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile*
21 *Dependency Case File* (form JV-570). A chief probation officer seeking juvenile
22 court authorization to access and provide data from case files in the possession of
23 the probation department under section 827.12(a)(2) must comply with the
24 requirements in ~~(e)~~ (d) of this rule.
25

- 26 (1) The specific files sought must be identified in the petition based on
27 knowledge, information, and belief that such a files exists and are is relevant
28 to the purpose for which ~~they are~~ it is being sought.
29
30 (2) Petitioner must describe in detail the reasons the files ~~are is~~ being sought and
31 their its relevancy relevance to the proceeding or other purpose for which
32 petitioner wishes to inspect or obtain the files.
33

34 **(e) (b) Notice of petition for access to any juvenile delinquency case file and a living**
35 **child's juvenile dependency case file**
36

- 37 (1) At least 10 days before the petition is submitted to the court, the petitioner
38 must personally or by first-class mail serve *Petition for Access to Juvenile*
39 *Delinquency Case File or a Living Child's Juvenile Dependency Case File*
40 (form JV-570), *Notice of Petition for Access to Juvenile Delinquency Case*
41 *File or a Living Child's Juvenile Dependency Case File* (form JV-571), and a
42 blank copy of *Objection to Release of Juvenile Delinquency Case File or a*

1 Living Child's Juvenile Dependency Case File (form JV-572) on the
2 following:

- 3
- 4 (A) The county counsel, city attorney, or any other attorney representing
5 the petitioning agency in a dependency action if the child's is or was
6 the subject of a petition ~~was~~ filed under section 300;
- 7
- 8 (B) The district attorney if the child's is or was the subject of a petition ~~was~~
9 filed under section 601 or 602;
- 10
- 11 (C) The child if the child is 10 years of age or older;
- 12
- 13 (D) The attorney of record for the child who was or remains a ward or
14 dependent of the court;
- 15
- 16 (E) The parents of the child if:
- 17
- 18 (i) The child is under 18 years of age; or
- 19
- 20 (ii) The child's is the subject of a petition ~~was~~ filed under section
21 300;
- 22
- 23 (F) The guardians of the child if:
- 24
- 25 (i) The child is under 18 years of age; or
- 26
- 27 (ii) The child's is the subject of a petition ~~was~~ filed under section
28 300;
- 29
- 30 (G) The probation department or child welfare agency, or both, if
31 applicable;
- 32
- 33 (H) The Indian child's tribe, if applicable; ~~and~~
- 34
- 35 (I) The child's CASA volunteer, if applicable;
- 36
- 37 (J) Anyone with a surviving interest protected by another state or federal
38 law prohibiting or limiting the release of the juvenile case file or any
39 portions thereof under section 827(a)(3); and
- 40
- 41 (K) The attorney of record or legal representative of the individual
42 protected under section 827(a)(3).
- 43

- 1 (2) The petitioner must complete *Proof of Service—Petition for Access to*
2 *Juvenile Delinquency Case File or a Living Child's Juvenile Dependency*
3 *Case File* (form JV-569) and file it with the court.
4
5 (3) If the petitioner or the petitioner's counsel ~~does~~ indicates on the proof of
6 service that they do not know or cannot reasonably determine the identity or
7 address of any of the parties in (e)(b)(1) above or the clerk possesses
8 information, such as a more recent address, indicating that service by the
9 petitioner on any of those parties may have been ineffective, the clerk must:
10
11 (A) Serve personally or by first-class mail to the last known address a copy
12 of *Petition for Access to Juvenile Delinquency Case File or a Living*
13 *Child's Juvenile Dependency Case File* (form JV-570), *Notice of*
14 *Petition for Access to Juvenile Delinquency Case File or a Living*
15 *Child's Juvenile Dependency Case File* (form JV-571), and a blank
16 copy of *Objection to Release of Juvenile Delinquency Case File or a*
17 *Living Child's Juvenile Dependency Case File* (form JV-572); and
18
19 (B) Complete *Proof of Service—Petition for Access to Juvenile*
20 *Delinquency Case File or a Living Child's Juvenile Dependency Case*
21 *File* (form JV-569) and file it ~~with the court~~ in the court's case file.
22
23 (4) For good cause, the court may, on the motion of the person seeking the order
24 or on its own motion, shorten the time for service of the *Petition for Access to*
25 *Juvenile Delinquency Case File or a Living Child's Juvenile Dependency*
26 *Case File* (form JV-570).
27

28 **(d) (c) Procedure for evaluating a petition for access to any juvenile delinquency**
29 **case file and a living child's juvenile dependency case file**
30

- 31 (1) The court must review the petition for access to a juvenile delinquency case
32 file or a living child's juvenile dependency case file and, if petitioner does
33 not show good cause, deny it summarily.
34
35 (2) If petitioner shows good cause, the court may set a hearing. The clerk must
36 give notice of the hearing to the persons and entities listed in (e)(b)(1) above.
37
38 (3) Whether or not the court holds a hearing, if the court determines that there
39 may be information or documents in the records sought to which the
40 petitioner may be entitled, the juvenile court judicial officer must conduct an
41 in camera review of the juvenile delinquency case file or a living child's
42 juvenile dependency case files and any objections and assume that all legal
43 claims of privilege are asserted.

- (4) In determining whether to authorize inspection or release of the juvenile delinquency case file or a living child's juvenile dependency case files, in whole or in part, the court must balance the interests of the child and other parties to the juvenile court proceedings, the interests of the petitioner, and the interests of the public.
- (5) If the court grants the petition, the court must find that the need for access outweighs the policy considerations favoring confidentiality of the juvenile delinquency case file or a living child's juvenile dependency case files. The confidentiality of the juvenile case files is intended to protect the privacy rights of the child.
- (6) The court may permit access to the juvenile delinquency case file or a living child's juvenile dependency case files only insofar as is necessary, and only if petitioner shows by a preponderance of the evidence that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner.
- (7) If, after in camera review and review of any objections, the court determines that all or a portion of the juvenile delinquency case file or a living child's juvenile dependency case file may be accessed, the court must make appropriate orders, specifying the information that may be accessed or disclosed and the procedure for providing access to or disclosure of it.
- (8) The court may issue redaction and protective orders such as Order Granting Section 827 Petition Attachment: Required Redactions (form JV-576) to accompany authorized disclosure, discovery, or access to the juvenile delinquency case file or a living child's juvenile dependency case file.
- (e) (d) Release of case file information any juvenile delinquency case file and related probation records for research (§ 827.12(a)(2))**
- (1) The court may authorize a chief probation officer to access and provide data contained in juvenile delinquency case files and related juvenile records in the possession of the probation department for the purpose of data sharing or conducting or facilitating research on juvenile justice populations, practices, policies, or trends if the court finds the following:
- (A) The research, evaluation, or study includes a sound method for the appropriate protection of the confidentiality of an individual whose juvenile delinquency case file is accessed for this purpose. In considering whether a method is sound, the court must have information on:

1 **~~(f)~~ (e) Reports of law enforcement agencies (§ 828)**

2
3 Except as authorized under section 828, all others seeking to inspect or obtain
4 information gathered and retained by a law enforcement agency regarding the
5 taking of a living child into custody must petition the juvenile court for
6 authorization using *Petition to Obtain Report of Law Enforcement Agency* (form
7 JV-575).
8

9 **~~(g)~~ Other applicable statutes**

10
11 ~~Under no circumstances must this rule or any section of it be interpreted to permit~~
12 ~~access to or release of records protected under any other federal or state law,~~
13 ~~including Penal Code section 11165 et seq., except as provided in those statutes, or~~
14 ~~to limit access to or release of records permitted under any other federal or state~~
15 ~~statute.~~
16
17

18 **Rule 5.553. Juvenile case file of a deceased child Procedure for requesting a**
19 **deceased child's juvenile dependency case file (§ 827(a)(2))**

20
21 **(a) Petition for requesting a deceased child's juvenile dependency case file**

22
23 When the juvenile dependency case file of a deceased child is sought, the court
24 must proceed as follows:
25

- 26 (1) Under section 827(a)(2) if the request is made by a member of the public
27 16502.5 if the request is made by a county board of supervisors; or
28
29 (2) Under section 16502.5 if the request is made by a county board of
30 supervisors. 827(a)(2) if the request is made by a member of the public. The
31 remainder of this rule applies to the release of the juvenile dependency case
32 file of a deceased child under section 827(a)(2). It does not apply to review of
33 records relating to the deceased child by the county board of supervisors
34 under section 16502.5.
35
36 (A) Except to the extent that the file has been released to the public by
37 court order under section 827(a)(2) and this rule, the file may not be
38 obtained or inspected by civil or criminal subpoena, and the
39 information from the file may not be disclosed by testimony without a
40 juvenile court order.
41
42 (B) Any person or agency seeking the release or disclosure of the juvenile
43 dependency case file of a deceased child must petition the court under

1 section 827(a)(2) using *Petition for Public Disclosure of a Deceased*
2 *Child's Juvenile Dependency Case File* (form JV-584).

3
4 **(b) Notice of petition requesting a deceased child's juvenile dependency case file**
5 **(§ 827(a)(2))**

6
7 (1) Upon filing a petition under section 827(a)(2), the petitioner must personally
8 or by first-class mail serve a copy of the *Petition for Public Disclosure of a*
9 *Deceased Child's Juvenile Dependency Case File* (form JV-584) that was
10 filed with the court, *Notice of Petition for Public Disclosure of a Deceased*
11 *Child's Juvenile Dependency Case File* (form JV-585), and a blank copy of
12 *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency*
13 *Case File* (form JV-586) on the following, to the extent that their identity and
14 contact information is known by the petitioner:

15
16 (A) The custodian of records, as defined in section 10850.4(k)(2);

17
18 (B) The county counsel, city attorney, or any other attorney representing
19 the custodian of records;

20
21 (C) Any surviving sibling, child, or nonminor dependent whose
22 information is directly or indirectly included in the deceased child's
23 juvenile case file or who may be identified by information in the
24 deceased child's juvenile case file;

25
26 (D) Any of the following who is authorized to represent the interest of a
27 surviving sibling, child, or nonminor dependent described in (C):

28
29 (i) The parent or guardian of any surviving minor sibling or child;
30 and

31
32 (ii) The attorney of record or legal representative of any surviving
33 sibling, child, or nonminor dependent;

34
35 (E) Anyone with a surviving interest protected by another state or federal
36 law prohibiting or limiting the release of the juvenile case file or any
37 portions thereof under section 827(a)(3);

38
39 (F) The attorney of record or legal representative of the individual
40 protected under section 827(a)(3);

41
42 (G) The Indian tribe—and, if applicable, the Indian custodian—of any
43 surviving sibling, child, nonminor dependent, or individual protected

under section 827(a)(3), who is or was an Indian child as defined in section 224.1(b); and

(H) Any other interested party as determined by the court.

(2) The petitioner must complete *Proof of Service—Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-583) and file it with the court.

(3) If the petitioner or the petitioner’s counsel indicates on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the interested parties in (b)(1) or the custodian of records possesses information, such as a more recent address, indicating that service by the petitioner on any of those interested parties may have been ineffective, the custodian of records must, within 10 days of receipt of the petition:

(A) Serve on those parties, personally or by first-class mail to the last known address, a copy of *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (JV-584), *Notice of Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (JV-585), and a blank copy of *Objection to Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-586); and

(B) Complete *Proof of Service—Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (form JV-583) and file it with the court.

(4) For good cause, the court may, on the motion of the person seeking the order or on its own motion, shorten the time for service of the *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (JV-584).

(c) Procedure for evaluating a request for a deceased child’s juvenile dependency case file

Section 827(a)(2)(A)–(C), (E), and (F) sets forth the procedures and timelines governing objections, replies to objections, and hearings on a *Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File* (JV-584) and, subject to section 827(a)(3)(A), the standards for granting or denying such a petition. The court may issue redaction and protective orders such as *Order Granting Section 827 Petition Attachment: Required Redactions* (form JV-576) to limit public disclosure of a deceased child’s juvenile dependency case file, as necessary.

**Proof of Service—Petition for
Access to Juvenile Delinquency
Case File or a Living Child's
Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

DRAFT
**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known.

Case Number:

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information.
If you do not have a lawyer and want to keep your home address
private, you may give a different mailing address instead. You do not
have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 ☐ I was not able to provide notice of this petition to the following
because I did not know their names or addresses. The clerk must
serve a copy of the petition.

- a. ☐ County counsel or other attorney representing the child welfare agency if petition filed under Welfare and Institutions Code section 300
- b. ☐ District attorney if petition filed under Welfare and Institutions Code section 601 or 602
- c. ☐ Child if the child is 10 years of age or older
- d. ☐ Attorney of record for the child
- e. ☐ Child's parent
- f. ☐ Child's legal guardian
- g. ☐ Probation department if petition filed under Welfare and Institutions Code section 601 or 602
- h. ☐ Child welfare agency/custodian of records if petition filed under Welfare and Institutions Code section 300
- i. ☐ Child's identified Indian tribe
- j. ☐ Child's CASA volunteer
- k. ☐ An individual with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3)
- l. ☐ The attorney of record or legal representative of the individual protected under Welfare and Institutions Code section 827(a)(3)

3 If you checked box 2a, 2b, 2g, or 2h, describe the efforts made to locate those addresses and explain why you are unable to locate the addresses:



Your name: _____

Case Number: _____

- 4 ☐ Copies of *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-570), *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-571), and a blank *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (JV-572) have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:
- a. ☐ County counsel or other attorney representing the child welfare agency if petition filed under **Welfare and Institutions Code** section 300 (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- b. ☐ District attorney if petition filed under **Welfare and Institutions Code** section 601 or 602 (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- c. ☐ Child if the child is 10 years of age or older (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- d. ☐ Attorney of record for the child (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- e. ☐ Child's parent (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- f. ☐ Child's parent (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- g. ☐ Child's legal guardian (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____
- h. ☐ Probation department if petition filed under **Welfare and Institutions Code** section 601 or 602 (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____



Your name: _____

Case Number: _____

- 4 i. ☐ Child welfare agency/custodian of records if petition filed under Welfare and Institutions Code section 300 (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- j. ☐ The Indian child's tribal representative (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- k. ☐ The child's CASA volunteer (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- l. ☐ Anyone with an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3) (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- m. ☐ The attorney of record or legal representative of the individual protected under Welfare and Institutions Code section 827(a)(3) (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____

- 5 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name



Sign your name

JV-570**Petition for Access to Juvenile
Delinquency Case File or a Living
Child's Juvenile Dependency Case
File**

If you are requesting a court order to obtain access to the juvenile delinquency case file or a living child's juvenile dependency case file, fill out all items on this form, and file it with the juvenile court. You must also fill out and file Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-569).

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, if known:

Case Number:

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Name of child: _____

3 Child's date of birth (if known): _____

4 ☐ A petition regarding the child in **2** has been filed under (check all that apply):

a. ☐ Welfare and Institutions Code section 300

b. ☐ Welfare and Institutions Code section 601

c. ☐ Welfare and Institutions Code section 602

5 The records I want are: (Describe in detail. Attach more pages if you need more space. If you are involved in a pending proceeding in an appellate court or you are preparing to participate in such a proceeding, you should describe here the transcripts, reports, and any other evidence considered by the juvenile court at hearings related to the subject of the appeal or writ proceeding. For example, you should describe a report by providing its title (such as "status review report," "jurisdiction/disposition report," or "CASA report") and the date of the hearing when the document was considered.)

☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 5 to form JV-570, item 5" for a title.



Your name: _____

Case Number: _____

6 The reasons for this petition are:

- a. ☐ Civil court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- b. ☐ Criminal court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- c. ☐ Juvenile court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- d. ☐ Family law court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- e. ☐ Writ or appeal case pending in *(name of district)*: _____
Case number *(if available)*: _____
Hearing dates related to the juvenile court order being challenged or to be challenged on appeal or by writ: _____
- f. ☐ Other *(specify)*: _____
Case number: _____ Hearing date: _____

7 I need the records of a juvenile delinquency case file or a living child's juvenile dependency case file because *(describe in detail; attach more pages if you need more space)*:

- ☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 7 to form JV-570, item 7" for a title.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name



Sign your name

Note: You must provide a copy of this completed form to all interested parties if you know their names and addresses.

JV-571

**Notice of Petition for Access to
Juvenile Delinquency Case File or
a Living Child's Juvenile
Dependency Case File**

**RE: Release of Juvenile Case File and Right to File
an Objection**

To petition the juvenile court for access to a juvenile delinquency case file or a living child's juvenile dependency case file, you must provide this notice to all those listed in item 4 of Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-569), if you know their names and addresses. If not, you must indicate which parties you were unable to serve in item 2 of form JV-569.

To (names):

① Child's name: _____

② Information relating to the child named in ① is being sought by (name): _____

③ The requested information is described in the attached *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570).

④ If you object to the release of these records and information, you must fill out *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-572) and return it to the court listed at the address above within 10 days of service of this notice.

Warning: If you do not object, the court may grant access to the child's case file.

Date: _____

Type or print your name



Sign your name

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

JV-572**Objection to Release of Juvenile
Delinquency Case File or a Living
Child's Juvenile Dependency Case
File**

Objections to the release of information and records described in the attached copy of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File (form JV-570) must be filed with the juvenile court.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Court fills in case number when form is filed.

Case Number:

2 Name of child: _____

3 My relationship to the child named in **2**, if any, is: _____

4 I object to the release of information and records relating to the child named in **2**.

5 I do not want the juvenile court to release the records because (describe in detail, attach additional pages if necessary):

☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 5 to form JV-572, item 5" for a title.

Warning: If you do not object, the court may grant access to the child's case file.

Date: _____

Type or print your name



Sign your name

Order on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File

The court finds and orders:

- 1 ☐ The request is denied.
- a. ☐ Petitioner has not shown good cause for the release of the requested records.
- b. ☐ Petitioner has not met the notice requirements of rule 5.552(b) of the California Rules of Court.
- c. ☐ Request for records is overbroad or records sought are insufficiently identified.
- d. ☐ Other:

- 2 ☐ The court sets a hearing on the request. Applicant has shown good cause for release of the juvenile case file, but the court must balance the interests of the applicant, the child, other parties to the juvenile delinquency or a living child's juvenile dependency court proceedings, and the public. Clerk to send notice under rule 5.552 of the California Rules of Court.

Date of hearing: _____

Time of hearing: _____

Location: _____

- 3 ☐ The court will conduct a review of the juvenile case file and any filed objections.

- 4 ☐ Other:

Date: _____

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Court fills in case number when form is filed.

Case Number:

Judicial Officer

**Order After Judicial Review on
Petition for Access to Juvenile
Delinquency Case File or a Living
Child's Juvenile Dependency Case
File**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

① Name of petitioner: _____

The court finds and orders:

- ② ☐ After a review of the juvenile delinquency case file or a living child's juvenile dependency case file and any filed objections
☐ and a noticed hearing, the court denies the request.

Reason(s) for denial:

- a. ☐ Access is not in the child's best interests.
- b. ☐ The need for access does not outweigh the privacy rights of the child and the policy considerations favoring confidentiality of the juvenile case file.
- c. ☐ Petitioner has not shown by a preponderance of the evidence that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner.
- d. ☐ There are no responsive records.
- e. ☐ Other: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Court fills in case number when form is filed.

Case Number:

- ③ ☐ After a review of the juvenile delinquency case file or a living child's juvenile dependency case file and any filed objections ☐ and a noticed hearing, the court grants the request.

The petitioner has shown by a preponderance of the evidence that access to records is necessary and that records have substantial relevance to the legitimate needs of the petitioner. The court has balanced these needs with the child's best interest. The court finds that the need for access outweighs the policy considerations favoring confidentiality of juvenile records.

- a. ☐ The following records may be disclosed: ☐ with redactions

- b. ☐ The procedure for providing access is:



Your name: _____

- 3 c. ☐ Any information that relates to another child or could identify another child who is not the subject of the petition must be redacted. The court orders required redactions as specified in *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576).
- The court orders the required redactions be made by (*check one*):
- ☐ court clerk
- ☐ custodian of records
- ☐ Other: _____
- d. ☐ See attached.
- 4 a. ☐ Petitioner may not disseminate the information to anyone who is not specified in Welfare and Institutions Code section 827 or 827.10.
- b. ☐ Petitioner may disseminate the disclosed records listed in item 3a only to: _____
- ☐ as redacted ☐ subject to protective order ☐ additional orders attached
- 5 ☐ Disclosure subject to protective order (*list orders*): _____
- _____
- _____
- _____
- _____
- 6 ☐ Other: _____
- _____
- _____
- 7 ☐ See attached.

Date: _____

Judicial Officer

Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions

Clerk stamps date here when form is filed.

- To ☐ *Order After Judicial Review on Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-574)
- ☐ *Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-588)

Use this form to identify required redaction(s) to the juvenile case file when granting the Welfare and Institutions Code Section 827 petition, and to authorize testimony related to the released juvenile case file information, as necessary.

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 After an in-camera review, the court determines that (*check one*): ☐ all ☐ portions of the juvenile case file may be disclosed. The court releases the documents specified below subject to the requirements of any state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof (*check all that apply*):

- a. ☐ Court File
- (1) ☐ Orders
 - (2) ☐ Petitions, applications, motions, oppositions, replies, and accompanying memoranda of points and authorities and exhibits
 - (3) ☐ Reports by social workers
 - (4) ☐ Reports by probation officers
 - (5) ☐ Reports by Court Appointed Special Advocates (CASA)
 - (6) ☐ Psychological or psychiatric reports
 - (7) ☐ Letters of guardianship
 - (8) ☐ Adoption records
 - (9) ☐ Restraining or protective orders
 - (10) ☐ Declarations
 - (11) ☐ Health records (including authorizations for psychotropic medication)
 - (12) ☐ Education records
 - (13) ☐ Waivers, information, and notification forms
 - (14) ☐ Intercounty transfer records
 - (15) ☐ Interstate Compact on the Placement of Children (ICPC) records
 - (16) ☐ Indian Child Welfare Act (ICWA) records
 - (17) ☐ Short-Term Residential Therapeutic Program (STRTP) or community treatment facility (CTF) records
 - (18) ☐ Resource Family Approval (RFA) records



- ① a. (19) ☐ Other (please specify additional documents or information):

- b. ☐ Agency File

- (1) ☐ Emergency response referrals
 (2) ☐ Delivered service logs
 (3) ☐ Investigative narratives
 (4) ☐ Relative home assessments
 (5) ☐ Other (please specify additional documents or information):

- ② ☐ The following information must be removed or redacted before the documents are released (check all that apply):

- a. ☐ Any information relating to or that could identify other minors, nonminor dependents, or individuals protected pursuant to Welfare and Institutions Code section 827, and the California Consumer Privacy Act (CCPA) (Civ. Code, § 1798.100 et seq.).
- b. ☐ Names, addresses, and telephone numbers of reporting parties pursuant to the Child Abuse and Neglect Reporting Act (CANRA) (Pen. Code, § 11167(d)).
- c. ☐ Social Security numbers pursuant to California Civil Code section 1798.85.
- d. ☐ Dates of birth pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, the Driver's Privacy Protection Act (DPPA) (18 U.S.C. § 2721), and the California Public Records Act (CPRA) (Gov. Code, § 7927.410).
- e. ☐ Driver's license numbers pursuant to the Driver's Privacy Protection Act (DPPA) (18 U.S.C. § 2721) and Vehicle Code section 1808.21.
- f. ☐ Protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-191 (1996)), the California Confidentiality of Medical Information Act (CMIA) (Civ. Code, § 56 et seq.), and Health and Safety Code sections 12097–121020.
- g. ☐ Mental health information pursuant to the Lanterman-Petris-Short Act (LPS) (Welf. & Inst. Code, § 5000 et seq.), Health and Safety Code section 11845.5, and Civil Code section 56.103.
- h. ☐ Substance abuse treatment information pursuant to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (CAAAPTR) (42 U.S.C. § 4541 et seq.), Public Health Service Act (42 U.S.C. § 290dd–2), and Health and Safety Code section 11845.5.



- 2 i. ☐ Psychotherapy notes pursuant to Civil Code section 56.10(c)(1).
- j. ☐ Education information pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g, 34 C.F.R. part 99) and the California Student Records Act (Ed. Code, §§ 49060–49085).
- k. ☐ Privileged information pursuant to Evidence Code sections 954, 994, 1014, 1035.8, 1037.5, 1038.
- l. ☐ AIDS, HIV, and hepatitis testing information pursuant to Health and Safety Code sections 120820, 120970(i), 120975, 120980, 121015, 121023(f), 121025, 121035, 121065, 121070, 121075, 121280; Penal Code sections 1202.1, 7517, 7523, 7540; and Welfare and Institutions Code section 1768.9.
- m. ☐ Blood-alcohol test records pursuant to Vehicle Code section 1804.
- n. ☐ Address of a party known to be a victim of domestic violence pursuant to Penal Code section 278.7 and Welfare and Institutions Code sections 302(b), 332(e).
- o. ☐ Identity of and information about clients of a community care facility pursuant to Health and Safety Code section 1557.5.
- p. ☐ Identity of and information about recipients of public social services or aid, including Medi-Cal and workers' compensation pursuant to Welfare and Institutions Code sections 9401, 10810, 10850, 10850.1, 10850.2, 10850.3, 10850.7, 14100.2, 17006, 18491.
- q. ☐ Identity of and information about conservatees and developmentally disabled persons pursuant to Health and Safety Code sections 416.8, 416.18; Penal Code section 1620; Probate Code sections 1821(a)(5), 1826, 1827.5(e), 1834, 1851, 2586; and Welfare and Institutions Code sections 4514, 4518, 4552.5, 4727, 4903.
- r. ☐ Other information:

- 3 ☐ The court releases the foregoing documents upon the petitioner submitting a signed protective order.

- 4 ☐ The court further authorizes ☐ social workers ☐ probation officers ☐ other: _____
to testify about information from the juvenile case file in the upcoming proceedings
- ☐ criminal, case number(s), if known: _____ ☐ juvenile, case number(s), if known: _____
- ☐ family law, case number(s), if known: _____ ☐ probate, case number(s), if known: _____
- ☐ civil, case number(s), if known: _____

Date: _____

Judicial Officer

Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known.

Case Number:

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 ☐ I was not able to provide notice of this petition to the following because I did not know their names or addresses. The custodian of records must serve a copy of the petition.

- a. ☐ The custodian of records as defined in Welfare and Institutions Code section 10850.4(k)(2);
- b. ☐ The county counsel, city attorney, or any other attorney representing the custodian of records;
- c. ☐ Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file;
- d. ☐ Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in item 2c above:
 - (i) ☐ The parent or guardian of any surviving minor sibling or child;
 - (ii) ☐ The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, or nonminor dependent who is an Indian child as defined in Welfare and Institutions Code section 224.1(b); and
 - (iii) ☐ The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent;
- e. ☐ Any surviving adult who has an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3);
- f. ☐ Any of the following who is authorized to represent the interest of any surviving adult who has an interest protected by another state or federal law described in item 2e above:
 - (i) ☐ The Indian tribe of any surviving adult who was an Indian child as defined in Welfare and Institutions Code section 224.1(b); and
 - (ii) ☐ The attorney of record or legal representative of any surviving adult; and
- g. ☐ Any other interested party as determined by the court.
- h. ☐ Other (describe): _____



Your name: _____

Case Number: _____

- 3 If you checked box 2a or 2b, describe the efforts made to locate those addresses and explain why you are unable to locate the addresses: _____

- 4 ☐ Copies of *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-584) and *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-585) and a blank *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-586) have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:

- a. ☐ The custodian of records as defined in Welfare and Institutions Code section 10850.4(k)(2) (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____

- b. ☐ The county counsel, city attorney, or any other attorney representing the custodian of records (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____

- c. ☐ Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____

- d. ☐ Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in item 4c above:

- (i) ☐ The parent or guardian of any surviving minor sibling or child (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____

- (ii) ☐ The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, or nonminor dependent who is an Indian child as defined in Welfare and Institutions Code section 224.1(b) (*name and address*): _____

☐ Date mailed: _____ or ☐ Personally served on (*date*): _____



Your name: _____

Case Number: _____

- 4 d. (iii) ☐ The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- e. ☐ Any surviving adult who has an interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under Welfare and Institutions Code section 827(a)(3) (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- f. ☐ Any of the following who is authorized to represent the interest of any surviving adult who has an interest protected by another state or federal law described in item 4e above:
- (i) ☐ The Indian tribe of any surviving adult who was an Indian child as defined in Welfare and Institutions Code section 224.1(b) (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- (ii) ☐ The attorney of record or legal representative of any surviving adult (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- g. ☐ Any other interested party as determined by the court (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- h. ☐ Other (name and address): _____

☐ Date mailed: _____ or ☐ Personally served on (date): _____
- ☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 4 to form JV-583, item 4" for a title.

- 5 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name



Sign your name

**Petition for Public Disclosure of a
Deceased Child's Juvenile
Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

If you are a member of the public requesting public disclosure of the juvenile dependency case file of a deceased child, you can:

- *Fill out this form and file it with the juvenile court. You must also fill out and file Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-583). You must then provide a copy of this form to the custodian of records of the county child welfare agency, who will then provide notice of this petition to any interested party whom you have indicated you were unable to serve in item 2 of form JV-583.*

or

- *Do not complete the form, and instead request the juvenile case file from the child welfare agency under Welfare and Institutions Code section 10850.4.*

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, if known:

Case Number:

1 a. Your Name: _____

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____ City: _____

State: _____ Zip: _____ Telephone: _____ Fax: _____

Email Address: _____

2 Name of child: _____

3 Date of birth of child in **2** (if known): _____

4 a. ☐ A petition regarding the child in **2** has been filed under (check all that apply):

(i) ☐ Welfare and Institutions Code section 300

(ii) ☐ Welfare and Institutions Code section 601

(iii) ☐ Welfare and Institutions Code section 602

- b. ☐ A petition has not been filed, but the deceased child was within the jurisdiction of the juvenile court. An investigation is believed to have been conducted, and records are within the care and custody of the agency or agencies.



Your name: _____

Case Number: _____

- 5 a. ☐ The child in 2 is deceased. Approximate date of death: _____
b. ☐ I believe the child in 2 died as a result of abuse or neglect.

6 Petitioner requests (*check one*):

- a. ☐ The entire juvenile case file
b. ☐ Part(s) of the juvenile case file described below:

☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 6 to form JV-584, item 6" for a title.

7 The reason for this petition is the presumptive public right of access to the file of a deceased child.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I may be found guilty of a crime.

Date: _____

Type or print your name



Sign your name

Note: You must provide a copy of this completed form to all interested parties if you know their names and addresses.

**Notice of Petition for Public
Disclosure of a Deceased Child's
Juvenile Dependency Case File**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

**RE: Release of Juvenile Case File and Right to File
an Objection**

To petition the juvenile court for public disclosure of a deceased child's juvenile dependency case file, you must provide this notice to all those listed in item 4 of Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File (form JV-583) if you know their names and addresses. If not, you must indicate which parties you were unable to serve in item 2 of form JV-583.

To (names):

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 Child's name: _____

② Information relating to the child named in ① is being sought by (name): _____

③ The requested information is described in the attached *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584).

④ If you object to the release of these records and information, you must fill out *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586) and return it to the court listed at the address above within 15 days of service of this notice of a petition for public disclosure of a deceased child's juvenile case file.

Date: _____

Type or print your name



Sign your name

Warning: If you do not object, the court may grant access to the child's case file.

Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File

Objections to the release of information and records described in the attached Petition for Public Disclosure of a Deceased Child's Juvenile Case File (form JV-584) must be filed with the juvenile court.

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

1 a. Your Name:

Relationship to child (if any): _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Court fills in case number when form is filed.

Case Number:

2 Child's name: _____

3 I object to the release of information and records relating to the child named in **2**.

4 I do not want the juvenile court to release the records because (check all that apply):

a. ☐ I can show by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another surviving child who is directly or indirectly connected to the juvenile case that is the subject of the petition for the following reason(s) (identify the surviving child and describe how public disclosure is detrimental):

b. ☐ The juvenile case file, or any portion thereof, is privileged or confidential pursuant to another state law or federal law or regulation, which prohibits or limits release of the juvenile case file or any portions thereof for the following reason(s) (provide the name and citation of the state law or federal law or regulation on which you base your objection and what information in the juvenile case file is protected):

☐ Check here if you have additional information to provide. Attach a separate sheet or sheets of paper and write "Attachment 4 to form JV-586, item 4" for a title.

Date: _____

Type or print your name

Sign your name

Warning: If you do not object, the court may grant access to the child's case file.

**Order on Petition for Public
Disclosure of a Deceased Child's
Juvenile Dependency Case File***Clerk stamps date here when form is filed.***DRAFT
Not approved by
the Judicial Council****The court finds and orders:**

- ① ☐ The child is deceased, an objection to the request has been filed, and the court sets a hearing on the request within 60 calendar days from the date the petition was served on the custodian of records.

Date of service on the custodian of records: _____

Date of hearing: _____

Time of hearing: _____

Location: _____

- ② ☐ The child is deceased, and the court will (1) conduct a review of the juvenile case file without a hearing because no objections were filed and (2) issue its decision within 10 calendar days of the final day for filing an objection.

- ③ ☐ Other:

_____*Fill in court name and street address:***Superior Court of California, County of***Fill in child's name and date of birth:***Child's Name:****Date of Birth:***Court fills in case number when form is filed.***Case Number:**

Date: _____

Judicial Officer

Order After Judicial Review on Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

1 Name of petitioner: _____

The court finds and orders:

(2) ☐ This child is deceased, and the request is granted.

a. ☐ The court has read and considered the following:

[illegible]

b. ☐ There is a presumption under Welfare and Institutions Code section 827(a)(2)(B) in favor of the release of the documents unless a statutory reason for confidentiality is shown to exist. The court has balanced only the interests of the surviving children, siblings, and nonminor dependents who may be named in the file with the deceased child.

c. ☐ The following records may be disclosed: ☐ with redactions

d. ☐ The procedure for providing access is:

e. Any information that relates to another surviving child or could identify another surviving child, except for information about the deceased, must be redacted.

f. ☐ Any information that is privileged or confidential pursuant to another state or federal law or regulation must be redacted. The court orders required redactions as specified in *Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions* (form JV-576).

The court orders the required redactions be made by *(check one)*:

☐ Court clerk

☐ Custodian of records

☐ Other:

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Court fills in case number when form is filed.

Case Number:

Case Number:

Your name: _____

- 2 g. ☐ See attached.
- h. ☐ Disclosure subject to protective order (*list orders*): _____
- _____
- _____
- _____

- 3 ☐ The child is deceased and the request is denied because (*check all that apply*):
- a. ☐ The court finds by a preponderance of the evidence that access to the juvenile case file or of any portion of it is detrimental to the safety, protection, or physical or emotional well-being of another surviving child, sibling, or nonminor dependent who is directly or indirectly connected to the juvenile case that is the subject of the request.
- b. ☐ The juvenile case file, or a portion thereof, is privileged or confidential pursuant to another state law or federal law or regulation, which prohibits or limits release of the juvenile case file or any portions thereof for the following reason(s) (*provide the name and citation of the state law or federal law or regulation and what information in the juvenile case file is protected*):
- _____
- _____
- c. ☐ Other:
- _____
- _____
- d. ☐ See attached.

Date: _____

Judicial Officer

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
1.	California Department of Social Services by Dianna Wagner on behalf of Angie Schwartz, Deputy Director of the Children and Family Services Division	AM	This letter provides comments from the California Department of Social Services (CDSS) on the Judicial Council of California’s proposed amendments to rule 5.510 of the California Rules of Court implementing amendments made to Welfare and Institutions Code (WIC) section 10850.4 by Assembly Bill (AB) 1756 (Stats. 2023, Ch. 478, § 62). The statutory amendments made by AB 1756 authorize the juvenile courts to retain jurisdiction after the death of a child or nonminor dependent who was subject to the jurisdiction of the juvenile court at the time of their death “for the exclusive purpose of receiving documents and information, including medical records, police reports, and autopsy reports, related to the circumstances of the death” (WIC § 10850.4, subd. (q)(1)). The proposed amendments to rule 5.510 aim to implement the statutory provisions for retention of juvenile court jurisdiction under these circumstances The CDSS is “the single state agency with full power to supervise every phase of the administration of public social services, except health care services and medical assistance, for which grants-in-aid are received from the United States government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws” (WIC § 10600.). In that capacity, the CDSS regulates the county responsibilities under WIC section 10850.4.	The committee thanks the commenter for their attention to and feedback on this proposal. See the committee’s responses to the CDSS’s specific comments, below. The committee thanks the commenter for their response to its request for specific comments.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			The CDSS is concerned that one of the proposed amendments to rule 5.510 may be interpreted to expand the scope of the statute to impose requirements of [sic] county child welfare agencies beyond the statute. Specifically, the sentence in proposed subdivision (d)(2) states: “The court may order the placing agency to request that the documents and information related to the circumstances of death be sent to the court.” This language has an ambiguity in the use of both order and request in the same sentence. One reading is that the court may order the placing agency to request others to send relevant documents and information to the court. Such an interpretation would require the agency to “gather information from other investigating agencies for the purpose of providing them to the juvenile court” beyond any investigation into the cause of death, contrary to the plain language of the statute (WIC § 10850.4, subd. (q)(5)).	The committee agrees with the commenter’s feedback and recommends changing rule 5.510 to read: “The court may order the placing agency to release the documents and information itemized in Welfare and Institutions Code section 10850.4(c) to the court, subject to the redactions set forth in section 10850.4(e).”
			In the alternative, CDSS recommends the following amendment to the proposed rule, to align more closely with the statute: (2) If the court retains jurisdiction, the case must remain open until the court receives the documents and information related to the circumstances of death. The court may order the placing agency to send the available documents and information related to the circumstances of death to the court in the same manner as the	No further response required.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			placing agency would send to any other requester pursuant to WIC section 10850.4, subdivision (c). This amendment would avoid an interpretation that places responsibility on the placing agency to gather information from other sources when it is not already required to do so.	
			All other aspects of the proposed amendments to rule 5.510 are consistent with WIC section 10850.4 and the CDSS' guidance to counties. We appreciate the opportunity to participate in the public comment process and are available to answer further questions about the comments above.	No further response required.
2.	California Lawyers Association, Family Law Section Executive Committee (FLEXCOM) by Shanon Quinley, FLEXCOM Legislation Chair, Saul Bercovitch, Associate Executive Director, Governmental Affairs	A	FLEXCOM generally agrees with this proposal. However, FLEXCOM suggests that language be added to clarify that the meaning of "juvenile case file" includes CPS investigations that do not result in a dependency case and Delivered Service Logs.	The committee thanks the commenter for their attention to and support for this proposal. The committee understands the commenter's concern, but declined to include CPS investigations that do not result in a dependency case and Delivered Service Logs in the definition of a juvenile case file in new rule 5.551 because these categories of information are already encompassed within rule 5.551(a)(3) and (4).
3.	Orange County Bar Association by Mei Tsang, President	A	Does the proposal appropriately address the stated purpose? Yes.	The committee thanks the commenter for their attention to and support for this proposal.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		The committee proposes increasing a clerk's responsibilities under rule 5.552(b)(3); would adding this requirement to rule 5.552 pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, please explain. In our opinion the requirement to make sure the most probably correct addresses are used for notice does not cause a burden that outweighs the benefits.	The committee thanks the commenter for their response to its request for specific comments.
		Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner on interested parties may have been ineffective"? Yes, because it makes the rule more readily understandable.	The committee agrees with the commenter's feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective."
		Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule? Yes.	The committee thanks the commenter for their response to its request for specific comments.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer. The titles or the new forms are sufficiently clear.	The committee thanks the commenter for their response to its request for specific comments.
			What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576? No further categories of information should be enumerated.	The committee thanks the commenter for their response to its request for specific comments.
			What, if any, other information should be listed in item 2 of proposed form JV-576 as protected by another state or federal law or regulation? Please provide the citation to any state or federal law or regulation that protects such information. None recommended.	The committee thanks the commenter for their response to its request for specific comments.
			What, if any, other parties should be listed in item 4 of proposed form JV-576 as potential witnesses? None recommended. The “Other” box provides a method for the Court to insert any additional categories or persons that might apply in a particular case.	The committee thanks the commenter for their response to its request for specific comments.
4.	Orange County Social Services Agency by Carmen McCorvey, Human Services Manager	AM	The term “living child” that is used to describe a non-deceased child is limiting. One suggestion is to avoid using any term to describe the category of a non-deceased child’s juvenile dependency	The committee appreciates the commenter’s attention to and feedback for this proposal. To avoid confusion, the committee does not recommend changing the proposal to distinguish

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			case file. For example, “Petition for Access to Delinquency Case File or Juvenile Dependency Case File.” This phrasing would mirror the framework in Welfare and Institutions Code section 827, where WIC 827(a)(1) is general and silent, and WIC 827(a)(2) refers to case files that pertain to a deceased child.	between the process for requesting the dependency case file of a deceased child, versus the process for requesting any delinquency case file (whether the child is living or deceased) or the dependency case file of a living child.
5.	Superior Court of California, County of Los Angeles by Stephanie Kuo	AM	Comments The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular judicial officer or employee.	The committee thanks the commenter for their attention to this proposal.
			In response to the Judicial Council of California’s ITC, “Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its ability to appropriately address its stated purpose.	The committee thanks the commenter for their attention to and support for this proposal.
			The Court does not believe that increasing a clerk’s responsibilities under rule 5.552(b)(3) would impose a burden that outweighs the benefits to litigants and interested parties.	The committee thanks the commenter for their response to its request for specific comments.
			The Court does, however, believe that the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) should incorporate the language from section 827(a)(2)(D).	The committee agrees with the commenter’s feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
			an example of how a clerk as the custodian of records “possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective.”
		Additionally, the Court agrees that the proposed rule 5.553(b)(1) appropriately identifies all necessary parties and provides sufficiently clear form titles.	The committee thanks the commenter for their response to its request for specific comments.
		Regarding the JV-576 form, the Court has no additional information to provide for item 1, item 2, or item 4.	The committee thanks the commenter for their response to its request for specific comments
		Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: Training for staff Updating policies and procedures Updating macros, event codes, and forms in the case management system	The committee thanks the commenter for their response to its request for specific comments
		Lastly, the Court agrees that three to six 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.	The committee thanks the commenter for their response to its request for specific comments

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
6.	Superior Court of California, County of Orange, Family Law and Juvenile Divisions	NI	Does the proposal appropriately address the stated purpose? Yes, the proposal details the stated purpose of modifying and creating new forms for the petition to request a juvenile case file for living and deceased children.	The committee thanks the commenter for their response to its request for specific comments.
			The committee proposes increasing a clerk's responsibilities under rule 5.552(b)(3); would adding this requirement to rule 5.552 pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, please explain. The burden it imposes does not outweigh the benefits to the litigants and other interested parties.	The committee thanks the commenter for their response to its request for specific comments.
			Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner on interested parties may have been ineffective"? The proposed language should be incorporated to clarify that, in instances where service on an interested party has been ineffective and the court has a more recent address, the clerk or	The committee agrees with the commenter's feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives an example of how a clerk as the custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective."

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		custodian is expected to direct service to the most current address on record. This clarification is important to help ensure proper and timely notice.	
		Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule? The proposed Rule 5.553(b)(1) effectively and appropriately identifies the individuals and entities that should be recognized as interested parties. It provides a clear and detailed explanation of who qualifies as an interested party and outlines the specific categories or roles that such parties may hold in relation to the matter at hand.	The committee thanks the commenter for their response to its request for specific comments.
		Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer. ‘Juvenile Dependency Case File for a Child Still Alive’ may be clearer to self-represented litigants than ‘Living Child’s Juvenile Dependency Case File.’ The other places that use “living child” in the forms may be better understood if that phrase is revised.	The committee appreciates the commenter’s attention to and feedback for this proposal. To avoid confusion, the committee does not recommend changing the references to the suggested language of “a child still alive” to preserve consistency in grammar tenses with the companion form series for requesting a deceased child’s juvenile dependency case file (e.g., <i>Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File</i> (form JV-584)).

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576? The proposed item 1 categories on the JV- 576 form are sufficient.	The committee thanks the commenter for their response to its request for specific comments.
			What, if any, other information should be listed in item 2 of proposed form JV-576 as protected by another state or federal law or regulation? Please provide the citation to any state or federal law or regulation that protects such information. Include an additional sub-bullet: ‘All minors named, other than _____, along with all minors’ contact information’, as this information may not be necessary or relevant to the request and is protected under Welfare and Institutions Code § 827 to maintain the confidentiality of the other minors.	The committee appreciates the commenter’s feedback, but does not recommend adding the suggested sub-bullet because item 2a on form JV-576 already covers this class of information: “Any information relating to or that could identify other minors or nonminor dependents pursuant to Welfare and Institutions Code section 827(a)(2), California Consumer Privacy Act (CCPA), Civil Code § 1798.100, et seq.”
			What, if any, other parties should be listed in item 4 of proposed form JV-576 as potential witnesses? Include a separate checkbox for Family Law and Probate cases, along with a field to indicate the related case number for those proceeding(s). May also want to expand authorization for use under seal in a particular case identified by case number.	The committee agrees with the commenter’s feedback and recommends refining item 4 on form JV-576 to include separate checkboxes for juvenile, family law, and probate proceedings and accompanying fields for litigants to provide the respective case numbers, if known.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			Would the proposal provide cost savings? If so, please quantify. No, it does not appear to provide cost savings. When considering the proposal, it would require additional resources for training. Additionally, some counties may have an added cost of completing the service, as described in the proposal for rules 5.552 and 5.553.	The committee thanks the commenter for their response to its request for specific comments from courts.
			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? Implementation will require providing communication to judicial officers and court staff, revising current procedures, updating the case management system, and conducting court staff training (approximately 1 hour).	The committee thanks the commenter for their response to its requests for specific comments from courts.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County.	The committee thanks the commenter for their response to its request for specific comments from courts.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee thanks the commenter for their response to its request for specific comments from courts.
7.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Q: Does the proposal appropriately address the stated purpose? A: For the most part, yes. However, the proposed rule amendments do not adequately encompass the laws governing the confidentiality of the case file of a living nonminor dependent. WIC § 362.5 provides a different list of persons and entities who may have access without having to file a § 827 petition. Q: Would adding rule 5.552(b)(3) pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, explain. A: The new language in subd. (b)(3) might be interpreted as imposing an additional duty on court clerks and thus may be perceived as burdensome on courts. Although it could reduce the need for further continuances, the proposed text does not use the language that is on page 5 of the Invitation to Comment, i.e., that it would “require the clerk to re-serve parties if the clerk possesses information...” – language that implies the petitioner attempted service but did not succeed. The proposed language in rule 5.552(b)(3) implies the clerk	The committee appreciates the commenter’s attention to and feedback for this proposal. The committee notes that section 827(a)(1) and the proposed rule amendments in this proposal apply to the juvenile dependency case files of living children under age 18, while section 362.5 applies to nonminor dependent case files of living children who are 18 years old or older. The committee agrees with the commenter’s feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to clarify that the clerk as the custodian of record’s duty to serve is triggered only after the petitioner or their counsel has indicated on the proof of service (as set forth in item 2 of forms JV-569 and JV-583) that they do not know or cannot reasonably determine the identity or address of the parties in (b)(1) or the clerk possesses information, such as a more recent address, indicating that service by the petitioner on any of those parties may have been effective.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		must serve, not re-serve. More importantly, item 2 of form JV-569 (the Proof of Service) already requires petitioner to indicate an inability to provide the required notice to certain parties. This might be sufficient to trigger the court clerk's duty to serve notice and a copy of the petition.	
		Q: Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner on interested parties may have been ineffective"? A: Yes.	The committee agrees with the commenter's feedback and recommends changing rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives an example of how a clerk as the custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective."
		Q: Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule? A: Yes.	The committee thanks the commenter for their response to its request for specific comments from courts.
		Q: Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer. A: Please see suggested edits below for each	The committee thanks the commenter for their response to its request for specific comments.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		form.	
		Q: What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576? A: In the court file, letters of guardianship; adoption records (unless these are kept separately in a confidential adoption case file); restraining or protective orders; declarations (e.g., JV-132); reports by probation officers; health and education records (including re authorizations for psychotropic medication); waivers, information, and notification forms (e.g., JV-140, JV-195, JV-285, JV-290, JV-618, JV-702); applications under WIC §§ 329 and 331; notices of hearings et al. (e.g., JV-323); motions, oppositions, replies, and accompanying memoranda of points and authorities and exhibits; ICPC records; ICWA records; intercounty transfer records; STRTP or CTF placement records. In the agency file, resource family approval (RFA) records?	The committee agrees with the commenter's feedback and recommends changing item 1 on form JV-576 to include the additional proposed categories of information to provide a more comprehensive list of confidential information that may warrant removal or redaction. The committee decided not to list all existing forms since additional forms may be created or could be revoked necessitating a need to change this form and the committee determined the burden of doing so outweighs the benefit of listing all forms.
		Q: What, if any, other information should be listed in item 2 of proposed form JV-576 as protected by another state or federal law or regulation? Please provide the citation to any state or federal law or regulation that protects such information. A: AIDS, HIV, hepatitis testing information.	The committee agrees with the commenter's feedback and recommends changing item 2 on form JV-576 to include the additional proposed categories of information to provide a more comprehensive list to help guide courts on the categories of information protected by another state or federal law or regulation.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			(H&S Code §§ 120820, 120970(i), 120975, 120980, 121015, 121023(f), 121025, 121035, 121065, 121070, 121075, 121280; PC § 1202.1, 7517, 7523, 7540; WIC § 1768.9.) Blood-alcohol test records. (Veh. Code 1804.) Address of parent known to be a victim of domestic violence. (PC § 278.7; WIC §§ 302(b), 332(e).) Identity of and information about client of community care facility. (H&S Code 1557.5.) Identity of and information about recipient of public social services or aid, including Medi-Cal and workers' comp. (WIC §§ 9401, 10810, 10850, 10850.1, 10850.2, 10850.3, 10850.7, 14100.2, 17006, 18491.) Identity of and information about conservatees and developmentally disabled persons. (H&S Code §§ 416.8, 416.18; PC § 1620; Prob. Code §§ 1821(a)(5), 1826, 1827.5(e), 1834, 1851, 2586; WIC §§ 4514, 4518, 4552.5, 4727, 4903.)	
			Q: What, if any, other parties should be listed in item 4 of proposed form JV-576 as potential witnesses? A: None.	The committee thanks the commenter for their response to its request for specific comments from courts.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee thanks the commenter for their response to its request for specific comments from courts.
		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: Updating internal procedures, adding filings to case management system, training staff, and notifying judicial officers.	The committee thanks the commenter for their response to its request for specific comments from courts.
		Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation ? A: Yes, provided the final versions of the forms are provided at that time.	The committee thanks the commenter for their response to its request for specific comments from courts.
		Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes.	The committee thanks the commenter for their responses to its requests for specific comments from courts.
		General Comments Rule 5.510, heading: Add text to describe the added language in subd. (d), e.g., Proper court; determination of child's residence;	The committee agrees with the commenter's feedback and recommends changing the heading for Rule 5.510 to include the additional proposed language of " <u>retention of jurisdiction after death of child or nonminor dependent</u> " to describe the language added in subdivision (d).

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		exclusive jurisdiction; <u>retention of jurisdiction after death of child or nonminor dependent</u>	
		Rule 5.510(d)(1): When would a child or NMD be within the jurisdiction of the court if a petition was <u>not</u> filed? The language “whether or not a petition was filed” is not in WIC § 10850.4(q)(1). Is it necessary to add it to the rule? If not, it should be deleted.	The language “ <u>whether or not a petition was filed</u> ,” was added to account for the holding in <i>In re Elijah S.</i> (2005) 125 Cal.App.4th 1532, 1544 (“a child is by definition ‘within the jurisdiction of the juvenile court pursuant to Section 300’ if he or she is one who either has suffered or will likely suffer serious neglect or abuse, without regard to whether a section 332 dependency petition — or indeed any jurisdictional petition — has yet been filed to establish that particular child as a dependent of the juvenile court.”).
		Rule 5.551, 1st par.: Query – Shouldn’t this rule address the fact that the confidentiality of case files for nonminor dependents is governed by WIC § 362.5? This paragraph states that it applies to the confidentiality of NMDs’ records, but it does not cite § 362.5.	The committee does not recommend including nonminor dependents in the iteration of the rules of court and series of forms because these rules and forms were specifically designed to differentiate between the process for requesting the dependency case file of a deceased child, versus the process for requesting any delinquency case file (whether the child is living or deceased) or the dependency case file of a living child under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5. Although section 362.5(d) directs parties not entitled to access to request access to the court

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
			file by filing a petition under section 827, this was not contemplated in the current cycle's proposal or request for specific comment. The committee acknowledges that incorporation of nonminor dependent records into the section 827 petition process via court rules and forms will require further consideration by subject matter experts and juvenile law stakeholders, and an opportunity for public comment in a future cycle.
		Rule 5.552 heading, subd. (a) heading, and throughout rule: Change "delinquency" to "juvenile justice," add "or nonminor dependent's" and citation to § 362.5.	The committee has previously recommended to the council, and the council has approved, leaving all references to "delinquency" rather than "juvenile justice" since the Welfare and Institutions Code still uses the term "delinquency".
		Rule 5.552(d): Comment – § 827.12 explicitly does <i>not</i> apply to dependency case information (see subd. (c)). Accordingly, subdivision (d) of rule 5.552 should not apply to any dependency case files. (d) Release of juvenile delinquency case file and a living child's juvenile dependency case file information related probation records for research (§ 87227.12(a)(2)) (2) If the information is being released for human subject research as defined in Part 46 of Title 45	The committee agrees with the commenter's feedback and recommends changing the title of subdivision (d) of Rule 5.552 to remove dependency case file information of a living child and to correct the typo in the reference to Welfare and Institutions Code section 827. The committee also agrees with the suggested changes to subdivision (d)(2) and recommends refining subdivision (d)(2) as suggested.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		of the Code of Federal Regulations ~~part 46~~, the probation department must provide notice to the office of the public defender 30 days before the court authorizes the release of the information so that the office has an opportunity to file an objection to the release with the court. Query: Should “or the juvenile’s retained attorney” be inserted after “the office of the public defender”?	
		Rule 5.553(b)(3): Correct form number to JV-583.	The committee agrees with the suggested change and has made the form number correction to rule 5.553(b)(3)(B).
		Rule 5.553, Advisory Committee Comment: The comment begins, “Consistent with rule 5.165....” Does CRC 5.165 apply here? It’s in Chapter 7, Request for Emergency Orders (Ex parte Orders), of Division 1, <i>Family</i> Rules, as opposed to Division 3, <i>Juvenile</i> Rules. Also, 827(a)(2) petitions are not requests for emergency orders. Item 2 of the draft form JV-583 already requires the petitioner to indicate an inability to provide notice of the § 827 on certain parties, so this ACC is unlikely to improve compliance with a “requirement” or directive to indicate whether petitioner was able to provide the required notice.	The committee acknowledges the commenter’s concern and has removed the advisory committee comment due to issues with its clarity and the potential for multiple interpretations, which could lead to confusion or misapplication.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		JV-569 title & footers: Suggested edits -- Proof of Service—Petition for Access to ~~Delinquency~~ Juvenile Case File ~~or~~ of a Living Child's or Nonminor Dependent Juvenile Dependency Case File [Commenter highlights removed.] JV-569, p. 1, left footer: Add citation to WIC § 362.5. Delete citation to rule 5.553.	The committee understands the commenter's concern, but does not recommend the suggested change to the title and footer of form JV-569. To avoid confusion, the committee does not recommend the distinction between the process for requesting the dependency case file of a deceased child, versus the process for requesting any delinquency case file (whether the child is living or deceased) or the dependency case file of a living child. The committee does not recommend including nonminor dependents in this iteration of the rules of court and series of forms because these rules and forms were specifically designed to differentiate between the process of seeking any delinquency case file (of either a living or deceased child) or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5. The committee agrees with the suggested change of removing the citation to rule 5.553 from the footer of form JV-569.
		JV-569: Item 2c: Per CRC 552(c)(1)(C) [sic], add "if 10 years of age or older." Per WIC § 362.5(d), add "or nonminor dependent."	The committee agrees with the suggested change and recommends adding "if the child is 10 years of age or older" to item 2c on form JV-569. The committee understands the commenter's concerns, but does not recommend

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		c. <u>Child if 10 years of age or older or nonminor dependent</u> [Commenter highlights removed.] <u>Item 2d</u>: Per WIC § 326.5(d) [sic], add “or nonminor dependent.” d. <u>Attorney of record for the child or nonminor dependent</u>	the suggested change to add “or nonminor dependent” in items 2.c. or 2.d. because the forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		<u>Item 4</u>: Suggested edits – Copies of <i>Petition for Access to ~~Delinquency~~ Juvenile Case File or a Living Child’s Juvenile Dependency Case File of a Living Child or Nonminor Dependent</i> (JV-570), <i>Notice of Petition for Access to ~~Delinquency~~ Juvenile Case File or a Living Child’s Juvenile Dependency Case File of a Living Child or Nonminor Dependent</i> (JV-571), and a blank <i>Objection to Release of ~~Delinquency~~ Juvenile Case File or a Living Child’s Juvenile Dependency Case File of a Living Child or Nonminor Dependent</i> (JV-572) have been served personally or placed in a sealed envelope with postage paid and deposited in the United States mail addressed to the following:	The committee understands the commenter’s concern, but does not recommend the suggested change to the titles and footers of forms JV-570, JV-571, and JV-572. To avoid confusion, the committee decided to maintain the distinction between the process for requesting the dependency case file of a deceased child, versus the process for requesting any delinquency case file (whether the child is living or deceased) or the dependency case file of a living child. The committee does not recommend including nonminor dependents in the latest iteration of these rules of court and series of forms because they were specifically designed to differentiate between the process of seeking any delinquency case file (of either a living or deceased child) or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
			of parties entitled to access to the nonminor dependent court file under section 362.5.
		<u>Item 4c</u>: Per CRC 552(c)(1)(C) [sic], add “if 10 years of age or older.” Per WIC § 326.5(d), add “or nonminor dependent.” c. ___ Child if 10 years of age or older or <u>nonminor dependent</u> (name and address): <u>Item 4d</u>: Per WIC § 362.5(d), add “or nonminor dependent.” d. ___ Attorney of record for the child or <u>nonminor dependent</u> (name and address):	The committee agrees with the suggested change and recommends adding “if the child is 10 years of age or older” to item 4.c. on form JV-569. The committee understands the commenter’s concerns, but does not recommend the suggested change to add “or nonminor dependent” in items 4.c. or 4.d. because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		JV-570 title and footers: Suggested edits – Petition for Access to ~~Delinquency~~ Juvenile Case File ~~or of a Living Child’s or Nonminor Dependent Juvenile Dependency Case File~~ JV-570, p. 1, par. 1: Suggested edits -- <i>If you are requesting a court order to obtain access to the juvenile ~~delinquency case file or of a living child’s juvenile dependency case file~~ or <u>nonminor dependent</u>, fill out all items on this</i>	The committee understands the commenter’s concern, but does not recommend the suggested change to the title, footer, or the first paragraph of form JV-570 because the latest iteration of this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		<i>form, and file it with the juvenile court. You must also fill out and file Proof of Service—Petition for Access to ~~Delinquency~~ Juvenile Case File or of a Living Child's Juvenile Dependency Case File or Nonminor Dependent (form JV-569).</i>	access to the nonminor dependent court file under section 362.5.
		JV-570, p. 1, left footer: Add citation to WIC § 362.5. Delete citation to rule 5.553.	The committee agrees with the suggested change of removing the citation to rule 5.553 from the footer of form JV-569.
		JV-570: <u>Item 2:</u> Per WIC § 362.5(d), add “or nonminor dependent.” Name of child <u>if 10 years of age or older or nonminor dependent</u> [Commenter highlights removed.] <u>Item 3:</u> Per WIC § 362.5(d), add “or nonminor dependent’s.” Child’s <u>or nonminor dependent’s</u> date of birth (<i>if known</i>): [Commenter highlights removed.] <u>Item 4:</u> Per WIC § 362.5(d), add “or nonminor dependent.” A petition regarding the child <u>or nonminor dependent</u> in 2 has been filed under (<i>check all that apply</i>): [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change to items 2-4 of form JV-570 because the latest iteration of this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		<u>Item 7</u>: Suggested edits – I need ~~the~~ records of ~~from~~ a juvenile ~~delinquency~~ case file ~~or of~~ a living child's ~~or nonminor~~ <u>dependent juvenile dependency</u> case file because . . .	The committee understands the commenter's concern, but does not recommend the suggested change to item 7 of form JV-570 because this iteration of the forms series was specifically designed to differentiate between the process of seeking any delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		JV-571, title and footer: Suggested edits – <u>Notice of Petition for Access to Delinquency Juvenile Case File or of a Living Child's or Nonminor Dependent Juvenile Dependency Case File</u> JV-571, p. 1, left footer: Add citation to WIC § 362.5. Delete citation to rule 5.553. JV-571, p. 1, 1st par.: Suggested edits – <i>You must provide notice to all those listed in item 2 on Proof of Service—Petition for Access to ~~Delinquency Juvenile Case File or of a Living Child's Juvenile Dependency Case File or~~ <u>Nonminor Dependent</u> (form JV-569).</i>	The committee understands the commenter's concern, but does not recommend the suggested change to the title, footer, and first paragraph of form JV-571 because this iteration of these series of forms was specifically designed to differentiate between the process of seeking any delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5. The committee agrees with the suggested change of removing the citation to rule 5.553 from the footer of form JV-569.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		JV-571: <u>Item 1:</u> Per WIC § 362.5(d), add “or nonminor dependent’s.” Child’s <u>or nonminor dependent’s</u> name: [Commenter highlights removed.] <u>Item 2:</u> Per WIC § 362.5(d), add “or nonminor dependent.” Information relating to the child <u>or nonminor dependent</u> named in item 1 is being sought by (name): [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change to items 1 and 2 of form JV-571 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		<u>Item 3:</u> Suggested edits – The requested information is described in the attached <i>Petition for Access to ~~Delinquency~~ Juvenile Case File ~~or of a Living Child’s Juvenile Dependency Case File~~ or Nonminor Dependent</i> (form JV-570). [Commenter highlights removed.] <u>Item 4:</u> Suggested edits – If you object to the release of these records and information, you must fill out <i>Objection to Release of ~~Delinquency~~ Juvenile Case File ~~or of a Living Child’s Juvenile Dependency Case File~~ or Nonminor Dependent</i> (form JV-572) and return it to the court listed at the address above	The committee understands the commenter’s concern, but does not recommend the suggested change to items 3 and 4 of form JV-571 because the latest iteration of this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		within 10 days of service of this notice. [Commenter highlights removed.]	
		<u>Warning box beneath signature lines</u> – Consider moving this box so that it is above the signature lines and directly under item 4, which provides the instructions for filing an objection. Also, add “or nonminor dependent’s.” Warning: If you do not object, the court may grant access to the child’s <u>or nonminor dependent’s</u> case file. [Commenter highlights removed.]	The committee agrees with and recommends the suggested change of moving the warning box above the signature line of form JV-571. The committee understands the commenter’s concern, but does not recommend the suggested change to the warning box on form JV-571 because it is beyond the scope of the current proposal. This series of forms were specifically designed to differentiate between the process of seeking any juvenile delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5, which would require further consideration by subject matter experts and juvenile law stakeholders and an opportunity for public comment in a future cycle.
		JV-572, title and footer: Suggested edits – Objection to Release of ~~Delinquency~~ Juvenile Case File ~~or of a Living Child’s~~ <u>or Nonminor Dependent</u> Juvenile Dependency Case File [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change to the title, footer, and first paragraph of form JV-572 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		JV-572, p. 1, left footer: Add citation to WIC § 362.5. JV-572, p. 1, 1st par.: Suggested edits – <i>Objections to the release of information and records described in the attached <u>copy of</u> Petition for Access to ~~Delinquency~~ Juvenile Case File ~~or of a Living Child's or Nonminor Dependent Juvenile Dependency Case File~~ (form JV-570) must be filed with the juvenile court within 10 days of service of notice and a copy of the petition.</i> [Commenter highlights removed.]	versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5. The committee does not recommend the suggested change of incorporating the 10 day service deadline into form JV-572 because it is beyond the scope of the invitation to comment. The committee will consider the suggestion in a future cycle as resources permit.
		JV-572: <u>Item 1a, line 2:</u> Add “or nonminor dependent.” Query – Should there be a blank line for the lawyer's telephone number (for ease of contact if needed by the court)? Relationship to child <u>or nonminor dependent</u> (if any): <u>Items 2, 3, 4:</u> Add “or nonminor dependent.” Name of child <u>or nonminor dependent</u>: My relationship to the child <u>or nonminor dependent</u>, if any, is: I object to the release of information and records	The committee understands the commenter's concern, but does not recommend the suggested change because the parenthetical after item 1.b. already instructs the litigant to provide their lawyer's information (address, phone number, and email) if they have a lawyer. The committee understands the commenter's concern, but does not recommend the suggested changes to items 1.a. (line 2), 2-4 of form JV-572 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		relating to the child <u>or nonminor dependent</u> named in item 2.	dependent court file under section 362.5.
		<u>Warning box beneath signature lines</u> – Consider moving this box so that it is above the signature lines and directly under item 5. Also, add “or nonminor dependent’s.”	The committee agrees with and recommends the suggested change of moving the warning box above the signature line of form JV-572.
		Warning: If you do not object, the court may grant access to the child’s <u>or nonminor dependent’s</u> case file. [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change to the warning box on form JV-572 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		JV-573, title and footer: Suggested edits – Order on Petition for Access to ~~Delinquency~~ Juvenile Case File ~~or~~ of a Living Child’s <u>or Nonminor Dependent</u> Juvenile Dependency Case File JV-573, p. 1, left footer: Add citation to WIC § 362.5.	The committee understands the commenter’s concern, but does not recommend the suggested change to the title, footer, and item 2 of form JV-573 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			<u>Item 2</u>: Add “or nonminor dependent” and delete “delinquency or a living child's juvenile dependency.” The court sets a hearing on the request. Applicant has shown good cause for release of the juvenile case file, but the court must balance the interests of the applicant, the child <u>or nonminor dependent</u>, other parties to the juvenile ~~delinquency or a living child's juvenile dependency~~ court proceedings, and the public. Clerk to send notice under rule 5.552 of the California Rules of Court. JV-574, title and footers: Suggested edits – Order After Judicial Review on Petition for Access to ~~Delinquency~~ <u>Juvenile</u> Case File ~~or of a Living Child's or Nonminor Dependent~~ <u>Juvenile Dependency</u> Case File JV-574, p. 1, left footer: Add citation to WIC § 362.5. JV-574: <u>Item 2</u>: Delete “delinquency” and “or a living child's juvenile dependency case file.” After a review of the juvenile ~~delinquency~~ case file ~~or a living child's juvenile dependency case~~	dependent court file under section 362.5. The committee understands the commenter’s concern, but does not recommend the suggested change to the title, footer, and items 2-3 of form JV-574 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child’s juvenile dependency case file versus a deceased child’s juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			~~file~~ and any filed objections and a noticed hearing, <u>Item 2a:</u> Add “or nonminor dependent’s.” a. Access is not in the child’s <u>or nonminor dependent’s</u> best interests. <u>Item 2b:</u> Add “or nonminor dependent.” b. The need for access does not outweigh the privacy rights of the child <u>or nonminor dependent</u> and the policy considerations favoring confidentiality of the juvenile case file. <u>Item 3:</u> Suggested edits – After a review of the juvenile ~~delinquency~~ case file ~~or a living child's juvenile dependency case file~~ and any filed objections __ and a noticed hearing, the court grants the request. The petitioner has shown by a preponderance of the evidence that access to records is necessary and that records have substantial relevance to the legitimate needs of the petitioner. The court has balanced these needs with the child’s <u>or nonminor dependent’s</u> best interest. The court finds that the need for access outweighs the policy considerations favoring confidentiality of juvenile records.	

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		<u>Item 3c:</u> Suggested edits – Any information that relates to another child <u>or nonminor dependent</u> or could identify another child <u>or nonminor dependent</u>, who is not the subject of the petition, must be redacted. The court orders required redactions as specified in <i>Order Granting Welfare and Institutions Code Section 827 Petition Attachment: Required Redactions</i> (form JV-576).	
		JV-576, Check boxes at top: Suggested edits – TO <i>Order After Judicial Review on Petition for Access to ~~Delinquency~~ Juvenile Case File ~~or of a Living Child's or Nonminor Dependent Juvenile Dependency Case File~~</i> (form JV-574) JV-576, p. 1, left footer: Add citation to WIC § 362.5.	The committee understands the commenter's concern, but does not recommend the suggested change to the title of form JV-574 referenced in form JV-576 and the footer of form JV-576 because this series of forms were specifically designed to differentiate between the process of seeking any delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file under section 827, and do not specifically address the more limited categories of parties entitled to access to the nonminor dependent court file under section 362.5.
		JV-576, all citations in item 2: If the California Style Manual applies to Judicial Council forms, delete all commas preceding "et seq." For example, "Civil Code section 1798.100, et seq."	The committee agrees with and recommends the suggested change to delete all commas preceding "et seq." in item 2 and to add subdivision "(a)(3)" and "and the" to item 2a.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		<u>Item 2a</u>: Change “827(a)(2)” to “section 827(a)(3),” delete first comma, and insert “and the.” [Commenter highlights removed.] Any information relating to or that could identify other minors or nonminor dependents pursuant to Welfare and Institutions Code section 827(a)(2) and the California Consumer Privacy Act (CCPA), Civil Code section 1798.100 et seq. [Commenter highlights removed.]	
		<u>Item 2d</u>: “Dates of birth pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, the Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721, and the California Public Records Act (CPRA), Government Code section 7927.410.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to add “the” and “and the” to item 2d.
		<u>Item 2e</u>: “Driver's license numbers pursuant to the Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721, Vehicle Code section 1808.21.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to add “the” to item 2d.
		<u>Item 2f</u>: “Protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191 (1996), and the California Confidentiality of Medical Information Act (CMIA), Civil Code section 56 et seq., Health and Safety Code sections 12097–121020.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to remove the comma preceding “et seq.” and to add “and the” to item 2f.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		<u>Item 2g</u> : “Mental health information pursuant to the Lanterman-Petris-Short Act (LPS), Welfare and Institutions Code section 5000 ⁷ , et seq., Health and Safety Code section 11845, Civil Code section 56.103.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to delete the comma preceding “et seq.” in item 2g.
		<u>Item 2h</u> : Delete space between “dd” and “2” in “§ 290-dd-2.” Also: “Substance abuse treatment information pursuant to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (CAAAPTR), 42 U.S.C. § 4541 ⁷ , et seq., <u>the</u> Public Health Service Act, 42 U.S.C. § 290dd-2, <u>and</u> Health and Safety Code section 11845.5.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to delete the comma preceding “et seq.”, and to add “the” and “and” to item 2h.
		<u>Item 2j</u> : “Education information pursuant to <u>the</u> Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g, 34 C.F.R. part 99, <u>and the</u> California Student Records Act, Education Code sections 49060-49085.” [Commenter highlights removed.]	The committee agrees with and recommends the suggested change to add “the” and “and the” to item 2j.
		JV-584: <u>Item 4b</u> : Insert “county child welfare” before “agency.” <u>Item 6b</u> : Change “Part” to “Part(s).” [Commenter highlights removed.]	The committee understands the commenter’s concern, but does not recommend the suggested change because it would exclude dual status cases where the lead agency is not a child welfare agency. The committee instead revised item 4.b. to include “or agencies.”

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
			The committee agrees with and recommends the suggested change to add “(s)” after “Part” in item 6b.
		JV-585: <u>Instructions at top of page 1:</u> Suggested edits – <i>To petition the juvenile court for public disclosure of ~~For~~ a deceased child’s juvenile dependency case file, you must provide <u>this</u> notice to all those listed in <u>items 2 and 4 of POS</u> Proof of Service–Petition for Public Disclosure of a Deceased Child’s Juvenile <u>Dependency</u> Case File (form <u>JV-583</u>) <u>if you know their names and addresses</u>.</i> [Commenter highlights removed.]	The committee agrees with the need for and recommends the suggested change in the first paragraph of form JV-575 to read: “ <i>To petition the juvenile court for public disclosure of a deceased child’s juvenile dependency case file, you must provide this notice to all those listed in item 4 of Proof of Service–Petition for Public Disclosure of a Deceased Child’s Juvenile Dependency Case File (form JV-583) if you know their names and addresses. If not, you must indicate which parties you were unable to serve in item 2 of form JV-583.</i> ”
		JV-586: <u>Item 4a:</u> Insert “release of” before “the juvenile case file” – “I can show by a preponderance of evidence that <u>release of</u> the juvenile case file or any portion thereof is detrimental . . .” [Commenter highlights removed.]	The committee agrees with the suggested change and adds “release of” before “the juvenile case file” in item 4.a.
		JV-587: <u>Item 2:</u> Query – Should a blank line be inserted for the clerk to fill in the deadline for the	The committee understands the commenter’s concern that this would be very challenging for litigants to calculate, but declines to incorporate the suggested change because the deadline for

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			issuance of the court’s decision? The petitioning party might not be able to calculate “10 calendar days of the final day for filing an objection.” For example, The child is deceased, and the court will (1) conduct a review of the juvenile case file without a hearing because no objections were filed, and (2) issue its decision within 10 calendar days of the final day for filing an objection <u>(latest date for decision)</u>: [Commenter highlights removed.]	the court’s decision is not fixed and will have to be calculated on a case by case basis depending upon the date of service by the custodian of records on the parties, which would create undue burden on the courts.
8.	TCPJAC/CEAC Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	AM	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: • Impact on existing automated systems. • Results in additional training, which requires the commitment of staff time and court resources. • Increases court staff workload.	The committee appreciates the commenter’s attention to and support for this proposal.
			Suggested Modifications 1. The proposed new content in rules	The committee agrees with the commenter’s feedback and recommends refining rules 5.552(b)(3) and 5.553(b)(3) to include the

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			5.552(b)(3) and 5.553(b)(3) should include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records possesses information indicating that the service by the petitioner on interested parties may have been ineffective, such as a more recent address. Given that that this would be a new requirement placed on the clerk's office, and that the currently proposed language leaves room for subjective interpretation that could result in debate in court, the proposed rules should be modified to clearly list the circumstances in which the clerk's office must re-serve the parties. That should not be left to interpretation.	language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective".
			2. "Orders" should be added as distinct from minute orders, or "minute orders" could be changed to "orders" if differentiation is not necessary, in item 1 of proposed form JV-576. Juvenile case files contain both types.	The committee agrees with the commenter's feedback and recommends refining item 1a(1) on form JV-576 to read: "Orders" in order to include the court's orders as well as minute orders.
			Request for Specific Comments Does the proposal appropriately address the stated purpose? Yes.	The committee thanks the commenter for their response to its request for specific comments.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			The committee proposes increasing a clerk's responsibilities under rule 5.552(b)(3); would adding this requirement to rule 5.552 pose a burden to courts that outweighs the benefits to litigants and interested parties? If so, please explain. No. The benefit outweighs the added burden. While this would represent an increase in workload in the clerk's office, it should in turn reduce workload in the courtroom and expedite the handling of these matters.	The committee thanks the commenter for their response to its request for specific comments.
			Should the proposed new content in rules 5.552(b)(3) and 5.553(b)(3) include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner on interested parties may have been ineffective"? Yes. See the above suggested modification. Leaving this to interpretation would result in inconsistent application, both within and across courts, and could create avoidable disputes in court proceedings.	The committee agrees with the commenter's feedback and recommends the revising rules 5.552(b)(3) and 5.553(b)(3) to include the language from section 827(a)(2)(D) that gives an example of how a clerk/custodian of records "possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective".
			Does proposed rule 5.553(b)(1) appropriately identify those who should be considered interested parties who are served with a copy of a petition under this rule?	No response required.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			Yes.	
			Are the new proposed form titles sufficiently clear? If not, please provide suggestions on how to make the form titles clearer. Yes.	No response required.
			What, if any, other categories of information should be enumerated in item 1 of proposed form JV-576? “Orders” should be added as distinct from minute orders, or “minute orders” could be changed to “orders” if differentiation is not necessary. Juvenile case files contain both types.	The committee agrees with the commenter’s feedback and recommends revising item .a(1) on form JV-576 to read: “Orders” in order to include the court’s orders as well as minute orders.
9.	Patricia Xavier Court Operations Manager, Central—Juvenile Division of the Superior Court of California, County of San Diego	NI	I would like to propose a change to CRC 5.552 (b)(3)(B) and proposed rule 5.553 (b)(3)(B) to allow the use of form JV-569 or a local form.	The committee understands the commenter’s concern, but does not recommend the suggested changes because form JV-569 is part of a mandatory series of plain language forms meant to assist self-represented litigants in requesting a juvenile case file.
10.	Youth Law Center by Marisa Lopez-Scott, Directing Attorney, and Meredith Desautels, Directing Attorney	AM	Youth Law Center (YLC) appreciates the opportunity to review and comment on the Judicial Council’s Invitation to Comment SPR25-27 Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children. We agree with the Judicial Council’s proposal to create two series of forms to address the different legal presumptions for disclosure of a juvenile case file based on whether the petitioner is requesting	The committee appreciates the commenter’s attention to and feedback for this proposal. See the committee’s responses to YLC’s specific comments, below.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		access to a juvenile delinquency case file or a living child's juvenile dependency case file versus a deceased child's juvenile dependency case file. Bifurcating these rules, processes, and forms should help ensure that the appropriate rules and presumptions are applied. However, we are concerned about the addition of a limitation on disclosure by testimony, and the expansion of the notice provisions to include individuals with privacy interests. We address each of these concerns in turn.	
		<u>Comments on the Proposal</u> As a preliminary matter, it may be prudent for the Judicial Council to wait again on making changes suggested by this proposal because another bill that seeks to modify Welfare and Institutions Code Section 827 is pending before the Legislature (SB 413 (Allen, 2025)). If passed, SB 413 would require additional modifications to the rules and forms included in this proposal, and it may be most efficient to consider all changes together. We also have serious concerns regarding certain aspects of the proposal in its current form that must be addressed.	The committee appreciates the commenter's feedback on this proposal. The committee declines to defer this proposal because the proposed rules and forms changes are necessary to correct inaccuracies in the current rules and forms that should not be further delayed and the issues addressed in the pending bill are unrelated to correcting these inaccuracies and may be addressed in a future cycle.
		<u>Implementation of SB 1161—Rule 5.551</u> <u>Definition of Juvenile Case File</u> Overall we agree with the adoption of a new rule to implement SB 1161's amendment to the definition of juvenile case file in Welfare and	The committee appreciates the commenter's support for the adoption of a new rule to implement SB 1161's amendment to the definition of a juvenile case file.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		Institutions Code Section 827(e). However, throughout proposed rules 5.552 and 5.553, the term “juvenile dependency case file” and “juvenile delinquency case file” are used in addition to the term “juvenile case file,” and no separate definition for “juvenile dependency case file” or “juvenile delinquency case file” is provided.	
		Based on our reading, “juvenile dependency case file” and “juvenile delinquency case file” have the same meaning as “juvenile case file;” however, we’d request the overlap of these terms to be clarified in proposed rule 5.510 [sic] by adding the following language to proposed rule 5.510(a) [sic]: (a)Definitions <u>of a juvenile case file</u> ~~For the purposes of this rule, A “juvenile case file” has the same meaning as defined in Welfare and Institutions Code section 827(e), and includes the terms “juvenile dependency case file” and “juvenile delinquency case file”, and includes comprises:~~	The committee understands the commenter’s concern, but does not recommend the suggested change. The committee differentiated between juvenile delinquency and dependency case files in the form titles because the existing series of forms apply to the juvenile delinquency case files of both living and deceased children and the juvenile dependency case files of living children, while the second series of new forms apply to the juvenile dependency case files of deceased children. The form titles refer to the basis for juvenile court jurisdiction over the child, not to the definition of a juvenile case file.
		Similarly, proposed subdivision (b) of rule 5.551, should be amended to conform language to WIC 827(a)(3) and proposed rule 5.551(a) regarding the juvenile case file, as “record” is overly narrow.	The committee agrees with and recommends the suggested change to replace “records” with “a juvenile case file, or any portion thereof”.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		(b) Other applicable law (§ 827(a)(3)) Under no circumstances may this rule, rule 5.552, rule 5.553, or any subdivision of these rules be interpreted to permit access to or release of <u>a juvenile case file, or any portion thereof, that is records</u> protected under any other federal or state law, including Penal Code section 11165 et seq., except as provided in those laws, or to limit access to <u>the juvenile case file, or any portion thereof, or release of records</u> permitted under any other federal or state law.	
		<u>Clarifying the different standards for release of juvenile case records</u> <i>Rules 5.552 and 5.553</i> 1. Disclosure by Testimony The proposed amendments to rules 5.552(a) and 5.553(a)(3) regarding limitations on disclosure by testimony are unsupported by the citation in the proposal (<i>City of San Diego v. Superior Court</i> (1981) 136 Cal.App.3d 236, 239) and go beyond the scope of the Judicial Council’s rule and form making authority. By adding a limitation on disclosure by testimony, the Judicial Council is proposing a new rule of law that is overbroad and unworkable. The proposal indicates that subdivision 5.552(a) is being modified based on the reasoning of “recent case law”; however, the citation is to a	The committee recommends that rule 5.553(a)(3) should be renumbered to 5.553(a)(2)(A), as it more appropriately fits under the section detailing requests under Welfare and Institutions Code section 827(a)(2). The committee recommends adding the phrase “and the information from the file may not be disclosed by testimony without a juvenile court order” to rules 5.552(a) and 5.553(a)(2)(A) in response to public comment from the San Diego County Office of County Counsel during the 2024 rules cycle specifically requesting the rules include protection for social worker or probation officer testimony based on information taken from the juvenile case file. This change is intended to clarify that testimony based on information obtained from the juvenile

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			nearly 45 year-old case regarding police personnel records. The case is not directly analogous to juvenile case file records, nor is it sufficiently “recent” to support any changes to this provision. No reasoning or support are included at all in the proposed change for rule 5.553(a)(3), though presumably the Judicial Council is relying on the same case as justification for the proposed change. The proposed rules would have absurd results. First, juvenile case files contain a wide variety of information and records beyond the court reports written by the social worker or probation officer, including handwritten letters and cards; information regarding school, milestone events, and ongoing health conditions; visitation notes; children’s drawings; school report cards; photographs; certificates of program completion; progress reports from various services and more. Though these records are contained within the juvenile case file, it would be nonsensical to limit someone’s ability to testify regarding aspects or events in their lives that also happen to be contained within the juvenile case file. It’s important to remember that juvenile case files contain information about real peoples’ lives, and almost anything could be contained within a person’s juvenile case file. It does not make sense to suggest that an individual could not testify to incidents related to their own life, simply because those incidents are also recorded	case file—rather than from a witness’s independent personal knowledge—is subject to court approval. The committee notes that this change is aimed at preventing parties from circumventing judicial review by eliciting protected case file information through testimony. (<i>See City of San Diego v. Superior Court</i> (1981) 136 Cal.App.3d 236, 239 (applying protection for testimony in the context of law enforcement personnel files)). While the committee acknowledges the commenter’s concerns, it does not recommend adopting the commenter’s suggestion to strike this language. Instead, it has revised the proposed rule to replace “information <i>in</i> the file” with “information <i>from</i> the file” and clarified that disclosure through testimony requires prior juvenile court authorization

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			in the file. Second, if it were true that an individual may not testify on a subject that is also contained within a juvenile case file, it may create an incentive to write down certain information and include it in the juvenile case file, for the purpose of restraining someone's ability to speak about that information, since it then could not be disclosed in testimony under this rule. It is more appropriate for the court to include any applicable limitations on the use of information or records within its orders on the WIC 827 petition under Rules of Court 5.552(c)(8) and 5.553(c), rather than to create an unworkable and overbroad limitation absent an order. This approach would allow people to testify as to facts for which they have independent knowledge, while preserving the court's ability to restrict testimony that is based directly on the records themselves. Under this approach, all references to prohibiting testimony regarding information in a juvenile case file in the proposed rules should be removed. With this removal on the limitation on disclosure by testimony, the form JV-576 should then be modified to allow the court to order specified limitations on testimony, as follows: Use this form to identify required redaction(s) to the juvenile case file when granting the Welfare and Institutions Code Section 827 petition, and to <u>restrict any</u> ~~authorize~~ testimony	The committee understands the commenter's concern, but does not recommend the suggested change because testimony regarding confidential information taken from a juvenile case file is generally restricted unless authorized by juvenile court order.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		based on ~~related to~~ the released juvenile case file information, as necessary.	
		Item 4: The court further <u>limits</u> ~~authorizes~~ the testimony of ☐ social workers ☐ probation officers ☐ Other: _____ in the upcoming ☐ criminal ☐ civil proceedings as follows:- These changes reflect the ability of individuals to testify regarding the contents of a juvenile case file, subject to the further limitations of the court. If the JV-576 remains as is, it may actually authorize testimony that is prohibited by other orders of the court, including legally required redactions or document removals.	The committee understands the commenter's concern, but does not recommend the suggested change because testimony regarding confidential information taken from a juvenile case file is generally restricted unless authorized by juvenile court order.
		2.Notice of Petition The proposed rules expanding the petitioner's notice and service obligations to individuals with protected privacy interests under WIC 827(a)(3) may undermine the Judicial Council's goal of preserving such individuals' privacy. Specifically, proposed rules 5.552(b)(1)(I) and 5.553(b)(1)(H) require the petitioner or custodian of records to try to identify individuals with protected privacy interests and to serve them with the petition. Juvenile case files may contain an extremely wide range of protected information of third parties, many of whom might prefer not	The committee understands the commenter's concern, but does not recommend the suggested changes because section 827(a)(3)(B) requires that "[p]rior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a <i>notice of</i>, and an opportunity to file an objection to, the release of the record or report to all interested parties." (emphasis added). Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			to have to go to court if their privacy could be appropriately protected through court orders. Rather than place the onus on the petitioner or the clerk, the determination of when and how to involve third parties with protected privacy interests should rest with the court.	noticed under the statute. The committee specifically included “Any other interested party as determined by the court” in rule 5.553(b)(1)(H) to reserve the court’s discretion in determining who must be served as an interested party under section 827.
			a. Rule 5.552(b)(1)(I) WIC Section 827(a)(3) does not include any language regarding “surviving interests” and it creates confusion in these provisions to include this language since the other forms and rules are being changed to address the procedure to obtain records of a deceased child. Since “it has long been recognized that privacy rights expire upon death,”¹ no additional clarifications should be needed here.	The committee understands the commenter’s concern, but does not recommend the suggested change of removing “surviving interests” because there has been confusion among practitioners about who has standing to object to the release of a juvenile case file. This language is meant to clarify and reiterate that privacy rights expire upon death.
			Additionally, we have some concerns regarding the addition of an individual with a protected interest to 5.552(b)(1)(I) because those individuals could be siblings, or victims, or co-minors etc. and it may broaden the class of individuals who would be entitled to notice of the petition and may in fact violate the privacy interests of those individuals for the petitioner to try to identify, find, and serve them. It is unnecessary for individuals with a cognizable privacy interest to be noticed and have an opportunity to weigh-in on disclosure	Section 827(a)(3)(B) requires that “[p]rior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a <i>notice of</i>, and an opportunity to file an objection to, the release of the record or report to all interested parties.” (emphasis added). Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be noticed under the statute.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			when the court could protect and address these privacy interests through additional removals and redactions of the juvenile case file before release. For example, the driver's license number of a witness in a police report could simply be redacted by the court, rather than requiring notice to that individual, which may further invade their privacy. If, upon review, the court determines that a privacy interest is sufficiently implicated that notice is appropriate, the court can make orders to that effect.	
			We recommend removing this requirement from the rule and form. If the Judicial Council is unwilling to strike the addition in (b)(1)(I) entirely, we at least ask that it be changed as follows: (I) Anyone with an ~~surviving~~ interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under section 827(a)(3) <u>as determined by the court</u>; Additionally, we'd ask that proposed form JV-569 be updated in conformity with our suggested changes to the proposed rule.	The committee understands the commenter's concern, but does not recommend the suggested change because (1) there has been confusion among practitioners about who has standing to object to the release of a juvenile case file, and (2) section 827(a)(3)(B) requires notice be provided to interested parties.
			b. Rule 5.553 - Defining "interested parties" for purposes of service under section 827(a)(2)	

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			Though we appreciate the Judicial Council’s attempts to limit the definition of interested parties to ensure only those with cognizable privacy interests will be noticed and included in the proceedings, the procedure of finding and noticing these “interested parties” could lead to invasions of privacy of living individuals by either the petitioner or custodian of records, as they try to figure out who may have a protected interest and how such persons can be contacted. The need for further inquiry cuts against the interests of trying to protect the privacy interests of individuals who may be identified by information in the deceased child’s juvenile dependency case file by suggesting that the petitioner investigate and try to serve them. Generally a petitioner does not know the contents of the juvenile case file, hence the need for the petition, so they can’t possibly know the identities of individuals with surviving interests without requiring them to investigate further and potentially violate an individual’s protected privacy interests in doing so. In particular, proposed rule 5.553(b)(1)(H) is excessively overbroad and goes beyond the limited definition of interested parties as indicated in the proposal. The rules should leave it to the court to either order further notice or order redactions or exclusions such that that the privacy interests are not at issue. The court is also far better able to know and understand the various privacy laws and statutes that may be	The committee understands the commenter’s concern, but does not recommend the suggested changes because section 827(a)(3)(B) requires that “[p]rior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a <i>notice of</i>, and an opportunity to file an objection to, the release of the record or report to all interested parties.” (emphasis added). Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be noticed under the statute. The committee specifically included “Any other interested party as determined by the court” in rule 5.553(b)(1)(H) to reserve the court’s discretion in determining who must be served as an interested party under section 827.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		applicable, and neither a lay petitioner nor the custodian of records is likely to understand or know about what and which privacy interests may need protection under WIC 827(a)(3).	
		We recommend that proposed rule 5.553(b)(1)(H) be struck, and proposed rule 5.553(b)(1)(E) changed as follows: (E) Anyone with a surviving interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under section 827(a)(3) <u>as determined by the court</u>; [Commenter red font coloring removed.] We have left the addition of the word “surviving” in this subdivision because it would address any confusion about whether the deceased child is included in the list of those with a protective privacy interest under WIC 827(a)(3). Finally, we’d ask that proposed form JV-538 [sic] be updated in conformity with the changes to the proposed rules.	The committee understands the commenter’s concern, but does not recommend the suggested change because § 827(a)(3)(B) requires notice be provided to interested parties. Any individual whose information is privileged or confidential pursuant to any other state law or federal law or regulation is an interested party who must be noticed under the statute. The committee specifically included “Any other interested party as determined by the court” in rule 5.553(b)(1)(H) to reserve the court’s discretion in determining who must be served as an interested party under section 827.
		<u>Additional Concerns Not Addressed in the Proposal</u> We recommend that an INFO form be created to be included in this series of forms. Without an info form, it is unclear which set of forms should	These suggestions are beyond the scope of the invitation to comment. The committee will consider developing an INFO form in a future cycle.

SPR25-17

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576, JV-583, JV-584, JV-585, JV-586, JV-587, and JV-588; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			be used and how they should be completed. In particular, the proof of service forms are exceptional when compared with all other juvenile proof of service forms (e.g. JV-510) since they first indicate who was not served (Item 2 on proposed forms JV-569 and JV-583) before the petitioner would indicate who was served (Item 4 on proposed forms JV-569 and JV-583). Additionally, it's unclear from the face of the forms whether the list of individuals contained in Item 2 on the draft JV-569 and the draft JV-583 is the full list of individuals that are entitled to receive notice, so it may be difficult for a petitioner to know whether they have fulfilled their noticing obligations, and which individuals the custodian of records would need to serve.	

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
1.	California CASA Association, by Sharon Lawrence, CEO	A	[No specific comments.]	The committee appreciates the commenter's attention to and support for this proposal.
2.	California Lawyers Association, Executive Committee of the Family Law Section (FLEXCOM), by Justin M. O'Connell, FLEXCOM Legislation Chair, Saul Bercovitch, Associate Executive Director, Governmental Affairs	A	FLEXCOM agrees with this proposal. FLEXCOM also suggests that at item 4 in form JV-570, there be a place to check a box indicating that a petition has not been filed although an investigation is believed to have been conducted and records are within the care and custody of the Department of Health and Human Services. Where no petition is filed in dependency court but CPS conducted an investigation and records are sought for another proceeding (e.g., family law case), then one seeking such records is required to use this form. Currently, one must write or type that information into the form at item 4.	The committee appreciates the commenter's attention to and support for this proposal and revised item 4 of new form JV-584 to read: a. ☐ A petition regarding the child in (2) has been filed under: (i) ☐ Welfare and Institutions Code section 300 (ii) ☐ Welfare and Institutions Code section 601 (iii) ☐ Welfare and Institutions Code section 602 b. ☐ <u>A petition has not been filed, but the deceased child was within the jurisdiction of the juvenile court. An investigation is believed to have been conducted, and records are within the care and custody of the agency or agencies.</u>
3.	Children's Legal Services of San Diego, by Beth Ploesch, Executive Director	N	My office is court-appointed counsel for youth involved in dependency proceedings. If the child is deceased, we no longer have a client to consult re: the 827 process. It does not seem to serve a purpose to include the attorney of the deceased child on the service list for the JV-569 since the deceased child has no privacy interest for us to protect (nor do we have any client direction).	The committee appreciates the commenter's attention to this proposal and its thoughtful reflection and feedback on the issue of whether to notice the deceased child's attorney. The committee agrees that the deceased child has no privacy interest in the juvenile case file and has, in the final recommendation, excluded the attorney of the deceased child from the service list in new form <i>Proof of Service—Petition for Public Disclosure of a Deceased Child's Dependency Case File</i> (form JV-583) because they are not entitled to notice.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			Additionally, our funding is through JCC funds and FFDRP dollars. We are relieved as counsel if a client passes away; keeping the case open would skew the number of dependents being served by our contract. This is especially concerning if there is no set timeframe for the court to terminate jurisdiction following a child's death. For example, we may be dealing with discovery/827 issues for several months/years if a civil case ensues. To improve these rules, I recommend clarifying that the attorney for the deceased child will be relieved even if the court retains jurisdiction. deceased child will be relieved even if the court retains jurisdiction.	The committee thanks the commenter for their feedback, but declines to recommend incorporating the suggested language into proposed rule 5.510(d)(2) because a deceased child's attorney of record may already request to be relieved upon the death of their client, even if the court retains jurisdiction, without further clarification or express language in the proposed rule.
			Also, I would add that the attorney for the deceased child is not required to be served with the 827 petition documents.	The committee agrees that the deceased child has no privacy interest in the juvenile case file and has, in the final recommendation, excluded the attorney of the deceased child from the service list in proposed new form JV-583 because they are not entitled to notice and service of the section 827 petition.
			Finally, it is highly relevant for the surviving siblings' lawyer to receive notice of a petition under 827 for a deceased sibling. In our county, the social worker files one report at each hearing that includes information about each child/sibling. As a result, the sibling's confidential/protected information is intertwined throughout the deceased child's file. I like the language in Rule 5.553(c)(7) but I recommend adding that the surviving sibling's attorney of	The committee agrees with the commenter's feedback, and amended proposed rule 5.553(b)(1)(D) to include: <u>(ii) The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent.</u> The committee also proposed revising item 2 in proposed new form JV-583 to include subdivision "d.(iii) □ The attorney of record or

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			record must also be served with the petition and added to JV-569: (2)(k).	legal representative of any surviving sibling, child, or nonminor dependent”.
4.	Julia Hanagan, Policy Direction for Dependency Legal Services CITY	AM	JV-570, specifically, item 4 there should be a section wherein you check a box that states a petition has not been filed, however, an investigation is believed to have been conducted and records are within the care and custody of the Dept. of Health and Human Services. If JV-570 is not amended, my recommendation would be to add a subsection c to item 4. If the forms are amended as SPR24-20 recommends, then still adding a subsection c to item 4 on JV-570 would work the way the forms are proposed to be amended.	The committee agrees with the commenter’s feedback and proposes adding the following language to item 4 of form JV-584: a. ☐ A petition regarding the child in (2) has been filed under: (i) ☐ Welfare and Institutions Code section 300 (ii) ☐ Welfare and Institutions Code section 601 (iii) ☐ Welfare and Institutions Code section 602 b. ☐ <u>A petition has not been filed, but the deceased child was within the jurisdiction of the juvenile court. An investigation is believed to have been conducted, and records are within the care and custody of the agency or agencies.</u>
5.	Orange County Bar Association by Christina Zabat-Fran, President	A	THE PROPOSAL APPROPRIATELY ADDRESSES THE STATED PURPOSE. THERE SHOULD BE A SEPARATE FORM TO REQUEST A DECEASED CHILD’S JUVENILE CASE FILE.	The committee agrees and proposed a new set of forms for requesting disclosure of a deceased child’s juvenile dependency case file that circulated for comment during the Spring 2025 cycle.
			THE PARENTS OF THE CHILD SHOULD BE INCLUDED IN THE NOTICE REQUIREMENTS OF SECTION 5.553(b).	The committee thanks the commenter for their feedback and recommends amending Rule 5.553(b)(1)(D)(i) to include “ <u>The parent or guardian of any surviving minor sibling or child;</u> ”

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
6.	San Diego County Office of County Counsel by Lisa R. Storing, Assistant Chief Deputy County Counsel	N	1. Proposal: “Subdivision (a)(3) applies to requests for records of a living child; subdivision (a)(2) applies to requests for records of a deceased child.” (Invitation to Comment at p. 2.) Comment: The San Diego County Office of County Counsel disagrees with the first clause of this statement. WIC 827(a)(3) does not govern the release of information from a living child’s file. WIC 827(a)(2) describes the process to obtain the files of a deceased minor, but there is no corresponding WIC 827 subdivision that describes the process to obtain a living child’s file. The authority to request a living child’s file is only found in Rule 5.552(b)-(d).	The committee thanks the commenter for their feedback. It is precisely this confusion over the standards and procedure for access and disclosure of juvenile case files of living versus deceased children that spurred the committee to clarify the procedures, burdens, and timelines for release of a juvenile dependency case file in the two contexts. The committee recognizes that the carve out for overlapping confidentiality laws applies to both requests for the juvenile case files of living and deceased children as recognized in rule 5.551(b). The committee proposes amending the parenthetical to rule 5.552 from “827(a)(3)” to “827(a)(1)” since petitioners requesting the juvenile case files of living children may include classes of individuals enumerated in section 827(a)(1) who wish to share or receive copies beyond what is permitted under 827(a)(4) or (a)(5).
			WIC 827(a)(3) governs the disclosure of information within the file that is privileged or confidential under other state or federal laws, and it applies to the files of both living and deceased children. (WIC 827(a)(2)-(3); <i>See also</i> “<i>Sharing Information From Juvenile Agency Files</i>,” (December 2019) Judicial Council of California; Center for Families, Children & the Courts, pp. 5-6, 20-21.) This subdivision applies to deceased children by the plain language of WIC 827(a)(2), which states that such records are “subject to paragraph (A) of paragraph (3).”	The committee agrees that other applicable privacy laws that permit or limit access to or release of juvenile case file records are incorporated by reference into section 827(a)(2) by reference to subdivision (a)(3) and incorporated in new rule 5.551(b). However, this does not mean that the public right of access codified in section 827(a)(2) applies to requests for the juvenile dependency case files of living children under 827(a)(1). The statute citation in the parenthetical to rule 5.552 has been amended accordingly from section “827(a)(3)” to “827(a)(1)”.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			2. Proposal: “Petitioners seeking the files of living children under subdivision (a)(3) must establish good cause and demonstrate that disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a living child who is directly or indirectly connected to the juvenile case that is the subject of the petition.” (Invitation to Comment at p. 2.) Comment: The San Diego County Office of County Counsel disagrees with this statement of the law. The legal standard for release of information from a living child’s file is found in Rule 5.552(d) and there is no corresponding language in WIC 827. The court must find good cause, that the need for access outweighs the policy considerations favoring confidentiality, and that the petitioner has shown, by a preponderance of the evidence, that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner. (Rule 5.552(d).) The standard stated in the proposal above applies to release of privileged information within the case file. The juvenile court may only grant a request for privileged information if the requirements of Rule 5.552 are met, and disclosure of the privileged information is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile	The committee thanks the commenter for their clarification and acknowledges that the standard, notice, and procedure for requesting a living child’s juvenile case file are currently contained in rule 5.552, while those for a deceased child’s juvenile case file are set out in section 827(a)(2) and rule 5.553. The good cause and preponderance standards referred to by the commenter here are taken from language in rule 5.552, which applies to the release of any juvenile delinquency case file and a living child’s juvenile dependency case file. It is precisely this confusion over the standards and procedure for access and disclosure of the juvenile case files of living versus deceased children that spurred the committee to clarify the procedures, burdens, and timelines for release of a juvenile dependency case file in the two contexts. The standard laid out in section 827(a)(3) has been incorporated into rule 5.551(b) to preserve the interoperability of other state and federal confidentiality laws with requests for the juvenile case files of both living and deceased children.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		case. (827(a)(3)(A).)	
		Rule 5.551 Proposal: The committee proposes moving the definition of a juvenile case file from rule 5.552(a) to the newly adopted rule 5.551(a). (Invitation to Comment at p. 4.) Comment: The San Diego Office of County Counsel agrees with the proposal to move the definition of juvenile case file to Rule 5.551(a). This Office suggests three changes to the definition of juvenile case file to bring the Rule of Court into conformity with existing case law and modern technology.	The committee appreciates the commenter's attention to and support for this part of the proposal.
		1. Modify subdivision (a)(4) to include children who fall within section 300, but for whom a petition was not filed. This follows the holding of <i>In re Elijah S.</i> below, and would ensure that all child abuse investigation records are considered part of the juvenile case file. "Like section 827, section 300 itself contains no requirement making the filing of a dependency petition a prerequisite to the exercise of juvenile court jurisdiction. To the contrary, section 300 expressly provides that the juvenile court "may adjudge" any child who is "within the jurisdiction of the juvenile court ... to be a dependent child of the court." (Italics added.)	The committee values the commenter's feedback and proposes amending subdivision (a)(4) of proposed rule 5.551 to include "Records and information relating to a child <u>within the jurisdiction of the juvenile court, whether or not a petition has been filed,</u> " in accordance with the holding in <i>In re Elijah S.</i> (2005) 125 Cal.App.4th 1532, 1544.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			By implication, such a child may come “within the jurisdiction of the juvenile court” <i>before</i> the juvenile court has adjudged him or her to be a dependent child. By extension, “a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300” for purposes of section 827, subdivision (a)(2) need not have been the subject of any section 332 dependency petition for the juvenile court to have jurisdiction to release his or her records.” (<i>In re Elijah S.</i> (2005) 125 Cal.App.4th 1532, 1544.) “(4) Documents relating to a child ~~concerning whom a petition has been filed in~~ <u>who is within the jurisdiction of the juvenile court</u> that are maintained in the office files of probation officers, social workers of child welfare services programs, and CASA volunteers;” 2. Modify subdivision (a)(6) to replace “video or audio tapes” with “video or audio recordings,” and add “digital images.” This would capture other media formats, such as digital recordings, flash drives, digital images, DVDs, and CDs. “(6) Documents, video or audio ~~tapes~~ <u>recordings</u>, photographs, <u>digital images</u>, and exhibits admitted into evidence at juvenile court hearings.”	The committee values the commenter’s feedback and proposes amending subdivision (a)(6) of rule 5.551 to include: “Records and information, including but not limited to video or audio ~~tapes~~ <u>recordings</u>, photographs, <u>digital images and recordings</u>, and exhibits admitted into evidence at juvenile court hearings.”

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			3. Add new subdivision (a)(7) to include social worker or probation officer testimony about juvenile case file information. This would prevent a party from attempting to obtain juvenile case file information without a court order through social worker testimony. (<i>See City of San Diego v. Superior Court</i> (1981) 136 Cal.App.3d 236, 239.) “(7) Testimony of a social worker or probation officer regarding the information contained within the documents described in subdivisions (a)(1)-(a)(6).” Rule 5.552 Proposal: Rule 5.552 sets forth the process for petitioning for release of the juvenile case files of living children. The committee proposes adding specific language to clarify that the rule only applies to petitions requesting the juvenile case files of living children by adding the words “of a living child” to subdivisions (b), (d)(1), and (d)(3)–(8), which will be re-lettered. (Invitation to Comment, p.4.) Comment: The San Diego County Office of County Counsel submits the following suggestions: 1. Remove “827(a)(3)” from the title; it is not the controlling statute. Replace with “827(a)(1)(Q)”.	The committee values the commenter’s feedback and proposes adding the following language to both rules 5.552(a) and 5.553(a)(3): the “file may not be obtained or inspected by civil or criminal subpoena, <u>and the information from the file may not be disclosed by testimony without a juvenile court order.</u>” The committee thanks the commenter for their feedback on this issue and the statute citation in the parenthetical to rule 5.552 has been amended accordingly from section “827(a)(3)” to “827(a)(1)” since petitioners requesting the juvenile case files of living children may include classes of individuals enumerated in section 827(a)(1) who wish to share or receive copies beyond what is permitted under 827(a)(4) or (a)(5).

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		“Rule 5.552. Procedure for requesting a living child’s juvenile case file (§§ 827(a)(3) (a)(1)(q), 827.12, 828)”	
		2. The addition of the words “living child” in 5.552(a) is sufficient; it is unnecessary to also add the words “living child” to subdivisions (a)(1) – (a)(2) because it is implied by subdivision (a).	The committee thanks the commenter for their feedback, but will proceed in its recommendation to add “living child” to the language of subdivisions (a)(1)–(a)(2) to be as clear as possible.
		Rule 5.553 Proposal: New subdivision (b) (Notice of petition requesting a deceased child’s juvenile case file) would instruct petitioners seeking the juvenile case file of a deceased child on the proper procedure for filing and serving the petition and instruct the custodian of records on the proper procedure for serving interested parties. Parties responsible for the maintenance of the deceased child’s juvenile case file or with a privacy interest in and standing to object to the release of a deceased child’s juvenile case file would be served with a blank <i>Objection to Release of Juvenile Case File</i> (form JV-572) under subdivision (b)(1). Other parties without a privacy interest in the deceased child’s juvenile case file would be served with the new proposed <i>Input on Release of Juvenile Case File</i> (form JV-576) because they lack standing to object to the release of a deceased child’s juvenile case file. (Invitation to Comment at p. 4.)	No response required. The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		Comment: The San Diego County Office of County Counsel agrees with the modification of Rule 5.553 to contain the process and legal standard applicable to requests pertaining to deceased minors. However, this Office does not agree with the notice provisions of subdivision (b) because they are confusing and inconsistent with WIC 827(a)(2)(D).	The committee thanks the commenter for their feedback and general support for the proposed modification of rule 5.553. The comment regarding the notice provisions of subdivision (b) is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.
		1. Proposed subdivision (b)(1)(D) is unclear and confusing. It might be helpful to break this down into several subdivisions.	The committee values the commenter's feedback and has amended rule 5.553(b)(1)(D) to read: <u>(D) Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in (C):</u> (i) <u>The parent or guardian of any surviving minor sibling or child;</u> <u>and</u> (ii) <u>The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent;</u> (iii)
		2. Proposed subdivision (b)(4) is inconsistent with WIC 827(a)(2)(D) in that it shifts the initial burden of notice from the petitioner to the custodian of records. Under the proposed rule, the petitioner is required to attempt service to four categories of interested party, and the custodian of records is required to provide notice to six other categories. However, under	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			WIC 827, the custodian of records is only required to provide notice if petitioner lacks the information to do so, or has served the party ineffectively (i.e., at an outdated address). (WIC 827(a)(2)(D).) 3. Proposed subdivision (b)(4) divides “interested parties” into two categories: interested parties with standing who may object, and interested parties without standing who may only provide input. These categories are not present in the statute. Additionally, disclosure under WIC 827(a)(2) requires that “interested parties have been afforded an opportunity to file an objection.” The proposed rule would not comply with WIC 827(a)(2) because it does not allow the interested parties listed in 5.552(b)(4) to file an objection. It is also unclear how providing input differs from filing an objection San Diego County Office of County Counsel proposes the following revisions to proposed Rule 5.553(b) to address these concerns: Rule 5.553 (b) Notice of petition requesting a deceased child’s juvenile case file (1) At least 10 days before the petition is submitted to the court, the petitioner must personally or by first-class mail serve <i>Petition Requesting Juvenile Case File</i> (form JV-570), <i>Notice of Petition Requesting Juvenile Case File</i>	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			(form JV-571), and a blank copy of <i>Objection to Release of Juvenile Case File</i> (form JV-572) on the following: (A) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action if the deceased child's petition was filed under section 300; (B) <u>The district attorney if the deceased child's petition was filed under section 601 or 602;</u> (~~B~~C) The custodian of records of the agency in possession of the requested records; (~~E~~D) The attorney of record for the deceased child; and (E) The parents of the deceased child if: <u>(i) The deceased child died under 18 years of age; or</u> <u>(ii) The deceased child's petition was filed under section 300;</u> (F) <u>The guardians of the deceased child if:</u> <u>(i) The deceased child died under 18 years of age; or</u> <u>ii) The deceased child's petition was filed under section 300;</u> (G) <u>The probation department or child welfare agency handling the deceased child's case, or both, if applicable;</u> (H) <u>The deceased Indian child's tribe;</u> (I) <u>The deceased child's CASA volunteer;</u> (~~D~~J) ~~Any surviving adult sibling, any surviving child or sibling or child who is 10 years of age or older, or any nonminor dependent, and the guardian, tribe, and legal representative for any~~	

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			~~surviving child, sibling, or nonminor dependent~~ whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file. <u>(K) The attorney of record for any party listed in subdivision (b)(1)(D) who is a dependent or ward of the juvenile court;</u> <u>(L) The parent, legal guardian, and tribe of any party listed in subdivision (b)(1)(D) who is less than 18 years of age;</u> (2) The petitioner must complete <i>Proof of Service—Petition Requesting Juvenile Case File</i> (form JV-569) and file it with the court. (3) If the petitioner or the petitioner's counsel does not know or cannot reasonably determine the identity or address of any of the parties in (b)(1) above, the custodian of records must within 10 days of receipt of the petition: (A) Serve personally or by first-class mail to the last known address a copy of <i>Petition Requesting Juvenile Case File</i> (JV-570), <i>Notice of Petition Requesting Juvenile Case File</i> (JV-571); and (B) Complete <i>Proof of Service—Petition Requesting Juvenile Case File</i> (form JV-569) and file it with the court. ~~(4) Within 10 days of receipt of the petition, the eustodian of records must also serve the <i>Petition Requesting Juvenile Case File</i> (form JV-570), <i>Notice of Petition Requesting Juvenile Case File</i> (form JV-571), and a blank copy of <i>Input on</i>~~	

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		<i>Release of Juvenile Case 1 File</i> (form JV-576) on the following parties: (A) The district attorney if the deceased child's petition was filed under section 601 or 602; (A) [sic] The parents of the deceased child if: (i) The deceased child died under 18 years of age; or (ii) The deceased child's petition was filed under section 300; (B) [sic] The guardians of the deceased child if: (i) The deceased child died under 18 years of age; or (ii) The deceased child's petition was filed under section 300; (D) The probation department or child welfare agency handling the deceased child's case, or both, if applicable; (E) The deceased Indian child's tribe; and (F) The deceased child's CASA volunteer.	
		Request for Specific Comments 1. Does the proposal appropriately address the stated purpose? The proposal appropriately addresses the amendment of Rule 5.510 to incorporate the revision language of WIC 10850.4(q).	The committee appreciates the commenter's attention to and support for this part of the proposal.
		The proposal does not appropriately address changes to the Rules of Court to clarify the standards applicable to the a deceased child's file. While this Office agrees that such a remedy is sorely needed, the proposal contains	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			significant misstatements of the existing law and is not consistent with the noticing provisions of WIC 827(a)(2).	
			2. Should there be a separate form for petitions requesting a deceased child's juvenile case file? Yes, there should be a separate form. The proposed JV-570 begins with three different instructions for how to complete the form, depending on the nature of the request. This is likely to create errors and confusion.	The committee agrees and proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case that the Spring 2025 cycle.
			3. Are all relevant, interested parties afforded proper notice under rule 5.553(b)? If not, who should also receive notice and why? Yes.	No response required.
7.	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. In response to the Judicial Council of California's "ITC SPR24-20 Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children," the Court agrees with the proposal and its ability to appropriately address its stated purpose.	The committee appreciates the commenter's attention to and support for this proposal. The committee understands the commenter's concern, but proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle because revising the existing set of forms was overly confusing and untenable due to the substantive differences in legal standards and procedures.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			Furthermore, the Court does not think there is a need for a separate form for petitions requesting a deceased child's juvenile case file.	
			In addition, parents who have not had their parental rights terminated and who are not the cause of the abuse or neglect should also receive notice. 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, procedures, and reference materials; 3) Updating event codes and forms in the case management system. 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.	The committee thanks the commenter for their concern for parental privacy interests in the records of deceased children. The committee declined to recommend notice to the parents of deceased children because the right to privacy expires at death. <i>Flynn v. Higham</i> (1983) 149 Cal.App.3d 677. Deceased children, their estates, and their representatives have no cognizable privacy interests to assert in a deceased child's juvenile case file, unless there is a reasonable suspicion that the fatality was caused by abuse or neglect under section 10850.4(a). Then the deceased child's attorney of record retains the right to object under section 10850.4(f). The family members of the deceased child may "have a common law privacy right in the death images of a decedent, subject to certain limitations." See <i>Catsouras v. Department of California Highway Patrol</i> (Cal. App. 2010) 104 Cal. Rptr. 3d 352. However, because this is a common law right, there is no statutorily required notice to the decedent's family.
8.	Superior Court of California, County of Orange by ?	NI	<u>Does the proposal appropriately address the stated purpose?</u> Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the commenter's attention to and support for this proposal.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		<u>Should there be a separate form for petitions requesting a deceased child's juvenile case file?</u> No, the committee is correct that there is confusion around the different standards when requesting access to juvenile case files of a living child and a deceased child, and the proposed amendment of the current forms will properly address this issue.	The committee understands the commenter's concern, but proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle because revising the existing set of forms was overly confusing and untenable due to the substantive differences in legal standards and procedures.
		<u>Are all relevant, interested parties afforded proper notice under rule 5.553(b)? If not, who should also receive notice and why?</u> Yes, all relevant, interested parties are afforded proper notice under rule 5.553(b).	The committee thanks the commenter for their response to its request for specific comments.
		<u>Would the proposal provide cost savings? If so, please quantify.</u> No, the proposal does not appear to provide any cost savings.	The committee thanks the commenter for their response to its request for specific comments.
		<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	The committee thanks the commenter for their response to its request for specific comments.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			judicial officers and staff, conducting staff training, and updating the case management system.	
			<u>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> Yes, three months would provide sufficient time for implementation in Orange County.	The committee thanks the commenter for their response to its request for specific comments.
			<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.	The committee thanks the commenter for their response to its request for specific comments.
9.	Superior Court of California, County of Riverside by Sarah Hodgson, Chief Deputy of Legal Services/General Counsel	AM	General Comments on the proposal: The committee proposes changing the title of the JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574 to reflect that they are for use in filing petitions requesting juvenile case file information that included requests for the juvenile case file of a living child, and for the disclosure of the juvenile case file of a deceased child to the public. It is not clear how changing the titles from “Petition for Access to Juvenile Case File” to “Petition Requesting Juvenile Case File” make this distinction. The form series for filing petitions regarding access to juvenile case files pursuant to WIC § 827 were	The committee understands the commenter’s concern, but recommends that the form series titles be updated to differentiate between requests for any juvenile delinquency case file or juvenile dependency case file of a living child versus a juvenile dependency case file of a deceased child because the existing series of forms apply to the former category, while the second series of new forms apply to the latter.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			recently retitled in 2020 to distinguish between access and disclosure, which did make the titles more accurate to what they were actually requesting. The changing of titles for an entire series of forms should not be taken lightly. The legal community, including court staff, judges, attorneys, and the public are familiar with the forms and their use under the current names and form numbers. While it may seem like a simple change, changing the titles to this form series will require substantial updates to court document filing codes, minute codes, and the automated processes that have been created to streamline these processes for the court, and the benefit of this change seem negligible.	
			Specific Comments: <u>Does the proposal appropriately address the stated purpose?</u> The updates, other than the suggested title changes, do clarify and reflect the different standards for requesting files for living vs. deceased children.	The committee appreciates the commenter's attention to this proposal and the overall support for clarifying the different standards for requesting files of living versus deceased children.
			<u>Should there be a separate form for petitions requesting a deceased child's juvenile case file?</u> No. Other than the suggested updates regarding form titles, the updates do differentiate between the different standards, and the updated order after judicial review clearly reflects the specific orders required for a deceased child's records.	The committee understands the commenter's concern, but proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle because revising the existing set of forms was overly confusing and untenable due to the substantive differences in legal standards and procedures.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			However, it would be helpful if the JV-570 had an additional item to allow the petitioner to indicate clearly that the child is in fact deceased. Item 4(b) is only regarding the petitioner's belief that the child died as a result of abuse or neglect. How would a petitioner indicate that a child is deceased even if petitioner had no information or belief regarding abuse or neglect? If only the juvenile presiding judge can make orders limiting or prohibiting release on these petitions regarding records of deceased children, pursuant to WIC 827(a)(2), and the new Cal. Rule of Court 5.553(a), then the court filing clerks will need a simple clear way to differentiate the petitions regarding deceased children to ensure that these petitions are sent to the juvenile presiding judge. If the committee does not wish to add this item, then a separate form for the request for deceased children may be necessary.	The comment is no longer applicable because the committee proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle.
			<u>Are all relevant, interested parties afforded proper notice under rule 5.553(b)? If not, who should also receive notice and why?</u> It would seem that the parent/guardian of the deceased child should receive notice. They may have valid objections that can only be ruled on by the court, particularly if the child's death was not due to abuse or neglect of the parent/guardian.	The committee thanks the commenter for their concern for parental privacy interests in the records of deceased children. The committee declined to recommend notice to the parents of deceased children because the right to privacy expires at death. <i>Flynn v. Higham</i> (1983) 149 Cal.App.3d 677. Deceased children, their estates, and their representatives have no cognizable privacy interests to assert in a deceased child's juvenile case file. The family members of the deceased child may "have a common law privacy

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
			right in the death images of a decedent, subject to certain limitations.” <i>See Catsouras v. Department of California Highway Patrol</i> (Cal. App. 2010) 104 Cal. Rptr. 3d 352. However, because this is a common law right, there is no statutorily required notice to the decedent’s family.
		<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)?</u> If the document titles are to be changed, there will be substantial updates needed to document filing codes and minute codes in the case management system. Automated functions would also need to be updated. Filing clerks and courtroom staff would need to be updated and trained regarding these changes (2-4 hours). Judges would need to be made aware of the changes. Desk procedures and training materials would need to be updated.	The committee thanks the commenter for their feedback. The committee considered the alternative of not changing the titles for this form series, but doing so would leave the form titles legally inaccurate and confusing in light of the new set of forms specifically drafted for public disclosure of a deceased child’s juvenile dependency case file.
		<u>Would the proposal provide cost savings? If so, please quantify?</u> There would be no cost savings to the court.	No response required.
		<u>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> Perhaps, however, as stated above, substantial	The committee thanks the commenter for their feedback and notes that these title and form updates are necessary to clarify and ensure proper legal compliance with the different

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			revisions based on the updated titles would be required to filing and minute codes in the case management system, including automated functions that have helped to streamline this process. If the titles are not changed, then 3 months would be more than enough time.	standards for requesting files of living versus deceased children. Failure to update this form series would leave the forms legally inaccurate and confusing in light of the new set of forms specifically drafted for public disclosure of a deceased child's juvenile dependency case file.
10.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Specific Comments: Q: Does the proposal appropriately address the state purpose? A: Generally, yes. However, the proposal fails to recognize that WIC §827(a)(2) applies only to the juvenile case file of a deceased dependent child: "... juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, ..."	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.
			Q: Should there be a separate form for petitions requesting a deceased child's juvenile case file? A: No, the modifications to form JV-570 are sufficient. If a separate form is created, however, additional revisions will need to be made to rule 5.553 and forms JV-569, JV-571, and JV-572.	The committee understands the commenter's concern, but proposed a new set of forms for requesting public disclosure of a deceased child's juvenile dependency case file that circulated for comment during the Spring 2025 cycle because revising the existing set of forms was overly confusing and untenable due to the substantive differences in legal standards and procedures.
			Q: Are all relevant, interested parties afforded proper notice under rule 5.553(b)? If not, who should also receive notice?	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		A: Please see comments below for rule 5.553(b). Some of the parties listed need not be noticed because WIC § 827(a)(2) applies only to deceased <u>dependent</u> children.	
		Q: Would the proposal provide cost savings? If so, please quantify. A: No.	No response required.
		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 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 forms.	The committee appreciates the commenter's attention to this question and thanks them for their feedback.
		Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	No response required.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		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.	The committee appreciates the commenter's attention to this question and thanks them for their feedback.
		General Comments: CRC 5.552(b): Should the time for filing an objection be the same as in rule 5.553? CRC 5.552 just says the petition must be served 10 days before it is submitted and does not specify a time for the objection to be filed. The new 5.553(c) is more detailed and gives 15 calendar days to file an objection.	The committee thanks the commenter for their attention to and concern for consistency among the rules. The filing requirements in rule 5.553 are taken directly from section 827(a)(2), which does not govern the process for release of juvenile delinquency case files and a living child's juvenile dependency case file set forth in rule 5.552. The committee acknowledges the differences in filing deadlines between form JV-571 and form JV-585, but harmonizing the filing deadlines without legislative mandate and without an opportunity for public comment would go beyond the scope of this proposal.
		CRC 5.552(d): Suggest changing "juvenile delinquency" to "juvenile justice" for consistency.	The committee has previously recommended to the council, and the council has approved, leaving all references to "delinquency" rather than "juvenile justice" since the Welfare and Institutions Code still uses the term "delinquency."
		CRC 5.553, Title and throughout rule: Suggest changing "deceased child" to "deceased dependent child" or "juvenile case file" to "juvenile dependency case file," as §827(a)(2) does not apply to deceased children who were under the jurisdiction of the court	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			pursuant to §601 or §602. CRC 5.553(b): Suggest deleting language as indicated below from (b)(1)(A), (b)(4)(A), and (b)(4)(C) (and re-letter accordingly) because these petitions can be filed only for a deceased child who was under the court’s §300 jurisdiction. (b) Notice of petition requesting a deceased <u>dependent</u> child’s juvenile case file (1) ... (A) The county counsel, city attorney, or any other attorney representing the petitioning agency ~~in a dependency action if the deceased child’s petition was filed under section 300;~~ (B) ... (C) The attorney of record for the deceased <u>dependent</u> child; and (D) Any surviving adult sibling, any surviving child or sibling who is 10 years of age or older, ~~and any surviving and the guardian, tribe, and legal representative for any surviving child, sibling, or nonminor dependent~~ whose information is directly or indirectly included in the deceased <u>dependent</u> child’s juvenile case file or who may be identified by information in the deceased <u>dependent</u> child’s juvenile case file, <u>and the guardian, tribe, and legal representative of that surviving child, sibling, or nonminor dependent.</u> ...	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			(4) Within 10 days of receipt of the petition, the custodian of records must also serve <i>Petition Requesting Juvenile Case File</i> (form JV-570), <i>Notice of Petition Requesting Juvenile Case File</i> (form JV-571), and a blank copy of <i>Input on Release of Juvenile Case File</i> (form JV-576) on the following parties: ~~(A) The district attorney if the deceased child's petition was filed under section 601 or 602;~~ ~~(B)~~ <u>A</u> The parents or guardians of the deceased dependent child if: ~~(i) The deceased child died under 18 years of age; or~~ ~~(ii) The deceased child's petition was filed under section 300;~~ ~~(C) The guardians of the deceased child if:~~ ~~(i) The deceased child died under 18 years of age; or~~ ~~(ii) The deceased child's petition was filed under section 300;~~ ~~(D)~~ <u>B</u> The probation department or child welfare agency handling the deceased dependent child's case, or both, if applicable; ~~(E)~~ <u>C</u> The deceased Indian child's tribe, if applicable; and ~~(F)~~ <u>D</u> The deceased dependent child's CASA volunteer, if any. Subparagraph (b)(4)(B) may not be necessary because the child welfare agency will be receiving JV-570, JV-571, and JV-572 under (b)(1)(A) and (b)(1)(2). If it is deleted, (b)(4)(C) & (D) should be re-lettered	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

Commenter	Position	Comment	Committee Response
		accordingly.	
		JV-569: Suggest adding a surviving child, sibling, or nonminor dependent to Item 4 since they are listed in Item 2k.	The committee values the commenter’s feedback and proposes revising items 2 and 4 on form JV-583 to include: “Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child’s juvenile case file or who may be identified by information in the deceased child’s juvenile case file.”
		JV-570: Page 1, paragraph 2: suggest changing “file of a child who is deceased” to “file of a dependent child who is deceased.” Item 6g.: suggest inserting “dependent” after deceased.	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.
		JV-574: Item 6: suggest inserting “dependent” before child. Page 2 footer: suggest replacing “ADOPT-203” with “JV-574.” Item 7: suggest inserting “or nonminor dependent” after “another child.”	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle. The committee thanks the commenter for their thorough attention to detail and proposes correcting the mistake in the page 2 footer of form JV-574.
		JV-576: Title and throughout form: suggest inserting “dependent” before child.	The comment is no longer applicable because of changes proposed by the committee for the Spring 2025 cycle.
		Suggest deleting references to deceased nonminor dependents. WIC §827(a)(2) has not	The committee thanks the commenter for their feedback, but will proceed in its

SPR24-20

Juvenile Law: Retention of Jurisdiction and Petitions Requesting Juvenile Case Files of Deceased Children (Adopt Cal. Rules of Court, rule 5.551; amend rules 5.510, 5.552, and 5.553; adopt form JV-576; revise forms JV-569, JV-570, JV-571, JV-572, JV-573, and JV-574)

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

	Commenter	Position	Comment	Committee Response
			been amended to include deceased nonminor dependents, and proposed rule 5.553 does not include deceased nonminor dependents, so it may be questionable to include nonminor dependents on this form. No additional Comments.	recommendation, noting that only surviving nonminor dependents are referenced in rule 5.553 in order to encompass the cases of surviving nonminor dependents who qualify for extended foster care, whose information was collected while they were subject to the jurisdiction of the juvenile court, and directly or indirectly included in the deceased child's juvenile case file, or who may be identified by information in the deceased child's juvenile case file, to which section 827(a)(2) applies.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Juvenile Law: Racial Justice Act Forms

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

Approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Tony Cheng, 415-865-4268, tony.cheng@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 22, 2024; Amended November 26, 2024

Project description from annual agenda: Develop a proposal to implement the Racial Justice Act (RJA), Penal Code section 745 and 1473(f), in juvenile delinquency matters. To implement the RJA in criminal and appellate matters, a joint proposal drafted by the Criminal Law Advisory Committee and the Appellate Advisory Committee was approved, effective September 1, 2024. A proposal to implement the RJA in juvenile court circulated for public comment during a special cycle in Summer 2024. Based on comments received, the proposal was revised and re-circulated for public comment in Spring 2025.

Out of Cycle/Early Implementation: *If requesting July 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) July 9, 2025

☒ approved by Office Director (or Designee) (name) Audrey Fancy
on (date) July 24, 2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-168

For business meeting on October 23–24, 2025

Title	Report Type
Juvenile Law: Racial Justice Act Forms	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723	January 1, 2026
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	August 15, 2025
Hon. Tari L. Cody, Cochair	Contact
Hon. Stephanie E. Hulsey, Cochair	Tony Cheng, 415-865-4268 tony.cheng@jud.ca.gov

Executive Summary

Juvenile courts expect more claims under the Racial Justice Act to be filed since Assembly Bill 256 (Kalra; Stats. 2022, ch. 739) expanded the retroactive application of the act, enabling more individuals to file claims for relief. The Family and Juvenile Law Advisory Committee proposes five new forms for optional use to assist litigants and juvenile courts with claims under the act.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve five new forms, effective January 1, 2026, for claims in juvenile court under the act:

- *Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-720)
- *The Racial Justice Act in Juvenile Court* (form JV-720-INFO)
- *Preliminary Orders After Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-721)
- *Findings and Orders After Initial Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-722)

- *Findings and Orders After Evidentiary Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-723)

The proposed new forms are attached at pages 11–23.

Relevant Previous Council Action

To implement the Racial Justice Act in criminal cases, the Appellate Advisory Committee and the Criminal Law Advisory Committee jointly proposed amendments to three California Rules of Court and revisions to two Judicial Council forms, effective September 1, 2024.¹ The Judicial Council has not previously taken action regarding the implementation of the act in juvenile court.

Prior Circulation

The Family and Juvenile Law Advisory Committee circulated a prior version of this proposal for public comment during a special cycle from June 4 through July 10, 2024.² The initial proposal consisted of four forms: a request form, an information sheet, and two findings and orders forms, one for use at the prima facie stage of the case and the other for use after a prima facie case has been established. Based on the comments received regarding the content and organization of the forms, the committee decided to make changes and recirculate the proposal for comment again. Commenters noted that the prior version of forms did not address situations in which a case started in juvenile court but was transferred to adult criminal court or was initiated in one county but transferred to a different county. In response, the committee added instructions to the proposed information sheet to address these situations.

Commenters also requested more information regarding discovery and appeals. The committee added content on these topics to the information sheet and revised one of the proposed findings and orders forms to include space for the court to grant or deny a discovery request, order redaction, or impose protective orders.

Finally, commenters suggested format changes to the prior version of the forms. These suggestions led the committee to develop a new proposed form for courts to make preliminary orders, as appropriate, including appointment of counsel and setting additional hearings on discovery. The form for orders after initial hearing was reorganized and now includes space to order a further hearing on a prima facie case. A chart of the comments received from the prior circulation, and the committee's responses thereto, is attached at pages 66-116.

Analysis/Rationale

The Racial Justice Act of 2020 (Assem. Bill 2542 (Kalra); Stats. 2020, ch. 317) prohibits the state from seeking or obtaining a criminal conviction or sentence on the basis of race, ethnicity, or national origin. The act also applies to wardship adjudications (the equivalent of a conviction)

¹ Judicial Council of Cal., Advisory Com. Rep., *Criminal Procedure: Racial Justice Act* (Sept. 1, 2024), jcc.legistar.com/View.ashx?M=F&ID=12870891&GUID=E9B6569C-6089-48C2-B898-6A9FA49A83D4.

² Judicial Council of Cal., *Juvenile Law: Racial Justice Act* (SP24-07), courts.ca.gov/system/files/itc/sp24-07.pdf.

and dispositions (the equivalent of a sentence) in juvenile court and to motions to transfer a juvenile case to adult criminal court. (Pen. Code, § 745(f).)³ When initially enacted, the act applied prospectively to all cases in which judgment had not yet become final as of January 1, 2021. The Racial Justice for All Act (Assem. Bill 256 (Katra); Stats. 2022, ch. 739) subsequently authorized the retroactive application of the act in certain cases.

Because this legislation enables more individuals to file claims for relief under the act, the Family and Juvenile Law Advisory Committee proposes five new forms for optional use to assist litigants and juvenile courts.

Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-720)

The committee recommends form JV-720 as an optional form to request relief from a juvenile court based on a violation of the act in either pending or closed juvenile court cases. The committee expects that the form will most commonly be used by self-represented litigants to request retroactive relief in closed cases because youth in pending proceedings are represented by counsel until their cases are ultimately dismissed. (Welf. & Inst. Code, §§ 633–634; Cal. Rules of Court, rules 5.534(d)(2)(A), 5.663(c).) The form is recommended as optional to provide litigants flexibility so that counsel in pending cases may choose to raise claims through written motions rather than by filing the form, for example.

Because retroactive claims in juvenile cases are limited to those in which a juvenile disposition resulted in a commitment to the Division of Juvenile Justice or in which an individual is subject to actual or potential immigration consequences related to their juvenile court case, the committee expects that most claims under the act will be filed as motions to vacate under section 1473.7. Although retroactive claims may also be filed as petitions for habeas corpus under section 1473(f), the committee has not included such procedures in this proposal because the number of individuals eligible to file these petitions in juvenile cases is exceedingly small.

Item 1 on form JV-720 asks the applicant to indicate the procedural posture of their juvenile case to determine whether they are eligible to file a claim under the act (i.e., whether their juvenile case is either still pending or meets the criteria for a retroactive claim or if the applicant faces actual or potential immigration consequences as a result of their juvenile case).

Item 2 allows an unrepresented applicant to request that the juvenile court appoint counsel to assist them in pursuing a claim under the act. Although the statute itself is silent regarding appointment of counsel, unrepresented youth in juvenile delinquency proceedings have the right to appointed counsel, regardless of indigency. (Welf. & Inst. Code, §§ 633–634; Cal. Rules of Court, rules 5.534(d)(2)(A), 5.663(c).) Because claims are filed either in pending or reopened juvenile delinquency matters, unrepresented youth are entitled to appointed counsel as a matter of right, if they so choose. In the committee’s view, because these claims implicate an

³ Unless otherwise specified, all further statutory references are to the Penal Code.

individual's substantial rights, appointing counsel for all unrepresented applicants would serve the purpose of the act.

Item 3 asks the applicant to indicate which categories of violations their claim falls under.⁴

Item 4 asks the applicant to explain their claim in detail and to indicate what facts support their allegations. Item 4 also asks the applicant whether their claim is based on a statement or conduct by a judge. If so, that judge must recuse themselves from the matter.⁵

Item 5 allows the applicant to request discovery to support their claim.⁶ An applicant may file a motion requesting disclosure to the defense of "all evidence relevant to a potential violation of [the act] in the possession or control of the state."⁷ Item 5 also allows the applicant to defer a request for discovery until after the appointment of counsel.

Item 6 allows an applicant to request the assistance of an interpreter at any hearings regarding their claim, as is common practice in juvenile and criminal courts.

Although counsel filing claims under the act are expected to serve the application form on behalf of their clients, because the act itself is silent regarding service, the committee discussed whether self-represented applicants should be required to serve these requests themselves. Consistent with other juvenile forms that self-represented litigants may submit (such as *Request to Change Court Order* (form JV-180), *Request to Vacate Disposition and Dismiss Penal Code Section 647f* (form JV-742), *Request to Reduce Juvenile Marijuana Offense* (form JV-744), and *Request to Expunge Arrest or Vacate Adjudication (Human Trafficking Victim) (Penal Code, § 236.14)* (form JV-748)), this form is designed to be sent by the court clerk to the probation department, prosecuting attorney, and the applicant's attorney of record after filing. The committee decided that facilitating this process will assist unrepresented applicants in these proceedings, consistent with juvenile court practice in other cases, such as juvenile record sealing.

The Racial Justice Act in Juvenile Court (form JV-720-INFO)

Form JV-720-INFO would be an information sheet to supplement form JV-720. Because individuals filing claims in juvenile court under the act may be youth, the committee felt that an information sheet could be helpful to assist them in filing claims. In addition to providing instructions on how to complete form JV-720, form JV-720-INFO includes background information about the act and explains how and when a claim under the act may be filed and what happens after a claim is filed.

⁴ § 745(a)(1)–(4).

⁵ § 745(b).

⁶ § 745(d).

⁷ *Ibid.*

A new order form and two new findings and orders forms

To assist juvenile courts, the committee recommends three optional forms for findings and orders under the act. The act itself contemplates a three-part process: first, the court must determine whether the applicant is eligible for relief (and whether they should be appointed counsel. Second, the court must determine whether the applicant has established good cause for release of discovery, made a prima facie showing of a violation under the act, or both. If the applicant establishes a prima facie showing, the court must then hold an evidentiary hearing. Finally, if an evidentiary hearing is held, the court must make findings and orders, including the final adjudication of the matter.

Preliminary Orders After Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-721)

Form JV-721 would be an optional form for a juvenile court to use in making preliminary orders after the initial submission of a claim. The form can also be used to order a further hearing on discovery or a prima facie showing or to set an evidentiary hearing.

Findings and Orders After Initial Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-722)

The committee recommends form JV-722 as an optional form for a juvenile court to make findings and orders after an initial hearing on the applicant's request. The form can be used to indicate whether the applicant is eligible for relief under the act, to grant or deny a request for discovery, and to indicate whether a prima facie showing has been made.

Findings and Orders After Evidentiary Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-723)

The committee recommends form JV-723 as an optional form for a juvenile court to make findings and orders after an evidentiary hearing, including final adjudication of the matter. The form can be used to grant or deny a claim, explain the court's reasoning, and order relief under the act.

Policy implications

The proposed forms advance Strategic Plan Goal IV, Quality of Justice and Service to the Public.

Comments

This revised proposal circulated for public comment from April 15 to May 23 during the spring 2025 invitation-to-comment cycle. Ten commenters responded, the majority of which agreed with the proposal as drafted or if modified. Although some commenters did not indicate a position on the proposal, no commenter disagreed with the proposal as a whole. Substantive comments were received from the California Youth Defender Center; the Haywood Burns Institute; Judge Steven Ipson; the Office of the District Attorney for the County of San Diego; the Orange County Bar Association; the Superior Courts of Los Angeles, Orange, and San Diego Counties; and the Youth Law Center. A chart of the comments received, and the committee's responses thereto, is attached at pages 21–65.

Comments received from the California Youth Defender Center, the Haywood Burns Institute, and the Youth Law Center were very similar and suggested changes in six areas: (1) eligibility for relief under the act, (2) timeliness of claims under the act, (3) appointment of counsel, (4) supporting facts, (5) requests for discovery, and (6) notice to former counsel. The San Diego County District Attorney's Office also suggested changes regarding the timeliness of claims under the act and requests for discovery.

Regarding eligibility for relief under the act, commenters were concerned that youth in custody or placement may not understand that their cases are still pending and thus may refrain from filing applications because of a mistaken belief that they are ineligible for relief. To clarify eligibility, the committee recommends the addition of "I am in custody or placement because of a juvenile delinquency case" to "My juvenile court case is still pending [or] I am currently on juvenile probation" to form JV-720.

Regarding timeliness of claims under the act, commenters were concerned that an assessment of timeliness may not be adequately developed, especially if counsel has not yet been appointed. In response, the committee recommends the removal of this question from form JV-720 so the timeliness issue could be presented after the potential appointment of counsel. The committee also recommends removal because the act itself does not require a court to affirmatively make a finding of timeliness in every case.

Regarding the appointment of counsel, commenters were concerned that counsel may not be consistently appointed in cases in which an applicant requests appointed counsel. In response, the committee recommends adding a reference to rule 5.534 of the California Rules of Court on form JV-721. Rule 5.534 provides that counsel shall generally be appointed in all juvenile matters (including those requesting relief under the act) unless an explicit waiver of the right to counsel is entered.

Regarding supporting facts, commenters were concerned that applicants would refrain from filing applications because of a mistaken belief that a fully developed recitation of facts is required to initiate a claim under the act. In response, the committee recommends adding the following language to form JV-720:

Describe what happened to the best of your knowledge. You are not expected to have access to all facts or evidence at this time. After the court appoints counsel or grants discovery, you will have an opportunity to amend this statement of facts. *(You may attach declarations, records, or other such documents if available, but they are not required to submit this form. You may use form MC-025, titled as Attachment 4a, for any additional pages.)*

Regarding discovery, commenters were concerned that self-represented applicants may not be able to adequately articulate or address requests for discovery at the outset of a claim. In response, the committee recommends that litigation of discovery issues take place after the

appointment of counsel and that the applicant also be expressly given the option of making a discovery request after counsel is first appointed.

The committee did not recommend the routine service of completed application forms on former counsel because it was concerned that disclosure of a completed JV-720 form on prior counsel may violate confidentiality rules set forth under Welfare and Institutions Code section 827.

Finally, the committee disagreed with one commenter's concern that form JV-723 may be misleading in regard to remedies that may be imposed on a violation of the act. In the committee's view, form JV-723 does not suggest that the imposition of a remedy is required upon the finding of a violation of the act, nor does the form suggest the imposition of a remedy not authorized by law.

Alternatives considered

The committee considered taking no action but rejected this option because it expects the number of claims filed in the juvenile courts to increase going forward. These optional forms will assist litigants in accessing relief under the act and assist the courts in making required findings and ruling on these claims.

The committee considered developing separate forms for seeking relief under section 745 depending on the procedural posture of the request—whether as a motion made in a pending case, a petition for habeas corpus, or a motion to vacate. Upon further discussion, however, the committee decided to propose a single form for requesting relief under the act for simplicity. Since claims for relief in pending cases may more commonly be filed as motions drafted by counsel and because petitions for habeas corpus are rarely filed in juvenile court, the committee anticipates that the form will most often be used to request to vacate a prior adjudication or disposition.

The committee also considered proposing a single findings and orders form. Upon further discussion, however, the committee decided to propose three separate forms for clarity: one for use after the filing of a claim, which could also be used to provide notice of a hearing; another for use after a hearing on discovery or prima facie showing; and a third form for use after an evidentiary hearing on a claim filed under the act.

The committee also discussed whether new rules are necessary to implement the act in juvenile court. As noted above, the proposal to implement the act in criminal court cases included rule amendments, specifically, to trial court and appellate court rules on habeas corpus proceedings. However, there are no existing habeas corpus rules in juvenile court. The committee concluded that the proposed forms appear to be sufficient and that rules are not currently needed, but it will monitor the process going forward and consider rules in the future if they would be helpful.

After the prior circulation, the committee also reconsidered the language on form JV-720 regarding eligibility. The act applies prospectively “[t]o all cases in which judgment is not

final.”⁸ In *People v. Esquivel* (2021) 11 Cal.5th 671, the California Supreme Court held that “[a] case in which a defendant is placed on probation with imposition of sentence suspended is not yet final for this purpose if the defendant may still timely obtain direct review of an order revoking probation and imposing sentence.”⁹ In the committee’s view, based on *Esquivel*, the case of a youth on juvenile probation is a case “in which judgment is not final” within the meaning of the act. In juvenile delinquency matters, a youth typically remains on juvenile probation until their case is ultimately dismissed; therefore, a youth would generally be eligible to file a claim under the act at any time prior to the dismissal of their case.

To better explain eligibility in a juvenile case, the committee rephrased “Judgment in my case is not final” to “My juvenile court case is still pending or I am currently on juvenile probation.” After the spring 2025 circulation, the committee further rephrased “Judgment in my case is not final” to “My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or placement because of a juvenile delinquency case.”

Fiscal and Operational Impacts

Fiscal and operational impacts to the courts are largely attributable to the legislation authorizing retroactive juvenile claims under the Racial Justice Act. Expected costs as identified by commenters include training, updating case management systems, and producing new forms. The proposal aims to mitigate workload by making the application for relief under the act more efficient, consistent, and easier to navigate for self-represented litigants and the courts.

Attachments and Links

1. Forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723, at pages 9–20
2. Chart of comments (SP25), at pages 21–65
3. Chart of comments (SP24), at pages 66–116
Link A: Pen. Code, § 745,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=745.&lawCode=PEN
4. Link B: Pen. Code, § 1473,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.&lawCode=PEN
5. Link C: Pen. Code, § 1473.7,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.7.&lawCode=PEN

⁸ § 745(j)(1).

⁹ *Esquivel*, 11 Cal.5th at p. 673.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):		STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
CASE NAME:			
REQUEST FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION		CASE NUMBER:	

Instructions—Read Carefully

- Use this form if you are going or went to court because you allegedly committed an offense when you were under the age of 18 and you believe your case was affected by discrimination on the basis of race, ethnicity, or national origin.
- For more information about the Racial Justice Act and how to fill out this form, see *The Racial Justice Act in Juvenile Court* (form [JV-720-INFO](#)).
- If this form asks for information that you do not have, contact your attorney. If you don't have an attorney, the public defender's office in the county where you went to court may be able to help you get the information.
- File this form in the county where you are going or last went to court for your case.
- The court will serve this form for you on the district attorney, the probation department, and your current attorney. If your current attorney completed this form, your current attorney must serve the form.

1. Eligibility

I am eligible to file this request because (*check all that apply*):

- a. ☐ My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or placement because of a juvenile delinquency case.
- b. ☐ My juvenile court case may affect my immigration status (including Deferred Action for Childhood Arrivals (DACA), asylum, visa or green card application, removal, or potential deportation).
- c. ☐ I was committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ) or the California Youth Authority (CYA) based on this case.

2. ☐ Appointment of counsel

I request that the court appoint an attorney to represent me.

3. Basis for violation

I believe the Racial Justice Act was violated because (*check all that apply, then provide details in item 4*):

- a. ☐ The judge, an attorney, a law enforcement officer, or an expert witness in the case exhibited bias or animus towards me because of my race, ethnicity, or national origin.
- b. ☐ During in-court trial proceedings, the judge, an attorney, a law enforcement officer, or an expert witness used discriminatory language about my race, ethnicity, or national origin. (Racially discriminatory language does not include repeating language used by someone else that is relevant to the case or giving a racially neutral and unbiased physical description of a suspect.)

CASE NAME:	CASE NUMBER:

3. c. ☐ I was charged with or found responsible for a more serious offense than people of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained adjudications (convictions) for serious offenses against people who share my race, ethnicity, or national origin in the county where the adjudications (convictions) were sought or obtained.
- d. ☐ I received a longer or more severe disposition (sentence) compared to similarly situated individuals for the same offense, **and** (check all that apply):
- (1) ☐ Longer or more severe dispositions (sentences) were more frequently imposed for the same offense on people who share my race, ethnicity, or national origin than on people of other races, ethnicities, or national origins in the county in which this case occurred.
- (2) ☐ Longer or more severe dispositions (sentences) were more frequently imposed for the same offense on people in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in the county in which this case occurred.

4. Supporting facts

- a. Describe what happened to the best of your knowledge. You are not expected to have access to all facts or evidence at this time. After the court appoints counsel or grants discovery, you will have an opportunity to amend this statement of facts. (You may attach declarations, records, or other documents if available, but you are not required to in order to submit this form. You may use form [MC-025](#), titled as Attachment 4a, for any additional pages.)

☐ Additional documents attached.

- b. Is your request based on a statement or conduct by a judge? ☐ Yes ☐ No

If yes, please fill in the judge's name if you know it and a different judge will hear your request: _____

CASE NAME:	CASE NUMBER:

5. Disclosure of evidence

- a. ☐ I request disclosure of evidence relevant to a potential violation of the Racial Justice Act. *(If you checked the box, complete items (1) and (2) below. You can add to this request after counsel is appointed.)*

(1) I need the following types of records or information:

(2) I need the records or information because:

- b. ☐ I will request disclosure of evidence after an attorney is appointed to represent me.

6. ☐ Request for interpreter

If there is a hearing, I will need an interpreter for *(language)*: _____

Date: _____

(NAME OF APPLICANT OR ATTORNEY)



(SIGNATURE OF APPLICANT OR ATTORNEY)

What is the Racial Justice Act?

The Racial Justice Act (RJA) is a law that prohibits the state from prosecuting or punishing someone based on race, ethnicity, or national origin. If you have, or ever had, a juvenile delinquency case, this law may apply to you.

Why was the RJA passed?

The RJA was passed because the California Legislature recognized that “[d]iscrimination in our criminal justice system based on race, ethnicity, or national origin... has a deleterious effect not only on individual[s] but on our system of justice as a whole.” (Assem. Bill 2542 (Katra); Stats. 2020, ch. 317.) Such discrimination denies Californians equal justice under the law. The intent of the RJA is to “eliminate racial bias from [our] criminal justice system.”

How do I know if the RJA applies to my case?

The RJA may apply to your juvenile case if:

- You believe a judge, attorney, law enforcement officer, or expert witness was biased against you because of your race, ethnicity, or national origin;
- You believe a judge, attorney, law enforcement officer, or expert witness used racially discriminatory language about your race, ethnicity, or national origin;
- You believe (1) you were charged or found to have committed a more serious offense because of your race, ethnicity, or national origin; and (2) people in the same county who share your race, ethnicity, or national origin are charged or found to have committed more serious offenses than people of a different race, ethnicity, or national origin;
- You believe (1) you received more severe consequences because of your race, ethnicity, or national origin; and (2) people in the same county who share your race, ethnicity, or national origin receive more severe consequences than people of a different race, ethnicity, or national origin; or
- You believe (1) you received more severe consequences based on the race, ethnicity, or national origin of the victims in your case; and (2) people in the same county whose victims share the

same race, ethnicity, or national origin as people in your case receive more severe consequences than people whose victims are of a different race, ethnicity, or national origin.

Who can file a request under the RJA?

You can file a request under the RJA in juvenile court if:

- Your juvenile court case is still pending, you are currently on juvenile probation, or you are in custody or placement because of a juvenile delinquency case;
- Your juvenile court case may affect your immigration status (including Deferred Action for Childhood Arrivals (DACA), asylum, visa or green card application, removal, or potential deportation); or
- You were sent to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ), also known as the California Youth Authority (CYA), as a result of your juvenile court case.

If none of the above apply, you cannot file a request in juvenile court; however, if you had a court date in adult court, you may still be eligible to file a request there.

Where should I file a request under the RJA?

File your request in the last county where you went to court for your case.

When can I file a request under the RJA?

You should file a request as soon as you can after you learn that there may have been a violation of the act in your case.

Do I need an attorney?

No. You can file a request yourself or you can ask an attorney to file a request for you. If you do not have an attorney, you can ask the court to appoint an attorney to represent you. If you need information to file a request yourself, you can contact the attorney or public defender’s office who previously represented you.

How do I file an RJA request?

You or your attorney may file a request in juvenile court by filling out *Request for Relief Under the Racial Justice Act —Juvenile Adjudication* (form [JV-720](#)).



Fill out the form by putting your name and contact information in the box at the top of the form and the address of the court in the box below your name and address. You can get the court's address from the court papers in your case. Then:

- Check the boxes in item 1 that apply to your case.
- Check the box in item 2 if you are asking the court to appoint an attorney to represent you.
- Check the boxes in item 3 that explain why you believe the RJA was violated.
- Fill in item 4a with facts that support why you believe the RJA was violated.
- Check the box in item 4b if you believe the RJA was violated because of something a judge said or did, and fill in the name of the judge if you know it. If so, a different judge will hear your request.
- Check the box in item 5a if you are requesting disclosure of evidence relevant to a potential violation of the RJA. Check the box in item 5b if you will request such evidence after an attorney is appointed to represent you.
- If you checked the box in item 5a, complete items 5a(1) and 5a(2). In item 5a(1), fill in the types of records or information you are asking for. In item 5a(2) fill in why you need the records or information you are requesting.
- If you are asking for records or information that can be used to support your request, you might request a transcript of a prior hearing to show that a witness used discriminatory language about your race, ethnicity, or national origin. Or, you might request records of people charged with offenses similar to yours in the same county to show that people who share your race, ethnicity, or national origin tend to be charged with more serious offenses.
- If you will need an interpreter, ask for one in item 6.

Once you have filled out form JV-720, take or mail it to the court clerk's office in the court where the last court date was held. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

If your last court date was in adult criminal court, file your request in criminal court instead by filling out *Petition for Writ of Habeas Corpus* (form [HC-001](#)) or *Motion to Vacate Conviction or Sentence* (form [CR-188](#)).

What happens after I file a request under the RJA?

If you have asked for an attorney, the court will first decide whether to appoint an attorney to your case. If the court appoints an attorney, the attorney will have the opportunity to change or add to ("amend") your request.

If you requested records or information to support your request (known as "discovery"), your attorney can amend your request. The court will then decide whether you have established "good cause" for the release of discovery. If so, the court may order that confidential information be protected.

The court will then review your request and decide whether you have presented enough facts to establish a substantial likelihood that a violation of the RJA occurred. A "substantial likelihood" requires more than a mere possibility. If the court decides you have met this standard, it must then hold an "evidentiary hearing."

If the court holds an evidentiary hearing, you may present evidence and testimony to support your request. The district attorney will also be able to present evidence and testimony. To win, you must prove a violation of the RJA by a "preponderance of the evidence." That means you must prove it is more likely than not that the RJA was violated. After the hearing, the court will decide if you have proven a violation by a preponderance of the evidence. If the court finds that you have not proven a violation, it is required to explain why not.

What happens if my RJA request is granted?

If you prove a violation, the court can make orders to repair the harm. This can include starting your case over, reducing the charges against you, or reducing your disposition (sentence). The court can also make other orders, depending on the circumstances.

What happens if my RJA request is denied?

If your request is denied, you have the right to appeal the denial by filing a notice of appeal.

1. ☐ Appointment of counsel

2. ☐ **Discovery**

Name and address of court if different from above:

3. ☐ Prima facie showing

Name and address of court if different from above:

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

CASE NAME:	CASE NUMBER:

4. ☐ **Evidentiary hearing**

A prima facie case having been shown, the court orders the matter set for an evidentiary hearing on a violation of the Racial Justice Act:

Name and address of court if different from above:

Date: Time:
 Dept.: Room:

5. ☐ **Additional orders**

The court also orders the following:

Date: _____

 JUDICIAL OFFICER

- ## FINDINGS

- ## ORDERS

- Judicial Council of California courts.ca.gov
New January 1, 2026, Optional Form
Pen. Code, §§ 745, 1473.7

CASE NAME:	CASE NUMBER:

4. b. ☐ The court orders that applicant's request for discovery is denied or denied in part.

(1) Applicant has not shown good cause for discovery of the following evidence:

(2) Applicant has shown good cause for discovery of the following evidence, but a statutory privilege cannot be adequately protected by redaction or a protective order:

(3) Applicant has shown good cause for discovery of the following evidence, but a constitutional privacy right cannot be adequately protected by redaction or a protective order:

5. Ruling on further hearing

a. ☐ The court orders the matter set for a hearing on a showing of a prima facie case:

Name and address of court if different from above:

Date:

Time:

Dept.:

Room:

b. ☐ A prima facie case having been shown, the court orders the matter set for an evidentiary hearing on a violation of the Racial Justice Act:

Name and address of court if different from above:

Date:

Time:

Dept.:

Room:

c. ☐ A prima facie case not having been shown, the court orders that applicant's request for relief is denied.

6. ☐ Additional orders

The court also orders the following:

Date: _____

JUDICIAL OFFICER

1. This proceeding was heard
on *(date)*: _____ at time: _____ in Dept.: _____
by judge *(name)*: _____ ☐ temporary judge
- a. ☐ Applicant ☐ Attorney *(name)*: _____
b. ☐ District Attorney *(name)*: _____
c. ☐ Probation *(name)*: _____
d. ☐ Other party *(name)*: _____

2. Violation

- Judicial Council of California, courts.ca.gov FINDINGS AND ORDERS AFTER EVIDENTIARY HEARING ON REQUEST
New January 1, 2026, Optional Form
Pen. Code, §§ 745, 1473.7 FOR RELIEF UNDER THE RACIAL JUSTICE ACT—JUVENILE ADJUDICATION

CASE NAME:	CASE NUMBER:

3. Factual findings

The court makes the following factual findings in support of the above, as required by Penal Code section 745(c)(3):

ORDERS

4. Ruling on request

- a. ☐ The court orders that applicant's request for relief is granted.
- b. ☐ The court orders that applicant's request for relief is denied.

5. Remedies

- a. ☐ Judgment not being final, the court orders the following (*check all that apply*):
- (1) ☐ At applicant's request, a mistrial.
 - (2) ☐ The following enhancement or enhancements dismissed:

 - (3) ☐ The following special allegation or allegations dismissed:

 - (4) ☐ The following charge or charges reduced:
- b. ☐ Judgment being final, the court orders the following (*check all that apply*):
- (1) ☐ The adjudication was sought or obtained in violation of Penal Code section 745. The court orders the adjudication and disposition vacated, declares them legally invalid, and orders the following new proceedings:

 - (2) ☐ Only Penal Code section 745(a)(3) (*see item 2a(3)*) was violated, and the violation may be rectified by a modification of the adjudication. The court orders the adjudication modified to the following lesser-included or lesser-related offense or offenses:

 - (3) ☐ Only the disposition was sought, obtained, or imposed in violation of Penal Code section 745. The court vacates the disposition, declares it legally invalid, and imposes the following new disposition:
- c. ☐ The court orders the following additional remedies:

CASE NAME:	CASE NUMBER:

6. ☐ **Additional orders**
The court also orders the following:

Date: _____

_____ JUDICIAL OFFICER

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
1.	California Youth Defender Center by Rhyzan Croomes, Director of Capacity Building and Training	NI	I write on behalf of the <i>California Youth Defender Center</i> (CYDC)—formerly the Pacific Juvenile Defender Center (PJDC)—and submit these comments in response to the Invitation to Comment SPR25-18 regarding the proposed Judicial Council forms implementing California’s Racial Justice Act (RJA) in juvenile court. We commend the Committee’s effort to ensure access to RJA relief for system-involved youth and appreciate the opportunity to offer feedback. CYDC is a statewide nonprofit dedicated to advancing justice for youth through policy advocacy, defender training, and leadership development. Since our founding in 1999, we have worked to ensure that children and youth—particularly those most impacted by systemic racism and poverty—receive fair and developmentally appropriate treatment in the juvenile legal system. Our organization has trained hundreds of youth defenders across California, led statewide convenings on juvenile justice reform, and played a central role in the implementation of legislative protections such as the Racial Justice Act. Our transition from PJDC to CYDC marks an expanded commitment to centering youth voices, investing in community-based responses to harm, and fighting for racial equity at every stage of the legal process. We believe the RJA offers a powerful tool to confront bias and dismantle structural racism embedded in California’s legal systems. But this promise can only be realized if youth and former system-involved youth can meaningfully access the rights and relief it affords. We are committed to supporting implementation of the RJA in a way that affirms the dignity and agency of youth, ensures procedural safeguards, and accounts for the realities of litigating these claims in juvenile court. Our comments focus on the need to safeguard due process for youth, align the forms with the Legislature’s intent to provide broad access to RJA relief, and support pro per applicants with clear, developmentally appropriate guidance. We offer the following recommendations: A. RJA Eligibility: Clarifying the Scope of Relief and Preventing Exclusion a. <u>Issues of Concern:</u>	The committee appreciates this comment. No response needed. No response needed.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			We appreciate the Committee’s careful reconsideration of the eligibility language on Form JV-720 and the rationale provided in light of <i>Esquivel</i>¹. We understand that the revised phrasing “My juvenile court case is still pending or I am currently on juvenile probation” is intended to reflect the RJA’s applicability to cases in which “judgment is not final,” as defined in Penal Code section 745(j)². While we recognize the intent ¹ People v. Esquivel (2021) 11 Cal.5th 671. behind this revision, the current language in Forms JV-720 (“Request for Relief Under the Racial Justice Act”) and JV-720-INFO (“Information Sheet”) may still unintentionally narrow the perceived scope of who is eligible to seek relief under the RJA in juvenile court. The Committee’s analysis correctly concludes that, under <i>Esquivel</i>, youth remain eligible to file an RJA claim as long as the juvenile court retains jurisdiction, including while on probation. However, the revised language may not be intuitive or accessible for youth and unrepresented applicants. Many Youth, or former Youth, who are in court ordered placements, residential programs, or community-based supervision do not conceptualize their circumstances as “pending” or view themselves as “on probation,” even though they remain under the jurisdiction of the juvenile court. Without more inclusive and concrete language, applicants who are otherwise eligible under the statute may mistakenly assume they are not. ² Judicial Council of Cal., Invitation to Comment, SP25-18, at p. 7–8 (discussing the Committee’s rationale for revising Form JV 720’s eligibility language based on <i>People v. Esquivel</i>, 11 Cal.5th 671 (2021)). Similarly, JV-720-INFO currently states that if none of the listed criteria apply, “you cannot file an RJA request,”³ without indicating that some applicants may instead qualify to file in adult criminal court. This omission may be particularly confusing for youth whose cases were transferred to adult court or directly filed there. Without clear guidance, individuals with viable claims under Penal Code section 745(j) may incorrectly conclude that they are entirely ineligible for RJA relief. Lastly, we note that the current phrasing on immigration consequences, “I face actual or potential immigration consequences (such as deportation) based on this case,” may inadvertently discourage applicants from disclosing relevant information. By focusing	The committee appreciates this comment and is recommending that item 1a on form JV-720 now read “My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or placement because of a juvenile delinquency case.” and that the first bullet point under “Who can file a request under the RJA?” on form JV-720-INFO now read “Your juvenile court case is still pending, you are currently on juvenile probation, or you are in custody or placement because of a juvenile delinquency case.” See committee response to specific comment above. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		solely on deportation, the language centers only the most severe outcome and may evoke fear, especially among youth or families with mixed-status backgrounds. This framing risks both misunderstanding and silence. A more balanced and developmentally appropriate explanation, one that includes a broader range of potential impacts such as DACA; asylum eligibility; or green card renewal, would promote clarity and encourage transparency. ³ Id. at p.13 (JV-720-INFO). <u>Recommendations</u> 1. Clarify Eligibility Language in Form JV 720 (p.10) Replace the current checkbox (a) with the following: <i>“My juvenile court case is still pending, I am currently on juvenile probation, or I am otherwise under the jurisdiction of the juvenile court (for example, if I am in a court-ordered placement or under supervision).”</i> 2. Revise Immigration Status Language in JV-720 Revise checkbox (c) to read: <i>“This case may affect my immigration status, (including DACA, asylum, visa applications, green card renewal, or potential deportation).”</i>	See committee response to specific comment above. The committee appreciates this comment and is recommending that item 1b on form JV-720 now read “My juvenile court case may affect my immigration status (including DACA, asylum, visa or green card application, or potential deportation)” and that the second bullet point under “Who can file a request under the RJA?” on form JV-720-INFO now read “Your juvenile court case may affect your immigration status (including DACA, asylum, visa or green

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			3. Revise Form JV-720-INFO Replace exclusionary sentence with: <i>“If none of the above apply, you may not be eligible to file an RJA request in juvenile court; however, you may still be eligible to file in adult criminal court.”</i>	card application, removal, or potential deportation)”. The committee appreciates this comment and is recommending that the first sentence under “Who can file a request under the RJA?” on form JV-720-INFO now read “You can file a request under the RJA in juvenile court if:” and that the last sentence under “Who can file a request under the RJA?” on form JV-720-INFO now read “If none of the above apply, you cannot file an RJA request in juvenile court; however, if you had a court date in adult criminal court, you may still be eligible to file an RJA request in that court.”
			B. Timeliness of RJA Claim: Postponement Until After Appointment of Counsel The question of whether a claim under the Racial Justice Act (RJA) is timely is a legally complex and fact-specific inquiry that often requires contextual interpretation of statutory language. As the Committee notes in its request for comment,⁴ timeliness must be evaluated under one of two legal standards, depending on the procedural posture of the case. For claims filed in an open case under Penal Code section 745(c), the request must be submitted “as soon as practicable” after the applicant learns of the violation. For motions to vacate a judgment under Penal Code section 1473.7(c), the claim must be brought “without undue delay from the date the moving party discovered or could have discovered with the exercise of due diligence” the basis of the violation. Neither standard offers a bright-line rule and both require a fact-intensive, case-specific inquiry.	See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		⁴ <i>Invitation to Comment, at p.4</i> (referencing Penal Code section 745(c), a request must be filed “as soon as practicable” after the applicant learns of a violation; Penal Code section 1473.7(c) requires that a motion be filed “without undue delay from the date the moving party discovered or could have discovered with the exercise of due diligence” the basis of the violation.) Despite the complexity of these standards, the proposed JV-720 form asks applicants to provide a date they learned of the “grounds described in Item 3,”⁵ and Form JV-721 invites the court to assess timeliness⁶—potentially before counsel has been appointed. While we understand the intent behind including a single date field for clarity, and we appreciate the Committee’s effort to incorporate youth-centered language, this structure effectively frames timeliness as a threshold screening question. This places youth at risk of having valid claims denied before they have had the opportunity to fully understand or develop them. This concern is especially acute for youth and unrepresented individuals, who often lack the legal tools or context to recognize racial bias as it occurs or to understand its relevance under the RJA. Many may not recall a specific discovery date, may have misunderstood the legal significance of what happened in their case, or may only recently have learned about the RJA through counsel, reentry services, or community education. Requiring a precise date at the outset—without explanation, flexibility, or legal support—creates a significant risk of procedural default in otherwise valid claims. ⁵ Id. JV-720 Proposed Form at p.11. ⁶ Id. at p.16. The proper assessment of timeliness under either section 745(c) or 1473.7(c) requires legal analysis, factual investigation, and strategic framing—functions that fall squarely within the role of appointed counsel. Whether a delay is justified may depend on newly discovered evidence, barriers to access, or an evolving understanding of systemic racial bias. These are not arguments that a pro per youth should be expected to make, nor should negative inferences be drawn from their inability to do so.	See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Timeliness is an important factor in RJA litigation, but it should not operate as a preliminary screening tool—especially not in youth-led filings. Addressing it at the outset undermines the flexible, multi-phase process the Committee has outlined and risks excluding the very applicants the RJA was intended to protect. Deferring this determination until after counsel is appointed and the record is developed will better reflect legislative intent and promote fair access to relief. In the event the Committee cannot defer this inquiry, the following recommendations are proposed: <u>Recommendations</u> 1. Remove the “Discovery of Violation” question (Item 4) from Form JV-720 2. If language must be retained, revise the language in Item 4 to reflect flexibility and provide context. Revise to read: <i>“To the best of your ability, provide the date you learned of the grounds described in Item 3. If you are unsure, please check any of the following that apply:”</i> ☐ <i>I do not know the date of the alleged violation (I have provided an estimate above).</i> ☐ <i>I only recently learned this information may support an RJA claim.</i> <i>Or</i> <i>Revise to read: “To the best of your ability, provide the date you learned of the grounds described in Item 3. Providing an approximate date does not automatically prevent the court from reviewing your case</i>	See committee responses to specific comments below. The committee appreciates this comment and is recommending the proposed change because the issue of timeliness is more complex than the date that an applicant believes they discovered or should have discovered the alleged violation. The committee appreciates this comment. The suggestion is moot based on the removal of item four from form JV-720.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		3. <i>Revise Form JV-722 to defer any court findings related to timeliness until after counsel has been appointed.</i> <i>Add language indicating: “The court finds there is insufficient information to determine timeliness at this stage and refers the matter for further development after the appointment of counsel.”</i>	The committee appreciates this comment. The committee did not recommend the suggested change because it removed the issue of timeliness from the form based on its belief that timeliness is not an affirmative finding that need be made in every case. As a result, the suggestion is moot.
		C. Appointment of Counsel: Clarify Standards and Ensure Consistent Protection Appointment of counsel is fundamental to ensuring that Racial Justice Act (RJA) claims in juvenile court are meaningfully litigated and that applicants receive the due process the statute envisions. We appreciate the Committee’s recognition that appointing counsel furthers the purpose of the RJA, and we strongly support embedding this principle consistently across the proposed forms. Currently, Form JV-721 directs the court to assess timeliness in Item 1, before considering appointment of counsel in Item 3. This structure creates a significant risk that the court will make a threshold finding that could bar relief—before the youth has had the benefit of legal representation. As discussed above, timeliness under Penal Code section 745(c) or 1473.7(c) is a complex legal determination that should not be made without counsel. No youth should lose the opportunity for RJA relief based on a pro per filing alone. Additionally, while JV-721 does include appointment of counsel before the court addresses prima facie sufficiency or discovery, appointment is not guaranteed. Instead, it is left to the court’s discretion without clear reference to the governing legal standard. That standard already exists: Rule 5.534 of the California Rules of Court requires that counsel be appointed in all juvenile proceedings unless the youth has made a knowing and intelligent waiver. This must apply to RJA claims as well. RJA litigation in juvenile court presents procedural and evidentiary challenges that make legal representation not just helpful, but essential.	See committee responses to specific comments below. See committee responses to specific comments below. See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Discovery will often involve records of other youth, institutional data, and comparative analysis—none of which are accessible or usable by pro per applicants. The right to counsel under Welfare and Institutions Code sections 633, 634, and 700 must be carried through clearly and explicitly in the RJA context to prevent inequities in access to relief. To better ensure consistent protection and procedural fairness, we recommend the following: <u>Recommendations</u> 1. Revise Form JV-721 to move appointment of counsel above all findings, including timeliness. 2. Amend the appointment of counsel section to reflect Rule 5.534. Amend to include: <i>“Appointment of Counsel</i> ☐ <i>The court grants the request for appointment of counsel pursuant to Rule 5.534 of the California Rules of Court.</i> ☐ <i>The court finds that the applicant has made a knowing and intelligent waiver of counsel</i> ☐ <i>Additional Orders:</i>	The committee appreciates this comment and is recommending the removal the findings (formerly items 1 and 2) from form JV-721, which makes the appointment of council item 1 in the order section. The committee is also recommending renaming the form “Preliminary Orders After Request for Relief Under the Racial Justice Act—Juvenile Adjudication.” The committee appreciates this comment and is recommending the proposed change, but replacing the word “pursuant” to “under” and changing “made a knowing and intelligent waiver of counsel” to “has knowingly and intelligently waived appointed counsel” to improve readability.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			D. Supporting Facts: Prevent Misunderstanding and Protect Access to Relief Supporting facts are a vital part of any Racial Justice Act (RJA) claim. They allow applicants—particularly youth impacted by racial bias in the system—to share their experiences and begin the process of substantiating their claims. But when the form miscommunicates what is required, it risks turning this gateway into a barrier. The current design of Form JV-720 does just that. As written, the “Supporting Facts” section directs applicants to “Give details” and lists types of records they could attach, such as declarations and transcripts. This section appears before “Disclosure of Evidence,” creating the impression that applicants must already possess detailed factual support to proceed. For many youth—especially those filing without counsel or from within juvenile facilities—this structure sends a clear but incorrect message: if you don’t already have evidence, your claim won’t be considered. That misunderstanding not only discourages meritorious filings; it runs directly counter to the intent and structure of the RJA. In <i>Young v. Superior Court</i> (2022) 79 Cal.App.5th 138, 147, the Court of Appeal made clear that an RJA claim does not require proof at the application stage. The threshold question is whether the applicant has alleged facts that, if true, would establish a violation. The law anticipates that claims will evolve—and that evidence will be developed through discovery and legal investigation. But the language and placement of the “Supporting Facts” section may mislead youth into believing they must build their entire case before they even gain access to records, data, or legal support. This burden falls disproportionately on pro per applicants who face extraordinary barriers: limited legal knowledge, no access to institutional records, and no training to identify coded language or systemic bias that courts may recognize as racialized harm. Worse, these youth may understate or omit critical facts—not because they are untruthful, but because they don’t yet realize the legal or cultural significance of what they experienced. The need for counsel at this stage is essential. Forming a viable RJA claim often depends on identifying legally cognizable patterns or markers of racial bias that are not self-evident to the youth experiencing them. Counsel plays a critical role in framing these facts within the statutory framework, ensuring the claim is fully and fairly presented to the court.	See committee responses to specific comments below. See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			To prevent confusion and better align the form with both the law and the realities of youth-led filings, the “Supporting Facts” section must be revised. It should appear after the “Disclosure of Evidence” section to reflect the actual progression of a claim, and it must include clear language affirming that the statement is preliminary and may be amended following the appointment of counsel or receipt of discovery. <u>Recommendations</u> 1. Reorder the “Supporting Facts” and “Disclosure of Evidence” sections in Form JV-720. Move “Disclosure of Evidence” above “Supporting Facts” to reflect the procedural reality that applicants often require discovery before they can explain what supports their claim 2. Amend the “Supporting Facts” instructions to prevent confusion and reduce barriers to filing Revise language: “<i>Describe what happened to the best of your knowledge. You are not expected to have access to all facts or evidence at this time. After the court appoints counsel and/or grants discovery, you will have an opportunity to amend this statement of facts. (You may attach declarations, records, or other documents if available, but they are not required to submit this form.)</i>”	See committee responses to specific comments below. The committee appreciates this comment but chose not to recommend this change because it believes amending the instructions to the “Supporting Facts” section, as recommended below, adequately addresses the commenter’s stated concern. The committee appreciates this comment and is recommending the proposed change, with minor edits. The committee recommends rewording the second sentence to read: “(You may attach declarations, records, or other documents if available, but you are not required to in order to submit this form.)” to improve readability. The committee recommends adding an additional sentence to provide more information to the applicant: “You may use

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
			<i>form MC-025, titled as Attachment 4a, for any additional pages.)”</i>
		E. Enabling Pro Per Applicants to Make an Effective Discovery Request As per our comment in #C above, we believe that discovery requests under the RJA are highly sensitive and that appointment of counsel will be necessary in order for the court to properly evaluate the discovery request and fashion appropriate orders. For this reason, we would suggest limiting the question on the application to simply prompt the applicant to check the box indicating that they want to make a request for discovery. That said, we understand that the Committee may still decide to include a detailed discovery request in the application form to enable applicants who have waived the right to counsel to present such a request. If a discovery request is to be included in the application form (JV-720), we believe that it is necessary to provide much more detailed guidance to enable the applicant to make an effective request. Ideally, a detailed discovery request would provide checkboxes for each of the types of arrest records, case records, and statistical records that are needed for each of the possible RJA claims. We believe that such a detailed list would be highly beneficial, but would require input from researchers and statisticians with expertise in this area. Given the complexity of such a detailed list, it would likely be helpful that it be provided in a standalone discovery request form that the applicant could attach. If a separate, detailed discovery form is not possible, we recommend that the discovery request in the application form offer at least general categories of records to enable a <i>pro per</i> applicant to initiate a request for consideration by the court. <u>Summary of Recommendations:</u> a. Amend the “Disclosure of Evidence” section in JV-720 (p. 12) by deleting subsections (a) and (b), so that the applicant is only required to check the request box and no additional information is solicited at the application stage.	See committee responses to specific comments below. See committee responses to specific comments below. See committee responses to specific comments below. The committee appreciates this comment and is recommending the addition of a second checkbox under “Disclosure of evidence” on form JV-720 that reads “I will request disclosure

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		b. Alternatively, develop a standalone discovery request form that includes a detailed list of checkboxes to enable a <i>pro per</i> applicant to make an effective discovery request. c. Alternatively, provide a list of checkboxes in JV-720 (p. 12) to prompt the applicant to indicate the broad categories of evidence that they wish to request in discovery: “6. Disclosure of evidence ☐ I request disclosure of evidence relevant to a potential violation of the Racial Justice Act (<i>If you checked the box, complete items a and b below. You can add to this request after counsel is appointed.</i>) a. I need the following types of evidence ☐ I don’t know what type of evidence I need and request discovery upon appointment of counsel. ☐ I request all evidence relevant to a potential violation of the Racial Justice Act in the possession or control of the state. ☐ Transcripts ☐ Police Reports ☐ Records from my juvenile case file ☐ De-identified or redacted arrest records or juvenile case file records of other youth who were similarly situated to me, disaggregated by race of the youth. ☐ De-identified or redacted arrest records or juvenile case file records of other youth who were similarly situated to me, disaggregated by race of the victim ☐ Statistical data related to my claim from the juvenile court, district attorney’s office, probation department, or law enforcement agency, disaggregated by race ☐ Other:	of evidence after an attorney is appointed to represent me.” No response needed. No response needed.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			F. Notifying Counsel or Former Counsel of Pro Per Claim We believe that it would be beneficial to both the <i>pro per</i> applicant and the court to include the applicant's counsel or former counsel in the list of individuals to be served with a copy of an application filed by a <i>pro per</i> petitioner. As stated above, we firmly believe that counsel should be appointed in RJA cases, and this process can be expedited if the applicant's current or former attorney receives notice when an RJA claim is filed. The court clerk could include the attorney of record, along with the probation department and prosecuting attorney, in the list of individuals to be served a <i>pro per</i> application. The courts follow a similar procedure for petitions filed pursuant to Welf. & Inst. Code section 827, which is served by the clerk on the attorney of record (<i>see</i> JV-569) when the petitioner is unable to do so. If it is not possible to require the clerk to serve the attorney of record when the petitioner is <i>pro per</i>, then we would suggest at a minimum that the applicant be advised in the "information" form (JV-720-INFO) that it would be a good idea to send a copy to their attorney or former attorney. <u>Summary of Recommendations:</u> a. Provide directions to the court clerk that, for <i>pro per</i> applicants, the application should be served on the probation department, the prosecuting attorney, and the attorney of record for the case. b. Alternatively, amend the language in JV-720-INFO (p. 14) to advise the applicant to provide a copy to their attorney on the case: "Once you have filled out form JV-720, take or mail it to the court clerk's office in the court where the last court date was held. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed. It is also a good idea to provide a copy of the form to the lawyer who represented you in your case, or to the Public Defender's Office in the county where you filed your application."	See committee responses to specific comments below. The committee appreciates this comment and is recommending that the first sentence of the fifth bullet point on page one of JV-720 read "The court will serve this form for you on the district attorney, the probation department, and your current attorney." The committee appreciates this comment but chose not to recommend this change because the release of a completed form JV-720 to a prior attorney or to the public defender's office may violate the confidentiality rules

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

SP25-18**Juvenile Law: Racial Justice Act Forms** (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			We want to thank you again for the opportunity to provide comments on these very important forms. We hope you will take our recommendations into consideration, and we would be happy to discuss them with you. Please do not hesitate to contact us if we can be of any further assistance.	set forth in Welfare and Institutions Code section 827. No response needed.
2.	Haywood Burns Institute by Laura Ridolfi, Director of Policy	NI	I commend the Family and Juvenile Law Advisory Committee for its thoughtful work in developing these important forms for Racial Justice Act claims in juvenile court. I write on behalf of Haywood Burns Institute, whose mission is to eliminate racial hierarchy in the administration of justice. From this perspective, the importance of accessible and effective RJA forms in juvenile court cannot be overstated. Young people of color have historically faced disproportionate treatment throughout the juvenile justice system, from initial contact with law enforcement through final disposition. The Racial Justice Act represents a vital tool for addressing these longstanding inequities, but its promise can only be realized if youth and their advocates can meaningfully access relief. These forms will serve as the primary gateway for RJA claims in juvenile court, making their clarity, comprehensiveness and accessibility essential for advancing racial justice for youth. Given the significant structural barriers facing potential RJA claimants - particularly youth who are often unrepresented, incarcerated, or otherwise marginalized - these forms must be designed to maximize access to relief. Youth, in particular, face significant challenges in navigating the complex legal processes, often lacking the resources, legal knowledge, developmental capacity or supports necessary to understand and meet complex procedural requirements. The forms therefore play a crucial role in advancing the Racial Justice Act's fundamental goal of eliminating racial bias from our justice system. The following comments are submitted in response to the invitation to comment on the proposed Racial Justice Act forms for juvenile proceedings. The recommendations are guided by an overarching goal of ensuring the broadest possible access for filing RJA claims in juvenile court. To date, there have been relatively few juvenile court RJA claims, and these forms represent a critical opportunity to encourage access to this important remedy. Given that many users will be young, potentially unrepresented, and	The committee appreciates this comment. See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			unfamiliar with legal procedures, particular care should be taken to ensure that a misunderstanding of form requirements or incorrect checkbox selection does not inadvertently bar valid claims. The recommendations therefore prioritize approaches that preserve options for claimants and ensure the forms serve their intended purpose of providing meaningful access to relief. 1. RJA Eligibility Concern: The proposed forms appear to set forth an overly narrow view of eligibility under the Racial Justice Act in two key areas. First, the "Request for Relief" form (JV-720) allows applicants to check eligibility boxes that do not clearly capture all cases eligible under the RJA, which applies to "all cases in which judgment is not final" (PC 745(j)(1)). A youth whose case has been adjudicated and who is currently serving a dispositional commitment may not consider their case to be "pending," but their case is also not yet final as it remains under juvenile court jurisdiction. Second, the "Information" form (JV-720-INFO) has a misleading explanation related to RJA eligibility that fails to direct potential applicants to adult court if their claim does not fall under juvenile court review. Recommendations: a. Amend language under "Eligibility" (p. 10) to read: "My juvenile court case is still pending or I am currently on juvenile probation <u>or my court case is currently under the jurisdiction of the juvenile court.</u>"	See committee responses to specific comments below. The committee appreciates this comment and is recommending that item 1a on form JV-720 now read "My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or placement because of a juvenile delinquency case" and that the first bullet point under "Who can file a request under the RJA?" on form JV-720-INFO now read "Your juvenile court case is still pending, you are currently on juvenile probation,

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			b. Amend language under "Who can file a request under the RJA?" (p. 13) to read: "Who can file a request under the RJA <u>in juvenile court?</u>" ... "If none of the above apply, you cannot file an RJA request <u>in juvenile court; however, you may be eligible to file in adult court.</u>"	or you are in custody or placement because of a juvenile delinquency case." The committee appreciates this comment and is recommending that the first sentence under "Who can file a request under the RJA?" on form JV-720-INFO now read "You can file a request under the RJA in juvenile court if:" and that the last sentence under "Who can file a request under the RJA?" on form JV-720-INFO now read "If none of the above apply, you cannot file an RJA request in juvenile court; however, if you had a court date in adult criminal court, you may still be eligible to file an RJA request in that court."
			2. Timeliness of the RJA Claim Concern: Determining the timeliness of an RJA claim requires a nuanced, fact-specific analysis that should not be conducted at the preliminary stage. An RJA claim may be subject to a requirement to file "as soon as practicable" after the applicant learns of the violation (PC § 745(c)), or "without undue delay from the date the moving party discovered or could have discovered with the exercise of due diligence" the basis of the violation (PC § 1473.7(c)). These standards demand careful factual analysis, especially given the significant risk that valid claims could be dismissed if incorrectly deemed untimely. The current structure of both JV-720 and JV-721 treats timeliness as a threshold issue suitable for early resolution, rather than allowing for the thorough examination this complex determination requires.	See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		Recommendations: a. Remove or amend language in JV-720 regarding "Discovery of violation" (p. 11): Discovery of violation (check one): ☐ I discovered that the RJA was violated in my case on or about (date) ____ Or ☐ I am unsure of the date that I learned that the RJA was violated in my case." b. Remove timeliness from preliminary findings and amend language in JV-721 to focus on case status: Timeliness Case Status: ☐ <u>The court finds that the applicant's case is pending before the juvenile court or otherwise subject to the jurisdiction of the juvenile court.</u> ☐ The court finds the applicant's case is no longer pending and does /does not qualify for retroactive application under Penal Code section 745(j)." c. Add timeliness findings and orders to JV-722: FINDINGS: Timeliness: ☐ <u>The court finds that the applicant's request was or was not filed in a timely manner.</u> ☐ <u>The court does not have sufficient information to make a timeliness determination.</u> ORDERS:	The committee appreciates this comment and is recommending that the "Discovery of violation" item on JV-720 be removed in its entirety because the issue of timeliness is more complex than the date an applicant discovered or should have discovered the alleged violation. The committee appreciates this comment but did not recommend the suggested change. Because a finding of timeliness is not affirmatively required under the RJA, the issue of timeliness was removed from the form. As a result, the suggestion is moot. The committee appreciates this comment but did not recommend the suggested change. Because a finding of timeliness is not affirmatively required under the RJA, the issue of timeliness was removed from the form.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			<u>Timeliness:</u> ☐ <u>The court orders that the applicant provide additional information with respect to the timeliness of the claim.</u>	
			3. Appointment of Counsel for Pro Per Applicants Concern: A proper discovery request and review will necessitate the appointment of counsel because of both the lack of publicly available information on juvenile cases and the sensitive nature of discovery into juvenile case files. The complexity and sensitivity of juvenile court records support the need for appointment of counsel prior to or along with discovery orders. a. Amend JV-721 preliminary court findings on appointment of counsel: Appointment of Counsel ☐ The court grants the request for appointment of counsel <i>pursuant to Rule 5.534 of the California Rules of Court.</i> ☐ <i>The court finds that the applicant has made a knowing and intelligent waiver of counsel because:</i>	See committee responses to specific comments below. The committee appreciates this comment and is recommending the proposed change, with minor edits, in item 1 of form JV-721.
			4. Pro Per Applicants and Statement of Facts Concern: The current design of the "Supporting Facts" section in JV-720 may discourage valid claims by creating the impression that applicants must provide comprehensive evidence at filing. The section's instruction to "Give details" and its emphasis on attaching supporting records could mislead pro per applicants into thinking they need complete documentation before submitting their request, potentially deterring them from pursuing legitimate claims when they lack immediate access to all relevant materials. To address these concerns, the form should be restructured to clarify that initial fact-gathering is just the beginning of the process, with opportunities to supplement through discovery and later proceedings. Recommendation: a. Amend the language for the "Supporting Facts" section in JV-720 (p. 11):	See committee responses to specific comments below. The committee appreciates this

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Describe what happened to the best of your knowledge. For each violation you claim in item 3 above, explain the facts that support it, and include any details you currently have. <u>It is not necessary for you to have all of your supporting facts at this stage of your application. After your initial application and after you receive any discovery ordered by the court, you will have an opportunity to amend this statement of facts.</u> (If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. <u>If you have them,</u> you can attach declarations, relevant records, transcripts, or other documents supporting your request.)" b. Reverse the order of "Supporting Facts" and "Disclosure of evidence" in JV-720, so that discovery comes first in the form.	comment and is recommending language similar to the proposed change in item four of form JV-720. The committee appreciates this comment but chose not to recommend the change because it felt that the proposed change did not improve the useability of the form.
			5. Enabling Pro Per Applicants to make an Effective Discovery Request Concern: Pro Per applicants may mistakenly believe they must already possess all relevant facts to support their claims before filing. Pro Per applicants may also lack the expertise to know what types of additional facts are needed. The specificity suggested may deter applicants who are unsure what types of discovery they can seek. Additionally, formulating effective discovery requests for RJA claims can be extraordinarily complex—even statisticians and researchers require extensive consultation to develop appropriate requests. Having participated in such discussions, I can attest that determining the right discovery questions can require hours-long conversations among experts to properly frame requests that will yield meaningful and statistically valid data. Recommendation: Consider one of the following approaches to address the complexity of the discovery request: a. Include simplified discovery options that simply indicate intention for discovery request:	See committee responses to specific comments below. The committee appreciates this comment and is recommending

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		☐ <u>Records sufficient to show different outcomes for youth of color and white youth in cases similar to mine.</u> Or ☐ <u>I request discovery upon appointment of counsel</u> b. Include a detailed checklist, while recognizing that the iterations of what statistical evidence may be needed are virtually innumerable, making it challenging to create a comprehensive list that covers all potential scenarios while remaining useful and accessible. Any such checklist should be vetted by researchers or statisticians with expertise in this area to ensure the requests will yield meaningful and legally relevant data. An example of a detailed checklist is included in Appendix A.	the addition of a second checkbox under item 5, “Disclosure of evidence”, on form JV-720 that reads “I will request disclosure of evidence after an attorney is appointed to represent me.” The committee appreciates this comment but chose not to recommend this change because it would be impractical to “create a comprehensive list that covers all potential scenarios while remaining useful and accessible.”
		6. Notifying Counsel of Former Counsel of Pro Per Application Counsel: The appointment of counsel would be facilitated by ensuring that there is notice to counsel of former counsel when a Pro Petition is filed, similar to procedures for petitions filed pursuant to WIC 827. Recommendation: a. Include instructions directing the court clerk to serve pro per applications to all relevant parties, including the probation department, prosecuting attorney, and attorney of record or former counsel for the case. I appreciate the Committee's work on these important forms. These recommendations are intended to ensure that the forms effectively serve their purpose of providing meaningful access to relief under the Racial Justice Act for all eligible youth. Appendix A: Disclosure of Evidence Checklist Sample (For form JV-720) 6. Disclosure of evidence ☐ <u>I don't know what type of evidence I need and may request discovery upon</u>	See committee responses to specific comments below. The committee appreciates this comment and is recommending that the court clerk serve applications made by self-represented litigants on the probation department, prosecuting attorney, and attorney of record. The committee declines to recommend the further suggestion to serve former counsel because the release of

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			<u>appointment of counsel.</u> ☐ I request disclosure of evidence relevant to a potential violation of the Racial Justice Act <u>in the county of my arrest, filing, adjudication and/or disposition.</u> <u>The time period for the request should be determined by the court, based on the time period of my adjudication and assuring a statistically significant sample size.</u> (If you checked the box, complete items a and b below. <u>You can add to this request after counsel is appointed:</u> a. I need the following types of records or information <u>(check all that apply):</u> ☐ <u>Transcripts</u> ☐ <u>Police Reports</u> ☐ <u>Records from my juvenile case file</u> ☐ <u>County level statistical reports or analyses from the juvenile court, probation department or other agencies in the county of my adjudication showing all dispositions by race/ethnicity for offenses similar to the most serious offense I was adjudicated for.</u> ☐ <u>De-identified individual case records of juveniles in the county of my adjudication whose most serious sustained offense was similar to mine, including court disposition and race/ethnicity of each individual.</u> ☐ <u>Records of cases where the District Attorney filed the same or similar offenses to mine, showing which offenses were initially referred by Probation to the District Attorney, disaggregated by race/ethnicity, in the county of my adjudication.</u> ☐ <u>Court records showing charges initially filed by the District Attorney compared to charges ultimately sustained, broken down by race/ethnicity, for juveniles in the county of my adjudication.</u> ☐ <u>Court minute orders, probation reports, and disposition hearing transcripts for White juveniles whose most serious sustained offense was similar to mine but who received a less severe disposition than I did.</u> ☐ <u>Statistical reports of analyses showing disposition patterns based on the race, ethnicity, or national origin of victims in cases with offenses similar to mine in the county of my adjudication.</u> ☐ <u>Other:</u> b. I need the records or information because:	form JV-720 to a former counsel may violate confidentiality rules under Welfare and Institutions Code section 827.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
3.	Hon. Steven Ipson Superior Court of Los Angeles County	AM	I believe the use of the forms should be mandatory. This will ensure that the petitioner, represented or not, imparts the correct information to the court and that the court provides a complete response.	The committee appreciates this comment but chose not to recommend mandatory forms to allow counsel the opportunity to make RJA claims either orally or through individually drafted motions.
4.	Office of the District Attorney County of San Diego by Sara Staniger, Deputy District Attorney	NI	Thank you for the opportunity to comment on the proposed Racial Justice Act form. The San Diego County District Attorney's Office recently reviewed the revised set of proposed forms to assist litigants and the juvenile courts with claims brought under the Racial Justice Act ("RJA") as codified in Penal Code sections 745 and 1473.¹ Last year, we submitted a comment to the prior versions of the proposed forms. We have updated our Comment letter and continue to identify several issues with the forms that would ¹ All further statutory references will be to the Penal Code unless otherwise indicated. benefit from clarification. Based upon our participation in RJA litigation for several years, we are concerned that the forms oversimplify many of the legal issues related to RJA, including discovery, timeliness, and remedies. Given the complexity and novelty of RJA law, we do not believe any standardized forms will be sufficient to address the multitude of legal standards and nuances that the litigants and courts must follow. But if the Committee is inclined to continue with the use of forms, we provide the following concerns and comments to encourage that the forms adequately reflect the current state of the law. <u>The Proposed Forms' Discovery Provisions</u> This Office has two primary concerns with the proposed forms as they relate to RJA discovery. First, the forms are misleading as to the applicable legal standard for such discovery. Section 745, subdivision (d) states: A defendant may file a motion requesting disclosure to the defense of all evidence relevant to a potential violation of subdivision (a) in the possession or control of the state. A motion filed under this section shall describe the type of records or information	The committee appreciates this comment. See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		the defendant seeks. Upon a showing of good cause, the court shall order the records to be released. Upon a showing of good cause, and in order to protect a privacy right or privilege, the court may permit the prosecution to redact information prior to disclosure or may subject disclosure to a protective order. If a statutory privilege or constitutional privacy right cannot be adequately protected by redaction or a protective order, the court shall not order the release of the records. The statute thus has three crucial requirements: 1) the evidence sought must be relevant to a potential violation of the RJA; 2) a court may order the release of records or information only upon a showing of good cause; and 3) the court must account for privacy rights and privileges, including denying the release of records altogether if privacy rights cannot be adequately protected by redactions or protective orders. The form merely directs a litigant to explain what <i>types of</i> records or information they “need” and why they “need” them. But a litigant “needing” records is not the same thing as a litigant showing good cause to receive the records. As explained in the first case interpreting the discovery provisions of the RJA: the Act “permit[s] discovery only upon leave of court, rather than through self-executing party initiated discovery.” (<i>Young v. Superior Court of Solano County</i> (2022) 79 Cal.App.5th 138,168 (<i>Young</i>).) The <i>Young</i> case then determined that the “good cause” standard articulated in the statute required courts to conduct a multi-factored balancing test. (<i>Id.</i> at pp. 144-145.) The court must initially determine the threshold issue of whether a “plausible justification” for the requested records or information has been made; in other words, there must be specific facts that give rise to a plausible case that any of the violations enumerated in section 745, subdivision (a)(1)-(4) occurred. (<i>Ibid.</i>) Then, against that plausible justification the court must balance six remaining factors prior to deciding whether the discovery should be disclosed: “ ‘[s]pecifically ... (1) whether the material requested is adequately described, (2) whether the requested material is reasonably available to the governmental entity from which it is sought (and not readily available to the defendant from other sources), (3) whether production of the records containing the requested information would violate (i) third party confidentiality or privacy rights or (ii) any protected governmental interest, (4) whether the defendant has acted in a timely manner, (5) whether the time	See committee responses to specific comments below. See committee responses to specific comments below. See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			required to produce the requested information will necessitate an unreasonable delay of defendant's trial, [and] (6) whether the production of the records containing the requested information would place an unreasonable burden on the governmental entity involved.' ” (<i>Ibid.</i>) The good cause standard mandated by <i>Young</i> is not adequately conveyed by language used in Items 6(a) and 6(b) of the proposed JV-720 form. The form merely directs a litigant to explain what <i>types of</i> records or information they “need” and why they “need” them. But a litigant “needing” records is not the same as a litigant showing good cause to receive the records.	The committee appreciates this comment but chose not to make this change because discovery would be best addressed by case-specific litigation after the potential appointment of counsel rather than requiring the applicant to proactively address applicable legal standards. The commenter notes that under <i>Young v. Superior Court of Solano County</i> (2022) 79 Cal.App.5th. 138, the good cause requirement for discovery under the act is analyzed using the six-part test adopted from <i>City of Alhambra v. Superior Court</i> (1988) 205 Cal. App.3d 1118. Asking the applicant to address each of the <i>Alhambra</i> factors prior to the appointment of counsel would likely lead to many fewer discovery requests being filed in the first instance. As to the standard the court should evaluate to determine whether to order discovery, form JV-722 explicitly conditions the approval of a

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			A petitioner is not merely supposed to describe the “types” of records or information they would like to receive; they are required to adequately describe the specific materials so that the state—i.e., the District Attorney’s Office—can accurately assess what must be disclosed if ordered. It is for this very reason that in <i>City of Alhambra v. Superior Court</i> (1988) 205 Cal.App.3d 1118—the case that <i>Young</i> relied upon in interpreting good cause for RJA discovery—the Court cautioned against categorizing discovery requests based on broad or vague language: For example, information characterized by such broad descriptions as “all other similar crimes” or “all crimes [e.g., murders] committed during [a certain time frame] with a similar modus operandi,” may be so inadequate as to make the discovery and location of such information an unreasonable burden on the governmental entity. As we have seen occur in many discovery requests in San Diego County, a litigant who is unaware of the good cause factors may resort to overbroad and general language to request discovery. For example, one petitioner simply asked for “data of convictions and sentences from the San Diego District Attorney’s Office” to “show the racial disparity in sentencing black males and Caucasian males who were convicted for a PC245(a)(2) violation.” This request was, expectedly, denied for failure to show good cause. A litigant relying on this form will likely be unaware of their need for specificity in what information they are requesting. Additionally, simply asking a petitioner to state why they “need” the records will also lead to overly general explanations that do nothing to establish the good cause burden. The good cause analysis does not focus on why a person needs the records; it centers on whether the person has shown sufficient justification to receive the records. Petitioners will likely resort to vague language such as, “I need these records to prove my RJA claim,” instead of showing the specific facts that demonstrate an RJA violation occurred, as required by <i>Young</i>. The misleading language in Item 6 will likely result in unnecessary litigation and consumption of judicial resources. Litigants, unless represented by an attorney familiar with <i>Young</i>, will likely not know that they must state their plausible justification for the	discovery request on a finding of good cause. See committee responses to specific comments above. See committee responses to specific comments above. See committee responses to specific comments above. See committee responses to specific comments above.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		records and address the six other factors. Numerous baseless motions would be filed that the court will need to read and deny. Additionally, this Office is concerned that the forms incorrectly suggest that in a final judgment, a freestanding motion for RJA discovery could be filed even though there is no on-going criminal action. “ ‘[T]here is no statutory authority for a trial court to entertain a postjudgment motion that is unrelated to any proceeding then pending before the court. [Citation.] Indeed, a motion is not an independent remedy. It is ancillary to an on-going action and implies the pendency of a suit between the parties and is confined to incidental matters in the progress of the cause. As the rule is sometimes expressed, a motion relates to some question collateral to the main object of the action and is connected with, and dependent on, the principal remedy. [Citation.] In most cases, after the judgment has become final, there is nothing pending to which a motion may attach.’ ” (<i>People v. Picklesimer</i> (2010) 48 Cal.4th 330, 337, quoting <i>Lewis v. Superior Court</i> (2008) 169 Cal.App.4th 70, 76-77, internal quotation marks omitted.) Exceptions to this rule do exist “where the Legislature has expressly authorized such a motion.” (<i>Ibid.</i>, fn. 2.) But, as one Court of Appeal has held, “The Legislature did not create an exception to the general rule for discovery motions under the RJA.” (<i>In re Montgomery</i> (2024) 104 Cal.App.5th 1062, 1069, review granted Dec. 11, 2024, S287339, 559 P.3d 613; but see <i>People v. Serrano</i> (2024) 106 Cal.App.5th 276, 291, review granted Jan. 15, 2025, S288202, 561 P.3d 847 [holding the Legislature did create a statutory exception under the RJA for freestanding discovery motions].) The RJA “does not authorize a freestanding motion for discovery; it only authorizes discovery in a pending proceeding in which the defendant has alleged a violation [of the RJA].” (<i>Montgomery, supra</i>, at p. 1071.) Thus, in postjudgment cases, a litigant would not be entitled to request RJA discovery until the court has otherwise regained jurisdiction over the case, such as through an order to show cause on a petition for writ of habeas corpus. (<i>Ibid.</i>) Notably, there is a split of authority on this issue, and the California Supreme Court has granted review on both <i>Montgomery</i> and <i>Serrano</i> to resolve it. Until this split is resolved, trial courts have the discretion to follow whichever case it finds more persuasive. (<i>Auto Equity Sales v. Superior Court</i> (1962) 57 Cal.2d 450, 456). Indeed,	See committee responses to specific comments below. See committee responses to specific comments below. See committee responses to specific comments below. The committee appreciates this comment but chose not to recommend this change because the current split of authority as

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			many trial courts in our jurisdiction are either following <i>Montgomery</i> or denying freestanding discovery motions without prejudice with leave to file again after the Supreme Court's decision. Accordingly, because this issue is in active pending litigation, it may be premature to issue the form until the California Supreme Court's renders a decision. Accordingly, while an RJA discovery motion can certainly be filed at any point during a pending case not yet reduced to final judgment (subject to the statute's timeliness provision), the same cannot be said in cases reduced to final judgment. The ability to file such a motion in a final judgment will require that the judgment first be "re-opened," either by the filing of a motion pursuant to section 1473.7 or the issuance of an order to show cause in a petition for writ of habeas corpus. Prior to those circumstances, there is no ability to file a motion for discovery in a final case because there is no on-going action. The forms do not make this clear to litigants and again will cause unnecessary litigation and consumption of resources to address. <u>The Proposed Forms' Timeliness Provisions.</u> With respect to Item 4 in Proposed Form JV-720, we would ask that this item be expanded. As it currently is written, it only asks the petitioner to state when they learned of the alleged violation. It does not ask them to elaborate on any reason for a delay between discovering the violation and filing the motion. The forms again oversimplify a complex legal analysis and incorrectly inform both litigants and the juvenile courts as to the proper standard. Section 745, subdivision (c) states that an untimely RJA motion may be deemed waived by the court. The statute does not itself define timeliness. Timeliness, however, has long been a point of analysis in a writ of habeas corpus. Given that RJA claims will be pursued by such a writ petition, the discussion of timeliness in the habeas corpus context is certainly relevant.	noted by the commenter remains unresolved. To the extent that the resolution of the issue may require changes to the forms, they can be revised in the future, if necessary. The committee appreciates this comment but chose not to recommend this change because the commenter's concern appears to be unwarranted. Form JV-720 is designed to be submitted either in a pending case or in a case in which the applicant is requesting vacatur of their adjudication; accordingly, a situation in which a freestanding motion for discovery would be filed without an on-going juvenile proceeding is unlikely to occur. See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			“A criminal defendant, like any other party to an action, may not sit on his or her rights.” (<i>In re Seaton</i> (2004) 34 Cal.4th 193, 199-200.) A petition for writ of habeas corpus is timely if it filed without “substantial delay,” which is measured from the time the petitioner knew, or reasonably should have known of the legal claim and the information offered in support of that claim. (<i>In re Reno</i> (2012) 55 Cal.4th 428, 460-461.) If there is substantial delay in the filing of the petition, the court then determines whether the petitioner has shown good cause for the delay. (<i>Ibid.</i>) If there is no good cause, the petition is barred as untimely unless the petitioner can show one of four very narrow exceptions applies to the case. (<i>Ibid.</i>) This analysis applies to all petitions for writ of habeas corpus and provides useful guidance for evaluating timeliness in pending cases as well. Thus, in contradiction to what the proposed form suggests, the inquiry of timeliness is much greater than the date a person learned about the alleged RJA violation. The timeliness component considers also when the petitioner <i>should have</i> known about the claim and why it was not pursued sooner. It considers the diligence with which the claim was brought to court. The reasonableness of this diligence will turn on the complexity of both the facts and legal issues in the case. Accordingly, it is this Office’s position that there is no concrete definition of a “timely motion” that can be applied in every case. Though this Office believes that this provision would best be addressed in separate pleadings where this analysis is fully fleshed out, if this Committee is inclined to include a timeliness component on the forms, they should prompt the litigant to explain and justify the diligence with which they pursued their claim and why it could not have been brought sooner. <u>The Proposed Forms’ Provisions on Remedies</u> This Office further observes that Proposed Form JV-723 may confuse judges because it does not properly articulate the legal standards for remedies under the RJA. Item 5 lists the remedies articulated in section 745, subdivision (e). However, in Item 5(c), the form states: “The court orders the following additional remedies.” This provision should be stricken from the form because the court has no authority to impose a remedy outside of those specifically listed in section 745, subdivision (e).	See committee responses to specific comments below. The committee appreciates this comment and is recommending the deletion of item four, “Discovery of violation,” from form JV-720 and its corresponding reference to timeliness. The current forms are designed for the parties to litigate the issue of timeliness in separate pleadings. See committee responses to specific comments below. The committee appreciates this comment but chose not to recommend this change because Penal Code section 745(e)(4)

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			In a recent decision, <i>R.D. v. Superior Court</i> (2025) 108 Cal.App.5th 1227, 1233, the Court of Appeal addressed section 745, subdivision (e)(4) which states, “The remedies available under this section do not foreclose any other remedies available under the United States Constitution, the California Constitution, or any other law.” The defense argued that this provision allowed a court to dismiss a case even though dismissal is not specifically delineated in section 745, subdivisions (e)(1)-(2). (<i>Id.</i> at p. 1239.) The Court rejected that argument and instead held: “Considering the language of section 745, subdivision (e)(4) and the statute as a whole, we conclude the RJA does not authorize dismissal of one or more charges as a remedy. Rather, subdivision (e)(4) clarifies that the remedies provided for by the RJA do not preclude the minor from seeking relief under other statutes or constitutional provisions.” (<i>Id.</i> at p. 1242.) Thus, dismissal may only be a remedy “if requested under the authority of the state or federal constitution or ‘any other law’ and accompanied by the requisite showing under that authority.” (<i>Id.</i> at p. 1244.)	states that a court may impose additional remedies “available under the United States Constitution, the California Constitution, or any other law.” The committee appreciates this comment. As noted by the commenter, in <i>R.D. v. Superior Court</i> (2025) 108 Cal.App.5th 1227, the defense argued that section 745(e)(4) authorized the dismissal of one or more charges as a remedy for a violation of the act. Although the court rejected that argument, it held that “the remedies provided for by the RJA do not preclude the minor from seeking relief under other statutes or constitutional provisions.” Thus, even if dismissal of charges is not a specific remedy a court may consider, other remedies “available under “other statutes or constitutional provisions” may nevertheless be ordered. As drafted, nothing on form JV-723 mandates a court to order a remedy upon finding of a violation of the act; instead, the checkboxes on the form allow a court to order remedies if it finds the imposition of a remedy appropriate.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Also importantly, the Court of Appeal held that section 745, subdivision (e) does not even require a trial court to impose a remedy for a prejudgment RJA violation if there is not a remedy applicable to the specific violation. (<i>R.D., supra</i>, 108 Cal.App.5th at pp. 1246-1248.) For example, if the case has not gone to trial, the remedy of declaring a mistrial will not be an available option. (<i>Ibid.</i>) And, for dismissing enhancements or reducing charges, the statute conditions those remedies on a finding of it being in the interests of justice to do so; thus, the court has discretion not to reduce charges or dismiss enhancements. (<i>Ibid.</i>) Accordingly, Proposed Form JV-723 is misleading as it is currently written. Item 5(c) suggests that the court can provide a remedy <i>under the RJA</i> outside of those specifically listed in section 745, subdivision (e), such as a dismissal, when it cannot. Items 5(a) does not reflect the court's discretion to refrain from providing a remedy if there is not one specific to the violation. Item 5(a)(2)-(4) also does not provide for the interests of justice finding the court must make when deciding whether to impose one of those remedies. The forms do not adequately reflect the legal standards the trial court must follow in providing a remedy. Again, by oversimplifying the court's obligations, the use of the form as written will likely lead to erroneous rulings. In sum, this Office continues to have significant concerns about the proposed forms given their incorrect or incomplete articulation of the application legal standards. Their current state will likely result in a high volume of frivolous motions and could mislead both litigants and courts as to the appropriate analysis, further congesting our already impacted courts.	See committee responses to specific comments above. See committee responses to specific comments above. The committee appreciates this comment and has recommended the refinements identified in its responses, above.
5.	Orange County Bar Association by Mei Tsang, President	A	Amends forms for Racial Justice Act motion in juvenile court. 1) Yes the proposal appropriately addresses the stated purpose 2) Yes the language is clear for self-represented litigants	No response required.
6.	Superior Court of Los Angeles County by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "Juvenile Law: Racial Justice Act Forms," the Court agrees with the proposal and its ability to appropriately address its stated purpose. The Court also finds that the language in forms JV-720 and JV-720-INFO is clear and accessible for self-represented litigants.	The committee appreciates this comment. No response needed.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: Training for staff, Updating policies and procedure, Updating macros, event codes, and forms in the case management system Lastly, the Court agrees that three to six 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.	The committee appreciates this comment. These implementation requirements are noted in the report. The committee appreciates this comment. The committee notes that, under this year's calendar, courts will have two months to implement, and, based on comments from other courts, anticipates that this will be sufficient.
7.	Superior Court of Orange County (no name provided)	A	<u>Does the proposal appropriately address the stated purpose?</u> Yes, the proposal appropriately addresses the stated purpose. <u>Is the language in forms JV-720 and JV-720-INFO clear for self-represented litigants? Please provide any specific suggestions for improvements.</u> Yes, the language as presented in the proposed JV-720 and JV-720-INFO forms appears to be clear for self-represented litigants. <u>Would the proposal provide cost savings? If so, please quantify.</u> No, the proposal does not appear to provide cost savings. <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 will require providing communication to judicial officers and court staff, revising current procedures, and updating the case management system. <u>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u>	The committee appreciates this comment. No response needed. No response needed. The committee appreciates this comment. These implementation requirements are noted in the report.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Yes, two months would provide sufficient time for implementation in Orange County.	No response needed.
			<i>How well would this proposal work in courts of different sizes?</i> Our court is a large court, and this could work for Orange County.	No response needed.
8.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Is the language in forms JV-720 and JV-720-INFO clear for self-represented litigants? Please provide any specific suggestions for improvements. A: Mostly, yes. Please see suggestions below. Q: Would the proposal provide cost savings? If so, please quantify. A: No. 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: Updating internal procedures and local packets, preparing for new service requirements for self-represented litigants, training staff, and notifying judicial officers. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes. General Comments JV-720-INFO: “Or, you might request records of people charged with offenses similar to yours in the same county to show that people that share your race, ethnicity, or	The committee appreciates this comment. No response needed. See committee responses to specific comments below. No response needed. The committee appreciates this comment. These implementation requirements are noted in the report. No response needed. No response needed. The committee appreciates this comment but chose not to

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			national origin tend to be charged with more serious offenses.” This should be part of the prior bullet, rather than its own bullet. Also, it suggests that a person can obtain records of other juveniles, which would not be allowed under WIC 827. Maybe it should say “data regarding” instead of “records of.”	recommend this change because it would result in readability issues. The committee notes that even if the current language of the form suggests that confidential records under Welfare and Institutions Code section 827 may be discoverable, form JV-722 provides that a court may decline to order the production of records if “a statutory privilege cannot be adequately protected by redaction or a protective order.”
			JV-721: Add an item to deny the request if the court finds it is untimely or the applicant is not eligible for relief. Maybe change the name of the form to “Ex Parte,” rather than “Preliminary.”	The committee appreciates this comment but chose not to recommend this change because issues of timeliness and eligibility are best addressed after the potential appointment of counsel.
			JV-722: Add a place for a finding in item 2 that the information sought is/is not in the possession or control of the state. Add a place in 4b for an order denying the request for discovery because the information sought is not in the possession or control of the state.	The committee appreciate this comment but chose not to recommend this change because the issue identified by the commenter is already encompassed within the requirement of establishing good cause for the disclosure of discovery.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
9.	Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (TCPJAC/CEAC) Joint Rules Subcommittee (JRS)	A	JRS: Position: Agree with proposed changes. The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: • Impact on existing automated systems. - o Case management systems will need to be updated to include the either the new forms, a link to the forms, or both. • Results in additional training, which requires the commitment of staff time and court resources. - o Clerical staff will need to learn how to locate and process the forms. Training will also be needed on how to send the form to the DA and Probation. For courts with Self Help attorneys for RJA motions - they will need to learn to navigate the forms so that they can assist petitioners. If the court prints the forms, there will be a cost. If the forms can be filled out online and printed by petitioners, that cost could be borne by petitioners. Request for Specific Comments Two months to implement the proposal may be short. Depending upon a court's case management system and resources, three months may be better.	The committee appreciates this comment. No response needed. The committee appreciates this comment. These implementation requirements are noted in the report. The committee appreciates this comment. The committee notes that, under this year's calendar, courts will have two months to implement.
10.	Youth Law Center by Meredith Desautels, Directing Attorney	NI	I write on behalf of the Youth Law Center to comment on the revised proposed forms for juvenile court claims under the Racial Justice Act. We're grateful for the opportunity to comment on these proposed forms. They're detailed and extensive and reflect the great amount of time and effort that must have gone into their development. We offer the comments below to address a few select issues regarding the revised proposed forms.	The committee appreciates this comment.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		The Youth Law Center (YLC) is a public interest law firm that advocates on behalf of children in the foster care and juvenile delinquency systems to ensure they have the supports and services they need to become healthy and productive adults. Since its inception, California’s juvenile delinquency system has disproportionately impacted youth of color, an injustice that YLC has worked for decades to address. We believe that ensuring that youth can pursue Racial Justice Act (RJA) claims in juvenile court is essential to advancing justice in California. The following comments are intended to increase clarity regarding RJA claims, and to ensure that all youth with RJA claims can pursue relief in juvenile court. <u>A. RJA Eligibility</u> In two places, the proposed forms appear to set forth an overly narrow view of eligibility under the Racial Justice Act. First, the “Request for Relief” form (JV-720) allows the applicant to check one of three boxes under “Eligibility.” The first box is “a. My juvenile court case is still pending or I am currently on juvenile probation.” This language does not clearly capture all eligibility under the RJA, which applies to “all cases in which judgment is not final” (Penal Code § 745(j)(1)). For example, a youth whose case has been adjudicated and who is currently serving a dispositional commitment likely would not consider their case to be “pending,” but their case is also not yet final, as it remains under juvenile court jurisdiction. We recommend adding language to be inclusive of all cases currently under the jurisdiction of the juvenile court (as specified below). Second, the “Information” form (JV-720-Info) has a misleading explanation related to RJA eligibility under the section “Who can file a request under the RJA?” This section states that if the applicant does not fall under one of the three listed categories, the applicant cannot file an RJA request. This statement is overbroad because it does not consider the possibility that an applicant who may be ineligible to file in juvenile court could be eligible to file in adult criminal court instead. We recommend adding language to advise the applicant that if they’re ineligible for a juvenile court RJA claim, they might still be eligible to file an adult court RJA claim. <u>Summary of Recommendations:</u> 1. Amend language in JV-720 under “Eligibility” (p. 10):	No response needed. See committee responses to specific comments below. See committee responses to specific comments below. The committee appreciates this

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			“My juvenile court case is still pending or I am currently on juvenile probation or my case is currently under the jurisdiction of the juvenile court.” 2. Amend language in JV-720-INFO under “Who can file a request under the RJA?” (p. 13): “Who can file a request under the RJA <u>in juvenile court?</u>” If none of the above apply, you cannot file an RJA request in juvenile court; <u>however, you may be eligible to file in adult court.</u>”	comment and is recommending that item 1a on form JV-720 now read “My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or placement because of a juvenile delinquency case.” and that the first bullet point under “Who can file a request under the RJA?” on form JV-720-INFO now read “Your juvenile court case is still pending, you are currently on juvenile probation, or you are in custody or placement because of a juvenile delinquency case.” The committee appreciates this comment and is recommending that the first sentence under “Who can file a request under the RJA?” on form JV-720-INFO now read “You can file a request under the RJA in juvenile court if:” and that the last sentence under “Who can file a request under the RJA?” on form JV-720-INFO now read “If none of the above apply, you cannot file an RJA request in juvenile court; however, if you had a court date in adult criminal court, you may still be

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
			eligible to file an RJA request in that court.”
		B. Timeliness of RJA Claim The question of whether an RJA claim is timely is a complex, fact-dependent question that is inappropriate for the court to resolve in the preliminary findings. As described on page 4 in the Committee’s request for comment, an RJA claim will be subject to a timeliness requirement of filing “as soon as practicable” after the applicant learns of the violation (PC § 745(c)), or “without undue delay from the date the moving party discovered or could have discovered with the exercise of due diligence” the basis of the violation. (PC § 1473.7(c).) Applying these standards will require a nuanced factual inquiry, particularly because of the high stakes of a potential waiver of valid claims if the court concludes that the application is untimely. As currently drafted, both the application form (JV-720) and the preliminary findings form (JV-721) prevent the court from giving fair and appropriate consideration to the question of timeliness and waiver. Instead, the proposed forms present timeliness essentially as a screening question that can be posed and disposed of as a preliminary matter. Amendments to both forms are needed to delay the timeliness inquiry until after appointment of counsel and to ensure that the court is presented with the necessary facts to make a proper determination of timeliness under the law. First, the application form must be amended so that <i>pro per</i> applicants do not mistakenly waive valid RJA claims. The current draft uses confusing language to ask the applicant to provide the date they learned of the “grounds described in item 3,” and also does not solicit any other relevant facts. Youth are unlikely to understand how to identify a specific date, or how to present relevant facts that could serve as grounds to justify the passage of time between learning of the violation and filing the application. Because of the complexity of this issue, we recommend that the question regarding “Discovery of the violation” be removed from the form so that it can be addressed after the appointment of counsel. In the alternative, the language should be modified, both to clarify the question being asked to mirror the same language used in JV-720-INFO (p. 14), and to allow the applicant to state that they are not yet able to answer the question (as specified below).	See committee responses to specific comments below. See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		Second, the timeliness findings to be made by the court should be removed from the “preliminary” findings form (JV-721) and instead added to the “findings and orders after initial hearing” form (JV-722). The current placement of the timeliness finding suggests that the question of timeliness is simple and can be disposed of even before the appointment of counsel. By moving the timeliness question to the findings made after an initial hearing, the applicant will have the benefit of counsel, and the court can ensure that there is sufficient factual basis before it on which to make its timeliness determination. The court should also have the option to hold that additional facts are needed to make its determination (as specified below). Summary of Recommendations: - Remove, or in the alternative, amend language in JV-720 regarding “Discovery of violation” (p. 11): Discovery of violation (<i>check one</i>) ☐ <u>I discovered that the Racial Justice Act was violated in my case on or about (date): _____.</u> <u>Or</u> ☐ <u>I am unsure of the date that I learned that the Racial Justice Act was violated in my case.</u> - Remove timeliness language from JV-721 (p.16): <u>Case Status</u>~~Timeliness~~ ☐ <u>The court finds that the applicant’s case is pending before the juvenile court or otherwise subject to the jurisdiction of the juvenile court.</u> ☐ ~~The court finds that applicant’s request was / was not filed in a timely manner.~~ ☐ The court finds the applicant’s case is no longer pending and does/does not qualify for retroactive application under Penal Code section 745(j).	See committee responses to specific comments below. The committee appreciates this comment and is recommending the proposed change by removing the question regarding “Discovery of the violation.” The committee appreciates this comment and decided to remove the timeliness section from form JV-721 because a finding of timeliness is not affirmatively required under the RJA. The further proposed amendments are moot given the removal of this section.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		3. Add modified timeliness language to findings and orders in JV-722 (p. 18): FINDINGS ☐ <u>Timeliness</u> ☐ The court finds that the applicant’s request was or was not filed in a timely manner. ☐ The court does not have sufficient information to make a timeliness determination. ORDERS ☐ <u>Timeliness</u> ☐ <u>The orders [sic] the applicant to provide additional information with respect to the timeliness of the claim.</u>	The committee appreciates this comment but did not recommend the suggested change. Because the RJA does not affirmatively require a court to make a finding of timeliness, the issue of timeliness was removed from the forms.
		C. Appointment of Counsel for Pro Per Applicants The appointment of counsel for RJA claims is uniquely necessary in juvenile court. Youth are unlikely to have the expertise needed to effectively present their claims, request discovery, or conduct the comparative or statistical analysis needed to support their claims without the assistance of counsel. In addition, discovery motions and orders will be needed because juvenile court records are not public and cannot be obtained without court orders. The discovery required to litigate juvenile court RJA claims will be highly confidential, typically involving juvenile records from other similarly situated youth. To put it more simply, juvenile court RJA claims entail all the same complexities as every other juvenile court proceeding, and there is a clear statutory right to counsel for juvenile court proceedings at every stage, including for RJA claims (<i>See</i> Welf. & Inst. Code, §§ 633, 634, 700). Given the importance of counsel for these claims and the statutory basis for appointment of counsel, we recommend that the preliminary findings form (JV-721) be amended to reflect the same standard for appointment that is set forth	See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			in Rule of Court 5.534. Under this standard, counsel is to be appointed absent a knowing and intelligent waiver. <u>Summary of Recommendations:</u> - Amend language in JV-721 regarding appointment of counsel (p. 16): ☐ Appointment of Counsel ☐ The court grants the request for appointment of counsel <u>pursuant to Rule 5.534 of the California Rules of Court.</u> ☐ <u>The court finds that the applicant has made a knowing and intelligent waiver of counsel because:</u>	The committee appreciates this comment and is recommending the proposed change, with minor edits.
			D. Supporting Facts The “Supporting Facts” section of the proposed application form is likely to create confusion and should be amended to ensure that <i>pro per</i> applicants understand that they are not required to prove their claim at the initial application stage. (<i>See Young v. Superior Court</i> (2022) 79 Cal.App.5th 138, 147). As currently drafted, the “Supporting Facts” section prompts the applicant to explain the facts supporting their claim. This section directs the applicant to “Give details,” then lists the types of records the applicant could attach to support their request. The wording of this section is very likely to mislead a <i>pro per</i> applicant into believing that they must have detailed evidence at the application stage in order to succeed, and as a result may serve as a deterrent to filing meritorious claims. To ensure that <i>pro per</i> applicants are not dissuaded from filing an application, changes should be made to the application form (JV-720) to de-emphasize the need for supporting facts at the first step. Specifically, the “Supporting facts” section should be moved below the “Disclosure of evidence” section, so that there is a clearly communicated expectation that the applicant will be requesting additional facts to support their claim. In addition, language should be added to give context for the statement of facts, ensuring that the applicant understands that they will be able to add to their supporting facts through discovery and at subsequent stages in the adjudication of their claim.	See committee responses to specific comments below. See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Summary of Recommendations: - Reverse the order of “Supporting Facts” and “Disclosure of evidence” in JV-720 (p. 11-12), so that “Disclosure of evidence” comes first in the form. - Amend the language for the “Supporting Facts” section in JV-720 (p. 11): “Describe what happened <u>to the best of your knowledge</u>. For each violation you claim in item 3 above, explain the facts that support it, <u>and include any details you currently have</u>. It is <u>not necessary for you to have all of your supporting facts at this stage of your application</u>. <u>After your initial application, and after you receive any discovery ordered by the court, you will have an opportunity to amend this statement of facts.</u> <i>(If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available you have them, you can attach declarations, relevant records, transcripts, or other documents supporting your request.)</i>	The committee appreciates this comment. The committee chose not to recommend this change and instead is recommending amending the instructions to the “Supporting Facts” section, as suggested in 2. The committee appreciates this comment. The committee recommends amending the language for the “Supporting Facts” section as follows: “Describe what happened to the best of your knowledge. You are not expected to have access to all facts or evidence at this time. After the court appoints counsel or grants discovery, you will have an opportunity to amend this statement of facts. <i>(You may attach declarations, records, or other documents if available, but you are not required to submit this form. You may use form MC-025, titled as Attachment 4a, for any additional pages.)</i>.”
			E. Discovery Request As per our comment above, we believe that discovery requests under the RJA are highly sensitive and that the appointment of counsel will be necessary for the court to properly evaluate the discovery request and fashion appropriate orders. For these reasons, we	See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			suggest limiting the discovery question on the application to simply prompt the applicant to check the box indicating that they want to make a request for discovery, and deleting the subsections following this question. That said, we understand that the Committee may still decide to include a space in the application form for a detailed discovery request to enable applicants who have waived the right to counsel to present such a request. If a discovery request is to be included in the application form, we believe that more detailed guidance is needed to enable the applicant to make an effective request. Ideally, an effective discovery question would provide checkboxes for each of the types of arrest records, case records, and statistical records that are needed for each of the possible RJA claims. We believe that such a detailed list would be highly beneficial, but that it would require input from researchers and statisticians with expertise in this area. Also, given the complexity of such a detailed list, it might work best as a standalone discovery request form that the applicant could attach to their application. If a separate, detailed discovery form is not possible, we recommend that the discovery request in the application form offer at least general categories of records, which would enable a <i>pro per</i> applicant to initiate a request for consideration by the court. <u>Summary of Recommendations:</u> 1. Amend the “Disclosure of Evidence” section in JV-720 (p. 12) by deleting subsections (a) and (b), so that the applicant is only required to check the request box and no additional information is solicited at the application stage. 2. Alternatively, develop a standalone discovery request form that includes a detailed list of checkboxes to enable a <i>pro per</i> applicant to make an effective discovery request.	See committee responses to specific comments below. The committee appreciates this comment and is recommending the addition of a second checkbox under “Disclosure of evidence” on form JV-720 that reads “I will request disclosure of evidence after an attorney is appointed to represent me.” No response needed.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		3. Alternatively, provide a list of checkboxes in JV-720 (p. 12) to prompt the applicant to indicate the broad categories of evidence that they wish to request in discovery: “6. Disclosure of evidence ☐ I request disclosure of evidence relevant to a potential violation of the Racial Justice Act <i>(If you checked the box, complete items a and b below. You can add to this request after counsel is appointed.)</i> a. I need the following types of evidence: ☐ <u>I don’t know what type of evidence I need and request discovery upon appointment of counsel</u> ☐ <u>I request all evidence relevant to a potential violation of the Racial Justice Act in the possession or control of the state</u> ☐ <u>Transcripts</u> ☐ <u>Police Reports</u> ☐ <u>Records from my juvenile case file</u> ☒ <u>De-identified or redacted arrest records or juvenile case file records of other youth who were similarly situated to me, disaggregated by race of the youth</u> ☐ <u>De-identified or redacted arrest records or juvenile case file records of other youth who were similarly situated to me, disaggregated by race of the victim</u> ☐ <u>Statistical data related to my claim from the juvenile court, district attorney’s office, probation department, or law enforcement agency, disaggregated by race</u> ☐ <u>Other:</u>	No response needed.
		F. Notifying Counsel of Former Counsel of Pro Per Application We believe that it would be beneficial to both the <i>pro per</i> applicant and the court to include the applicant’s counsel or former counsel in the list of individuals to be served	See committee responses to specific comments below.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			with a copy of a <i>pro per</i> application. As stated above, we firmly believe that counsel should be appointed in RJA cases, and this process can be expedited if the applicant's current or former attorney receives notice when an RJA claim is filed. The court clerk could include the attorney of record, along with the probation department and prosecuting attorney, in the list of individuals to be served a <i>pro per</i> application. The courts follow a similar procedure for petitions filed pursuant to Welf. & Inst. Code section 827, which is served by the clerk on the attorney of record (<i>see</i> JV- 569) when the petitioner is unable to do so. If it is not possible to require the clerk to serve the attorney of record when the application is filed <i>pro per</i>, then we would suggest at a minimum that the applicant be advised in the "information" form (JV-720-INFO) that it would be a good idea to send a copy to their attorney or former attorney. <u>Summary of Recommendations:</u> a. Provide directions to the court clerk that, for <i>pro per</i> applicants, the application should be served on the probation department, the prosecuting attorney, and the attorney of record for the case. b. Alternatively, amend the language in JV-720-INFO (p. 14) to advise the applicant to provide a copy to their attorney on the case: "Once you have filled out form JV-720, take or mail it to the court clerk's office in the court where the last court date was held. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed. <u>It is also a good idea to provide a copy of the form to the lawyer who represented you in your case, or to the Public Defender's Office in the county where you filed your application.</u>"	The committee appreciates this comment and is recommending that the first sentence of the fifth bullet point on page one of JV-720 read "The court will serve this form for you on the district attorney, the probation department, and your current attorney." The committee appreciates this comment but chose not to recommend the proposed change. Given the amendment above, the alternative suggestion is moot.

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

SP25-18

Juvenile Law: Racial Justice Act Forms (approve forms JV-720, JV-720-INFO, JV-721, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			We want to thank you again for the opportunity to provide comments on these very important forms. We hope you will take our recommendations into consideration, and we would be happy to answer any questions you may have about our comments. Please do not hesitate to contact us if we can be of any further assistance.	The committee appreciates this comment.

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

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
1.	Rose D. Angulo, Deputy Public Defender – Racial Justice Act Attorney, Orange County Public Defender’s Office	AM	Hello, I am a deputy public defender in Orange County. I am currently doing full-time Racial Justice Act litigation. I have read the proposed form and request for comments. After having worked on RJA issues for a year, my position is that counsel should be appointed in all juvenile RJA cases, unless the petition seems frivolous on its face. There are a number of reasons why counsel is important. Preparing a viable RJA claim requires working with academic experts in sociology, statistics, ethnic studies, data science, sociolinguistics, etc. It requires educating academics on how to properly format a document that will be acceptable by a court. It requires access to social science research data bases to supplement briefs with current peer-reviewed journal articles. And that is often just to make it past a prima facie showing. I imagine it would be extremely difficult for someone who does not have access to the proper resources to develop a strong petition, EVEN IF THEY HAVE A RIGHTEOUS RJA CLAIM. Given that issues of race are inextricably intertwined with socioeconomics, not appointing counsel could exacerbate the racial disparities the RJA seeks to remedy. Another comment on the forms is that as currently proposed, it would be almost impossible for any litigant to obtain discovery necessary for a 745(a)(3) or (a)(4) claim. The form should have a specific box requesting county-specific prosecution data. The only agency that keeps data showing the race of juveniles who were arrested but NOT charged with a crime is the district attorney's office. Without having access to this data, there is no way to make the required showing under (a)(3) and (a)(4). This problem is magnified on the juvenile level due to WIC 827 privacy issues. While not directly related to the language on the judicial council form, we need to think seriously about requiring each county to anonymize the prosecution data related to arrest, charging decisions, plea bargains, diversion, convictions, sentences, etc, and to make the data available to	The committee appreciates this comment. The committee appreciates this comment but did not recommend it in the proposal that was recirculated for comment because it expects that applicants will be generally represented by appointed counsel who will be better able to address the complexity of this issue through case-specific litigation. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			any RJA litigant. Without that, the RJA becomes mere performative legislation.	
2.	Fatherly Freedom Inc., Twain Harte by Nathanael Smith	N	[Comment submitted not relevant to proposal or Racial Justice Act.]	No response necessary.
3.	Office of the State Public Defender by Galit Lipa, State Public Defender, Christina Spaulding, Chief Deputy State Public Defender, Caneel Fraser, Director, Indigent Defense Improvement Division, Lisa M. Romo, Racial Justice Attorney, Brooke L. McCarthy, Non-Capital Racial Justice Act Attorney	NI	The Office of the State Public Defender (OSPD) submits these comments in response to the Invitation to Comment SP24-07. Our comments address several of the Advisory Committee's requests for specific comments and emphasize the importance of appointment of counsel early in Racial Justice Act proceedings. Since the Racial Justice Act (RJA) was enacted in 2020, OSPD has provided numerous trainings on the RJA, filed several amicus briefs¹ concerning the proper interpretation of the statute, and is actively litigating RJA issues in our own cases. ----- ¹ <i>People v. Lashon</i> (2023) 93 Cal.App.5th 136, review granted Nov. 15, 2023, S282159, <i>Finley v. Superior Court</i> (2023) 95 Cal.App.5th 12, <i>Young v. Superior Court</i> (2022) 79 Cal.App.5th 138, <i>Harris v. Superior Court</i> (B313302) review den. July 1, 2021, S269619, and <i>Flores v. Superior Court</i> (G060445) review den. Nov. 10, 2021, S270692. <i>People v. Wilkins</i> (A169920), petition for review granted and transferred with directions to issue an order to show cause June 18, 2024, S284457. ... OSPD is concerned with ensuring that the RJA is implemented broadly, as the Legislature intended, to eradicate racial disparities in the criminal legal system. (Stats. 2020, ch. 317, § 2, subd. (i).) Additionally, our comments aim to address the practical barriers and challenges faced by youth in the legal system. According to the Office of Juvenile Justice Delinquency Prevention, approximately one-third of youth who are detained in juvenile	The committee appreciates the commentator's responses. The committee's specific responses are below. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			facilities have a disability.² Similarly, “studies of detained and committed youth have shown that their math and reading scores range from 3 to 6 years below their nominal grade level.”³ ----- ² Office of Juvenile Justice and Delinquency Prevention, <i>Literature Review: A Product of the Model Programs Guide</i> (May 2017) available at https://tinyurl.com/ojjdp-youth-disabilities, last accessed July 9, 2024. ³ Office of Youth and Community Restoration (OYCR), <i>Building Higher Education Pathways for Youth in Secure Treatment Facilities in California: A Call to Action</i> (2024) available at https://tinyurl.com/OYCR-BuildingHigherEdu, last accessed July 9, 2024. ... Recognizing these realities and the complexities posed by RJA litigation, early appointment of counsel to develop RJA claims is especially critical in the juvenile court setting. The following comments seek to ensure the Legislature’s intent of meaningful relief for individuals impacted by racial bias and disparities in the juvenile system is effectuated. Appointment of Counsel In its request for specific comments, the Advisory Committee (“the Committee”) asks whether the court should appoint counsel for all unrepresented litigants. (Invitation to Comment, at p. 8.) The Committee is clear that the RJA “implicate[s] an individual’s substantial rights” and that “appointing counsel for unrepresented applicants would serve the purpose of the act.”⁴ (Invitation to Comment, at p. 4.) ----- ⁴ Furthermore, under section 1473, subdivision (e), an applicant is entitled to the appointment of counsel if requested and after alleging facts that would establish a violation of the RJA or after the State Public Defender requests counsel be appointed. Because the Legislature gave the State	The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Public Defender authority to request appointment of counsel for RJA petitioners, including those filed in juvenile court, OSPD has a particular interest in how this provision is applied. ... OSPD agrees with the Committee's assessment in light of the unique nature of juvenile proceedings and the disadvantages faced by unrepresented individuals trying to advance RJA claims in juvenile court. Furthermore, OSPD believes that consistent, early appointment of counsel will likely conserve judicial resources as exemplified through the implementation of former section 1170.95. As the California Supreme Court stressed in <i>People v. Lewis, supra</i>, 11 Cal.5th at p. 966, it was contrary to the remedial intent of the statute, and short-sighted, to create a two step process whereby many petitions were rejected, without counsel ever being appointed, only to have that determination reversed on appeal. (<i>Id.</i> at pp. 969-970.) As the high court recognized, both applicants and the courts benefit if counsel is appointed at the earliest opportunity, to help develop and present the claim to the trial court in the first instance. (<i>Lewis, supra</i>, at p. 970.) <i>Lewis's</i> holding was subsequently codified by Senate Bill 775 (Stats. 2021, ch. 551, § 1, subd. (b).) The considerations highlighted by <i>Lewis</i> carry even greater significance in the context of the RJA, particularly for youth seeking relief under the statute where procedural defaults or simple mistakes could leave the effects of racial bias intact. For example, establishing violations of section 745, subdivisions (a)(3) and (4) may require complex statistical evidence that a pro se applicant is ill-equipped to develop. The statute contemplates that to develop such claims applicants may request information pursuant to section 745, subdivision (d), and it may be necessary to retain an expert to analyze the data. The assistance of counsel is thus vital even at the preliminary stages of developing these claims.	The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Organization of Proposed Forms As a global comment, OSPD recommends that the organization of substantive items within each of the proposed forms mirror the steps of the RJA process as contemplated by the Legislature in Penal Code⁵ sections 745, 1473, subdivision (e), and 1473.7, subdivision (a)(3). ----- ⁵ All further statutory references are to the Penal Code unless otherwise noted. ... In enacting the RJA, the Legislature established very low thresholds for both appointment of counsel and disclosure of evidence, and specifically provided for the amendment of a petition by counsel before any prima facie determination is made - marked departures from typical habeas procedures. (§ 1473, subd. (e); § 745, subd. (d).) The Legislature also defined a prima facie case under the RJA as “facts that, if true, establish [more than a mere possibility, but less than a standard of more likely than not] that a violation of [the RJA] occurred.” (§ 745, subd. (h)(2).) Each of these decisions by the Legislature emphasizes its intent to remove barriers to relief that have allowed racial bias and disparities to remain unchallenged. Reflecting those decisions in the organization of the content of the proposed forms and reiterating the RJA-specific definitions of each stage therein would maximize clarity for both applicants and the juvenile courts. Specifically, the substantive items in each form should be organized to first address the appointment of counsel, and then requests for disclosure of evidence. Only after those two phases are addressed should the forms invite courts to engage with a prima facie determination, and, lastly, whether a violation itself has been proven by a preponderance of evidence after evidentiary hearing. (See, e.g., § 1473, subd. (e) [detailing order for	The committee appreciates this comment and has accordingly organized the substantive items within each of the proposed forms to be consistent with the steps of the RJA process as contemplated by Penal Code sections 745, 1473, and 1473.7(e) and 1473.7(a)(3). The committee appreciates this comment. The committee appreciates this comment and has organized the substantive items in <i>Preliminary Orders After Request for Relief Under the Racial Justice Act—Juvenile Adjudication</i> (form JV-721) and <i>Findings and Orders After Initial</i>

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			habeas petitions].) Organizing the forms in this way would remind individuals and courts of the “escalating burdens of proof that are evident within the statutory scheme” of the RJA. (<i>Young v. Superior Court</i> (2022) 79 Cal.App.5th 138, 160.) Beyond these global comments regarding the ordering/organization of the forms and the importance of the appointment of counsel, OSPD submits the following form-specific comments. <u>Proposed Form JV-720 – Request for Relief Under the Racial Justice Act</u> The Committee poses multiple “Request[s] for Specific Comments” (Invitation to Comment, at p. 8.) relevant to proposed Form JV-720, which we address here. <i>Item 1: Eligibility</i> The Committee asks whether this form should include a definition of a final “judgment” and whether it should be in Form JV-720 itself or on the information sheet. (Invitation to Comment, at p. 8.) OSPD recommends a simple, plain language explanation be included directly on Form JV-720, immediately following option (a) under Item 1. The language should be specific to juvenile procedures and written for a youth reader to understand.	<i>Hearing on Request for Relief under the Racial Justice Act—Juvenile Adjudication</i> (form JV-722) accordingly. The committee appreciates the commentator’s responses. The committee’s specific responses are below. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee did not endorse this suggestion in the proposal that was recirculated for comment as it was no longer applicable because the reference to final “judgment” was deleted from <i>Request for Relief Under the Racial Justice Act—Juvenile Adjudication</i> (form JV-720). The committee recommends using “My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			<i>Item 4: Discovery of Violation</i> The Committee asks whether a definition of "not timely" should be provided and whether it should be in Form JV 720 itself or on the information sheet. (Invitation to Comment, at p. 8.) OSPD, however, would recommend that Item 4 be stricken in its entirety from Form JV-720 rather than the Committee adding a definition. It is not reasonable that a youth will understand the ramifications of this question or the relevant time or information to provide. For example, they are unlikely to understand if they should note when they learned about the RJA itself or when they learned of the facts that would support a violation. Furthermore, there can be several reasons that justify a delay in raising an RJA violation such as needing to investigate, time to retain an expert, etc. and these reasons are best explained by counsel once appointed. Considering the complexities of this inquiry, issues of timeliness and waiver are best left to the expertise of counsel once appointed on a case. <i>Item 5(b): Judicial Conduct</i> The Committee asks whether Item 5, subsection (b) on Form JV-720 should be a "separately numbered, standalone item to improve its visibility." (Invitation to Comment, at p. 8.) OSPD agrees to reconfigure current Item 5(b) as a standalone, separately numbered item that would properly emphasize the visibility/importance of this question and reduce inadvertent failure to complete this section.	placement because of a juvenile delinquency case" instead of "Judgment in my case is not final." The committee appreciates this comment. The committee appreciates this comment and has deleted the item in <i>Request for Relief Under the Racial Justice Act—Juvenile Adjudication</i> (form JV-720). The committee appreciates this comment. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the reconfiguration was ultimately unnecessary.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			<i>Item 6: Disclosure of Evidence</i> Because youth are less familiar with the legal system and the types of discovery that may be relevant to establishing an RJA claim, OSPD suggests modifying Item 6, subsection (a) to include a checkbox list of commonly requested items, concluding with a catchall “Other” option where applicants could write in additional requests. The checkbox list could include options such as transcripts, probation reports, law enforcement reports, and statistical data, with space/lines under each option for the applicant to provide further specifics on their request. <i>Service Requirement</i> The Committee asks whether self-represented litigants should be required to serve their requests for relief beyond filing with the appropriate court. (Invitation to Comment, at p. 8.) OSPD wholeheartedly agrees with the Committee’s position that a self-represented applicant need only send the completed JV-720 form to the relevant court without further service requirements, consistent with juvenile practices in other contexts. (Invitation to Comment, at p. 5.) Such a procedure acknowledges the limitations on unrepresented applicants, particularly youth, and would reduce barriers to individuals initiating RJA claims, in accordance with the Legislature’s intent that access to relief be far-reaching. Additionally, the Committee indicates JV-720 is designed to be sent by the court clerk to probation and the prosecuting attorney after filing. (Invitation to Comment, at p. 5.) OSPD suggests this design be expanded with a requirement the court clerk additionally send a copy to the last	The committee appreciates this comment but did not recommend it in the proposal that was recirculated for comment because it felt that it would be impractical to develop an exhaustive list of commonly requested items and that the inclusion of such a list would make the form overly complex. Following the current circulation (SPR25-18), multiple commenters offered the same suggestion, which the committee again did not recommend for the same reasons. No response necessary. The committee appreciates this comment and has accordingly recommended the change in the applicable language in <i>Request for Relief Under the Racial Justice Act—Juvenile Adjudication</i> (form JV-720). The committee appreciates this comment but chose not to recommend the suggestion because of the possibility that it could raise confidentiality issues under

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			known counsel for the applicant, or, if unknown, to the Public Defender for the county. <u>Proposed Form JV-720 - INFO</u> OSPD provides the following comments regarding the proposed questions and explanations included on proposed Form JV-720-INFO. “Do I need an attorney?” Recognizing the importance of early appointment of counsel in RJA proceedings and the complexity involved in litigating these claims, OSPD recommends the answer to the “Do I need an attorney?” question be modified to properly emphasize the importance of requesting appointment of counsel, if unrepresented, or contacting prior/existing counsel, when that is an option. For example, JV-060-INFO’s answer to a similar question emphasizes that the “child has a right to an effective and prepared lawyer, who must have specific education and training in juvenile justice cases.” This same right attaches to any open juvenile matter and would encompass counsel’s assistance on an RJA request. Youth also generally benefit from being routinely reminded that they are represented and that they should consult with counsel before filing any pro per requests. Therefore, the answer to this question on JV-720 -INFO should: 1.) Affirm the right to request counsel if they do not currently have an attorney; and, 2.) Explicitly encourage youth to consult with their attorney before filing anything on their own, reminding them that if their case is still in court to reach out to counsel representing them.	Welfare and Institutions Code section 827 if prior counsel or the public defender’s office was no longer involved in the case. The committee appreciates the commentator’s responses. The committee’s specific responses are below. The committee appreciates this comment but chose not to recommend it in the proposal that was recirculated for comment because it felt that the proposed language was insufficiently neutral and appeared to overtly advocate for a specific position.

SP24-07**Juvenile Law: Racial Justice Act (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)**

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

	Commenter	Position	Comment	Committee Response
			<i>“What happens after I file a request under the RJA?”</i> Unrepresented youth would benefit from a more thorough explanation of the procedure they can expect after filing a request. It is critical that a young person understands when they are entitled to counsel, that they may file a disclosure request before making a prima facie case, and that their newly appointed counsel may be able to amend their request. After clearly explaining the foregoing rights and procedures, the form can then address the prima facie and evidentiary hearing phases of RJA proceedings via the explanation currently included under this section in the proposed JV-720- INFO form. OSPD recommends these explanations are expanded in simple language to also explain that the court will be required to make findings on the record regarding its ruling on the RJA claim pursuant to section 745, subdivision (c) or section 1473, subdivision (e). <i>“What happens if my RJA request is denied?”</i> Considering the challenges and complications of seeking review of an RJA denial, OSPD recommends this question and corresponding answer be omitted in their entirety. The answer as currently proposed (i.e. that there is “no penalty” for filing an unsuccessful RJA request) could mislead readers when there could, in fact, be consequences to an unsuccessful petition, depending on the posture of the case and under what section the petition is made. What steps an individual should take after a denial are particular to their procedural posture, substantive claims, and collateral concerns. It is a complex decision through which counsel should guide a young person. The current answer creates a false impression that one can continuously file RJA requests with no repercussions—procedurally or substantively. Particularly considering the audience for this form – unrepresented youth and their loved ones – and the risk of forfeiting valid claims, OSPD urges	The committee appreciates this comment and has recommended its incorporation, with minor alterations, into the proposal that was recirculated for comment. The committee appreciates this comment and has recommended the deletion of the language in question in the proposal that was recirculated for comment. The committee appreciates this comment and has omitted the language in question in the proposal that was recirculated for comment. The committee appreciates the further suggestion to strengthen language regarding requesting, appointing, and

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			this section be omitted while language regarding requesting, appointing, and consulting with counsel be strengthened. <i>Additional Topic for Information Sheet: Clarifying in Which Court to File</i> A pro per applicant may not understand the distinction between juvenile and adult court or may not remember the procedural posture of their prior convictions. Many individuals prosecuted for crimes committed when they were under 18 had their cases heard in both juvenile and then adult court (e.g. individuals where transfer (or previously “fitness”) to adult court was granted). To help individuals better understand where they should file an RJA claim, OSPD recommends the Committee add a separate question and answer explaining how to determine whether adult or juvenile court is the appropriate venue. The following is provided only to the extent it aids the committee in drafting such a section: “In which court should I file my RJA claim?” RJA claims should be filed in the last court that made rulings on your case. Some cases arising from crimes committed by an individual under 18 are ultimately heard and sentenced in adult and not juvenile court. To determine where you should file your RJA claim, determine which court ultimately sentenced you - adult or juvenile - and file in that court. If your case is still in juvenile court or ended in juvenile court, use Form JV-720 to file your RJA claim. If you were sentenced in adult and not juvenile court, you should not utilize Form JV-720 and instead should file [Adult RJA Form] with the	consulting with counsel, but chose not to implement it felt that the proposed language was insufficiently neutral and appeared to overtly advocate for a specific position. The committee appreciates this comment. The committee appreciates this comment and has endorsed it in the proposal that was recirculated for comment by adding an additional paragraph to the answer to the question on the information sheet: “How do I file an RJA request?” The paragraph directs an applicant to file in criminal court if their last court date occurred in adult criminal court. The paragraph also includes hyperlinks to the adult application forms.

SP24-07**Juvenile Law: Racial Justice Act (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)**

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

	Commenter	Position	Comment	Committee Response
			adult court that sentenced you. Adult court is the appropriate place to file your RJA petition if your case was directly filed in adult court, your case was transferred to adult court, or you were found “unfit” to stay in juvenile court (i.e., “fitted up” to adult court). <u>Proposed Form JV-722 and Form JV-723: Findings and Orders</u> As discussed on pages 2-3 of OSPD’s comments, the organization and ordering of substantive topics included in proposed Forms JV-722 and JV-723 send important signals to the court regarding how and at what time each determination should be made. Relatedly, the Committee specifically asks whether the two findings and orders forms, currently proposed JV-722 and JV-723, respectively, should be consolidated. (Invitation to Comment, at p. 8.) Considering the Committee’s desire to maximize clarity, OSPD recommends the Committee create three (3) order forms by separating the current JV-722 into two forms. This would result in: 1. a “Preliminary Orders” form addressing initial matters such as statutory eligibility, appointment of counsel, and disclosure of evidence requests; 2. a “Prima Facie Orders” form addressing prima facie findings and orders; and, 3. a “Findings and Orders After Hearing” form (current JV-723) for post evidentiary hearing findings and orders. At minimum, OSPD recommends reordering the items in Form JV-722 to ensure juvenile courts understand there are a series of steps to be undertaken in the RJA process rather than a collection of findings to be made all at once. The currently proposed Form JV-722 does not address the appointment of counsel until Item 6, placing this critical first step after boxes for findings on timeliness, prima facie showing, and good cause for disclosure of evidence, etc. However, as the Advisory Committee	The committee appreciates this comment. The committee appreciates this comment and has endorsed it in the proposal that was recirculated for comment by recommending the creation of three order forms. The committee recommends creating a new form, <i>Preliminary Orders After Request for Relief Under the Racial Justice Act</i> (form JV-721) and reorganizing <i>Findings and Orders After Initial Hearing on Request for Relief Under the Racial Justice Act—Juvenile Adjudication</i> (form JV-722). The reorganization moved the appointment of counsel order to form JV-721, while leaving the prima facie showing and good cause for disclosure of evidence

SP24-07**Juvenile Law: Racial Justice Act (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)**

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

	Commenter	Position	Comment	Committee Response
			recognizes, unrepresented applicants should routinely be appointed counsel to “serve the purpose of the act.” (Invitation to Comment, at p. 4.) OSPD therefore strongly urges the section for appointment of counsel be moved to the top of proposed Form JV-722 (or a distinct “Preliminary Orders” form) to reflect the primacy of this determination in the RJA process. This will help to promote appropriate appointment of counsel for unrepresented applicants and further the Legislature’s intent <i>JV-722 Form Current Item 2: Prima Facie Showing</i> If the Committee does not create a separate “Preliminary Orders” form, it should consider modifying current Item 2 “Prima Facie Showing” on JV-722 to include the following options: a. The court reserves ruling on a prima facie showing because the appointment of counsel and/or disclosure of evidence has been ordered. The applicant shall provide the court with an amended RJA request by (date)_____ unless an extension is requested and granted. b. The court finds that the applicant has made a prima facie showing of a violation of Penal Code section 745(a). c. The court finds that the applicant has not made a prima facie showing of a violation of Penal Code section 745(a). This finding is without prejudice to the future development of claims by counsel. <i>JV-722 Form Current Item 7: Disclosure of Evidence</i> Recognizing that the development of a full request for disclosure of evidence is a significant challenge for unrepresented youth, OSPD recommends that proposed Form 722 provide an option to courts to refrain from ruling on any such disclosure requests until counsel is	findings on form JV-722 and post evidentiary findings and orders on <i>Findings and Orders After Evidentiary Hearing on Request for Relief Under the Racial Justice Act</i> (form JV-723). The committee appreciates this comment. Because the committee recommended the creation of a separate “Preliminary Orders” form in the proposal that was recirculated for comment, this alternative option was not considered. The committee appreciates this comment but has not recommended the suggested change to proposed form JV-722 in the proposal that was recirculated for

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			appointed. To the extent it assists the Committee in drafting, possible language for such a third option beyond the current 7(a) - denial of the request for disclosure, and current 7(b) - order of disclosure, is offered here: c. The court will not issue orders on the applicant's requests for disclosures until __ (date) to provide appointed counsel the opportunity to make any requisite amendments. Counsel shall provide any amendment requests to the court by __ (date) unless an extension is requested and granted. OSPD thanks the Committee for its work on this important topic and for its consideration of our comments. Please do not hesitate to contact us if there are any questions.	comment; however, the committee did recommend the addition of an additional response to proposed form JV-720, "I will request disclosure of evidence after an attorney is appointed to represent me" to address the commentator's concern. No response necessary.
4.	Orange County Public Defender's Office by Adam Vining, Assistant Public Defender	NI	On behalf of the Orange County Public Defender's Office: 1. Does the proposal appropriately address the stated purpose? • Yes. • However, on Page 13, the Info sheet, under "Who can file a request under the RJA" • The last statement is wrong ["If, however, your case is no longer pending and you were never committed to DJJ or CYA, you may <i>not</i> file an RJA request."]. In fact, a person facing an adverse immigration consequence may file for relief if the case is no longer pending even if they did not have a DJJ/CYA commitment. • In addition, after the first and second bullet point statements, please add "; or". 2. Is the language in the forms clear for self-represented litigants, especially for youth? Please provide any specific suggestions for improvements. • Yes.	The committee appreciates this comment and has incorporated it, with minor alterations, into the proposal that was recirculated for comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			3. Should the council develop forms for habeas corpus petitions in juvenile cases, including petitions based on RJA claims? No. This form is sufficient and should trigger appointment of counsel, who can then determine if other filings are necessary. This form is simple and will facilitate initiation of the legal process.	The committee appreciates this comment.
			4. Should the court appoint counsel for all unrepresented litigants? Yes. Unrepresented youth in delinquency proceedings have the right to an appointed attorney. The RJA is complicated and youth cannot be expected to handle it themselves.	The committee appreciates this comment.
			5. Should self-represented litigants be required to serve their requests for relief? It makes more sense for the court to forward a copy to the District Attorney.	The committee appreciates this comment.
			6. Should the single request form be split into multiple forms? No.	The committee appreciates this comment.
			7. Should the two findings and orders forms be consolidated into a single form? No.	The committee appreciates this comment.
			8. Are new rules relating to claims under the act in juvenile court necessary at this time? If so, what should the rules address? No.	The committee appreciates this comment.
			9. Should the information sheet address any other topics? On p. 13-14, the Info sheet, under “Do I need an attorney” or “What happens if my RJA request is denied” the form should have	The committee appreciates this comment, but chose not to implement it as the proposed language was insufficiently

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			a statement similar to: “Proceeding without an attorney may put you at a significant disadvantage in proving an RJA claim.” 10. Should item 1 on form JV-720 include a definition of a final “judgment,” and, if so, should that definition be added to the form itself or the information sheet? - Yes. It should read in plain language: “Judgment in my case is not final (my case is pre-trial OR my case is still being reviewed on appeal).” 11. Should item 4 on form JV-720 include a definition of “not timely,” and, if so, should that definition be added to the form itself or the information sheet? - Item 4 is problematic as written. Item 4 is probably actually entirely unnecessary. On page 4 of the proposal, the council recognizes that the timeliness language applies only to violations alleged to have been committed “during trial.” The statute actually reads “A motion made at trial shall be made as soon as practicable.” For RJA claims for alleged violations in trials that occurred prior to 1/1/23, the timeliness provision was not a requirement in the law. Prior to 1/1/21, there was no RJA so there was no basis for an objection. Timeliness could not have been required and no objection on RJA grounds could have been made “at trial.” In other words, the requirement of timeliness for motions made “at trial” is prospective only and not retroactive. - Since 1/1/23 and going forward, any RJA violation that occurs “during trial” will require some kind of objection by defense counsel. Since minors in delinquency trial must have counsel,	neutral and appeared to advocate for a specific position. The committee appreciates this comment and has endorsed it in the proposal that was recirculated for comment, in part, by removing the reference to “final judgment” from option (a) under Item 1 on form JV-720. The committee now recommends that option (a) instead read “My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or placement because of a juvenile delinquency case.” The committee appreciates this comment and has endorsed it in the proposal that was recirculated for comment by deleting former item 4 on <i>Request for Relief Under the Racial Justice Act—Juvenile Adjudication</i> (form JV-720).

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			counsel will simply need to make the objection/motion when the violation happens. - Item 4 is further problematic because the timeliness requirement for “at trial” violations is a claim under 745(a)(2) only. The form doesn’t distinguish between the types of claims. In other words, a person may have been aware of a racial slur used during a trial in 2015 [a 745(a)(2) violation] when it happened in 2015, but may become aware that the gang enhancement was only charged against Latinx persons in 2024. The form lumps everything together. Moreover, the timeliness provision doesn’t apply to (a)(1), (a)(3), or (a)(4) claims in the first place. You will have pro- pers confused by Item 4 and it will also confuse judges. Perhaps the discovery of violation in Item 4 should be combined with Item 3 to specify when the violation of each subdivision was discovered. 12. Should item 5b on form JV-720 be a separately numbered, standalone item to improve its visibility on the form and to reduce its chance of being overlooked? - No. But consider moving it to 5a. Then have 5b the description of what happened.	The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the reconfiguration was ultimately unnecessary.
5.	Pacific Juvenile Defender Center, San Jose by Jonathan Grossman, Co-Chair of the Amicus and	A	The Pacific Juvenile Defender Center (PJDC) generally supports the proposal. PJDC is a statewide public interest, nonprofit organization that works to improve the quality of legal representation for youth in the justice system and to address important juvenile policy issues. We provide support to more than 1600 juvenile court lawyers, appellate counsel, and nonprofit lawyers to ensure quality representation for young people.	No response necessary.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
	Litigation Committee		It should be noted that a habeas corpus petition in juvenile court should be rare. If the youth is on probation, the youth can file a modification petition under Welfare and Institutions Code section 775 et seq. If the youth is no longer on probation, then a petition under Penal Code section 1473.7 would be necessary. For this reason, the questions in part 1 of the form should allow for the claim to be raised when the youth is on probation, regardless of whether the adjudication is final. A corresponding change should be made in the second column of the first page of the information sheet. The Judicial Council should not endeavor to define when a case is final, because this might still be up to interpretation by the courts. One court held in <i>In re Hunter W.</i> (2023) 88 Cal.App.5th 358 a juvenile matter becomes final when the time for appealing the disposition order passes. However, the Supreme Court has said a case is not final as long as the court still has jurisdiction over the matter. (<i>People v. Esquivel</i> (2021) 11 Cal.5th 671, 678.) Thus, a case is not final when the defendant is on probation, even with execution of sentence is suspended, though there is a final judgment. (<i>Ibid.</i>; see also <i>People v. McKenzie</i> (2020) 9 Cal.5th 40, 43.) Counsel should be appointed in all cases for two reasons that are unique to juvenile justice proceedings. First, the youth are usually under 18 years old and presumed not to be able to adequately represent themselves. Second, youth are already provided counsel for litigating existing delinquency petitions, issues concerning probation, and presenting modification petitions. In most cases, an RJA claim would only be one aspect of the representation counsel already provides. Counsel should be appointed in the few cases where the youth is otherwise unrepresented. The information form should encourage youth to contact their trial counsel or public defender before attempting to file the form.	The committee appreciates this comment and agrees that juvenile habeas petitions should be rare. The committee's response to the proposed change to the information sheet is addressed below. The committee appreciates this comment and endorsed it in the proposal that was recirculated for comment by adding "I am currently on juvenile probation" under Eligibility, item 1 on JV-720 and by making a corresponding change in the second column of the first page of the information sheet. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
6.	San Diego County District Attorney's Office by Linh Lam, Chief, Appellate & Training Division	N	The San Diego County District Attorney's Office recently reviewed proposed forms to assist litigants and the juvenile courts with claims brought under the Racial Justice Act ("RJA") as codified in Penal Code sections 745 and 1473.¹ Based upon our participation in RJA litigation for several years, we wanted to provide some insight into two issues that the forms do not adequately address—and in fact may cause confusion and violate confidentiality of juvenile records. We are concerned that the forms oversimplify the legal issues of RJA discovery and timeliness and would ask that those two issues not be included in the forms, thus allowing for those issues to be fully litigated separately in court under separate pleadings—as is the current practice—or account for these concerns in the proposed forms. ----- ¹ All further statutory references will be to the Penal Code unless otherwise indicated. ... As you know, Welfare and Institutions Code section 827 governs the confidentiality of juvenile records and outline specific requirements for production of those records. Our experience with RJA discovery requests from defense, defendants, and minors often include requests for records for persons prosecuted in other cases, which is problematic for confidentiality when records of other minors are requested under the umbrella of RJA discovery. In our experience, we believe the forms' check the box format do not sufficiently account for the complexities of juvenile law, particularly the confidentiality of juvenile records, and may mislead both litigants and the courts as to the applicable legal standards. Because of the necessary confidentiality of juvenile records, neither litigants nor the courts should be under the impression that accessing RJA discovery—especially juvenile records—is simply a matter of checking the box. Litigation of RJA discovery requires complex analysis that involves the interests of many, including the confidentiality rights of minors and other	The committee appreciates the commentator's responses. The committee's specific responses are below. The committee appreciates this comment and endorsed it in the proposal that was recirculated for comment, in part, by deleting item 4, Discovery of Violation, from <i>Request for Relief Under the Racial Justice Act</i> (form JV-720) and its corresponding reference to timeliness. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			adult defendants whose records may be implicated by an RJA discovery request. In addition to confidentiality laws that may apply, litigation involving potential Evidence Code 1040 issues or sealing issues may be necessary. The current simplified check-the-box format gives the impression that it is a simple decision to be made without participation of both parties, rather than one that is complex and would benefit from the insights from both parties before the court can reach a thoughtful decision. The same thoughtfulness must be applied to the timeliness issue as well. <u>The Proposed Forms' Discovery Provisions</u> This Office has four primary concerns with the proposed forms as they relate to RJA discovery. First, the forms are misleading as to the applicable legal standard for such discovery. Section 745, subdivision (d) states: A defendant may file a motion requesting disclosure to the defense of all evidence relevant to a potential violation of subdivision (a) in the possession or control of the state. A motion filed under this section shall describe the type of records or information the defendant seeks. Upon a showing of good cause, the court shall order the records to be released. Upon a showing of good cause, and in order to protect a privacy right or privilege, the court may permit the prosecution to redact information prior to disclosure or may subject disclosure to a protective order. If a statutory privilege or constitutional privacy right cannot be adequately protected by redaction or a protective order, the court shall not order the release of the records. The statute thus has three crucial requirements: 1) the evidence sought must be relevant to a potential violation of the RJA; 2) a court may order the release of records or information only upon a showing of good cause; and 3) the court must account for privacy rights and privileges, including denying the release of records altogether if privacy rights cannot be adequately protected by redactions or protective orders.	The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			As explained in the first—and, to date, only—case interpreting the discovery provisions of the RJA: the Act “permit[s] discovery only upon leave of court, rather than through self-executing party-initiated discovery.” (<i>Young v. Superior Court of Solano County</i> (2022) 79 Cal.App.5th 138, 168 (<i>Young</i>).) The <i>Young</i> case then determined that the “good cause” standard articulated in the statute required courts to conduct a multi- factored balancing test. (<i>Id.</i> at pp. 144-145.) The court must initially determine the threshold issue of whether a “plausible justification” for the requested records or information has been made; in other words, there must be specific facts that give rise to a plausible case that any of the violations enumerated in section 745, subdivision (a)(1)-(4) occurred. (<i>Ibid.</i>) Then, against that plausible justification the court must balance six remaining factors prior to deciding whether the discovery should be disclosed: “ ‘[s]pecifically ... (1) whether the material requested is adequately described, (2) whether the requested material is reasonably available to the governmental entity from which it is sought (and not readily available to the defendant from other sources), (3) whether production of the records containing the requested information would violate (i) third party confidentiality or privacy rights or (ii) any protected governmental interest, (4) whether the defendant has acted in a timely manner, (5) whether the time required to produce the requested information will necessitate an unreasonable delay of defendant's trial, [and] (6) whether the production of the records containing the requested information would place an unreasonable burden on the governmental entity involved.’ ” (<i>Ibid.</i>) The good cause standard mandated by <i>Young</i> is not adequately conveyed by the proposed JV-720 form. The form merely directs a litigant to explain what records or information they are seeking and why they “need” them.	The committee appreciates this comment. The committee appreciates the comment but chose not to recommend it in the proposal that was recirculated for

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			But a litigant “needing” records is not the same as a litigant showing good cause to receive the records. This misleading language will likely result in unnecessary litigation and consumption of judicial resources. Litigants, unless represented by an attorney familiar with <i>Young</i>, will likely not know that they must state their plausible justification for the records and address the six other factors. Numerous baseless motions would be filed that the court will need to read and deny.	comment because the complexity of the discovery issue would best be resolved by case-specific litigation after the potential appointment of counsel instead of by requesting the applicant to proactively address applicable legal standards. The commenter notes that under <i>Young v. Superior Court of Solano County</i> (2022) 79 Cal.App.5th.138, the good cause requirement for discovery under the act is analyzed using the six-part test adopted from <i>City of Alhambra v. Superior Court</i> (1988) 205 Cal.App.3d 1118. Asking the applicant to address each of the <i>Alhambra</i> factors prior to the appointment of counsel would likely lead to many fewer discovery requests being filed in the first instance. As such, in the proposal that was recirculated for comment, the finding of good cause occurs chronologically after the court determines whether to appoint counsel and after a discovery hearing is potentially held.
			Second, the forms do not adequately direct the litigant or courts to address the crucial issue of confidentiality. There is, of course, a “strong public policy of confidentiality of juvenile proceedings and records [that] has long been recognized” in California. (See <i>In re Keisha T.</i> (1995) 38 Cal.App.4th 220, 213.) Juvenile records are subject to a litany of privileges designed to maintain confidentiality and promote the successful rehabilitation and reintegration of minors into the community. “Confidentiality is integral to the operation of the juvenile justice system	The committee appreciates the comment but did not endorse it in the proposal that was recirculated for comment because it believed that the complexity of the confidentiality issue would be best resolved by case-specific litigation after the potential appointment of counsel instead of requesting the applicant to

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			in order to avoid stigma and promote rehabilitation for all youth..." (Welf. & Inst. Code, § 831, subd. (a).) Welfare and Institutions Code section 827, perhaps the best known limitation on the accessibility of confidentiality juvenile court records, restricts inspection of juvenile court files to the persons involved in the particular case. For instance, subdivision (a)(1)(C) allows only "[t]he minor who is the subject of the proceeding" to access a juvenile case file. Subdivision (a)(1)(e) likewise, restricts access to a minor's court file only to "[t]he attorneys... who are actively participating in criminal or juvenile proceedings involving the minor." While section 827 by its text would seem to apply to court files and not necessarily district attorney or police records, the courts have adopted a broad view of Welfare and Institutions Code section 827's applicability to juvenile records generally; courts have held that neither the location of the record or the identity of the party that generated the record is determinative of the section's applicability. (See <i>In re Elijah S.</i> (2005) 125 Cal.App.4th 1532, 1549-1553.) In fact, the District Attorney is not even allowed to copy such documents without a prior express court order. (<i>In re Gina S.</i> (2005) 133 Cal.App.4th 1074, 1082-3; 85 Ops.Cal.Atty. Gen. No. 194 (2002); Cal. Rules of Court, rule 5.552.) And this privacy interest would only be further compounded in cases where the juvenile record has been sealed, which requires the prosecution to file a motion to even <i>inspect</i> the file. (See Welf. & Inst. Code, §§ 781, subd. (a), 786, subd. (a) & (g)(1)(K)(i), and 786.5, subd. (a).) In this Office's experience, litigants in juvenile cases pursuing RJA claims are primarily seeking information or records from other juvenile cases,	proactively address applicable legal standards. The committee did, however, endorse the commenter's suggestion, in part, by adding specific orders to form JV-722 that explicitly allow a court to condition production of discovery on either its redaction or the imposition of a protective order. The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			which are, of course, confidential. Given that the forms are silent on the issue, this Office is concerned that the forms do not sufficiently alert the juvenile court to consider and address confidentiality as they are required to do pursuant to both section 745, subdivision (d) and the <i>Young</i> case. This could lead to the improper disclosure of juvenile records without giving the subjects of those records the appropriate notice and opportunity to be heard. Third, proposed form JV-722 appears to permit a court to order the disclosure of RJA discovery without having conducted a contested hearing. Item 7 allows a court to set such a hearing, but the form suggests that the order requiring disclosure could be checked without having such a hearing first. This Office maintains that the prosecution's right to due process and fairness requires the court to hold a full adversarial proceeding for RJA discovery requests where the prosecution has both notice and opportunity to present evidence and argument. (See <i>People v. Superior Court (Kaulick)</i> (2013) 215 Cal.App.4th 1279, 1297-1298.) Fourth and finally, this Office is concerned that the forms incorrectly suggest that in a final judgment, a freestanding motion for RJA discovery could be filed even though there is no on-going criminal action. “ ‘[T]here is no statutory authority for a trial court to entertain a postjudgment motion that is unrelated to any proceeding then pending before the court. [Citation.] Indeed, a motion is not an independent remedy. It is ancillary to an on-going action and implies the pendency of a suit between the parties and is confined to incidental matters in the progress of the cause. As the rule is sometimes expressed, a motion relates to some question collateral to the main object of the action and is connected with, and dependent on, the principal remedy. [Citation.] In most cases, after the judgment has become final, there is nothing pending to which a motion may attach.’ ”	The committee appreciates the comment and endorsed it in the proposal that was recirculated for comment by enabling a court to order a discovery hearing prior to making any determination of whether good cause for production of discovery has been shown. The committee appreciates the comment but chose not to endorse it in the proposal that was recirculated for comment because the commenter's concern appears to be unwarranted. Given that a request submitted on form JV-720 would either be in a pending case or in a case in which the applicant is requesting vacatur of their adjudication, a situation in which a freestanding motion for discovery would be filed without an on-going juvenile proceeding appears to be unlikely to occur for requests initially submitted using <i>Request for Relief Under</i>

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			(<i>People v. Picklesimer</i> (2010) 48 Cal.4th 330, 337, quoting <i>Lewis v. Superior Court</i> (2008) 169 Cal.App.4th 70, 76-77, internal quotation marks omitted.) Accordingly, while an RJA discovery motion can certainly be filed at any point during a pending case not yet reduced to final judgment (subject to the statute's timeliness provision), the same cannot be said in cases reduced to final judgment. The ability to file such a motion in a final judgment will require that the judgment first be "re-opened," either by the filing of a motion pursuant to section 1473.7 or the issuance of an order to show cause in a petition for writ of habeas corpus. Prior to those circumstances, there is no ability to file a motion for discovery in a final case because there is no on-going action. The forms do not make this clear to litigants and again will cause unnecessary litigation and consumption of resources to address. <u>The Proposed Forms' Timeliness Provisions</u> In its request for comments, the Committee asked whether or not to define in the forms what it means for an RJA motion to be "timely." It is this Office's position that the issue of timeliness is fact-intensive, case-by-case consideration that cannot be reduced to a "one size fits all" definition. The forms again oversimplify a complex legal analysis and incorrectly inform both litigants and the juvenile courts as to the proper standard. Section 745, subdivision (c) states that an untimely RJA motion may be deemed waived by the court. The statute does not itself define timeliness. Timeliness, however, has long been a point of analysis in a writ of habeas corpus. Given that RJA claims will be pursued by such a writ, the discussion of timeliness in the habeas corpus context is certainly relevant. "A criminal defendant, like any other party to an action, may not sit on his or her rights." (<i>In re Seaton</i> (2004) 34 Cal.4th 193, 199-200.) A petition	<i>the Racial Justice Act—Juvenile Adjudication</i> (form JV-720). The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			for writ of habeas corpus is timely if it filed without “substantial delay,” which is measured from the time the petitioner knew, or reasonably should have known of the legal claim and the information offered in support of that claim. (<i>In re Reno</i> (2012) 55 Cal.4th 428, 460-461.) If there is substantial delay in the filing of the petition, the court then determines whether the petitioner has shown good cause for the delay. (<i>Ibid.</i>) If there is no good cause, the petition is barred as untimely unless the petitioner can show one of four very narrow exceptions applies to the case. (<i>Ibid.</i>) This analysis applies to all petitions for writ of habeas corpus and provides useful guidance for evaluating timeliness in pending cases as well. Thus, in contradiction to what the proposed form suggests, the inquiry of timeliness is much greater than the date a person learned about the alleged RJA violation. The timeliness component considers also when the petitioner <i>should have</i> known about the claim and why it was not pursued sooner. It considers the diligence with which the claim was brought to court. The reasonableness of this diligence will turn on the complexity of both the facts and legal issues in the case. Accordingly, it is this Office’s position that there is no concrete definition of a “timely motion” that can be applied in every case. Though this Office believes that this provision would best be addressed in separate pleadings, if this Committee is inclined to include a timeliness component on the forms, they should prompt the litigant to explain and justify the diligence with which they pursued their claim and why it could not have been brought sooner. In conclusion, this Office has significant concerns the proposed forms given their incorrect or incomplete articulation of the application legal standards. Their current state will likely result in a high volume of frivolous motions and could mislead both litigants and courts as to the appropriate analysis.	The committee appreciates the comment and endorsed it in the proposal that was recirculated for comment, in part, by deleting item 4, Discovery of Violation, from <i>Request for Relief Under the Racial Justice Act</i> (form JV-720) and its corresponding reference to timeliness. The committee appreciates this comment.
7.	Silicon Valley De-Bug	NI	We are Silicon Valley De-Bug. A long standing non-profit organization that supports loved ones who are facing charges in criminal, immigration,	See the committee’s responses to the specific comments below.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
	by Cecillia Chavez, Andrew Bigelow, Alicia Chavez		or juvenile court. We have been supporting our community for over 20 years and through this time we have helped many of our community members navigate the intricacies of the court process. We attend court with our families, help communication with their defense, and help them understand how they can impact the outcome of their loved one's cases. We work primarily in Santa Clara County, but have also developed a network of community organizations across California that support families through a model we developed called Participatory Defense. We network with organizations across California from San Diego all the way to Contra Costa County. We were also part of the coalition to pass AB256 (The Racial Justice Act Retroactivity). It is through these experiences that we are writing our comments in regard to the proposed forms JV-720, JV-720-INFO, JV-722, and JV-723. Our overall observations and comments derive from direct experiences of youth going through the system. Because of changes in youth law in previous years, such as Prop. 57 and SB 1391, we have seen our youth go through a nuance of complications from starting in juvenile court, transferred or directed filed to adult court, and/or return back to juvenile court. These journeys are the lens in which we are seeing how these forms will be interpreted and understood by the intended audience. Aside from the request for the specific comments on the forms, we have comments on the intended populations that this is made for and the process in which the forms will be reviewed. First, we want to start off by agreeing that every individual who files a petition to review their RJA claim should be appointed counsel. The language of the Act itself is already confusing to adults trying to file retroactive claims themselves, if the intended audience are youth or young adults appointment of counsel should be a requirement so that they are properly advised as to what claims they can bring forward and how to fill out the forms. Secondly, the form JV-720 is a bit ambiguous in the matter as to what type of youth are eligible to submit this form. For example, we supported a youth, C.H, who was direct	The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			filed and convicted pre-Prop. 57 to a determinate term of 9 years. He was 15 years old at the time of arrest. The form stated that if the youth was under the age of 18 they would be eligible to file this claim, but because C.H. was convicted as an adult he would actually not be eligible to file this form. The direct file population is left out of this relief because their conviction was in adult court versus juvenile court. There should be clear language on the form JV-720 itself or the info sheet for the form as to who is eligible to file the claim. More recent changes with the closure of DJJ, adds a layer of complication in terms of where the youth was physically placed. Secure Youth Treatment Facility should be added to the commitment facilities in the eligibility criteria. Wording such as “ If you were sentenced to adult time your claim should be filed in adult court” or specify what was the last court that heard your case. Our third observation is in regard to the process of filing out the forms. Litigants in the adult courts first have to file a discovery motion to see if they have the necessary information to bring an RJA claim, then they go through the prima facie hearing, then the evidentiary hearing, with the goal of receiving a relief hearing. On the contrary to that, these forms are indicating that the youth should have already identified the violation prior to obtaining counsel or filing a discovery motion. There will be many challenges for youth to obtain their own records because their records are sealed and many of the times there were no transcripts created to the proceedings if there was no appeal filed. Also, we believe that the Section of “Discovery of Violation” should be removed because it will be confusing for youth who might learn of a violation years after their case was finalized. It takes a long time to get previous youth records; it could also affect their filing time. The forms don’t indicate what makes a claim timeliness or not or the reasons for the denial. The forms also give the impression that determinations of prima facie showings will be done without a hearing. And only after the court finds cause for disclosure of evidence will there be a hearing scheduled and after that by a merits hearing.	The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			<i>Our comments to the specific questions are italicized.</i> 1. Does the proposal appropriately address the stated purpose? <i>The proposal does address the stated purpose but it left out clarity for youth who were direct file or ultimately transferred to adult court.</i> 2. Is the language in the forms clear for self-represented litigants, especially for youth? Please provide any specific suggestions for improvements. - Instructions—Read Carefully <i>Use this form if you are going or went to court because you allegedly committed an offense when you were under the age of 18 and you believe your case was affected by discrimination on the basis of race, ethnicity, or national origin.</i> <i>This section is not clear to the understanding if you were adjudicated as youth or were direct filed.</i> - The language is very broad for section 1 Eligibility	The committee appreciates this comment and endorsed it in the proposal that was recirculated for comment by recommending the addition of an additional paragraph to the answer to the question on the information sheet: “How do I file an RJA request?” The paragraph directs an applicant to file in criminal court if their last court date occurred in adult criminal court. The paragraph also includes hyperlinks to the adult application forms. The committee appreciates the comment and endorsed it in the proposal that was recirculated for comment by recommending the addition of an additional question to the information sheet: “Where should I file a request

SP24-07

Juvenile Law: Racial Justice Act (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		○ I was committed to the Department of Juvenile Justice (DJJ) or the California Youth Authority (CYA) on or after January 1, 2015, based on this case. ▪ <i>There needs to be clear language that the youth was adjudicated to DJJ, CYA, and Secure Youth Treatment Facility (SYTF). We have a youth that was direct filed at 15 and was convicted as an adult but sent to DJJ.</i> ○ This request is filed on or after January 1, 2026, and I was committed to DJJ or CYA based on this case. ▪ <i>Add SYTF</i> ● VIOLATION ○ I was charged with or found responsible for a more serious offense than people of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, and the prosecution more frequently sought or obtained adjudications (convictions) for serious offenses against people who share my race, ethnicity, or national origin in the county where the adjudications (convictions) were sought or obtained. ▪ <i>Make language easier to understand or have a glossary in the info page.</i> 3. Should the council develop forms for habeas corpus petitions in juvenile cases, including petitions based on RJA claims? ● Yes, because it would give the opportunity to currently incarcerated youth to file a petitions.	under the RJA?” The corresponding answer directs an applicant to file in juvenile court if their last court date occurred in juvenile court and to file in adult criminal court if their last court date occurred in adult criminal court. The answer also includes hyperlinks to both the juvenile and adult application forms. The committee appreciates the comment but chose not to endorse it in the proposal that was recirculated for comment because youth adjudicated to an SYTF are ineligible to file a retroactive claim under the RJA, as currently drafted. (See Pen. Code § 745(j).) The committee appreciates this comment but did not recommend it in the proposal that was recirculated for comment because the information sheet was not intended to provide this level of detail. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it did not believe that youth would commonly file habeas corpus petitions in juvenile cases.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			4. Should the court appoint counsel for all unrepresented litigants? • Yes! 5. Should self-represented litigants be required to serve their requests for relief? • No, because they might not know what relief they want or best benefits them. 6. Should the single request form be split into multiple forms? • Yes, this way petitioners can file all their claims if they feel they have multiple RJA violations. 7. Should the two findings and orders forms be consolidated into a single form? • No, they should be separate. Additionally, there should be a hearing before each decision on the forms. 8. Are new rules relating to claims under the act in juvenile court necessary at this time? If so, what should the rules address? • No Comment. 9. Should the information sheet address any other topics? • Clear understanding of who is eligible to file the forms, due to different changes in youth law it could be confusing as to what court has jurisdiction to hear the claim. • A glossary of the terms used in the forms.	The committee appreciates this comment. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it did not believe the suggested change addressed the stated concern. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it did not believe the suggested change addressed the stated concern. The committee appreciates this comment. No response necessary. The committee appreciates this comment but did not recommend it in the proposal that was recirculated for comment because the information sheet was not intended to provide this level of detail.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			10. Should item 1 on form JV-720 include a definition of a final “judgment,” and, if so, should that definition be added to the form itself or the information sheet? • It should be added to the info sheet. 11. Should item 4 on form JV-720 include a definition of “not timely,” and, if so, should that definition be added to the form itself or the information sheet? • This section should be removed. 12. Should item 5b on form JV-720 be a separately numbered, standalone item to improve its visibility on the form and to reduce its chance of being overlooked? • Yes, it should be a separate section and it should also include other court actors such as District Attorney, Defense Counsel, and Police Officer. Thank you for your time and consideration of our comments:	The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it deleted the reference to final “judgment” in the information sheet. The committee appreciates this comment endorsed it in the proposal that was recirculated for comment by recommending the deletion of the suggested language. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it felt that the suggested change was not applicable. Item 5b specifically refers to judicial recusal, not recusal for district attorneys, defense counsel, or police officers.
8.	Superior Court of California, County of Los Angeles by Robert Oftring, Director of Communications and Legislative Affairs	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California’s “ITC SP24-07 Juvenile Law: Racial Justice Act,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its ability to appropriately address its stated purpose.	No response necessary. The committee appreciates this comment

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			The Court finds that the language in the forms is generally clear for self-represented litigants, including youth, but recognizes that the phrase “as soon as practicable” may not be interpreted or understood the same for everyone (JV-720-INFO, pg. 1). In addition, the Court is in agreement with the following: • The Council should develop forms for habeas corpus petitions in juvenile cases, including petitions based on RJA claims. • The Court should appoint counsel for all unrepresented litigants. • Self-represented litigants should be required to serve their requests for relief. • It would be helpful to have juvenile habeas corpus rules, similar to rules 4.545, 4.550, 4.551, and 4.552, to outline the process.	The committee appreciates this comment. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it did not believe that youth would commonly file habeas corpus petitions in juvenile cases. The committee appreciates this comment. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it felt that having the clerk’s office serve requests for relief submitted by self-represented litigants would further the purpose of the act. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it did not believe that youth would commonly file habeas corpus petitions in juvenile cases.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			• If possible, it would be helpful to provide litigants with timeline guidelines as to when the Court must rule on the JV-720-INFO form. • Definitions for a final “judgment” and “not timely” should be added to the information sheets and forms.	The committee appreciates this comment but did not recommend it in the proposal that was recirculated for comment because the information sheet was not intended to provide this level of detail. The committee appreciates this comment and endorsed the suggestion regarding final “judgment” in the proposal that was recirculated for comment, in part, by removing the reference to “final judgment” from option (a) under Item 1 on form JV-720. The committee now recommends that option (a) instead read “My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or placement because of a juvenile delinquency case The committee appreciates the comment and endorsed the suggestion regarding “not timely” in the proposal that was recirculated for comment, in part, by deleting item 4, Discovery of Violation, from <i>Request for Relief Under the Racial Justice Act</i> (form JV-720) and its corresponding reference to timeliness.
			• It is not necessary to separately number item 5b on form JV-720. • The single request form should not be split into multiple forms.	The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			- The two findings and orders forms should not be consolidated into a single form. Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: - Training for judicial assistants and clerical staff. - Creating macros and event codes in the case management system. - Developing policies, procedures, and reference materials. 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.	The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment.
9.	Superior Court of California, County of Orange by Katie Tobias, Operations Analyst	NI	<u>Does the proposal appropriately address the stated purpose?</u> Yes, the proposal appropriately addresses the stated purpose. <u>Is the language in the forms clear for self-represented litigants, especially for youth? Please provide any specific suggestions for improvements.</u> The language in the forms is clear for self-represented litigants, including youth. Recommend modifying the verbiage to the third bullet point in the Instructions box on the JV-720 to replace “probably” with “may be able to.” <u>Should the council develop forms for habeas corpus petitions in juvenile cases, including petitions based on RJA claims?</u>	The committee appreciates this comment. The committee appreciates this comment and has recommended the adoption of the recommended change in the proposal that was recirculated for comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			No, the volume does not justify the creation of forms for habeas corpus petitions. • <u>Should the court appoint counsel for all unrepresented litigants?</u> Yes, in Orange County unrepresented litigants are appointed respective counsel during court proceedings. • <u>Should self-represented litigants be required to serve their requests for relief?</u> No, the self-represented litigant should not be required to serve their requests for relief. This process should follow the juvenile record sealing process for the court clerk to distribute service to the appropriate parties. • <u>Should the single request form be split into multiple forms?</u> No; the request form should not be split, as confusion may arise and the chance of looking past the second part of the form may be greater, if separated. • <u>Should the two findings and orders forms be consolidated into a single form?</u> No; the two findings and orders forms should remain separate because it distinguishes the fact that the JV-722 addresses findings and orders made on the prima facie showing of the petition, and the JV-723 addresses findings and orders made after a hearing proceeding the petition. • <u>Are new rules relating to claims under the act in juvenile court necessary at this time? If so, what should the rules address?</u> No, new rules are not needed at this time. • <u>Should the information sheet address any other topics?</u>	The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment but chose not to recommend it in the

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Yes, it may be beneficial to self-litigants if the “Do I need an attorney?” section in form JV- 720-INFO included information regarding obtaining an attorney after a JV-720 petition is filed and the costs in doing so. • <u>Should item 1 on form JV-720 include a definition of a final “judgment,” and, if so, should that definition be added to the form itself or the information sheet?</u> Yes, the definition of a final “judgment” should be added to the information sheet, to make it more understandable for self-litigants. • <u>Should item 4 on form JV-720 include a definition of “not timely,” and, if so, should that definition be added to the form itself or the information sheet?</u> Yes, the definition of “not timely” should be added to the information sheet, to make it more understandable for self-litigants. • <u>Should item 5b on form JV-720 be a separately numbered, standalone item to improve its visibility on the form and to reduce its chance of being overlooked?</u> No, the item does not need to be standalone because the space in between a and b is sufficient to be visible. The advisory committee also seeks comments from courts on the following cost and implementation matters: • <u>Would the proposal provide cost savings? If so, please quantify.</u>	proposal that was recirculated for comment because the information sheet was not intended to provide this level of detail. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deleted the reference to final “judgment” in the information sheet. The committee appreciates the comment but chose not to endorse it in the proposal that was recirculated for comment because it deleted the reference to final “judgment” in the information sheet, making the inclusion of a definition of “not timely” unnecessary. The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			The proposal would most likely not provide cost savings. <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> The implementation requirements would be brief training of clerk's office staff, consistent training with courtroom clerks, creating new procedures and bench guides, and adding new docket codes in case management systems. <u>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> Three months would most likely not be sufficient time for implementation as there are new forms to be introduced and staff to be trained. <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.	The committee appreciates this comment. The committee appreciates this comment. The committee notes that, under this year's calendar, courts will have two months to implement, and, based on comments from other courts, anticipates that this will be sufficient. The committee appreciates this comment.
10.	Superior Court of California, County of Riverside by Sarah Hodgson, General Counsel	A	General Comments on the proposal: In favor of the proposal. Generally, optional forms make things easier for litigants and the courts. Specific Comments Does the proposal appropriately address the stated purpose?	The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Yes, the development of the four new optional forms would assist litigants and the courts with claims under the Racial Justice Act. Is the language in the forms clear for self-represented litigants, especially for youth? Please provide any specific suggestions for improvement. Generally, the language used in the forms seems clear and should be easy to understand for self-represented litigants and minors. The information on the forms regarding the final group of individuals eligible for relief to begin on January 1, 2026, could be confusing since this is still over 18 months away. Perhaps item #1(d) on the JV-720 should be removed, and the forms modified later after January 1, 2026. Leaving the item on the forms now could result in a large number of petitions being filed where the person simply is not eligible yet, which would result in wasted court resources and time in filing and reviewing these types of petitions. Should the council develop forms for habeas corpus petitions in juvenile cases, including petitions based on RJA claims? Except for a few individuals, all Riverside County DJJ persons have been released, therefore, there is no real need for juvenile habeas corpus forms in Riverside County. Other counties may still have a larger need. Forms always make things more efficient for the public and the court. If it is determined that there is a need, then the forms should be created. Should the court appoint counsel for all unrepresented litigants? Yes, all litigants would have had counsel during their original juvenile case. The petitions could have discovery issues which most litigants may find difficult. It would be best for the litigants to have counsel. Ultimately, it would be more efficient for the court as well for all litigants to have counsel. However, this question does raise an issue regarding who to appoint, and whether counsel is able to accept that appointment (i.e., does that attorney have a contract that covers payment for RJA claims). Issues surrounding payment for appointed counsel may need to be resolved before the court can appoint counsel for unrepresented litigants.	The committee appreciates this comment. The committee appreciates this comment and has recommended the adoption of the suggested change in the proposal that was recirculated for comment. The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Should self-represented litigants be required to serve their requests for relief? No. The court has no objections to serving requests for self-represented litigants. The court has all contact information and existing business processes in place to handle service efficiently. Should the single request form be split into multiple forms? No. The single form seems sufficient. Should the two findings and orders forms be consolidated into a single form? No. From the court's perspective two forms is best. When a hearing is ordered set by the court, the Prima Facie form (JV-722) will be used to set a hearing and give notice of the hearing. Having the final orders after hearing on the form could complicate this process and be confusing to the public and court staff. Are new rules relating to claims under the act in juvenile court necessary at this time? If so, what should the new rules address? No. The forms seem sufficient. There will be virtually no juvenile habeas petitions, and any requests on existing cases will be made by the minor's attorney on that case either orally or via a written motion. Should the information sheet address any other topics? Yes. More information should be provided regarding the types of evidence that may be available for litigants, such as statistical evidence in the possession or control of the state. Unrepresented litigants may not know what information could be available and be discouraged from filing a request.	The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment but did not recommend it in the proposal that was recirculated for comment because it felt that it would be impractical to develop an exhaustive list of commonly requested items and that the inclusion of such a list would make the form overly complex.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Court reporter transcripts may be important evidence for many of these claims. Some litigants may not be familiar with the process for requesting court reporter transcripts, or more importantly, may not have the ability to pay for court reporter transcripts. How will requests for court reporter transcripts be handled when the litigant cannot afford to pay for them? Should these be paid for by the county? Should item 1 on form JV-720 include a definition of a final “judgment,” and, if so, should that definition be added to the form itself or the information sheet? The definition of final “judgment” could be useful to unrepresented litigants. The definition should be placed on the information sheet and the JV-720. Should item 4 on form JV-720 include a definition of a “not timely,” and, if so, should that definition be added to the form itself or the information sheet? The definition of “not timely” could be useful to unrepresented litigants. The definition should be placed on the information sheet and the JV-720. Should item 5b on form JV-720 be a separately numbered, standalone item to improve its visibility on the form and to reduce its chance of being overlooked? Yes, if the claim is based on statements or conduct of a judge, that judge must recuse themselves from the matter. Making the information regarding the judge stand out may help the judge to quickly identify cases where they would need to recuse themselves. This could help courts be more efficient in reassigning these requests to other judges.	The committee appreciates this comment but did not address it in the proposal that was recirculated for comment because the issue of payment for court reporter transcripts is beyond the scope of the proposal. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment as it was no longer applicable because the final “judgment” language was deleted from <i>Request for Relief Under the Racial Justice Act—Juvenile Adjudication</i> (form JV-720). The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it deleted the reference to final “judgment” in the information sheet, making the inclusion of a definition of “not timely” unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the reconfiguration was ultimately unnecessary.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Would the proposal provide cost savings? If so, please quantify? No. 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? New procedures would need to be created, new filing codes for the documents, new hearing types, and new minute codes would need to be created in the case management system. A few hours of training may be required for clerk's office staff that would be filing and serving these requests, as well as the courtroom staff updating minutes, findings, and orders. Would three months days from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes How well would this proposal work in courts of different sizes? The proposal should work well for courts of any size.	The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment.
11.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	Specific Comments Q: Does the proposal appropriately address the state [sic] purpose? A: Yes. Q: Is the language in the forms clear for self-represented litigants, especially for youth? Please provide any specific suggestions for improvements. A: For the most part, yes. Specific suggestions for improvements are provided below.	The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Q: Should the council develop forms for habeas corpus petitions in juvenile cases, including petitions based on RJA claims? A: No. We rarely receive habeas petitions in San Diego Juvenile Court. Q: Should the court appoint counsel for all unrepresented litigants? A: No. Counsel should be appointed only if the applicant makes a <i>prima facie</i> showing and the court sets a hearing. Q: Should self-represented litigants be required to serve their requests for relief? A: Yes. In addition, Forms JV-720 and JV-720-INFO should make it clear who is to be served – e.g., “After you file this form with the court, you must serve copies of your request on: ____.” It is highly unlikely that a self-represented applicant would know who should be served and how the service should be accomplished. Q: Should the single request form be split into multiple forms? A: No. Q: Should the two findings and orders forms be consolidated into a single form? A: No. Q: Are new rules relating to claims under the act in juvenile court necessary at this time? A: No.	The committee appreciates this comment and agrees that juvenile habeas petitions are not necessary. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it believes that the early appointment of counsel would further the purpose of the act. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment because it felt that having the clerk’s office serve requests for relief submitted by self-represented litigants would further the purpose of the act. The committee appreciates this comment. The committee appreciates this comment. The committee appreciates this comment.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Q: Should the information sheet address any other topics? A: Most of the RJA requests in San Diego Juvenile Court have been for disclosure of records. It is recommended that the information sheet address disclosure of records in more detail, including the legal limits of what records the court can order released. Per comments below, the Committee should also consider whether to add information regarding the applicant's right to appeal or seek rehearing after a decision denying the request. Q: Should item 1 on form JV-720 include a definition of a final "judgment," and, if so, should that definition be added to the form itself or the information sheet? A: Item 1.a. could be revised to read: "Judgment in my case (disposition, subsequent order, or ruling on motion to transfer) is not final." Q: Should item 4 on form JV-720 include a definition of "not timely," and, if so, should that definition be added to the form itself or the information sheet? A: See suggested revisions below for form JV-720, Item 4, and form JV-720-INFO, p. 1, right column, ¶ 3.	The committee appreciates this comment but did not recommend it in the proposal that was recirculated for comment because it felt that it would be impractical to develop an exhaustive list of commonly requested items and that the inclusion of such a list would make the form overly complex. In addition, the information sheet is not intended to provide that level of detail. The committee appreciates this comment but did not endorse it in the proposal that was recirculated for comment as it was no longer applicable because the reference to final "judgment" was deleted from <i>Request for Relief Under the Racial Justice Act—Juvenile Adjudication</i> (form JV-720). The committee recommends using "My juvenile court case is still pending, I am currently on juvenile probation, or I am in custody or placement because of a juvenile delinquency case" instead of "Judgment in my case is not final." The committee's specific responses are below.

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			Q: Should item 5b on form JV-720 be a separately numbered, standalone item to improve its visibility on the form and to reduce its chance of being overlooked? A: Yes.	The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the reconfiguration was ultimately unnecessary.
			Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates this comment.
			Q: What would the implementation requirements be for courts—for example, training staff ..., revising processes and procedures ..., changing docket codes in case management systems, or modifying case management systems? A: In addition to the examples already listed, courts would need to inform their judicial officers and justice partners (probation department, tribal agencies, attorney offices, CASA offices, et al.) of the new forms.	The committee appreciates this comment.
			Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates this comment.
			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.	The committee appreciates this comment.
			General Comments	
			JV-720, Title – Consider replacing “ADJUDICATION” with “CASE” or “PROCEEDING” or another term that encompasses additional types of rulings in a juvenile justice matter. PC § 745(f) reads, “This section also	The committee appreciates this comment but did not recommend it in the proposal that was recirculated for comment

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			applies to adjudications <i>and dispositions</i> in the juvenile delinquency system and adjudications <i>to transfer</i> a juvenile case to adult court. JV-720 – Item 3.a. – Consider adding “(hostility)” after “animus,” i.e., “... exhibited bias or animus (hostility) towards me ...” JV-720 – Item 3.b. – Consider deleting “in-court” before “trial proceedings,” as it could be misinterpreted to mean the RJA does not apply to language or conduct in a remote (phone or videoconference) hearing. JV-720 – Item 4 – Consider replacing “grounds” with “violation” as unrepresented persons may not understand the legal significance of “grounds.” Revise the parenthetical as follows: <i>(A motion request that is not timely filed may be deemed waived. To be “timely,” the request must be made as soon as you learn of the alleged violation.)</i> JV-720 – Item 5.a. – Consider adding a hyperlink for the form MC-025 (like the hyperlink on page 1 for the JV-720-INFO form). JV-720 – Bottom of page 3 – Query: Should the applicant be required to sign the form under penalty of perjury? In other words, should the form contain verification language like other forms used for petitions or motions (“I declare under penalty of perjury ...”)? PC § 745(c) & (d) characterize the request for relief as a “motion.”	because the information sheet is not intended to provide that level of detail. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the addition was ultimately unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the deletion was ultimately unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the replacement was ultimately unnecessary. The committee appreciates this comment and endorsed it in the proposal that was recirculated for comment by adding the hyperlink as recommended. The committee appreciates this comment.

SP24-07

Juvenile Law: Racial Justice Act (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		JV-720-INFO, p. 1, left column, ¶ 2, 3rd bullet point – Consider replacing “adjudicated for” with “found to have committed” – “... (1) you were charged with or ~~adjudicated for~~ found to have committed ... ; and (2) people ... tend to be charged with or ~~adjudicated for~~ found to have committed more serious” JV-720-INFO, p. 1, right column, ¶ 2 – Suggest changing “committed” to “sent” for consistency: If, however, ... you were never ~~committed~~ sent to DJJ or CYA, you may <i>not</i> file JV-720-INFO, p. 1, right column, ¶ 3 – Suggested changes for more user-friendly language (PC § 745(c) uses “learn” instead of “discover”): <u>If your request is not timely filed, it may be deemed waived. “Timely” means: (1) if If your case is ~~currently~~ now, the RJA requires you to ~~must~~ file your request as soon as ~~practicable you can~~ after you ~~discovered~~ learn that there may have been a violation of the RJA in your case. ~~If, or~~ (2) if your case is over and you are no longer at DJJ or CYA or on ~~juvenile probation in your juvenile case~~, you ~~should-must~~ file a request ~~under the RJA~~ as soon as you ~~discover~~ learn or reasonably could have ~~discovered~~ learned that there may have been a violation.</u> JV-720-INFO, p. 1, right column, ¶ 4 – Suggested changes for more user-friendly language: Do I need an attorney? ~~You do not have to have an attorney. No.~~ You can file a request under the RJA yourself or you can ask an attorney to file a request for you. If ~~you are not going to court on~~ your case ~~anymore is over~~, you can ask the court to appoint an attorney to represent you or you can contact the attorney who	The committee appreciates this comment and has incorporated it, with minor alterations, into the proposal that was recirculated for comment. The committee appreciates this comment and has incorporated it into the proposal that was recirculated for comment. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it felt that the use of the statutory language was more appropriate than the use of more user-friendly language. The committee appreciates this comment and has incorporated it, in part, into the proposal that was recirculated for comment.

SP24-07

Juvenile Law: Racial Justice Act (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

Commenter	Position	Comment	Committee Response
		previously represented you to see if they can help you file a request. A public defender's office may also be able to <u>provide assistance to help</u> you. JV-720-INFO, p. 2, left column, ¶ 2 - Suggest changing "this offense" to "your case" to avoid any possible confusion, as the person's case might involve more than one offense. (The form must be filed in the last county where you went to court for <u>this offense your case</u>.) JV-720-INFO, p. 2, left column, ¶ 3, 1st bullet point – Suggested changes as follows (item 1 says "check all that apply"): Check the box(es) in item 1 <u>about your eligibility to file a request for relief under the RJA that apply to your case</u>. JV-720-INFO, p. 2, left column, ¶ 3, 4th bullet point – Suggested changes as follows: Fill in item 4 with the date you discovered the RJA was violated <u>in your case</u>. JV-720-INFO, p. 2, left column, ¶ 3, 5th bullet point – Suggested changes as follows: Fill in item 5 with facts that support <u>why you believe your claim that</u> the RJA was violated in your case. JV-720-INFO, p. 2, left column, ¶ 3, 8th bullet point – Suggested changes as follows:	The committee appreciates this comment. The proposal that was recirculated for comment deletes the reference to "this offense." The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the change was ultimately unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because the language in question was deleted from <i>Request for Relief Under the Racial Justice Act</i> (form JV-720). The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the replacement was ultimately unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment

SP24-07

Juvenile Law: Racial Justice Act (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			If you will need an interpreter <u>for a hearing, ask for one check the box and fill in the language</u> in item 7. JV-720-INFO, p. 2, right column, ¶¶ 1, 2 – Transpose the closing quotation mark and the period in the final sentence, i.e.: a standard of “more likely than not.” Suggested changes: The court will review your request and decide whether to hold a hearing. If the court <u>reviews your request and</u> does not schedule a hearing, it means you have not presented enough facts to establish a substantial likelihood that a violation of the RJA occurred. A “substantial likelihood” requires more than a mere possibility, but less than a standard of “more likely than not.” If the court <u>schedules conducts</u> a hearing, you may present evidence and testimony to support your request. JV-720-INFO, p. 2, right column, ¶ 4 – Query: Should information be provided about the person’s right to seek review of the decision (e.g., appeal or motion for rehearing), if any? Per PC § 1473.7(f), “An order granting or denying the motion is appealable under subdivision (b) of Section 1237 as an order after judgment affecting the substantial rights of a party.” JV-722, Title – Consider replacing “ADJUDICATION” with “CASE” or “PROCEEDING” or another term that encompasses additional types of rulings in a juvenile justice matter. PC § 745(f) reads, “This section also applies to adjudications <i>and dispositions</i> in the juvenile delinquency system and adjudications <i>to transfer</i> a juvenile case to adult court. JV-722, page 2, item 7a – Suggest replacing colon with a period.	because it deemed that the replacement was ultimately unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the changes were ultimately unnecessary. The committee appreciates this comment and endorsed it in the proposal that was recirculated for comment by recommending the addition of language regarding appeals to the information sheet. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the changes were ultimately unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
			JV-722, page 2, item 7b – Recommend including more detail in the order for disclosure, with a place to include specific limits on disclosure and a place to specify any required redactions. Recommend adding a checklist for redactions that are routinely ordered (social security numbers, driver license numbers, identifying information about other minors) so they don't have to be written every time. JV-723, Title – Consider replacing “ADJUDICATION” with “CASE” or “PROCEEDING” or another term that encompasses additional types of rulings in a juvenile justice matter. PC § 745(f) reads, “This section also applies to adjudications <i>and dispositions</i> in the juvenile delinquency system and adjudications <i>to transfer</i> a juvenile case to adult court.” (Italics added.) JV-723, page 1, item 2.a.(2) – Consider deleting “in-court” before “trial proceedings,” as it could be misinterpreted to mean the RJA does not apply to language or conduct in a remote (phone or videoconference) hearing. JV-723 – Recommend adding a place for post-hearing findings and orders on the disclosure of records. At least so far, the vast majority of RJA requests in San Diego Juvenile Court have been for disclosure of records, without a related allegation that the RJA has been violated. Detailed findings and orders that can be checked off, rather than written in, would be helpful on both the JV-722 and the JV-723. No additional Comments.	because it deemed that the change was unnecessary. The committee appreciates this comment but chose not to recommend it in the proposal that was recirculated for comment because it felt that it would be impractical to develop an exhaustive checklist of commonly ordered redactions and that the inclusion of such a list would make the form overly complex. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the changes were ultimately unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the changes were ultimately unnecessary. The committee appreciates this comment but chose not to endorse it in the proposal that was recirculated for comment because it deemed that the findings and orders on the disclosure of discovery on <i>Findings and Orders After Initial Hearing on Request for Relief Under the</i>

SP24-07**Juvenile Law: Racial Justice Act** (approve forms JV-720, JV-720-INFO, JV-722, and JV-723)

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

	Commenter	Position	Comment	Committee Response
				<i>Racial Justice Act—Juvenile Adjudication</i> (form JV-722) was sufficient.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4 and 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Juvenile Law: Sex Offender Registration

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

Revise form JV-915-INFO

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Tony Cheng, 415-865-4268, tony.cheng@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 22, 2024; amended November 26, 2024

Project description from annual agenda: The committee will develop a recommendation to revise Information on Filing a Petition to Terminate Juvenile Sex Offender Registration (form JV-915-INFO) to clarify the requirements a juvenile sex offender registrant must meet to apply for termination of their registration. One of the requirements currently enumerated on form JV-915-INFO is that the registrant must not have been convicted of a new offense described in Penal Code section 667.5(c) since their release from custody for the offense originally giving rise to the duty to register. This requirement, however, is only applicable to adult sex offender registrants, not to juveniles. The proposal would accordingly delete reference to this requirement from form JV-915-INFO.

Out of Cycle/Early Implementation: *If requesting July 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) 6/20/25

☒ approved by Office Director (or Designee) (name) Audrey Fancy
on (date) 7/1/25

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on October 23–24, 2025

Title	Report Type
Juvenile Law: Sex Offender Registration	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise form JV-915-INFO	January 1, 2026
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	July 15, 2025
Hon. Tari L. Cody, Cochair	Contact
Hon. Stephanie E. Hulsey, Cochair	Tony Cheng, 415-865-4268 tony.cheng@jud.ca.gov

Executive Summary

Because *Information on Filing a Petition to Terminate Juvenile Sex Offender Registration* (form JV-915-INFO) contains two legally inaccurate statements, the Family and Juvenile Law Advisory Committee recommends revising the form so that it accurately reflects controlling statutory provisions.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026, revise *Information on Filing a Petition to Terminate Juvenile Sex Offender Registration* (form JV-915-INFO) to remove two legally inaccurate statements and make several minor technical changes. The proposed revised form is attached at pages 6–8.

Relevant Previous Council Action

The Judicial Council adopted form JV-915-INFO, effective September 1, 2023, to provide juvenile registrants with information on how to file a petition for termination of the requirement to register as a sex offender in California.

Analysis/Rationale

Background

In California, individuals convicted of certain enumerated criminal offenses must register as sex offenders. Historically, sex offender registration was a lifetime obligation for all registrants. In 2017, California adopted a tiered registration scheme, which became effective on January 1, 2021. (Sen. Bill 384 (Wiener); Stats. 2017, ch. 541.) Under the tiered registration system, individuals convicted of certain enumerated criminal offenses who meet certain other stated qualifications may petition the court to terminate their registration requirement after successfully completing a set period of registration.

Form JV-915-INFO currently states (1) the Department of Justice determines the registration tier for individuals required to register due to a juvenile adjudication, and (2) a subsequent conviction for an offense requiring sex offender registration or for a violent felony disqualifies an applicant from requesting termination of juvenile sex offender registration. Because neither of those statements reflects the controlling statutory provisions, the committee recommends their removal from the form.

Registration tiers for adults

Under the tiered registration scheme, individuals with a qualifying criminal conviction (as opposed to a qualifying juvenile adjudication) are classified as either a tier one, tier two, or tier three offender. Tier one offenders are eligible to petition the court for termination of their registration requirement after registering for at least 10 years, while most tier two offenders are generally eligible to do so after registering for a minimum of 20 years. Most tier three offenders are subject to the lifetime registration requirement and are not eligible to petition the court for termination of their registration requirement.

Certain individuals classified as tier two offenders may seek to petition the court for termination of their registration requirement after a minimum of 10 years (as opposed to the otherwise applicable 20 years). Among other criteria, these applicants must not have been convicted of a new offense that either requires sex offender registration or is listed in Penal Code section 667.5(c)¹ since their release from custody following their conviction for the offense originally giving rise to the duty to register.

Registration tiers for juveniles

Individuals with a qualifying juvenile adjudication are classified, based solely on their registrable offense, as either a tier one juvenile offender or a tier two juvenile offender. A tier one juvenile offender is an individual whose registrable offense is *not* considered a serious or violent felony under either section 667(c) or 1192.7(c), while a tier two juvenile offender is an individual whose registrable offense *is* considered a serious or violent felony under either section 667(c) or 1192.7(c). Individuals classified as tier one juvenile offenders must register for at least 5 years (instead of 10 years for a qualifying criminal conviction) before becoming eligible to petition the

¹ Unless otherwise stated, all statutory references are to the Penal Code.

court for termination of their registration requirement. Individuals classified as tier two juvenile offenders must register for at least 10 years (instead of 20 years for a qualifying criminal conviction) before becoming eligible to petition for termination of their registration requirement.

Form JV-915-INFO

Form JV-915-INFO states that a juvenile offender's tier level is determined by the Department of Justice. That statement is incorrect. A juvenile offender's tier level is determined solely by whether their registrable offense is a serious or violent felony.

Form JV-915-INFO also states that any juvenile offender (whether tier one or tier two) must not have been convicted of a new offense requiring sex offender registration *or* for a new offense listed in section 667.5(c) since their release from custody following their conviction for the offense originally giving rise to the duty to register. That statement is also incorrect, as such a conviction does not affect a juvenile registrant's eligibility to petition for termination of registration.

The eligibility restriction is contained in section 290.5(b)(2), which expressly only applies to a tier two "offender" under section 290(d)(2) and not to a tier two "juvenile offender" as described in section 290.008(d)(2). Moreover, section 290(d)(2)(A) defines eligible tier two offenders as individuals who were "convicted" of certain offenses. Juvenile adjudications are not to be deemed "a conviction of a crime for any purpose." (Welf. & Inst. Code, § 203.) As a result, individuals who are required to register because of a juvenile adjudication are not subject to the prohibition.

Proposal

Item 3 on the form, in part, provides information for a juvenile offender to determine their tier. The item states, in part, "The Department of Justice will determine tier placement for all current registrants and will notify the law enforcement agency where you register." This statement is true for adults, but not juveniles. The committee recommends replacing this text with "If your registrable offense is considered either a serious or violent felony under either Penal Code section 667.5(c) or 1192.7(c), you are in Tier 2; if not, you are in Tier 1." This language is consistent with sections 290.008(d)(1) and (2), which state the tier level definitions for juveniles.

Item 4 on the form identifies five requirements (besides registering for the minimum time period) that must be satisfied for a juvenile offender to be eligible to petition for termination of the registration requirement. The committee recommends removing the following requirements from the list:

- You have not been convicted of a new offense requiring sex offender registration since your release from custody following your adjudication for the offense originally giving rise to your duty to register.

- You have not been convicted of a new offense described in Penal Code section 667.5(c) since your release from custody upon adjudication for the offense originally giving rise to your duty to register.

These requirements only apply to adults, not juveniles. The remaining listed requirements track the language of section 290.5(a)(2), and thus the committee does not propose substantive revision to them.

In addition to the changes described above, the committee recommends several minor changes to improve the clarity of the form and to add supplemental information.

Policy implications

The proposed revision will ensure that form JV-915-INFO accurately summarizes the relevant law. The policy choices have been made by the Legislature.

Comments

This proposal circulated for public comment from April 14 to May 23 during the spring 2025 invitation-to-comment cycle and received four comments, all of which agreed with the proposal as currently drafted. Comments were received from the Orange County Bar Association and the Superior Courts of Los Angeles, Orange, and San Diego Counties. A chart of the comments submitted is attached at pages 9–12.

Alternatives considered

The committee considered taking no action but rejected this option because without the proposed revisions, the form would contain inaccurate statements of law.

Fiscal and Operational Impacts

Fiscal and operational impacts are likely to be minor because the proposal is limited to two corrections and a few technical edits to an information sheet. Expected costs include training, case management system updates, and the production of new forms.

Commenters have suggested that implementation of the revised form will require training for staff; updating policies and procedures; updating macros, event codes, and forms in the case management system; providing communication to judicial officers and court staff; and ensuring self-help centers have access to the revised form.

Attachments and Links

1. Form JV-915-INFO, at pages 6–8
2. Chart of comments, at pages 9–12
3. Link A: Pen. Code, § 290,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.&lawCode=PEN

4. Link B: Pen. Code, § 290.008,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.008.&lawCode=PEN
5. Link C: Pen. Code, § 290.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=290.5.&lawCode=PEN

DRAFT

1 General Information

- You must continue to register as a sex offender until a court grants your request to terminate the registration requirement.
- You may be required to register as a sex offender in another jurisdiction even if your requirement to register in California is terminated.
- Do not file evidence that shows proof of rehabilitation unless requested by the court after the petition is filed.
- [Form JV-915](#) and proof of current registration may only be filed following the expiration of your mandated minimum registration period.
- This information sheet is for terminating registration based on adjudications in juvenile court. It does not address registration based on criminal convictions.
- Proof of current registration is available at the registering law enforcement agency.
- It is very important that you provide a **dependable** mailing address on [form JV-915](#) so that the district attorney and the court can reach you. Contact the court immediately if your mailing address changes.

2 Am I eligible for relief under Penal Code section 290.5?

You *may be* eligible to petition for relief under Penal Code section 290.5 if:

- You are required to register as a sex offender under Penal Code section 290; *and*
- You have registered for the minimum time period for your assigned tier.

3 Which tier am I? How is my tier determined?

Your tier is based on the offense for which you were adjudicated and committed to the Division of Juvenile Justice. If your registrable offense is considered either a serious or violent felony under either Penal Code section 667.5(c) or 1192.7(c), you are in Tier 2; if not, you are in Tier 1. Registrants may request a tier notification letter from the registering law enforcement agency.

- Upon being adjudicated for a registrable offense, your minimum required registration period begins on the date you were released from the Division of Juvenile Justice.
- Any misdemeanor conviction for failure to register extends the minimum time period by one year, without regard to the actual time served in custody for the conviction. Any felony conviction for failure to register extends the minimum time period by three years, without regard to the actual time served in custody for the conviction.
- If the minimum registration period has not been tolled or extended, you are eligible for relief after you have registered for the following time periods:

If you are...	You must have registered for at least...
Tier 1 (Juvenile)	5 years
Tier 2 (Juvenile)	10 years

4 Are there any other requirements besides registering for my tier's minimum time period?

If you are assessed as Tier 1 or Tier 2, you are eligible to petition for relief only upon reaching the end of the minimum registration period, and only if *all of the following are true*:

- You are not the subject of pending criminal charges that could extend the time to complete the registration requirements of the tier or change the tier status;
- You are not in custody; **and**
- You are not on parole, probation, postconviction supervised release, or any other form of supervised release.

5 At the end of my minimum period of registration, where and how do I file my petition and proof of current registration with the court?

You may file [form JV-915](#) and proof of current registration as a sex offender, which you can get from the registering law enforcement agency, in the juvenile court in the county where you register. If you register with more than one law enforcement agency (for example, **if you are also required to register at a school campus** or at an additional residence

address), you must file the petition and proof of current registration in the county of your primary residence.

- Make a copy of the completed [form JV-915](#) and proof of current registration for each law enforcement agency and district attorney's office you (or someone on your behalf) must serve.
- Contact the court clerk or check the court's website to see if any local rules exist regarding filing or [serving the petition and proof of current registration](#) and ask how you can receive proof of filing.
- File [form JV-915](#) and proof of current registration by:
 - Taking them to the court clerk in person;
 - Mailing them to the court; or
 - Depending on the court's local rules and practices, filing them electronically.

6 Who else gets a copy of the petition and proof of current registration, and how?

After [form JV-915](#) and proof of current registration are filed with the court, you or someone on your behalf must deliver a copy of the petition and the proof of current registration to:

- The law enforcement agency with which you currently register; and
- The district attorney in the county in which you currently register.

If you were adjudicated [for a registrable offense](#) in a county other than where you currently reside or register, the petition and proof of current registration must also be delivered to the law enforcement agency and the district attorney of the county of [adjudication](#) of the registrable offense.

- *Example:* If you were adjudicated for a registrable offense in Los Angeles County but register in Orange County, you or someone on your behalf must serve the law enforcement agency and the district attorney's office in both counties.
- Contact every agency that must be served to check if there is a specific person or mailing address that should receive the petition and proof of current registration. If the agencies do not get a copy, they will not be able to provide the information the court needs to consider your request, and the court may deny the request or delay its decision until it receives this information.

There are three main ways to serve the petition and proof of current registration (use *Proof of Service—Juvenile Sex Offender Registration Termination* ([form JV-916](#)) as a guide for the information you need to report back to the court about how and when the petition was served):

- **Personal service:** You may serve the petition and proof of current registration or ask someone else to do it. Go in person to hand-deliver the petition and proof of current registration to a representative of the law enforcement agency and district attorney's office during business hours. This is the most reliable form of service.
- **Service by mail:** Place copies of the petition and proof of current registration in a stamped, sealed envelope addressed to the law enforcement agency and district attorney's office. Put first-class postage on the envelope and mail it by depositing the envelope with the U.S. Postal Service or at an office or business mail drop where the mail is picked up every day and deposited with the U.S. Postal Service.

Alternatively, you may mail the documents by certified mail with a return receipt requested.

- **Electronic service:** Contact the law enforcement agency and district attorney's office to check if they accept electronic service and, if so, how to confirm receipt of service. The court may require proof of consent and proof of electronic service. You can use *Consent to Electronic Service and Notice of Electronic Service Address* ([form EFS-005-CV](#)) and *Proof of Electronic Service* ([form EFS-050](#)), available at courts.ca.gov/rules-forms/find-your-court-forms.

Your petition may be denied if all law enforcement agencies and district attorney offices required to be served are not served. When service is complete, you or the person who served the documents on your behalf must fill out *Proof of Service—Juvenile Sex Offender Registration Termination* ([form JV-916](#)) and file it with the court.

7 Time frame for court's decision

The court will not make a decision until it hears from the law enforcement agency and the district attorney. This may take four months or longer.



- The law enforcement agency has 60 days from receipt of the petition to report on your eligibility to the court and district attorney. The law enforcement agency may request more time if it discovers a conviction not previously considered by the Department of Justice.
- The district attorney may request a hearing within 60 days after receiving the eligibility report from law enforcement.
- Once you file your petition and proof of current registration and the court gives you a case number, you can see whether the court has received and filed any responses from the law enforcement agency and the district attorney's office by going in person to the juvenile court to request access to your paper file. The district attorney will also serve a copy of its response on you or your attorney.
- The court may grant your request, deny your request, or set the request for a hearing if one is requested by the district attorney. The court will notify you or your attorney if a hearing is set.

9 Subsequent petition

If the court denies your request, it will let you know how much time must pass before you can make the request again. That period must be at least one year from date of denial, but may not exceed five years, based on facts presented at the hearing.

8 Hearing

The district attorney in the county where the petition is filed may request a hearing if the district attorney does not believe you have registered for the minimum time period required or if they believe that you should continue registering for the safety of the community. If the court must decide at the hearing whether you should continue to register for the safety of the community, the court will make its decision by considering the facts of your case, your conduct before and after the adjudication, and your current risk of sexual or violent re-offense, among other factors.

If the district attorney does not request a hearing, the court must grant the petition for termination if (1) you provided proof of current registration, (2) the registering law enforcement agency reported that you met the requirements for termination, (3) there are no pending charges against you that could extend the minimum time you are required to register, and (4) you are not in custody or on parole, probation, or supervised release.

SPR25-19**Juvenile Law: Sex Offender Registration** (revise form JV-915-INFO)

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

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association By Mei Tsang, President	A	Comments: removes language that doesn't apply to juvenile adjudications 1) The proposal appropriately addresses the stated purpose 2) there are no other legal inaccuracies	The committee appreciates the information provided.
2.	Superior Court of Los Angeles County By Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "Juvenile Law: Sex Offender Registration," the Court agrees with the proposal and its ability to appropriately address its stated purpose. Additionally, the Court finds that there are no other legally inaccurate statements in the form. Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: Training for staff, Updating policies and procedures, Updating macros, event codes, and forms in the case management system. Lastly, the Court agrees that three to six 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.	The committee appreciates the information provided. The committee notes that, under this year's calendar, there will be two months between Judicial Council approval and the effective date of the revised form. Other courts have indicated that this lead time is sufficient; the committee hopes it will also work well for the Los Angeles court.

SPR25-19**Juvenile Law: Sex Offender Registration** (revise form JV-915-INFO)

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

	Commenter	Position	Comment	Committee Response
3.	Superior Court of Orange County By Katie Tobias, Operations Analyst	A	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose. Would the proposal provide cost savings? If so, please quantify. No, the proposal does not appear to provide cost savings. 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? Implementation will require providing communication to judicial officers and court staff, and ensuring Self-Help has access to the revised form. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County. How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	The committee appreciates the information provided.

SPR25-19**Juvenile Law: Sex Offender Registration** (revise form JV-915-INFO)

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

	Commenter	Position	Comment	Committee Response
4.	Superior Court of San Diego County By Mike Roddy, Executive Officer	A	Specific Comments Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Are there any other legally inaccurate statements in the form? A: No. Q: Would the proposal provide cost savings? If so, please quantify. A: No. 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: Informing staff and notifying judicial officers. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes.	The committee appreciates the information provided.

SPR25-19**Juvenile Law: Sex Offender Registration** (revise form JV-915-INFO)

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

	Commenter	Position	Comment	Committee Response
			General Comments This proposal addresses a necessary change to correct mistakes on the JV-915-INFO form.	

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: Sept. 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Juvenile Law: Date a Child Entered Foster Care

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

Amend Cal. Rules of Court, rule 5.502

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Sarah Saria, 916-643-7078, sarah.saria@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 22, 2024; Amended: November 26, 2024

Project description from annual agenda: Juvenile Dependency, item o. AB 2664 (Bryan) Foster youth (Stats. of 2024, Ch. 412) Clarifies that when a child is returned to the home of the parent or guardian at the dispositional hearing and subsequently removed through a petition, the child shall be deemed to have been originally removed from the physical custody of their parent or guardian on the date they were taken into custody by the social worker via the subsequent petition.

Out of Cycle/Early Implementation: *If requesting July 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, 2025

☒ approved by Office Director (or Designee) (name) Audrey Fancy
on (date) July 7, 2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on October 23–24, 2025

Title

Juvenile Law: Date a Child Entered Foster Care

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 5.502

Date of Report

July 23, 2025

Recommended by

Family and Juvenile Law Advisory
Committee

Contact

Sarah Saria, 916-643-7078
Sarah.Saria@jud.ca.gov

Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulse, Cochair

Executive Summary

Assembly Bill 2664 (Bryan; Stats. 2024, ch. 412) amended Welfare and Institutions Code section 361.49 to clarify the date a child is deemed to have entered foster care to establish timelines for the provision of reunification services. The Family and Juvenile Law Advisory Committee recommends amending two definitions in rule 5.502 of the California Rules of Court to conform to the law and to correct a statutory reference.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026, amend California Rules of Court, rule 5.502 to address the situation of a child who is not removed or is returned at disposition on a Welfare and Institutions Code section 300 petition but is later removed under a section 342 or 387 petition.

The proposed amended rule is attached at pages 5–6.

Relevant Previous Council Action

Rule 5.502, adopted effective January 1, 1990, as rule 1401, was amended and renumbered effective January 1, 2007. Effective January 1, 2008, rule 5.502 was amended to include

reference to section 600 of the Welfare and Institutions Code.¹ The rule has not previously addressed the situation of a child who is not removed or is returned at disposition on a section 300 petition but is later removed under a section 342 or 387 petition.

Analysis/Rationale

AB 2664 amended section 361.49 to clarify the date a child is deemed to have entered foster care when a child is not removed or is returned, after being initially detained, at disposition on a section 300 petition. In such a case, the family may receive family *maintenance* services. If the child is later removed under a section 342 or 387 petition, the timeline for family *reunification* services is based on the initial removal under the section 342 or 387 petition.

AB 2664 was a legislative response to *In re Damian L.* (2023) 90 Cal.App.5th 357. In this case, the children were initially taken from their mother's custody by law enforcement and then detained by the court on a section 300 petition in September 2019. The children remained out of the mother's care until the disposition hearing on the section 300 petition in June 2020, when the juvenile court ordered custody of the children to be retained by the mother and family maintenance services provided. When the children were subsequently removed at disposition on a section 387 petition in May 2021, the child welfare agency argued that the mother was out of time to reunify because the 18- and 24-month limits for reunification services ran from the date the children were initially taken from parental custody in September 2019. The juvenile court disagreed and ordered reunification services for the mother. The Court of Appeal reversed the juvenile court's order, holding that the time limits on reunification services began when the children were taken from parental custody on the original section 300 petition.²

Amendments to rule 5.502 are necessary to conform to the amendments made to section 361.49 by AB 2664. Determining the date of entry into foster care according to the initial removal of a child under a section 342 or 387 petition ensures that families will receive family reunification services for the time permitted by statute even if they have already received family maintenance services.

The committee also recommends amending subdivision (21) of rule 5.502 to correct the reference to a petition under section 600. There is no section 600 petition; rather, wardship petitions are filed under section 601 or 602. The rule history does not indicate why the rule refers to section 600, but it is an error that the committee believes should be corrected.

Policy implications

The recommended amendments will implement legislative intent expressed through statutory changes. These amendments are consistent with the judicial branch's strategic plan goal of Quality of Justice and Service to the Public (Goal IV).

¹ All statutory references are to the Welfare and Institutions Code unless otherwise noted.

² *In re Damian L.* (2023) 90 Cal.App.5th 357, 383.

Comments

The proposal was circulated for public comment from April 16 through May 23, 2025. A total of seven comments were received. Four commenters agreed with the proposal, two agreed if modified, and one commenter did not indicate a position.

Three commenters, including the internal Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, provided feedback intended to clarify the recommended definition of “initial removal” in subdivision (21)(B) of rule 5.502. Because a petition filed under section 342 is referred to as a subsequent petition, commenters suggested avoiding potential confusion by deleting the word “subsequent” from the description of a section 342 or 387 petition. The committee agreed that the word “later” to describe a child becoming the subject of a section 342 or 387 petition sufficiently conveyed that the section 342 or 387 petition followed the section 300 petition.

Another commenter also suggested conforming the new definition of “initial removal” in subdivision (21)(B) more closely to the language proposed as the new definition of “date a child entered foster care” in subdivision (9)(A)(ii). For improved clarity, this suggestion was incorporated into the language recommended for adoption as subdivision (21)(B). To avoid the potential confusion discussed in the preceding paragraph, the committee recommends deleting the word “subsequent” from subdivision (9)(A)(ii) for the same reasons.

One commenter suggested correcting the inaccurate reference to section 600 in subdivision (21)(A). The committee agreed with making this correction, and the reference to section 600 has been replaced with sections “601, or 602,” the two sections under which wardship petitions are filed.

The chart of comments and committee responses is attached at pages 7–13.

Alternatives considered

The committee did not consider taking no action because amending the rule is necessary under AB 2664 to clarify a family’s entitlement to reunification services.

Fiscal and Operational Impacts

Most of the impacts arising from this new law are a result of the statute. The committee anticipates that this proposal will result in some operational impacts based on several comments, including those from superior courts, stating that case management systems may require updating and communication and training would have to be provided for court staff and judicial officers.

Attachments and Links

1. Cal. Rules of Court, rule 5.502, at pages 5–6
2. Chart of comments, at pages 7–13

3. Link A: Welf. & Inst. Code, § 361.49,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=361.49.&lawCode=WIC
4. Link B: Assem. Bill 2664 (Bryan; Stats. 2024, ch. 412),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2664

DRAFT

Rule 5.502 of the California Rules of Court is amended, effective January 1, 2026, to read:

Rule 5.502. Definitions and use of terms

Definitions * * *

As used in these rules, unless the context or subject matter otherwise requires:

(1)–(8) * * *

(9) “Date the child entered foster care” means:

(A) In dependency;

(i) Except as provided in (ii), the earlier of the date on which the court sustained the petition filed under section 300 or 60 days after the “initial removal” of the child as defined below, whichever is earlier in (21)(A); or

(ii) If the court ordered custody retained by the parent or guardian at disposition on a petition filed under section 300, even if the child was initially detained, and later removed the child at disposition on a petition filed under section 342 or 387, the earlier of the date on which the court sustained the petition filed under section 342 or 387 or 60 days after the “initial removal” of the child, as defined in (21)(B).

(B) * * *

(10)–(20) * * *

(21) “Initial removal” means:

(A) Except as provided in (B), the date on which the child, who is the subject of a petition filed under section 300 or 600, 601, or 602, was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) or 628(c), if removal results in the filing of the petition before the court; or

(B) If the court ordered custody retained by the parent or guardian at disposition on a petition filed under section 300, even if the child was initially detained, the date on which the child, who later becomes the subject of a petition filed under section 342 or 387, was taken into custody by the social worker or a peace officer, or was deemed to have

1 been taken into custody under section 309(b) on the petition filed under
2 section 342 or 387.

3
4 (22)–(46) * * *

DRAFT

Juvenile Law: Date a Child Entered Foster Care (Amend Cal. Rules of Court, rule 5.502)

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

	Commenter	Position	Comment	Committee Response
1.	California Lawyers Association, Family Law Executive Committee (FLEXCOM)	A	FLEXCOM agrees with this proposal. FLEXCOM suggests a clarifying revision to new subdivision (21)(B) as follows: If the child was not removed from the physical custody of their parent or guardian at disposition on a prior petition filed under section 300, the date on which the child, ~~who is the subject of a subsequent petition filed under section 342 or 387,~~ was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) on the subsequent petition <u>filed under section 342 or 387.</u>	The committee thanks the commenter for this suggestion and has implemented it in part. The committee received several alternative wording suggestions and considered them all in revising the recommended rule language. See the committee's response to the comments of the San Diego Superior Court and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, below, on subdivision (21)'s phrasing.
2.	Hon. Steven Ipson Superior Court of California County of Los Angeles	A	The proposed wording is concise.	The committee appreciates the comment.
3.	Orange County Bar Association by Mei Tsang, President	A	Agree.	The committee acknowledges the Orange County Bar Association's agreement.
4.	Superior Court of California, County of Los Angeles	A	[T]he Court agrees with the proposal and its ability to appropriately address its stated purpose.	The committee appreciates this feedback.
			...[T]he Court does not see any cost savings from the proposal,...	The committee appreciates the comment.
			...[The Court] anticipates minimal implementation requirements, which include but are not limited to: Training for staff	The committee appreciates the comment and has noted these implementation requirements in the Judicial Council report.

Juvenile Law: Date a Child Entered Foster Care (Amend Cal. Rules of Court, rule 5.502)

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

	Commenter	Position	Comment	Committee Response
			Updating policies and procedures Updating macros, event codes, and forms in the case management system.	
			Lastly, the Court agrees that three to six 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.	The committee notes that, under this year's calendar, there will be two months between Judicial Council approval and the effective date of the amendments to the rule of court. Other courts have indicated that this lead time is sufficient; the committee hopes it will also work well for the Los Angeles superior court.
5.	Superior Court of California, County of Orange, Family Law and Juvenile Divisions	NI	Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates this feedback.
			No, the proposal does not appear to provide cost savings.	The committee appreciates the comment.
			Implementation will require providing communication to judicial officers and court staff.	The committee appreciates the comment and has noted the implementation requirements in the Judicial Council report.
			Yes, two months would provide sufficient time for implementation in Orange County.	The committee appreciates the comment.
			Our court is a large court, and this [proposal] could work for Orange County.	The committee appreciates the comment.
6.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates this feedback.
			Q: Would the proposal provide cost savings? If so, please quantify.	The committee appreciates the comment.

Juvenile Law: Date a Child Entered Foster Care (Amend Cal. Rules of Court, rule 5.502)

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

Commenter	Position	Comment	Committee Response
		A: No.	
		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: Informing staff and notifying judicial officers.	The committee appreciates the comment and has noted the implementation requirements in the Judicial Council report.
		Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the comment.
		Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes.	The committee appreciates the comment.
		Rule 5.502(9): Suggest deleting “subsequent” from subd. (9)(A)(ii) to avoid any confusion that might arise from the fact that § 342 petitions are called “subsequent petitions” and § 387 petitions are called “supplemental petitions.” The sentence already uses “later” (“ <i>later</i> removed the child . . .”), so calling the § 342 or § 387 petition a “subsequent petition” is not necessary for clarity. (Note: Section 361.49(b)(1) does not use “subsequent” as an adjective for a petition	The committee agrees with the suggestion to delete the word “subsequent” from the provision it is recommending for adoption as subdivision (9)(A)(ii) of rule 5.502.

Juvenile Law: Date a Child Entered Foster Care (Amend Cal. Rules of Court, rule 5.502)

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

	Commenter	Position	Comment	Committee Response
			“brought under Section 342 or 387”; it merely refers to when the court “subsequently removes” the child after sustaining § 342 or § 387 petition.) (ii) If the court ordered custody retained by the parent or guardian at disposition on a petition filed under section 300, even if the child was initially detained, and later removed the child at disposition on a ~~subsequent~~ petition filed under section 342 or 387, the earlier of the date on which the court sustained the ~~subsequent~~ petition filed under section 342 or 387 or 60 days after the “initial removal” of the child, as defined in (21)(B). Rule 5.502(21): Likewise, subd. (21)(B) . . . If the child was not removed from the physical custody of their parent or guardian at disposition on a prior petition filed under section 300, the date on which the child, who ~~is~~ <u>later becomes</u> the subject of a ~~subsequent~~ petition filed under section 342 or 387, was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) on the ~~subsequent~~ petition <u>filed under section 342 or 387.</u>	The committee agrees that the word “later” adequately conveys removal of a child pursuant to a section 342 or 387 petition that follows a section 300 petition. The committee also agrees with the suggestion to delete the word “subsequent.” It has incorporated both suggestions in the amended rule recommended for adoption as subdivision (21)(B) of rule 5.502.

Juvenile Law: Date a Child Entered Foster Care (Amend Cal. Rules of Court, rule 5.502)

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

	Commenter	Position	Comment	Committee Response
			<i>Query:</i> Should “juvenile justice” replace “delinquency” in (9)(B)? (B) In ~~delinquency~~ <u>juvenile justice</u>, the date 60 days after the date on which . . .	The committee acknowledges that “juvenile justice” has replaced the term “delinquency” in many contexts. For consistency with statutes, the committee will continue to use “delinquency” rather than “juvenile justice” until the Legislature makes this change.
			<i>Query:</i> Should (21)(A) be changed as follows (as there is no WIC § 600)? . . . who is the subject of a petition filed under section 300 or ~~600~~ <u>602</u>, was taken . . .	The committee agrees in part and recommends changing the reference to section “600” to “...601, or 602,” in the recommended amendment.
7.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (“JRS”) by Hon. Mark Magit Superior Court of California, County of Mono	AM	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: • Impact on existing automated systems. ○ May require updating case management system and tracking of new timeframes. • Results in additional training, which requires the commitment of staff time and court resources. ○ Will require training for juvenile judges and clerks.	The committee appreciates this feedback and has noted the implementation requirements in the Judicial Council report.

Juvenile Law: Date a Child Entered Foster Care (Amend Cal. Rules of Court, rule 5.502)

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

	Commenter	Position	Comment	Committee Response
			Suggested modification(s): Review proposed language for Rule 5.502(21)(B) as it may be awkward, ambiguous or confusing. Proposed language: “If the child was not removed from physical custody of their parent or guardian at disposition on a prior petition filed under section 300, the date on which the child, who is the subject of a subsequent petition filed under section 342 or 387, was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) on the subsequent petition.” 1. The child may have been removed prior to the disposition hearing. 2. The work “prior petition” may be confusing because there may have been a prior petition in another case. The new law, and purpose of the rule, is to start a new timeframe for reunification services when a child was returned, or retained, by the parent at the disposition hearing, but later detained pursuant to facts necessitating the filing of a subsequent petition. Consider using language in proposed 5.502(9)(A)(ii). Possible revised language:	The committee appreciates this feedback and agrees that rule 5.502(21)(B) would be improved by clarifying that the child may have been detained prior to the disposition hearing on the section 300 petition. The committee has modified its recommended language for subdivision (21)(B) to implement this suggestion.

SPR25-20

Juvenile Law: Date a Child Entered Foster Care (Amend Cal. Rules of Court, rule 5.502)

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

	Commenter	Position	Comment	Committee Response
			“If the child was returned or ordered retained by the parent or guardian at disposition on a petition filed under section 300, but is thereafter the subject of a subsequent petition filed under section 342 or 387, the date on which the child was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) on the subsequent petition.”	

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Family Law: Joint Petition for Dissolution or Legal Separation

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

Amend California Rules of Court, rules 5.16, 5.50, 5.68, and 5.92; adopt forms FL-700, FL-710, and FL-720; approve form FL-700-INFO.

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Sarah Jacobvitz, 415-865-4533, sarah.jacobvitz@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): Approved October 22, 2024; amended on November 26, 2024

Project description from annual agenda: 1. Project Summary: 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.

1(i). SB 1427 (Allen) Marriage: joint petition for dissolution of marriage (Stats. of 2024, Ch. 190) Effective January 1, 2026, establishes a process by which parties to a marriage that does not meet the requirements for summary dissolution may file a joint petition for dissolution or legal separation on forms to be adopted by the Judicial Council. Requires a joint petition for dissolution of marriage or legal separation to set forth all of the following, as nearly as can be ascertained: the date of the marriage, if there are children of the marriage, and if so the number of children and the age and birth date of each child; and a list of issues that the parties intend to resolve by agreement. Provides a joint petition and a joint summons, in a form and content approved by the Judicial Council, shall be deemed to be served on both parties upon the filing of the joint petition with the court, and both parties shall be determined to have appeared in the matter. Provides that the filing of a joint petition shall be accompanied by the filing fees required for the filing of petitions and responses in standard dissolution or legal separation matters, unless both parties have been granted a fee waiver.

Out of Cycle/Early Implementation: *If requesting July 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) 7/24/2025

☒ approved by Office Director (or Designee) (name) Anna Maves
on (date) 7/25/2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on October 24, 2025

Title

Family Law: Joint Petition for Dissolution or
Legal Separation

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 5.16, 5.50,
5.68, and 5.92; adopt forms FL-700, FL-710,
and FL-720; approve form FL-700-INFO

Date of Report

August 28, 2025

Recommended by

Family and Juvenile Law Advisory
Committee

Contact

Sarah Jacobvitz, 415-865-4533
sarah.jacobvitz@jud.ca.gov

Hon. Tari L. Cody, Cochair

Hon Stephanie E. Hulsey, Cochair

Executive Summary

To implement Senate Bill 1427 (Stats. 2024, ch. 190), the Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend four rules of court, adopt three mandatory forms, and approve one optional form. Effective January 1, 2026, SB 1427 authorizes parties who do not qualify to use the current summary dissolution process to file a joint summons and a joint petition to ask the court for a dissolution of marriage or domestic partnership or for a legal separation. The legislation requires the Judicial Council to adopt or amend any rules or forms necessary for implementation no later than January 1, 2026.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026:

1. Amend California Rules of Court, rules 5.16, 5.50, 5.68, and 5.92;
2. Adopt *Joint Petition—Marriage or Domestic Partnership* (form FL-700);

3. Adopt *Summons—Joint Petition* (form FL-710);
4. Adopt *Notice of Revocation of Joint Petition* (form FL-720); and
5. Approve *Information Sheet for Joint Petition for Dissolution or Legal Separation* (form FL-700-INFO).

Relevant Previous Council Action

The Judicial Council has not taken any relevant previous action on the joint petition process as it is a new process effective January 1, 2026.

Analysis/Rationale

Currently, and until SB 1427 (Link A) is implemented, most proceedings for dissolution or legal separation generally follow an adversarial process, in which one spouse or domestic partner is required to file an initial petition, serve the other party, and then wait to see whether the other spouse or domestic partner files a response within 30 days, or proceed with a default. The only exception is if parties qualify for the summary dissolution process, which is a simplified joint process in which parties have fewer disclosure requirements and must waive their rights to support and to appeal.¹ Parties qualify for this process only if they have been married for less than five years, have no children, and have do not possess property or debt exceeding specified limits.²

SB 1427 allows parties who do not meet the criteria for summary dissolution to initiate their case in a collaborative manner through the joint petition process. Family Code section 2330 prescribes the manner in which a party may commence an action for dissolution or legal separation. SB 1427 amends section 2330 to add section 2330(c), which establishes the required content of a joint petition. In addition to facts as required in all dissolution and legal separation proceedings, new section 2330(c) requires that parties include in their joint petition a list of all issues that they intend to resolve by agreement. If there are any issues that the parties intend for the court to resolve outside of an agreement, the parties are precluded from using the joint petition process.

SB 1427 adds subdivision (b) to Family Code section 2331, stating that, in joint petition cases, filing a joint petition and joint summons completes service requirements and effectuates a general appearance by both parties.

SB 1427 also adds section 2342.5 to the Family Code to provide the procedures relating to the joint petition and joint summons. Under the joint petition process, either party may seek discovery, and parties may jointly amend the petition. Section 2342.5 includes a process for parties to withdraw from the joint petition process without leave of the court by filing an amended pleading. The joint petition is deemed revoked when a joint petitioner files an amended

¹ Fam. Code, §§ 2400, 2404(b).

² Fam. Code, § 2400.

petition or an amended response. After service of this amended pleading, the other party is required to file their own amended petition (if they were the first joint petitioner) or amended response (if they were the second joint petitioner). If either party to a joint petition files a request for order before entry of judgment, that party must also simultaneously revoke the joint petition by filing an amended petition or amended response, removing the matter from the joint petition process.

To implement SB 1427 the committee recommends the following rule amendments and new forms.

Recommended rule amendments

Rule 5.16. Designation of parties

Rule 5.16(a)³ establishes how each party in family law proceedings is designated. The committee recommends amending this rule to specify that the first joint petitioner in a joint petition case is designated “petitioner 1” and the second joint petitioner is designated “petitioner 2.” If either party revokes the joint petition, the first petitioner becomes the petitioner in the now-adversarial process, and the second petitioner becomes the respondent.⁴ For any Judicial Council forms that list the parties as “petitioner” and “respondent,” petitioner 1 would identify themselves as “petitioner” and petitioner 2 would identify themselves as “respondent.”⁵

Rule 5.50. Papers issued by the court

Rule 5.50 lists the names and numbers of each type of summons that the court clerk must issue in proceedings under the Family Code. The committee recommends adding subdivision 5.50(a)(1)(F)⁶, which states that the court clerk must issue *Summons—Joint Petition* (form FL-710) when parties file a joint petition for dissolution or legal separation pursuant to Family Code sections 2330(c) and 2331.

Rule 5.68. Manner of service of summons and petition; response; jurisdiction

Rule 5.68 sets forth the procedures for serving a summons in a family law case. The committee recommends amending this rule to establish the service requirements for an amended pleading when a joint petitioner revokes the joint petition and the case becomes contested. No amended summons would be issued, but the revoking party would be required to file and serve *Notice of Revocation of Joint Petition* (form FL-720).

³ The committee’s recommendation in this report relates only to rule 5.16(a). However, rule 5.16(b) is part of the Judicial Council report *Family Law: Rules and Forms to Determine Parental Relationship Based on Gestational Carrier Agreement* (report number 25-037).

⁴ Fam. Code, § 2342.5(b).

⁵ Fam. Code, § 2342.5(a)(1).

⁶ The committee’s recommendation is to add a new subpart (F) to rule 5.50(a)(1). Rule 5.50 is also part of the Judicial Council report *Family Law: Rules and Forms to Determine Parental Relationship Based on Gestational Carrier Agreement* (report number 25-037), which adds a new subpart (E) to subdivision (a)(1).

Rule 5.92. Request for court order; responsive declaration

Rule 5.92 establishes the procedures for requesting an order from the court during the pendency of a family law proceeding. The committee recommends amending this rule to comply with Family Code section 2342.5(e) by requiring that, in joint petition cases in which judgment has not yet been entered, a party wishing to file a request for order must first revoke the joint petition process either before filing the request for order or simultaneously with the request for order.

Recommended new forms

Effective January 1, 2026, the committee recommends that three new forms be adopted, and one new form be approved to implement the joint petition process. This includes providing the forms necessary for parties to file a joint petition and joint summons for dissolution of marriage or domestic partnership or legal separation, as mandated by Family Code section 2342.5. The committee recommends including a notice form for a party revoking a joint petition to serve on the other party notifying them that the court may make orders without their agreement and informing them of next steps. Also, to assist parties in completing the joint petition and understanding their rights, the committee recommends the approval of an information sheet.

To avoid confusion, the committee recommends using the FL-700 series for the recommended new joint petition forms. This would not preclude parties from using other forms in the FL-100 series in the joint petition case. To make this clear, the recommended information sheet would reference the names of the forms in the FL-100 series that are needed, such as *Declaration Under Uniform Child Custody and Jurisdiction Act (UCCJEA)* (form FL-105).

Joint Petition—Marriage or Domestic Partnership (form FL-700)

The committee recommends adopting this new mandatory form for filing a joint petition. Like *Petition—Marriage/Domestic Partnership* (form FL-100), this form would be mandatory to ensure that parties include the facts required by statute in the joint petition. In item 8, the form explains what legal rights parties would be waiving if they file a joint petition. The recommended form is in plain language format and was drafted with user-friendly principles in mind.

Summons—Joint Petition (form FL-710)

The committee recommends adopting this new mandatory joint summons form to incorporate the requirements for a joint summons under section 2342.5 and the temporary restraining orders in *Summons* (form FL-110) under Family Code section 2040 (Link B).

Parties cannot be defaulted in a joint petition process, so the committee recommends including a general statement about the parties' legal obligations instead of including language regarding the potential for default that is contained on other summons forms pursuant to Code of Civil Procedure section 412.20.

Notice of Revocation of Joint Petition (form FL-720)

The committee recommends adopting this new mandatory form to provide notice in cases in which a party withdraws from the joint petition process. It contains instructions with next steps

for the party receiving the notice. The notice would also contain language stating that the automatic temporary restraining orders issued on the joint summons remain in full force and effect. This form would be mandatory to ensure that parties receive information about the effect of the revocation and how to proceed with the case.

Information Sheet for Joint Petition for Dissolution or Legal Separation **(form FL-700-INFO)**

This recommended information sheet is based on *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO). The new information sheet would describe the procedures relating to the joint petition process and include a list of resources that parties can use to help resolve issues in their case, such as the Self-Help Guide to the California Courts on the courts' website, the State Bar, and a website that directs to legal service organizations by legal and geographical area. The form would also have instructions specifying the procedures for revoking a joint petition.

Policy implications

The committee is making these recommendations to comply with a recent legislative mandate. In addition to implementing legislative changes, this recommendation helps implement Goal I, "Access, Fairness, Diversity, and Inclusion," of the Judicial Council's strategic plan by creating a simple and uniform process to jointly petition for dissolution of marriage or domestic partnership or for legal separation. The forms are designed to be user friendly for all court users, including self-represented litigants.

Comments

The recommended rules and forms circulated for public comment from April 15 to May 23 in the spring 2025 invitation-to-comment cycle. The committee received 15 comments.⁷ In general, commenters supported the changes to implement SB 1427, but several commenters suggested modifications to the rules and forms. Five commenters agreed with the proposal, four agreed if modified, and six did not indicate a position. A chart of comments is attached at pages 27–69.

Removing references to default and eliminating alternate service requirements

As circulated, proposed rule 5.68 contained alternate service requirements for represented and unrepresented parties. For unrepresented parties, the proposed rule prescribed that service of the pleading revoking the joint petition should be in the same manner as a summons pursuant to Code of Civil Procedure sections 415.40 et. seq. For represented parties, it prescribed that service should be via counsel in the same manner as a notice and motion pursuant to Code of Civil Procedure sections 1010 et. seq. The purpose of these alternate service requirements was to decrease the likelihood of unrepresented parties having default judgments entered against them when they did not receive actual notice of the potential for default.

⁷ The comment authored by attorneys Jennifer Winestone and Jeffrey Jacobson was submitted jointly by 50 individuals. Two organizations also submitted comments separately and attached the comment authored by Ms. Winestone and Mr. Jacobson, indicating their support of that comment.

Two organizations and 50 individuals jointly commented that, as circulated, the proposal incorrectly interpreted the legislation. The comments said that contrary to the language of the proposal, revoking the joint petition does not give the revoking party the opportunity to enter default if the other party does not file an amended petition or an amended response within the statutory time frame of 30 days. The commenters also pointed out that if there is no risk of default then there is no need for alternate service requirements of the pleading revoking the default for represented and unrepresented parties.

The committee agrees and recommends not including language regarding potential default on the forms. The committee also recommends adding language to forms FL-720 and FL-700-INFO to accurately characterize the effect of the revocation and changing the title of form FL-720 from *Notice of Revocation (Cancellation) of Joint Petition* to *Notice of Revocation of Joint Petition*.

Additionally, as there is no potential for default, the committee does not recommend including alternate service requirements for represented and unrepresented parties or a new proof of service form as proposed in the invitation to comment. Instead, the committee recommends that service of the pleading revoking the joint petition be effectuated in the same manner as a notice and motion pursuant to Code of Civil Procedure section 1010 et. seq.

The commenters also suggested adopting a new rule that specifies that revoking the joint petition does not revoke the general appearance of a party. The committee believes that sufficient language to this effect is already in the statute and thus unnecessary in the rule. However, to put parties on notice of the effect of the revocation of the joint petition, the committee recommends adding language to form FL-720 as follows, “Revoking the joint petition does not dismiss (close) your case or revoke your general appearance. It moves your case to a different process, where each of you must file a separate petition or response and either of you may ask for orders of the court without the agreement of the other.”

Joint Petition—Marriage or Domestic Partnership (form FL-700)

Items regarding marriage, domestic partnership, and residency

Several superior courts, organizations, and individuals commented that the structure and organization of the items on marriage, domestic partnership, and residency on proposed form FL-700 were confusing. They suggested separating the marriage and domestic partnership items, simplifying the language of these items, and using language and structure similar to form FL-100 for the residency item. The committee agrees and has made these changes to the recommended form.

Item regarding minor children of the parties

One superior court requested that the committee add a checkbox to form FL-700 for parties to indicate that there is a voluntary declaration of parentage (VDOP) and to attach a copy if they have one, similar to language existing on form FL-100. The committee does not recommend adding this checkbox because if parties jointly list a child that they are both the parents of on form FL-700, parentage is not contested in the case and there would be no need for the parties to include information about a VDOP in the petition. This differs from dissolutions brought under

Family Code section 2330(b) and filed on form FL-100, where each party files a separate pleading and separately lists the children. If parties would like the court to consider a VDOP when deciding whether to enter their proposed stipulated judgment, they may attach it to form FL-170.

Item regarding issues in the case

As circulated, form FL-700 contained a list of issues and parties were instructed to check “yes” if the issue applied to their case, or “does not apply” if it did not. Multiple commenters expressed concern that self-represented litigants may not know whether an issue applies to their case or not. Two organizations and 50 individuals jointly commented that most of the issues specified in Family Code section 2030(c)(3)(A), which mandates that parties include a list of issues that they intend to resolve by agreement, apply to every dissolution case.⁸ To address this concern, the recommended form identifies issues that parties must agree on at item 7a and provides space at item 7b for parties to list other issues that the parties agree to or plan to agree to.

Other item

One superior court expressed concern that self-represented parties would use the item titled “Other” to request court orders, even though such is not permitted in joint petition cases; the committee agrees. However, because the item is required by statute, the committee recommends titling item 9, “Other Matters” to mirror the statutory language and removed the fillable space. The form now requires the petitioners to attach an extra page if they would like to include information about other matters pursuant to Family Code section 2330(c).

Incorporating Appearance, Stipulations, and Waivers (form FL-130)

One superior court requested that the committee incorporate the language of *Appearance, Stipulations, and Waivers* (form FL-130) on the joint petition form. The committee does not recommend this change because it would assume that parties already have a written agreement, which is not required at the time parties file their joint petition. Incorporating this language would also make the form longer and more complicated.

Summons—Joint Petition (form FL-710)

One legal services organization requested that the committee add an advisory on form FL-710 notifying parties that by making a general appearance while residing outside the United States, they may be waiving their right to service pursuant to the Hague Service Convention. The committee does not recommend adding this language to the form because by making a general appearance in any case, not just a joint petition case, a party waives this right.

Moreover, this language does not appear on any other Judicial Council summons form. The committee believes that the language on form FL-700 sufficiently addresses this concern: “By

⁸ See Fam. Code, § 2010 (listing issues within the court’s subject matter jurisdiction in dissolution cases); see also *In re Marriage of Liss* (1992) 10 Cal.App.4th 1426, 1429 (holding that a trial court did not err when it made an order reserving jurisdiction on a matter within its subject matter jurisdiction, even though that matter was not raised in the petition or response).

filing this form, each of you makes a general appearance. This means that you accept the power of this court to make decisions in your case and agree to participate in the case.”

Information Sheet for Joint Petition for Dissolution or Legal Separation **(form FL-700-INFO)**

Two commenters, an individual and an organization, requested that the committee include information about Legal Document Assistants (LDAs) on form FL-700-INFO.⁹ The commenter pointed out that LDAs are regulated pursuant to Business and Professions Code sections 6400–6415, while mediators (who were defined as lawyers or counselors on form FL-700-INFO) are not. While the committee is mindful of the benefits that many LDAs provide to self-represented litigants, it believes that the inclusion of mediators, lawyers, and collaborative lawyers is sufficient and does not recommend including LDAs as a separate category at this time.

Alternatives considered

Because the Judicial Council is required to adopt or amend any rules or forms to implement SB 1427 on or before January 1, 2026, the committee did not consider taking no action.

The committee considered alternative ways to number the proposed joint petition forms. For example, the committee considered using forms FL-100(JP) and FL-110(JP) for the joint petition and joint summons. However, the committee believed that doing so may cause confusion among form users.

The committee considered designating the first joint petitioner as “petitioner” and the second joint petitioner as “respondent” from the beginning of the case. However, the committee decided against doing so because such designation may cause confusion. By statute, respondents in family law cases have different obligations than petitioners. For example, a petitioner must serve their preliminary declarations of disclosure within 60 days of filing the petition; a respondent must do so within 60 days of filing a response.¹⁰ However, in a joint petition case, no response is filed unless a party revokes the joint petition.¹¹ Each party to a joint petition is a petitioner and must serve preliminary declarations of disclosure within 60 days of filing the joint petition.

The committee also considered proposing only petition and summons forms, but decided *Notice of Revocation of Joint Petition* (form FL-720) is needed to clarify procedures and ensure that proper notice is provided in cases in which one party revokes the joint petition.

⁹ The committee notes that both comments were written by the same person, one submitted on behalf of himself and one submitted on behalf of his organization.

¹⁰ Fam. Code, § 2104(f).

¹¹ Under Family Code section 2342.5(b)(3), “[t]he filing date of the joint petition shall be considered the filing date for the action and all relevant deadlines,” and therefore the deadline to serve the preliminary declaration of disclosure would not be extended.

Fiscal and Operational Impacts

Courts would incur costs to train court employees, revise internal procedures, revise local rules and forms, and update case management systems. However, the committee expects that the new joint petition process will enable a number of dissolution proceedings to move more collaboratively and quickly, potentially easing the caseload burden on the family courts.

Attachments and Links

1. Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, at pages 10–12
2. Forms FL-700, FL-700-INFO, FL-710, and FL-720, at pages 13–26
3. Chart of comments, at pages 27–69
4. Link A: Sen. Bill 1427,
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240SB1427&showamends=false
5. Link B: Fam. Code, § 2040,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=FAM&sectionNum=2040

Rules 5.16, 5.50, 5.68, and 5.92 of the California Rules of Court are amended, effective January 1, 2026, to read:

Rule 5.16. Designation of parties

(a) Designation of parties

In cases filed under the Family Code, use the following designations for parties. the party starting the case is referred to as the “petitioner,” and the other party is the “respondent.”

(1) Except as otherwise specified in this rule, the party starting the case is referred to as the “petitioner,” and the other party is the “respondent.”

(2) If the parties initiate the case by joint petition under Family Code sections 2330 and 2331 or section 2400:

(A) The first joint petitioner is referred to as “petitioner 1,” and the second joint petitioner is referred to as “petitioner 2.” For any Judicial Council forms that list the parties as “petitioner” and “respondent,” petitioner 1 should identify themselves as “petitioner” and petitioner 2 should identify themselves as “respondent.”

(B) If either party revokes the joint petition under Family Code section 2342.5(b), petitioner 1 will thereafter be referred to as the “petitioner” and petitioner 2 will thereafter be referred to as the “respondent.”

(3) * * *

(b) * * *

Rule 5.50. Papers issued by the court

(a) Issuing the summons; form

If a summons is required to commence a family law case, the clerk of the court must issue the summons using the same procedure for issuing a summons in civil actions, generally.

(1) The clerk of the court must:

(A) Issue a *Summons (Family Law)* (form FL-110) for divorces, legal separations, or annulment cases involving married persons or domestic partnerships;

- (B) Issue a *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210) for parentage or custody and support cases;
- (C) Issue a *Summons (UIFSA)* (form FL-510) when a party seeks to establish or enforce child support orders from other states; ~~and~~
- (D) Process a *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600) as specified in rule 5.325;
- (E) Issue *Summons—Gestational Carrier Agreement* (form SUR-110) when parties file *Petition to Determine Parental Relationship* (form SUR-100); and
- (F) Issue *Joint Summons—Joint Petition* (form FL-710) when parties file a joint petition for dissolution of marriage or domestic partnership or legal separation as specified in Family Code sections 2330(c) and 2331.

(2) * * *

(b)–(c) * * *

Rule 5.68. Manner of service of summons and petition; response; jurisdiction

(a)–(b) * * *

(c) Continuing jurisdiction

The court has jurisdiction over the parties and control of all subsequent proceedings from the time of service of the summons and a copy of the petition. A general appearance of the respondent is equivalent to personal service within this state of the summons and a copy of the petition upon the respondent ~~him or her~~.

(d) Service of pleading revoking joint petition

If either party revokes a joint petition under Family Code section 2342.5(b), the revoking party must serve a copy of the following documents on the other party in the same manner as service of a notice or motion (Code Civ. Proc. § 1010 et seq):

- (1) A completed and filed pleading revoking the joint petition (amended *Petition—Marriage/Domestic Partnership* (form FL-100) or amended *Response—Marriage/Domestic Partnership* (form FL-120)); and

1 (2) A completed and filed *Notice of Revocation of Joint Petition* (form FL-720).
2

3 **Rule 5.92. Request for court order; responsive declaration**
4

5 **(a)** * * *

6
7 **(b)** **Request for order; required forms and filing procedure**
8

9 (1)–(6) * * *

10
11 (7) If the parties initiated the proceeding by joint petition under Family Code
12 sections 2330 and 2331 and judgment has not yet entered in the case, a party
13 must file a pleading revoking the joint petition under Family Code section
14 2342.5(b) and a *Notice of Revocation of Joint Petition* (form FL-720) before
15 or simultaneously with filing a request for order.
16

17 **(c)–(g)** * * *

☐ Amended Joint Petition

Use this form if you and your partner:

- Are married or registered domestic partners; and
- Want to divorce, dissolve your domestic partnership, or legally separate; and
- Both agree, or plan to agree, on all issues in your case.

Do not use this form if you disagree on any legal issues. Instead use *Petition—Marriage/Domestic Partnership* (form FL-100) and *Summons* (form FL-110).

For more information and next steps, read *Information Sheet for Joint Petition for Divorce or Legal Separation* (form [FL-700-INFO](#)) or go to selfhelp.courts.ca.gov/divorce-california/joint-petition.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

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 Who You Are**

(Either of you can be Petitioner 1 or Petitioner 2, but once you choose to be Petitioner 1 or 2, the same person must be Petitioner 1 or 2 on all documents in this case. There is no legal advantage to being either Petitioner 1 or 2.)

a. Petitioner 1:

(1) Your Name: _____

(2) Your Lawyer (if you have one for this case):

Name: _____ State Bar Number: _____

Firm Name: _____

(3) Your Address: *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Fax Number: _____

Email Address: _____



1 b. Petitioner 2:

(1) Your Name: _____

(2) Your Lawyer (if you have one for this case):

Name: _____ State Bar Number: _____

Firm Name: _____

(3) Your Address: (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Fax Number: _____

Email Address: _____

(If you are married and also in a domestic partnership, ending your marriage does not end your domestic partnership. You can ask to end both legal relationships by filling out both **2** and **3** of this form.)

2 Married

(Complete this item if you are married.)

a. Date of marriage: _____

b. You want to (check one):

(1) ☐ Divorce(2) ☐ Legally separate (This means that you will still be married, but the court can still divide your property and debts and make other orders in a judgment.)**3 Registered Domestic Partners**

(Complete this item if you are registered domestic partners.)

a. Date of registration: _____

b. You want to (check one):

(1) ☐ Dissolve (end) the domestic partnership.(2) ☐ Legally separate. (This means that you will still be domestic partners, but the court can still divide your property and debts and make other orders in a judgment.)

4 Residence Requirements

To qualify for this process, you must meet one of the requirements listed below. (*Check at least one.*)

- a. ☐ One or both of you have lived in California for the last six months and in the county where you are filing this petition for the last three months.
- b. ☐ You are only asking for a legal separation and not to end your marriage or domestic partnership.
- c. ☐ You are only asking to end a domestic partnership that you established in California.
- d. ☐ You are both the same sex and were married in California, but currently live somewhere that does not recognize your marriage and so will not grant you a divorce. You are also filing this case in the county where you were married.

(1) Petitioner 1 lives in (*Example: state, country*): _____

(2) Petitioner 2 lives in (*Example: state, country*): _____

Note: If you do not live in California, the court may be limited in the orders it can make. For more information go to selfhelp.courts.ca.gov/divorce-california.

5 Legal Grounds

You each declare that there are substantial differences in your relationship that each of you believe cannot be worked out in the future and justify ending your relationship now (irreconcilable differences).

6 Your Children Who Are Under 18

- a. Are you both the parents of any children who are under 18?
☐ No ☐ Yes (*If yes, complete 6b and follow the instructions in 6c*):

- b. List the information of your children who are under 18 below:

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ An unborn child

☐ Check here if you have more children together who are under 18. Attach a sheet of paper or use form [MC-025](#). Write "Attachment 6b—Your Children Who Are Under 18" at the top of it. List the names, dates of birth, and ages of any additional children who are under 18 there.

- c. Each of you must fill out and sign a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105). Attach these completed forms to this joint petition.



- 6 d. If any of the children you listed in this item were born before the date of your marriage or domestic partnership, you understand that the court has the power to determine those children to be the children of your marriage or domestic partnership.

7 Issues You Agree On or Plan to Agree On

- a. Issues you must agree on (*this means you will have a written agreement on all the issues listed below, which you will file with the court in the future*):

- (1) Date of separation;
- (2) Spousal or domestic partner support;
- (3) Your rights to property and how to divide assets and debts;
- (4) Lawyer's fees and costs;
- (5) If you have children listed in 6:
 - (a) Child custody and visitation (parenting time); and
 - (b) Child support.

- b. Other issues you agree on or plan to agree on (*check all that apply*):

- (1) ☐ Name change: either of you may change your name back to what it was before you were married or entered into your domestic partnership.
- (2) ☐ Other (*list any other issues*):

- ☐ Check here if you need more space. Attach a piece of paper or use form [MC-025](#) and write "Attachment 7b—Issues That You Agree On" at the top, then continue writing on that piece of paper.

8 Your Agreements and the Legal Rights You Are Giving Up



IMPORTANT! Do not skip this section. It has information about your legal rights and what you are giving up by filing this joint petition.

Both of you understand and agree that:

- a. Each of you gives up the right to be legally served with a petition and a summons in this case.
- b. All the standard temporary restraining orders listed in *Summons—Joint Petition* (form FL-710) will apply to each of you as soon as this form is filed.



- 8 c. By filing this form, each of you makes a general appearance. This means that you accept the power of the court to make decisions in your case and agree to participate in the case. The day you make a general appearance also starts the clock for some deadlines to act in your case.
- d. If you appear in court and are sworn to testify, each of you would testify that the facts in this joint petition are true.
- e. Even if one or both of you later decide to revoke the joint petition and move the case to a different process for divorce, dissolution, or legal separation, the date that the joint petition is filed will be the filing date of the case. This means that important dates in your case (such as the deadline for you to serve your financial disclosures and the earliest date the court can dissolve your marriage) will be counted from the date you first filed this joint petition.
- f. Before the court enters *Judgment* (form FL-180) in this case, neither of you may file a request for a court order in this case unless one of you first revokes this joint petition and move the case to a different process for divorce, dissolution, or legal separation. Instructions on how to revoke this joint petition are listed on *Information Sheet for Joint Petition for Dissolution or Legal Separation* (form [FL-700-INFO](#)).

9 Other Matters

- ☐ Check here if you are attaching information about other matters. Attach a piece of paper or use form [MC-025](#) and write “Attachment 9—Other Matters” at the top, then continue writing on that piece of paper.

10 Your Signatures

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

Date: _____

Type or print your name



Signature of Petitioner 1

Date: _____

Type or print your name



Signature of Petitioner 2



11 Your Lawyers' Signatures

(Lawyers sign here. If neither of you has a lawyer, leave this item blank.)

Date: _____

Type or print your name



Signature of Lawyer for Petitioner 1

Date: _____

Type or print your name



Signature of Lawyer for Petitioner 2

Notice—Cancellation of Rights

Dissolution of your marriage or domestic partnership or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement benefit plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel your spouse's or domestic partner's rights as beneficiary of your life insurance policy. If these are not the results that you want, you must change your will, trust, account agreement, or other similar document to reflect your actual wishes.

You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports to determine whether they should be changed or whether you should take any other actions in view of the dissolution of your marriage, or your legal separation. Some changes may require the agreement of your spouse or domestic partner or a court order.

Use this form to learn more about the process of getting a judgment of divorce, dissolution of domestic partnership, or legal separation through a joint petition with your spouse or domestic partner. This form also has instructions for revoking a joint petition for dissolution or legal separation that you already filed. If you would like information on how to get a judgment of divorce, dissolution of domestic partnership, or legal separation without filing jointly, see form FL-107-INFO.

① Start Your Case

Step 1: Fill out these forms:

- *Joint Petition—Marriage or Domestic Partnership* (form [FL-700](#)); and
- *Summons—Joint Petition* (form [FL-710](#));

And if you and your spouse or domestic partner have children together:

- *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)).

On form FL-700, one party will be listed as Petitioner 1 and the other will be listed as Petitioner 2. For any forms that you must file in your case that say “Petitioner” and “Respondent,” Petitioner 1 should identify themselves as “Petitioner” and Petitioner 2 should identify themselves as “Respondent.”

Step 2: File your court papers. Filing is when you turn in your completed papers to the court. To file your papers, you can call the court clerk to find out which courthouse to go to. If you want to file online (e-file), check your local court's website for more information. To find your local court or their website go to: courts.ca.gov/find-my-court.

Both you and your spouse or domestic partner must also pay your court fees. For information about fee waivers, see selfhelp.courts.ca.gov/fee-waiver.

② Disclose Financial Information

Within 60 days of filing the Joint Petition, you and your spouse or domestic partner must fill out and serve your financial disclosures.

Step 1: Fill out these forms:

- *Declaration of Disclosure* (form [FL-140](#)); and
- *Income and Expense Declaration* (form [FL-150](#)) (you should also file this form with the court); and
- *Schedule of Assets and Debts* (form [FL-142](#)) or *Property Declaration* (form [FL-160](#)).

Step 2: Serve your financial documents.

Have someone 18 years or older (not you) mail a copy of the completed forms in Step 1, along with all tax returns you filed in the last two years, to your spouse or domestic partner, or to their lawyer if they have one in this case. Only file form FL-150 with the court. Do not file the other documents in listed Step 1 with the court.

Step 3: Inform the court that you served your financial disclosures.

You and your spouse or domestic partner must each file a completed *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form [FL-141](#)) with the court saying the financial disclosures were served.

3 Come to an Agreement

You and your spouse or domestic partner need to come to an agreement about all of the issues in your case (you may skip to Step 4 if you already came to an agreement before you began this process). If you need help coming to an agreement, the following private services are available:

Lawyers. Also called attorneys, lawyers can help work out agreements between the parties and represent you at court hearings and trials if necessary.

Collaborative Lawyers. Lawyers who will try to help both parties reach an agreement. A collaborative lawyer represents both parties but does not go to court. If parties cannot reach an agreement, the lawyer can no longer represent either party.

Mediators. A lawyer or licensed counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.

Find more information at selfhelp.courts.ca.gov/divorce/make-decisions/propose-negotiate-agreements.

4 Finalize Your Case

To finalize your case, you must put your agreement in the proper form for the court to accept it and turn in your judgment paperwork to the court. You must fill out and turn in at least the following documents:

- *Appearance, Stipulations, and Waivers* (form [FL-130](#)) signed by both of you;
- *Declaration for Default or Uncontested Dissolution or Legal Separation* (form [FL-170](#)) signed by either you or your spouse or domestic partner; and
- *Stipulation and Waiver of Final Declaration of Disclosure* (form [FL-144](#)) signed by both you and your spouse or domestic partner. If you do not want to waive your final declaration of disclosure, you and your spouse or domestic partner must repeat the steps in (2).

- A proposed *Judgment* (form [FL-180](#)) with signed, written agreements attached; and
- A proposed *Notice of Entry of Judgment* (form [FL-190](#)) with your updated contact information and your spouse or domestic partner's updated contact information.

If you and your spouse or domestic partner have children together or agreements about support, you may need to fill out and turn in additional documents. For a complete list of the forms that you will need, see selfhelp.courts.ca.gov/divorce/finalize-divorce.

5 What if You Change Your Mind and Cannot Agree?



You can change your mind and revoke the joint petition **before the court enters a judgment in your case**. You may do this without the approval of the judge or the other party.

Revoking the joint petition will not dismiss (close) your case or revoke your general appearance. It will move your case to a different process and allow you to ask the judge to make orders without the other party's agreement.

a. Step 1: Fill out and sign both:

- *Petition—Marriage/Domestic Partnership* (form [FL-100](#)) (if you are Petitioner 1) or *Response—Marriage/Domestic Partnership* (form [FL-120](#)) (if you are Petitioner 2). Check the box for “Amended” in the caption; and
- *Notice of Revocation of Joint Petition* (form [FL-720](#)).



- b. **Step 2:** File the forms in Step 1 with the court. File them in the same case (use the same case number) as the joint petition.

If the amended *Petition—Marriage/Domestic Partnership* (form [FL-100](#)) or amended *Response—Marriage/Domestic Partnership* (form [FL-120](#)) is filed in a different case (with a different case number), it will not revoke *Joint Petition—Marriage or Domestic Partnership* (form [FL-700](#)).

- c. **Step 3:** Have someone 18 or older who is not a party to the case serve the other party with the forms you filed in Step 2. You can serve these documents by having someone 18 or older (not you) mail a copy of your documents to your spouse or domestic partner, or their lawyer if they have one. There are also other ways to serve your spouse or domestic partner.

More information on how to serve legal documents is available at selfhelp.courts.ca.gov/court-basics/service.

- d. **Step 4:** Once you file the amended *Petition—Marriage/Domestic Partnership* (form [FL-100](#)) or amended *Response—Marriage/Domestic Partnership* (form [FL-120](#)) in your case, the joint petition will be revoked. Petitioner 1 will become the petitioner in your case, and Petitioner 2 will become the respondent in your case.

The case will move forward like a case in which parties do not agree on one or more issues (see Family Code section 2330(b)). The court will not issue a new summons. All the standard temporary restraining orders listed on *Summons—Joint Petition* (form [FL-710](#)) will still apply until the court enters a final judgment or dismisses your case.

If the other party files to revoke the joint petition

Once the other party has legally served you with the amended *Petition—Marriage/Domestic Partnership* (form [FL-100](#)) or amended *Response—Marriage/Domestic Partnership* (form [FL-120](#)), you must file the proper court form within 30 days.

File an amended *Petition—Marriage/Domestic Partnership* (form [FL-100](#)) (if you are Petitioner 1) or a *Response—Marriage/Domestic Partnership* (form [FL-120](#)) (if you are Petitioner 2).

Important Questions

When will I be divorced?

The earliest you can be divorced is six months and one day from the date you filed the *Joint Petition—Marriage or Domestic Partnership* (form [FL-700](#)). Legal separation has no waiting period. You are **not** divorced or legally separated until the court enters a judgment in your case.

What if I need a court order before my case is finalized?

If a judgment has not been filed in your case and you need court orders for child support, custody, parenting time (visitation), spousal or partner support, discovery, or other issues, you or your spouse or domestic partner must first revoke the joint petition.

Then, file a *Request for Order* (form [FL-300](#)) asking for orders. Go to the court's website at selfhelp.courts.ca.gov/request-for-order for more information.

What if my contact information changes?

You must notify the court and other party if you change your mailing address or other contact information.

To do so, file and serve a *Notice of Change of Address or Other Contact Information* (form [MC-040](#)) on the other party or their attorney to let them know about the change in your contact information.



What if I receive or the other parent receives public assistance (CalWORKS)?

If you or the other parent are receiving public assistance (CalWORKS), all child support should be made payable to the local child support agency. A representative of the local child support agency must also sign your proposed *Judgment* (form [FL-180](#)) before you submit it to the court.

For more information, contact your local child support agency using the contact information on the California Department of Child Support Services website at childsupport.ca.gov/find-my-local-agency.

What if there is domestic violence?

Domestic violence can be physical abuse, but it does not have to be. Abuse can also be verbal, mental, or emotional. If there has been domestic violence or a protective or restraining order, this joint petition process may not be right for you. Instead, you can use a different process for divorce, dissolution of domestic partnership, or legal separation.

More information about that process can be found on *Legal Steps for a Divorce or Legal Separation* (form [FL-107-INFO](#)).

Whether or not you file for divorce, dissolution of domestic partnership, or legal separation, you may ask the court for protection by filing for a restraining order. More information about domestic violence restraining orders can be found:

- On form [DV-500-INFO](#) (*Can a Domestic Violence Restraining Order Help Me?*);
- On form [DV-505-INFO](#) (*How to Ask for a Domestic Violence Restraining Order*); and
- At selfhelp.courts.ca.gov/DV-restraining-order.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; or 211 (if available in your area).

Where can I get help?

This information sheet gives you only basic information about the joint petition process and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources. For more information, see selfhelp.courts.ca.gov/court-based-self-help-services.
- Find information on the Self-Help Guide to the California Courts: selfhelp.courts.ca.gov.
- Find a lawyer through a certified lawyer referral service on the State Bar of California's website (calbar.ca.gov/LRS) or by calling 866-442-2529 (toll-free).
- Find free and low-cost legal help (if you qualify) at lawhelpca.org.
- Find information at your local law library or public library.

SUMMONS—JOINT PETITION
CITACIÓN—PETICIÓN CONJUNTA

FL-710

NOTICE TO JOINT PETITIONERS
AVISO A LOS DEMANDANTES CONJUNTOS

The joint petitioners named below are parties to a formal legal proceeding and are immediately subject to certain obligations as a result.
Read the information below and on the next page.

*Los demandantes conjuntos nombrados a continuación son partes de un procedimiento formal y legal y, como resultado, están sujetos inmediatamente a ciertas obligaciones.
Lea la información a continuación y en la página siguiente.*

DRAFT
Not approved by
the Judicial Council

CASE NUMBER (NUMERO DE CASO):

Name of petitioner 1:
Nombre del demandante 1:

Name of petitioner 2:
Nombre del demandante 2:

NOTICE—RESTRaining ORDERS ARE ON PAGE 2: These restraining orders are effective against both spouses or domestic partners until the case is dismissed, a judgment is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them. Revocation of the joint petition by filing an amended petition or an amended response does not terminate these restraining orders.

AVISO—LAS ÓRDENES DE RESTRICCIÓN SE ENCUENTRAN EN LA PÁGINA 2: Estas órdenes de restricción están vigentes para ambos cónyuges o miembros de la pareja de hecho hasta que se desestime el caso, se emita un fallo, o la corte haga nuevas órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas órdenes puede hacerlas cumplir en cualquier lugar de California. La revocación de la petición conjunta efectuada con la presentación de una petición enmendada o una respuesta enmendada no pone fin a estas órdenes de restricción.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. If your financial situation changes, the court may order you to pay back all or part of the fees and costs the court waived.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. Si mejora su situación económica, la corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y los costos que eximió la corte.

1. The name and address of the court are *(El nombre y dirección de la corte son)*:
2. The name, address, and telephone number of the attorney for petitioner 1, or petitioner 1 without an attorney, are: *(El nombre, dirección y número de teléfono del abogado del demandante 1, o del demandante 1 si no tiene abogado, son)*:
3. The name, address, and telephone number of the attorney for petitioner 2, or petitioner 2 without an attorney, are: *(El nombre, dirección y número de teléfono del abogado del demandante 2, o del demandante 2 si no tiene abogado, son)*:

[SEAL]

Date *(Fecha)*:

Clerk, by *(Secretario, por)* _____, Deputy *(Asistente)*



STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse or domestic partner are restrained from:

1. Removing the minor children of the parties from the state or applying for a new or replacement passport for those minor children without the prior written consent of the other party or an order of the court;
2. Cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor children;
3. Transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. Creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or to pay court costs.

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 towards high-quality, affordable health care. For more information, visit coveredca.com. Or call Covered California at 1-800-300-1506.

WARNING—IMPORTANT INFORMATION

California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

ÓRDENES DE RESTRICCIÓN ESTÁNDAR DE DERECHO FAMILIAR

En forma inmediata, usted y su cónyuge o pareja de hecho tienen prohibido:

1. Llevarse del estado de California a los hijos menores de las partes, o solicitar un pasaporte nuevo o de repuesto para los hijos menores, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte;
2. Cobrar, pedir prestado, cancelar, transferir, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura, como de vida, salud, vehículo y discapacidad, que tenga como beneficiario(s) a las partes y su (s) hijo(s) menor(es);
3. Transferir, gravar, hipotecar, ocultar o deshacerse de cualquier manera de cualquier propiedad, inmueble o personal, ya sea comunitaria, cuasicomunitaria o separada, sin el consentimiento escrito de la otra parte o una orden de la corte, excepto en el curso habitual de actividades personales y comerciales o para satisfacer las necesidades de la vida; y
4. Crear o modificar una transferencia no testamentaria de manera que afecte la asignación de una propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Antes de que se pueda eliminar la revocación de una transferencia no testamentaria, se debe presentar ante la corte un aviso del cambio y hacer una entrega legal de dicho aviso a la otra parte.

Cada parte tiene que notificar a la otra sobre cualquier gasto extraordinario propuesto por lo menos cinco días hábiles antes de realizarlo, y rendir cuenta a la corte de todos los gastos extraordinarios realizados después de que estas órdenes de restricción hayan entrado en vigencia. No obstante, puede usar propiedad comunitaria, cuasicomunitaria o suya separada para pagar a un abogado que lo ayude o para pagar los costos de la corte.

AVISO—ACCESO A SEGURO DE SALUD MÁS ECONÓMICO:

¿Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir el costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite coveredca.com. O llame a Covered California al 1-800-300-0213.

ADVERTENCIA—INFORMACIÓN IMPORTANTE

De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Use this form if:

- You filed *Joint Petition—Marriage or Domestic Partnership* (form [FL-700](#)) to begin this case;
- You want to revoke your joint petition and move this case to a different dissolution or legal separation process; and
- The court has not yet entered a *Judgment* (form [FL-180](#)) in this case.

For more information, read the notices in ② of this form and see *Information Sheet for Joint Petition or Legal Separation* (form [FL-700-INFO](#)).

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 Your Information

a. Your Name:

b. Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name:

c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead.):

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email Address: _____

d. Your role in this case (check one):

☐ **Petitioner** (Check here if you were Petitioner 1 on the Joint Petition—Marriage or Domestic Partnership (form FL-700). You must file an amended Petition (form [FL-100](#)) at the same time as this form.)

☐ **Respondent** (Check here if you were Petitioner 2 on the Joint Petition—Marriage or Domestic Partnership (form FL-700). You must file an amended Response (form [FL-120](#)) at the same time as this form.)



2 Notice to *(other party's name):* _____

- a. The person in **1** has revoked the *Joint Petition–Marriage or Domestic Partnership* (form [FL-700](#)) that you filed together. Revoking the joint petition does not dismiss (close) the case or revoke your general appearance. The person in **1** has now moved your case to a different process, where each of you must file a separate petition or response and either of you may ask for orders of the court without the agreement of the other.
- b. **You have 30 calendar days** after the amended *Petition–Marriage/Domestic Partnership* (form [FL-100](#)) or amended *Response–Marriage/Domestic Partnership* (form [FL-120](#)) is served on you to file an amended *Response–Marriage/Domestic Partnership* (form FL-120) (if you were Petitioner 2) or an amended *Petition–Marriage/Domestic Partnership* (form FL-100) (if you were Petitioner 1).
- c. The restraining orders listed on the *Summons–Joint Petition* (form [FL-710](#)) are still active. Both you and the other party must read and follow the orders on that form.
- d. The court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and lawyers' fees and costs.
- e. Petitioner 1 is now the Petitioner in this case and Petitioner 2 is now the Respondent in this case.
- f. If you have questions about your rights, you should find help immediately. You may contact a lawyer. Get help finding a lawyer at LawHelpCA (lawhelpca.org) or by contacting your local county bar association. Free legal information is also available at your local self-help center. To find your local center, go to courts.ca.gov/find-my-court.

3 Your Signature

Date: _____

Name of Party or Lawyer_____
Signature of Party or Lawyer

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
1.	California Lawyers Association, Family Law Section Executive Committee by Shannon Quinley, Legislation Chair	A	FLEXCOM agrees with this proposal.	The committee appreciates the feedback on this proposal.
			FLEXCOM supports the provision of alternative methods of service to ensure service when the last known address may not be the actual current address of one or more of the parties.	The committee understands the concern but recommends removing the alternate service requirements for service of the pleading revoking the joint petition. Upon further legal review, the committee has determined that the revocation does not revoke the general appearance of either party and therefore there is no risk of default. As such, the committee has determined that alternate service requirements are not necessary.
			FLEXCOM suggests adding verbiage on the FL-700-Info Form to include the dissolution of domestic partnerships and an explanation that both the marriage and domestic partnership needs to be dissolved.	The committee agrees with the suggested change but recommends adding such language to form FL-700. The committee proposes adding the following language to page 2 of form FL-700: “If you are married and also in a domestic partnership, ending your marriage does not end your domestic partnership. You can ask to end both relationships by filling out both 2 and 3 of this form.”
2.	Fast Divorce® by Charlie Silva, CEO	AM	Introduction Fast Divorce® is a California-registered Legal Document Assistant (LDA) company established in 2012. We specialize in providing comprehensive, accessible, and affordable divorce document preparation exclusively to self-represented litigants, who constitute approximately 70-80% of divorce filings statewide.	No response required.

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

SPR25-21

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		It is imperative that Californians clearly understand their full range of available resources when seeking a divorce. LDAs have existed since January 1, 2001, under the California Business and Professions Code §§6400-6415, yet their role and availability remain widely unknown among the general public. Specific Comments on the Proposed Changes (SPR25-21): Does the proposal appropriately address the stated purpose? The proposal significantly advances its stated purpose of facilitating collaborative divorce and legal separation proceedings. However, it could be improved by explicitly identifying and including the role of Legal Document Assistants (LDAs). Given that SB 1427 targets self-represented litigants, explicitly highlighting LDAs within the proposed forms—particularly form FL-700-INFO, item 3—would greatly enhance clarity and accessibility. LDAs, as legally defined in Business and Professions Code §6400(c)(1) and (2), are individuals or corporations who assist in document preparation under client direction without providing legal advice. Including clear mention and explanation of LDAs will ensure litigants fully understand their available options.	While the committee is mindful of the benefits that many Legal Document Assistants (LDAs) provide to self-represented litigants, it believes that the inclusion of mediators, lawyers, and collaborative lawyers is sufficient and does not recommend including LDAs as a separate category at this time.
		Should Rule 5.68 provide different service methods for revoking the joint petition for represented versus unrepresented litigants? Yes. Given the varying practical realities faced by unrepresented parties, distinct service methods are appropriate and justified. The proposal to maintain higher service standards for self-represented parties is crucial to ensure actual notice and avoid default judgments. This differentiation respects the practical considerations of cohabitation and potential address instability for self-represented litigants.	The committee understands the concern but recommends removing the alternate service requirements for service of the pleading revoking the joint petition. Upon further legal review, the committee has determined that the revocation does not revoke the general appearance of either party and therefore there is no risk of default. As such, the committee has determined that alternate service requirements are not necessary.
		Suggestions to Improve the Usability of the New Form Series: 1. Clearly Include LDA Option:	While the committee is mindful of the benefits that many Legal Document

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Explicitly referencing LDAs on all informational forms (e.g., FL-700-INFO) would significantly increase accessibility for litigants. Clearly stating that LDAs are registered, bonded, and authorized under California law to prepare court documents will help litigants confidently utilize these services.	Assistants (LDAs) provide to self-represented litigants, it believes that the inclusion of mediators, lawyers, and collaborative lawyers is sufficient and does not recommend including LDAs as a separate category at this time.
		2. Enhanced Clarity in Terminology: The proposed form FL-700 currently merges issues related to marriage and domestic partnership, potentially causing confusion. To simplify understanding, we recommend distinctly separating marriage from domestic partnership issues, clearly labeling sections accordingly	The committee agrees with the suggestion to separate information regarding a marriage from information regarding a domestic partnership. (See items 2 and 3 on the proposed form.)
		3. Simplified Language and Improved Flow: The current format could benefit from simpler, more direct language. For example, items related to residency and type of case (items 2 and 3 on form FL-700) should clearly indicate initial qualifications, exceptions, and eligibility in a straightforward checklist format, rather than lengthy paragraphs.	The committee agrees with the suggested change and has made improvements to proposed form FL-700 to include simpler, more direct language especially regarding the marriage, domestic partnership, and residency requirements items.
		Alternatives for Wording & Structure of FL-700 (Items 2 and 3): • Separate marital and domestic partnership status clearly into distinct sections. • Use visual aids or decision trees on forms to streamline residency questions, immediately clarifying eligibility. Ensure bold, highlighted disclaimers for scenarios that disqualify applicants from joint petition filing.	As described above, the committee recommends having information about a marriage in an item separate from information regarding a domestic partnership. The Judicial Council has form guidelines that provides parameters for certain form design elements like visual aids, highlighting, and bolded font. The committee cannot incorporate elements into forms that do not follow those

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
			guidelines, such as decision trees. Additionally, the committee believes that the instructions proposed at the top of page 1 clearly state when parties should not use the joint petition process.
		Cost and Implementation Feedback: Cost Savings: This proposal is likely to provide significant cost savings. By facilitating collaborative processes, courts can reduce hearings, minimize administrative burdens, and expedite resolutions. Fast Divorce's own data, having completed over 25,000 divorces, indicates that collaborative filing dramatically reduces resource use compared to contested processes.	The committee appreciates the information provided.
		Implementation Requirements: Courts will need staff training, especially for clerks and self-help center staff. Training should clearly define LDA roles and how court staff can appropriately inform litigants of these options. Estimated training: clerks and court self-help staff (approximately 6-12 hours per person).	The committee appreciates the information provided, but notes that the training requested is outside the scope of this proposal.
		Timeframe for Implementation (Two Months): A two-month lead time might be challenging, especially for smaller jurisdictions. We suggest a phased implementation or additional lead time (90-120 days) to ensure thorough training and seamless integration.	The committee appreciates the information provided but cannot change the implementation date because Family Code section 2342.51 mandates that forms be adopted no later than January 1, 2026.
		Adaptability Across Courts: This proposal is scalable across different court sizes. Smaller courts will particularly benefit from streamlined procedures and reduced court congestion. However, providing standardized, clear communication materials about LDAs and the new joint petition process will be essential for uniform understanding statewide.	The committee appreciates the information provided.

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

SPR25-21

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Concerns Regarding the State Bar and Visibility of LDAs: We respectfully highlight the lack of clarity and acknowledgment by the California State Bar regarding Legal Document Assistants. While mediators do not require licensing or formal credentials, LDAs are regulated under California law (Business and Professions Code §§6400- 6415), mandating registration, bonding, and ethical compliance. Nevertheless, public awareness of LDAs remains minimal, largely due to minimal promotion and visibility facilitated by the State Bar. We strongly urge the Judicial Council to explicitly incorporate the role of LDAs into public facing materials and guidance to improve public understanding and enhance access to justice. Highlighting LDAs as viable, regulated options for self-represented litigants supports the overarching goal of SB 1427: providing accessible, equitable, and effective pathways for divorce.	While the committee is mindful of the benefits that many Legal Document Assistants (LDAs) provide to self-represented litigants, it believes that the inclusion of mediators, lawyers, and collaborative lawyers is sufficient and does not recommend including LDAs as a separate category at this time. The committee recommends clarifying form FL-700-INFO to add in the word “licensed” before counselors in the definition of mediators to indicate that the mediators it is referring to are either lawyers or licensed counselors.
		Conclusion & Recommendation: Fast Divorce® supports the intent and direction of Proposal SPR25-21. However, substantial improvements in clarity, visibility, and practical usability can be achieved by: • Explicitly incorporating information about LDAs, their legal status under Business and Professions Code §§6400-6415, and clearly distinguishing their role from attorneys and mediators. • Refining form clarity and accessibility through simplified language and improved structure, particularly on residency and marriage/domestic partnership sections. • Ensuring adequate training timelines and resources, particularly for court staff in smaller jurisdictions. We appreciate the opportunity to contribute to this vital discussion and remain committed to supporting the Judicial Council’s efforts in enhancing collaborative	No response required; see specific committee responses to each of these suggestions above.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
			divorce processes, especially for the majority population of self-represented Californians seeking efficient and accessible justice.	
3.	Harriet Buhai Center for Family Law by Rebecca L. Fischer, Director of Legal Services	NI	Thank you for your request for comments on the proposed changes to the Judicial Council Forms. The Harriett Buhai Center for Family Law is a non-profit family law firm that serves very low-income litigants in Los Angeles County. The majority of our clients represent themselves. Around 85% have experienced some form of domestic violence. We hope that our perspective will be useful in this review process. Re Request for Specific Comment 1: Does the proposal appropriately address the stated purpose? Response: The Harriett Buhai Center for Family Law (“the Buhai Center”) supports the Judicial Council’s proposal implementing SB 1427 to establish a Joint Petition process for dissolution or legal separation with some reservations as discussed below, and recommends revisions as proposed below. This process will benefit many individuals who are low-income or who are representing themselves by: (1) simplifying filings; (2) reducing adversarial encounters; and (3) potentially speeding up final judgments in uncontested matters. We appreciate the Council’s commitment to improving access to justice for parties who may not qualify for summary dissolution but wish to proceed collaboratively.	The committee appreciates the feedback on this proposal. The committee responds to each specific suggestion in the rows below.
			Re Request for Specific Comment 2: Should rule 5.68 provide for different service methods for the pleading revoking the joint petition for represented and unrepresented litigants? Response:	The committee agrees that the rule should not provide for alternate service requirements. Upon further legal review, the committee has determined that the revocation of the joint petition does not revoke the general appearance of either

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		The rule should not provide for different service methods for represented and unrepresented litigants. Under proposed Rule 5.68(d)(2)(A), when a joint petition is revoked, mail service of the amended pleading and FL-720 is allowed only if the party being served is represented by counsel. If the receiving party is not represented, the rule requires personal service under Code of Civil Procedure §§ 415.10 et seq. This distinction imposes a substantial and unfair burden on self-represented litigants, many of whom are low-income, housing-insecure, or without access to professional process servers. Requiring personal service in all revocation cases where the other party is unrepresented effectively penalizes self-represented litigants who cannot afford service fees or who have limited ability to locate their former partner after separation. Moreover, this disparity is unnecessary. All parties in a joint petition case—represented or not—have made a general appearance under Family Code § 2331(b). If the concern is that the revoking party might not have a current address for the other party, that issue can and should be addressed through address verification, not by automatically defaulting to more expensive and inaccessible service requirements for self-represented litigants only.	party and therefore there is no risk of default. As such, the committee has determined that alternate service requirements are not necessary. The committee recommends removing the alternate service requirements from rule 5.68. The committee is also no longer recommending that the Judicial Council adopt a new proof of service form.
		To ensure equal treatment and prevent defaults caused by mailing address instability, we recommend: • Requiring an address verification form any time a party serves a revocation pleading by mail, regardless of whether the receiving party is represented. This form could be modeled on the Judicial Council’s FL-344 form. • Amending Rule 5.68(d)(2) to add subsection (D): (D) If a revocation pleading is served by mail, the serving party must also file a declaration verifying the accuracy of the address used for service, using [Address Verification Form] or an equivalent form approved by the Judicial Council. • Adding a checkbox to FL-725: ☐ [Address Verification Form] is attached or on file. • Updating FL-700-INFO, Step 5(c), to reflect that address verification is required for all mail service of a revocation.	These suggestions no longer apply, as the committee no longer proposes alternate service requirements for represented and unrepresented litigants.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		This ensures fairness, promotes actual notice, and avoids unnecessary procedural complexity and expense for self-represented litigants while maintaining judicial integrity in contested proceedings.	
		Re Request for Specific Comment 3: The forms in this proposal are a new series. Please provide any suggestions to improve their useability. Response: The Buhai Center proposes the following changes: 1) revise FL-720 to clarify service options, 2) revise FL-710 to include Hague advisory, and 3) minor form changes to improve readability and clarify consequences of revocation.	The committee's responses to each of these suggestions are contained in the rows below.
		1) Revise FL-720 to Include Option to Mail with Verification and Clearly State Service Options: Item 6 of FL-720 (Notice of Revocation of Joint Petition) combines several distinct service procedures into a single paragraph, covering service on attorneys (for represented parties), service on unrepresented parties, and alternative service options. This blending of legal standards creates confusion for self-represented litigants and increases the likelihood of improper or ineffective service, particularly in cases where the other party is unrepresented or difficult to locate. The current formatting does not distinguish: • Service on a party's attorney (under CCP § 1010 and CRC 5.92); • Service on unrepresented parties (under CCP §§ 415.10–415.30); and • Court-ordered alternative service (under Rule 5.68(d)(2)(C)). Moreover, it fails to include a practical and equitable mail-based option that includes address verification, which many low-income or pro per litigants depend on. Without this, the form encourages more burdensome and costly service methods that disproportionately affect self-represented litigants.	The committee understands the concern. Upon further legal review, the committee has determined that the revocation of the joint petition does not revoke the general appearance of either party and therefore there is no risk of default. As such, the committee does not recommend alternate service requirements for represented and unrepresented litigants. Therefore, the committee has determined that it is not necessary to recommend listing the service options on form FL-720.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
			We recommend revising Item 6 of FL-720 to clearly divide service methods by category and explicitly include verified mail service (discussed above) as an option for serving unrepresented parties. For example: 6. How to Serve the Other Party 1. If the other party has a lawyer (is represented): You may serve their lawyer by mail or electronic service. Follow Code of Civil Procedure section 1010 and California Rule of Court 5.92(f)(3). 2. If the other party does not have a lawyer (is self-represented): You must use one of these methods: • Personal service (have someone hand the papers to the other party) • Substituted service (leave the papers at their home or work, then mail a copy) • Service by mail with a verified address declaration (use form [Address Verification Form] or an equivalent) • Service by mail with Notice and Acknowledgment (form FL-117) • Other methods under Code of Civil Procedure sections 415.10–415.30 3. If you cannot serve the other party using the above methods: You may ask the court for permission to use an alternative method. This is called “service by alternative means.” The court will need a good reason to approve this. Talk to a lawyer or visit your court’s self-help center for help. This revision: • Mirrors the structure of other Judicial Council forms;	

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		- Respects the due process distinction between party types; - Provides a practical option for verified mail (which Rule 5.68 could incorporate in proposed subsection (D)); Minimizes confusion for pro per litigants. 2) Revise FL-710 to add a Hague Convention Advisory Rule 5.68(d)(2)(A) states that Hague Convention procedures are not required when revoking the joint petition because both parties would have already made a general appearance under Fam. Code § 2331(b). The legal effect of filing a joint petition is not explained in any form. Parties living abroad and parties subject to cross-border legal implications may not understand that by filing a joint petition, they are waiving their right to Hague-compliant service. We recommend adding the following plain-language disclosure in FL-710, directly beneath the warning about restraining orders: Notice About International Service Rights By signing and filing a joint petition, you are making a general appearance in this case. If you or the other party live in another country, this may affect your rights under international treaties, such as the Hague Convention. Speak to a lawyer if this may apply to you. This addition is important for due process and will avoid future objections based on international service requirements.	The committee understands the concern but does not recommend the suggested change. The proposed language is not contained in any other summons form adopted by the Judicial Council, even though by making a general appearance in any case a party waives their right to Hague-compliant service. The committee notes that proposed form FL-700 contains the following language in item 7c: “By filing this form, each of you is making a general appearance. This means that you accept the power of this court to make decisions in your case and agree to participate in the case.” The committee believes this language is sufficient to address the concern.
		3) Form Changes to Clarify Consequences and Improve Form Usability: The proposed forms do not always make clear that revocation transforms the case into an adversarial proceeding where court orders and defaults can follow. We recommend the following changes: FL-700-INFO: Add a bolded warning box in the revocation section:	The committee does not recommend this change because it is no longer recommending alternate service requirements. Upon further legal review, the committee has determined that the revocation of the joint petition does not

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		If you revoke this joint petition, you must follow special service rules. If the other party does not respond in 30 days, the court may enter a default against them.	revoke the general appearance of either party and therefore there is no risk of default.
		FL-700: Visually separate “Marriage” and “Domestic Partnership” paths to avoid user confusion	The committee agrees with the suggested change and has separated marriage and domestic partnership into individual items on proposed form FL-700.
		FL-720: Explicitly state role changes—e.g., “Petitioner 2 is now the Respondent.”	The committee agrees with the suggested change and proposes the following language to item 2e on proposed form FL-720: “Petitioner 1 is now the Petitioner in this case and Petitioner 2 is now the Respondent in this case.”
		Add a brief flowchart for what to do after service.	The committee appreciates the suggestion, but the Judicial Council has form guidelines that provides parameters for certain form design elements like visual aids, highlighting, and bolded font. The suggested change does not follow these guidelines.
		Re Request for Specific Comment 4: [...] For example, would the form’s flow be improved by addressing marriage and its components and domestic partnership and its components separately? Please describe any alternatives that would improve clarity and usability. Response: The form would be easier to understand if FL-700 had visually separate “Marriage” and “Domestic Partnership” paths. It is easy to miss questions or answer them incorrectly and requires references back to other sections in the form. We recommend the sections be separated.	The committee agrees with the suggested change and has separated marriage and domestic partnership into individual items on proposed form FL-700.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
4.	LevittQuinn Family Law Center by Ana M. Storey, Executive Director	NI	LevittQuinn Family Law Center exists to protect children and stand with family members in crisis. For 44 years, we have provided free and sliding scale family law services to financially vulnerable people with matters in the Los Angeles Superior Court. From legal advice that illuminates rights and responsibilities to representation in courthouses across the nation’s largest court system, we address the full scope of family law concerns. We help people to meaningfully participate in the justice system to secure fair and enforceable court orders about the care and control of children, financial support, division of assets/debts, and creation of new families via adoption. Our work results in reduced effects of trauma and builds stronger families and communities. We have reviewed the Invitation to Comment re: SPR25-21 [Family Law: Joint Petition for Dissolution or Legal Separation] and the comments attached as Exhibit A to this letter. We agree with and support the proposed revisions per the attached letter.	The committee appreciates the feedback on this proposal. The committee notes that the commenter’s Exhibit A is a copy of the comment submitted by Ms. Jennifer Winestone. The committee has provided responses to Ms. Winestone’s comment in row 15, below.
			In addition, we have a concern that self-represented parties may become confused by the consequence of filing an amended petition or response. We understand that the act of filing an amended petition or response results in a revocation of the joint petition. Some may interpret “revocation” as ending their case and requiring them to file a new petition for dissolution or legal separation. We think it would be beneficial to include in either the form and/or the related self-help guide a short explanation that the revocation of the joint process does not end the case. It simply moves the case from the joint petition process to the traditional adversarial process. This is especially important in cases where one of the parties stops participating in the matter. We appreciate the opportunity to share our thoughts on the efforts by the Judicial Council to create accessible joint petition forms.	The committee agrees with the suggested change and proposes language in item 2a of form FL-720 and item 5 of form FL-700-INFO that explains that revoking the joint petition does not dismiss the case, but rather moves the case to a different process. The language at item 2 of form FL-720 is as follows: “Revoking the joint petition does not dismiss (close) the case or revoke your general appearance. Rather, the person in 1 has now moved your case to a different process, where each of you must file a separate petition or response and either of you may ask for orders of the court without the agreement of the other.” The language in

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
				item 5 of form FL-700-INFO is substantially similar.
5.	Los Angeles County Bar Association Family Law Section by Dena Kleeman, Chair.	NI	I am a chair of the Family Law Section of the Los Angeles County Bar Association (“LACBA”). LACBA was founded in 1878 and is one of the largest voluntary bar associations in California. The Family Law Section of the LACBA is one of the largest sections of the LACBA. The Executive Committee of the Family Law Section oversees the continuing legal education programs, pro bono services, and information resources provided to our local Southern California family law community. The views expressed in this letter are the views of the Family Law Section and not those of the LACBA itself. As Chair of the Family Law Section, I write to express our strong support for the attached letter by Jennifer Winestone and Jeffrey Jacobson, the initiators of the Joint Petition proposal, and the signatories of that letter. Our committee has thoroughly reviewed the proposal and strongly supports the detailed substantive feedback in the attached letter. These comments reflect input from experienced attorneys, legal scholars, and subject-matter experts. We commend Ms. Winestone, Mr. Jacobson and their signatories for their detailed and careful consideration of the points raised in the comments. We particularly endorse the following feedback, which we believe are essential to ensuring protection of the couples and families who choose to use the joint petition process and to eliminating unnecessary confusion: 1. A default is not appropriate upon revocation of the joint petition — As noted by both Ms. Winestone and Mr. Jacobson, in a joint petition process, both parties have, in fact, made a general appearance. A revocation of the joint petition transitions the parties from a non-adversarial process to an adversarial process. The filing of an amended petition or response does not revoke a general appearance as per the new legislation. We approve the recommended language for Rule 5.78 to address the committee’s stated concern.	The committee appreciates the feedback on this proposal. The committee has provided responses to Ms. Winestone’s comment in row 15, below. The committee agrees with the legal analysis and suggested changes and has removed all references to the potential for default from the proposed forms. The committee recommends the following language be included on form FL-720: “Revoking the joint petition does not dismiss (close) the case or revoke your general appearance. Rather, the person in 1 has now moved your case to a different process, where each of you must file a separate petition or response and either of you may ask for orders of the court

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
				without the agreement of the other.” The committee also recommends including substantially similar language on item 5 of form FL-700-INFO.
			2. Different service methods of the pleading revoking the joint petition for represented and unrepresented litigants — We agree that different service methods would only serve to create unnecessary confusion and potential litigation, which defeats the purpose of the joint petition. We do not believe that the joint petition process requires a different service method (as to any pleadings) for unrepresented litigants, in this, or any other area of law.	The committee agrees with the suggested changes and has removed the alternate service requirements from proposed rule 5.68. The committee is also no longer recommending that the Judicial Council adopt a new proof of service form.
			3. Useability of the forms — We also agree that following familiar terms already found in the traditional form FL-100 will help to eliminate confusion. As such, we support the recommendations as detailed in the attached letter. We thank you for your time and consideration.	The committee appreciates the feedback on this proposal. The committee agrees with the suggestion that the residency requirements listed on form FL-700 should more closely track the language of the residency item on form FL-100 and has modified the proposed form accordingly. (See item 4 on proposed form FL-700.)
6.	Eric Milner	A	Request for Grand Jury Investigation into Napa County CPS, Court Compulsion, and Nonprofit Collusion with NEWS 1. Coerced Participation in Nonprofit Programs Under Color of Law: - Napa County CPS is coercing parents into signing medical and mental health HIPAA releases and enrolling in fee-based NEWS programs under threat of losing custody of their children. - Despite NEWS advertising their services as voluntary, the county is mandating enrollment in NEWS programs (domestic violence classes, anger management, etc.) as a condition of reunification. 2. Violation of State and Federal Protections:	No response required. The comment exclusively addresses issues outside of the scope of this proposal.

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

SPR25-21

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
			- Parents are being forced to sign medical releases, treatment disclosures, and service agreements with NEWS staff. This practice directly violates state and federal protections under HIPAA and the California Constitution, including Article I, Section 1 (Privacy Rights). - These mandates are being ordered by Napa courts with no legal basis, suggesting ex parte collusion between the court, CPS, and nonprofit agents. 3. Nonprofit Fraud, Grant Abuse, and Self-Dealing: - NEWS is listed as a recipient of public funds and court referrals—yet shares a physical address with private fundraising entities like “100 Men Who Give a Damn,” and appears to operate with conflicting interests. - I am attaching screenshots and forms showing potential RICO violations, tax law fraud, and financial conflicts of interest between Napa County agencies and private nonprofits.	
7.	Orange County Bar Association by Mei Tsang, President	A	THE PROPOSED FORMS APPROPRIATELY ADDRESS THE STATED PURPOSE: Yes	The committee appreciates the feedback on this proposal.
			Rule 5.68 does not need further methods for service of process	The committee agrees with the suggested changes and has removed the alternate service requirements from proposed rule 5.68. The committee is also no longer recommending that the Judicial Council adopt a new proof of service form.
			No suggestions for the new forms. Form FL-700 flows well as proposed.	The committee appreciates the feedback on this proposal.
8.	Charlie Silva	AM	Comment on Judicial Council Proposal SPR25-21 Submitted by Charlie Silva, Divorce Mediator Over 20 Years’ Specialized Experience in Structured Family Law Mediation	The committee appreciates the feedback on this proposal.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Professional Background and Introduction I am Charlie Silva, a professional Divorce Mediator (not an attorney) with more than two decades of specialized experience providing structured, amicable, and effective divorce mediation services to self-represented Californians. My mediation practice focuses on precise characterization of property, accurate spousal support and arrears calculations, parenting agreements, and streamlined, collaborative resolutions. To ensure accuracy in documentation and filings, I rely on the services of registered Legal Document Assistants (LDAs)—specifically FastDivorce.com I strongly support the objectives of SB 1427 (SPR25-21) in creating a clear, collaborative path toward divorce resolution, particularly for the approximately 70–80% of California litigants who are self-represented.	
		Expert Analysis and Recommendations for Form FL-700 (Items 2 & 3): Upon reviewing the proposed Form FL-700, I have identified specific areas in critical need of clarification to ensure optimal usability and reduce confusion for the intended audience. Item 2 – Type of Case Currently, Item 2 (Page 2 of FL-700) groups marriage and domestic partnership status together in a manner likely to confuse most self-represented litigants targeted by this process. The combined presentation of marriage and domestic partnership options unnecessarily complicates understanding, increasing the likelihood of incorrect responses or confusion. Recommended Improvement: Clearly separate marriage and domestic partnership sections into distinct, visually differentiated subsections. Use straightforward, simple headings such as: "If Married, Complete This Section" "If in a Domestic Partnership, Complete This Section"	The committee agrees with the suggested change and recommends separating marriage and domestic partnership into individual items on proposed form FL-700. The committee has also changed the headings of these sections to be more straightforward, naming them “Marriage” and “Domestic Partnership” and simplifying the language in each item.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Include clear instructions and definitions for each scenario separately, avoiding ambiguity and guiding litigants step-by-step through their specific circumstances.	
		Item 3 – Residency Requirements and Exceptions The existing structure of Item 3 (Residency Requirements) is overly complex and cumbersome, especially for litigants with limited legal familiarity. The current wording and multi-part questions could lead litigants to incorrectly assess their eligibility, causing administrative delays, unnecessary re-filings, and avoidable confusion. Recommended Improvement: Present residency criteria as a simple checklist, using clear "Yes" or "No" answers. Clearly distinguish standard residency requirements from exceptions (such as domestic partnerships or same-sex marriages initiated in California but where residency rules differ).	The committee agrees with the suggested change and has simplified the residency item on proposed form FL-700, item 4. In response to feedback from other commenters, the committee also recommends that the language regarding residency requirements more closely follow the language on form FL-100.
		Incorporate a visual decision-tree or flowchart to succinctly guide litigants through residency questions, explicitly highlighting eligibility criteria and potential exceptions.	The Judicial Council has form guidelines that provides parameters for certain form design elements like visual aids, highlighting, and bolded font. The committee cannot incorporate elements into forms that do not follow those guidelines, such as decision trees or flowcharts.
		Importance of Explicit Inclusion of Legal Document Assistants (LDAs): Explicit recognition of LDAs within the Judicial Council's proposed materials is critical. LDAs, governed by California Business and Professions Code §§6400-6415 since January 1, 2001, significantly reduce document errors and enhance court efficiency through accurate preparation and proper filing of divorce forms. Including LDAs in informational resources (particularly form FL-700-INFO) would: Reduce common procedural errors frequently seen in self-prepared documents. Lower administrative costs by minimizing rejected or returned filings.	While the committee is mindful of the benefits that many Legal Document Assistants (LDAs) provide to self-represented litigants, it believes that the inclusion of mediators, lawyers, and collaborative lawyers is sufficient and does not recommend including LDAs as a separate category at this time.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Encourage currently informal, non-registered document preparers to formalize their status, enhancing regulatory oversight, consumer protection, and generating additional county revenue through increased registration and bonding compliance. Additional Practical Benefits: Significant Cost Savings: Collaborative processes facilitated by experienced mediators and professional LDAs demonstrably reduce court hearings, paperwork errors, and administrative overhead. My mediation practice consistently verifies that structured collaborative filings dramatically streamline court operations. Regulatory and Revenue Advantages: Explicit recognition of LDAs will motivate unregistered and non-bonded document preparers to formally register with county authorities, thus increasing compliance, generating new regulatory revenue, and ultimately improving public protection.	
		Timeline and Implementation Recommendations: To ensure smooth statewide adoption, provide a realistic implementation timeline (approximately 90-120 days). Offer targeted training for court personnel (6-12 hours per staff member), clearly defining roles of mediators and LDAs and providing standardized communication templates highlighting these resources.	The committee appreciates the information provided but cannot change the implementation date because Family Code section 2342.51 mandates that forms be adopted no later than January 1, 2026.
		Visibility and Recognition of Mediation and LDA Resources: Explicitly incorporating clear references to mediation and LDAs within official court and State Bar communications is crucial. Currently, despite statutory recognition, LDAs remain largely invisible to the public, resulting in increased court errors, administrative burdens, and litigant frustration. Proper visibility of LDAs will directly improve both efficiency and accessibility.	While the committee is mindful of the benefits that many Legal Document Assistants (LDAs) provide to self-represented litigants, it believes that the inclusion of mediators, lawyers, and collaborative lawyers is sufficient and does not recommend including LDAs as a separate category at this time.

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

SPR25-21

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
			Conclusion and Expert Recommendations: Based upon extensive experience as a mediator guiding thousands of Californians through structured, amicable divorces, I strongly recommend that the Judicial Council: Explicitly recognize LDAs within all collaborative divorce materials. Clarify and simplify Form FL-700 (Items 2 & 3) to significantly enhance usability and accuracy for self-represented litigants. Provide clear procedural guidance on forms, explicitly highlighting mediation and LDAs as critical collaborative resources. Emphasize regulatory compliance and increased revenue by explicitly recommending LDAs, motivating non-registered providers to formalize their practice. Implementing these professional recommendations will maximize the intended effectiveness of SB 1427, significantly streamline court processes, and directly benefit California families navigating divorce. Thank you for carefully considering these recommendations derived from extensive professional mediation experience.	The committee's responses to each of these comments are listed in the rows above.
9.	Superior Court of Los Angeles County by Stephanie Kuo, Analyst	AM	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular judicial officer or employee. In response to the Judicial Council of California's ITC, "Family Law: Joint Petition for Dissolution or Legal Separation," the Superior Court of California, County of Los Angeles (Court), agrees with the proposal with modifications.	The committee appreciates the feedback on this proposal.
			The declaration of disclosure process does not appear to simplify the process for litigants and would not encourage settlement. Alternatively, a property worksheet like the one included in the Joint Petition for Summary Dissolution would be better to streamline the process for parties. Furthermore, it would make a notable difference for litigants if the process could include a provision for submitting a stipulated judgment	The committee appreciates the concern but cannot change the declaration of disclosure requirements or the method for submitting a judgment because, pursuant to Family Code section 2342.5(g), all disclosure and other

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		with the joint petition that would be processed and signed at six months unless revoked.	requirements that apply to a petition for dissolution of marriage or legal separation also apply to a joint petition of marriage or for legal separation.
		Another question to consider is if the filing of the joint petition will be included in the Family Centered Case Resolution tracking of the case to disposition.	The committee appreciates this concern and notes that rule 5.83 applies to joint petition cases. While parties may not file requests for orders in these cases, courts may still make orders and set hearings on their own motion pursuant to Family Code sections 2450 and 2451 as they deem appropriate.
		The proposal could provide cost savings if the parties make it through the entire joint process. This may also decrease the number of hearings and free up space on courtroom calendars.	The committee appreciates the information provided.
		Also, the procedures state that “If either party revokes the joint petition, the first petitioner becomes the petitioner in the now-adversarial process, and the second petitioner becomes the respondent.” However, this section also indicates that upon cancellation of the joint petition, the other party is notified of the potential for a default judgment. This creates complications if the party designated as the respondent, then attempts to proceed with default judgment. For instance, Form FL-165 specifically says the respondent is being defaulted.	The committee understands the concern. Upon further legal review, the committee has determined that the revocation of the joint petition does not revoke the general appearance of either party and therefore there is no risk of default. As such, the committee believes that this issue will no longer be a concern.
		To implement the proposal, the Court would need to train judicial officers and staff on the new policy and forms. The Court would also need to create new event codes in its case management system. The internal and external filing costs reference sheet will need to be updated, as well. Three months from Judicial Council approval should be sufficient time for implementation. The proposal should also work well across courts of different sizes.	The committee appreciates the information provided.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
10.	Superior Court of Orange County Family and Juvenile Law Divisions by Katie Tobias, Operations Analyst	NI	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the feedback on this proposal.
			Should rule 5.68 provide for different service methods of the pleading revoking the joint petition for represented and unrepresented litigants? Yes, it should be separated with different methods required.	The committee understands the concern but recommends removing the alternate service requirements for service of the pleading revoking the joint petition. Upon further legal review, the committee has determined that the revocation does not revoke the general appearance of either party and therefore there is no risk of default. As such, the committee has determined that alternate service requirements are not necessary.
			Form FL-700's items 2 (type of case) and 3 (residency requirements and exceptions) present multiple issues required by statute. Are there alternatives to the proposed wording of the questions and instructions or the flow of questions and organizational structure that would make the form clearer and easier to complete? For example, would the form's flow be improved by addressing marriage and its components and domestic partnership and its components separately? Please describe any alternatives that would improve clarity and usability. Yes, the flow of this form would be greatly improved by having the format of other petitions in the Family Law forms series. The proposed form does not have a form title/header main box with selection boxes to let the court know if the parties are filing for a joint petition for dissolution, legal separation or domestic partnership. If both parties are filing a joint petition as Petitioner 1 and Petitioner 2, selections should flow more with the "We" instead of "You" language as stated in the Joint Petition for Summary Dissolution (FL-800) form.	The committee understands the concern but has moved this form to plain language format to be more accessible to self-represented litigants. The committee has separated marriage and domestic partnership into individual items on page 2 of the form so that clerks can more easily identify the case type. The committee also believes that the instructions and advisements in the form flow better in the second person and does not want the form to switch between first and second person. Therefore, the committee has decided not to recommend switching the form to the first person.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Also, for clarity and continuity, item #7 on the FL-700 should state that the restraining orders are found on page 2 of the summons. These documents are rarely printed out double sided or have a “back-side.”	The committee agrees with the suggestion and recommends this change. Item 7 is now item 8 on proposed form FL-700 because the committee has separated marriage and domestic partnership into individual items. As proposed, item 8b reads, “All the standard temporary restraining orders listed in Summons—Joint Petition (form FL-710) will apply to each of you as soon this form is filed.”
		Would the proposal provide cost savings? If so, please quantify. No, the proposal does not appear to provide any cost savings. What would the implementation requirements be for courts—for example, training staff (please identify the position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Implementation will require providing communication to judicial officers and court staff, creating procedures, updating the case management system, and conducting court staff training (approximately 1 day).	The committee appreciates the information provided.
		Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? No, Orange County would need at least four months for implementation.	The committee appreciates the information provided but cannot change the implementation date because Family Code section 2342.51 mandates that forms be adopted no later than January 1, 2026.
		How well would this proposal work in courts of different sizes? Our court is a larger court, and with adequate time to implement, this could work for Orange County.	The committee appreciates the information provided.

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

SPR25-21

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
11.	Superior Court of Sacramento County by Jolene Pasztor, Supervising Family Law Facilitator	AM	The current proposal SPR25-21 has created a joint petition that then follows the same process as a default judgment with agreement. This process does not simplify or make it any easier for pro per litigants to navigate the complicated dissolution process to replicate the current summary dissolution process of filing all the forms and agreement at one time. Here you will end up with litigants filing a joint petition thinking that resolves all issues in their case and finalizes their divorce in one step, not understanding there are many more steps that will need to be done if there is not very clear language on the Petition that this just begins the divorce process and to contact an attorney or the Self-Help Center to learn how to take the steps after to finalize their divorce and obtain a Judgment. Party Types: Having Petitioner 1 and Petitioner 2 only on the joint petition yet nowhere else in the process or forms still creates a “Respondent” which the intent of the legislature was to avoid the acrimony of there being a “Respondent.” Rule 5.68 - Revocation: Different service methods should not be required. Currently in a Summary Dissolution the Court clerk mails the Notice of Revocation to both parties once entered providing notice of the revocation to both individuals at the address on record. In many dissolution cases, summary and non-summary cases, Parties continue to live at the same address due to financial circumstances. In none of these cases does the law require different levels of service requirements based on living together or status of representation. If service is a concern, following the same process as the summary	The committee understands the concern and proposes the following language to page 1 of form FL-700: “For more information and next steps about this process . . .” This language is placed before a reference to form FL-700-INFO and the court’s website, both of which have information regarding self-help centers and next steps parties will need to take to complete the process. The committee appreciates the suggestion but does not recommend changing other forms at this time. Family Code section 2342.5(a)(1) provides that, “for identification purposes, including, but not limited to, identification on a Judicial Council form, the first joint petitioner shall be deemed petitioner and the other joint petitioner shall be deemed respondent.” Accordingly, it appears changing only the petition and summons forms was anticipated by the legislation. The committee agrees that the rule should not provide for alternate service requirements. Upon further legal review, the committee has determined that the revocation of the joint petition does not revoke the general appearance of either party and therefore there is no risk of default. As such, the committee has

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		dissolution using the FL-830 where the court clerk serves the revocation. In a summary dissolution or in a regular dissolution the parties may reside at the same residence and there is no requirement for the revocation or a dismissal to be served differently based on address or representation status. Additionally, under the current rules and forms, what would happen to the case if a party files the revocation yet never serves it.	determined that alternate service requirements are not necessary. The committee has removed the alternate service requirements from rule 5.68. The committee is also no longer recommending that the Judicial Council adopt a new proof of service form.
		Rule 5.92 Should this rule also then include that the revoking party will also need to file an Amended Petition or Amended Response prior to filing the Request for Order. Amended Petition and Amended Response If Petitioner 2 revokes the joint petition and is then required to file an Amended Response and Petitioner 1 would then file an Amended Petition to the Amended Response. This reversal of process where a “Petition” would be considered the “Response” to the Amended Response is going to be very confusing and complicated for self-represented litigants to understand. Rather having the first revoking party become the Petitioner and file an Amended Petition would be more logical and follow the current dissolution process.	The committee appreciates the concern but does not recommend the suggested change. Pursuant to Family Code section 2342.5(b), the process laid out in proposed rule 5.92 is legally correct. The committee notes that the legislation was drafted this way to allow for minimal updates to court case management systems.
		Joint Petition FL-700 Residency Requirements – Section 3 appears to be requiring both Petitioners to meet the residency requirements instead of just one as is required on the FL-100, by having the “skip to item 4” language only in (b). Perhaps (a) and (b) could be combined to ask if one of them meets the requirements, then if yes, skip to item 4.	The committee agrees with the suggestion. The proposed form, at item 4 now asks if just one petitioner meets the requirement.
		Property/Support - The FL-700 section 6 allows parties to select “Does Not Apply.” Many self-represented litigants at this stage of the process will be inclined to check “does not apply” as they will think because they have an agreement or are not requesting money that those topics simply do not apply to them. A better option might be to ask if there is any property (i.e. car, bank account, house) then check Yes. This will be especially problematic with child support and when DCSS has an open case. This may also become a problem for the Date of Separation if litigants check “does not	The committee agrees with this suggestion and has changed the format of item 7 on proposed form FL-700 to be a simplified list. The issues that apply to all dissolution cases are now mandatory and parties also have the option to check other issues that apply to their case.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
			apply” and later property needs to be divided and there is not a date of separation listed to determine when the community ended.	
			There is also a typo on page 5 under the Notice section it should read “Dissolution of your marriage” not “Dissolution or of your marriage.”	The committee has made changes in response to other comments to remove this language, so the suggestion is no longer applicable.
			Cost Savings – No, both would be required to pay the same fees and go through the same process as a default with agreement.	The committee appreciates the information provided.
			Training – Staff would need to be trained on new procedures for filing and the revocation process.	The committee appreciates the information provided.
12.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	Specific Comments Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the feedback on this proposal.
			Q: Should rule 5.68 provide for different service methods of the pleading revoking the joint petition for represented and unrepresented litigants? A: Yes, the rule is appropriate as proposed, for the reasons stated by the committee.	The committee understands the concern but recommends removing the alternate service requirements for service of the pleading revoking the joint petition. Upon further legal review, the committee has determined that the revocation does not revoke the general appearance of either party and therefore there is no risk of default. As such, the committee has determined that alternate service requirements are not necessary.
			Q: The forms in this proposal are a new series. Please provide any suggestions to improve their usability. A: Designating these forms as a new series will help both court users and court staff identify these actions.	The committee appreciates the information provided.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Q: Form FL-700's items 2 (type of case) and 3 (residency requirements and exceptions) present multiple issues required by statute. Are there alternatives to the proposed wording of the questions and instructions or the flow of questions and organizational structure that would make the form clearer and easier to complete? For example, would the form's flow be improved by addressing marriage and its components and domestic partnership and its components separately? Please describe any alternatives that would improve clarity and usability. A: The formatting of the existing FL-100 appears to be clearer and easier to complete. For instance, the person completing an FL-100 simply checks the applicable boxes under Legal Relationship and then proceeds to the item addressing Residence Requirements. Propose that the advisal listed after "No" in item 2b be moved to page 1 above "For More Information." Add the following after "No" in item 2b, "(skip to item 3)."	The committee agrees with the suggestion and recommends that the residency requirements (item 4) on form FL-700 more closely follow the language of form FL-100. In response to other commenters, the committee recommends changing the formatting of this item; the new formatting is not conducive to moving the instruction in circulated item 2b as suggested.
		Q: Would the proposal provide cost savings? If so, please quantify. A: No. 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: Developing internal procedures and local packets, adding filings to case management system, training staff, and notifying judicial officers. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final versions of the forms are provided at that time. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes. No additional Comments.	The committee appreciates the information provided.

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
13.	Superior Court of Santa Cruz County by Amanda Miller, Supervising Attorney and Family Law Facilitator	NI	I appreciate the opportunity to provide feedback on this proposal. Overall, the proposed rule effectively fulfills its stated purpose by clarifying procedural requirements. However, several refinements could enhance accessibility and usability, particularly for self-represented litigants (SRLs). 1. Addressing the Stated Purpose The proposal provides a well-structured outline of necessary procedural steps. However, refining the forms could help users better understand the process. 2. Service Methods in Rule 5.68 Distinguishing service methods for represented and unrepresented litigants reduces the risk of inadequate notice and unintended defaults for SRLs. Additionally, the option to request alternative service under Rule 5.68(d)(2)(C) improves the potential for more equitable outcomes. 3. Usability of Forms The newly proposed forms are a welcome addition, though further refinements could improve the user experience. Simplified instructions and a more intuitive layout would provide clarity, particularly for those without legal representation. 4. Suggested Improvements to Form FL-700 a. Structural Refinements Items 2 and 3 address multiple statutory requirements. Restructuring these sections may enhance comprehension. Separating questions related to marriage from those addressing domestic partnerships could create a more logical flow, helping filers navigate the form with ease.	The committee appreciates the feedback on this proposal. The committee understands the concern but recommends removing the alternate service requirements for service of the pleading revoking the joint petition. Upon further legal review, the committee has determined that the revocation does not revoke the general appearance of either party and therefore there is no risk of default. As such, the committee has determined that alternate service requirements are not necessary. The committee agrees with the proposed changes and recommends separating marriage and domestic partnership into individual items and restructured the residency item to more closely follow the language of form FL-100.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Residency requirements should be presented in clearer subsections to minimize confusion.	
		b. Placement of Case Type Selection The current design requires clerks to refer to item 2 on page 2 to determine case type. Ideally, this information should be displayed directly under the caption on page 1, mirroring Form FL-100.	The committee appreciates the suggestion but has made the form in plain language format to simplify it for self-represented litigants. Plain language format does not include a caption box. However, the committee recommends separating and simplifying the marriage and domestic partnership items on page 2 of form FL-700, and it believes this new formatting will make it easier for clerks to identify the case type.
		c. Clarity in “Amended Petition” Language - Changing “Amended Petition” to “Amended Joint Petition” would improve clarity. - It is possible that litigants who do not read through or understand the forms may think that checking “Amending Petition” and re-filing is the equivalent of revoking the joint petition. Adding the word “joint” after “amended” may make it clearer that any amendment is agreed to by both parties.	The committee agrees and recommends this change to form FL-700.
		d. Clarification in Introductory Language The current phrase, “<i>have agreed, or plan to agree</i>”, may mislead SRLs into assuming agreement exists when it may not. More precise wording—such as “<i>Use this form if you and your partner have come to an agreement or intend to do so on every issue in your case, with all terms documented in writing and signed by both parties</i>”—would be beneficial.	The committee understands the concern but believes that the language “have agreed, or plan to agree” will be clearer to self-represented litigants, as it is at a fifth grade reading level. The commenter’s proposed language is at a twelfth grade reading level. The committee recommends the original

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
			language in the proposal, as it is more accessible. The committee also recommends including a clarifying instruction in item 7 of proposed form FL-700, as follows: “Issues you must agree on (<i>this means you will have a written agreement on all the issues listed below, which you will file with the court in the future</i>).” This will inform self-represented litigants that the agreement must be in writing and filed with the court.
		e. Item 3, Residency Requirement Language The phrasing “<i>at least one of you has to have been a resident of this state...</i>” may be misinterpreted to mean both parties must meet residency requirements. A minor rewording would ensure clarity.	The committee agrees with the proposed change and recommends the following language: “[] One or both of you have lived in California for the last six months and in the county where you are filing this petition for the last three months.”
		f. Item 5, Consistency in Terminology for Minor Children - The form inconsistently refers to “<i>additional minor children</i>” and “<i>children who are younger than 18.</i>” Using one standardized term throughout would be preferable. - Expanding the space to list four minors (similar to FL-105/UCCJEA) would reduce the need for additional attachments.	The committee agrees with the proposed change and recommends consistently using the phrase “children who are under 18” and adding space for four children.
		g. Item 6a, Clarification on Date of Separation The option in item 6a—“does not apply”—may be confusing to self-represented litigants. Without additional clarification, parties may struggle to determine when the date of separation is relevant to their case.	The committee agrees that the “does not apply” option may cause confusion and recommends removing that language. The issues that apply to all dissolution cases are now mandatory on proposed

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		- Removing the “does not apply” option would be helpful, because date of separation generally applies to all petitions for legal separation, dissolution of marriage, and dissolution of domestic partnership. - Although date of separation may not be relevant in some cases (i.e. no pensions to divide), this is a complex issue that many self-represented litigants will not understand when completing the petition.	form FL-700, and those that may apply have an optional checkbox in front of them.
		h. Item 8: "Other" The purpose of this item is unclear. SRLs may mistakenly assume it can be used to request specific orders.	The committee agrees that this is a concern. This item mirrors item 11c on form FL-100. It is derived from Family Code section 2330(c), which states that the joint petition may include “other matters.” To clarify, item 9 on proposed form FL-700 is titled “Other Matters.” To ensure that self-represented litigants are less likely to write requests for orders in this box, the proposed item does not include a fillable field but instead has an instruction for parties to include an attachment addressing any other matters.
		i. Recommended Additions to Form FL-700 Voluntary Declaration of Parentage (VDOP) – Unlike Form FL-100 item 4.e., FL-700 does not provide an option for indicating a previously signed VDOP for a child born prior to marriage. Including this option would align the form with existing filings. This omission may lead to inconsistencies in filings and could create difficulties for litigants seeking to ensure all relevant information is properly recorded. Adding this option to Form FL-700 would improve its completeness and alignment with existing forms.	The committee does not recommend adding a checkbox for parties to indicate if there is a voluntary declaration of parentage (VDOP) for a child. If parties jointly list a child that they are both the parents of on form FL-700, parentage is not contested in the case and there would be no need for the court to have information about a VDOP in the petition. This differs from dissolutions brought under Family Code section

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
			2330(b) and filed on form FL-100, where each party files a separate pleading and separately lists the children. If parties complete the joint petition process and submit a proposed judgment, they may attach one or more VDOP forms to form FL-170 (see item 9a on form FL-170).
		Incorporation of Date of Separation in Item 2 – Family Code §2330(b)(2) requires the date of separation to be included in dissolution or legal separation petitions. Adding this element would improve alignment with FL-100 and simplify the process for self-represented litigants.	The committee understands the concern but does not recommend the suggested change because Family Code section 2330(b)(2) does not apply to joint petition cases. Joint petition cases are governed by Family Code section 2330(c), which does not require parties to list their date of separation. Instead, date of separation is listed as an issue that they intend to resolve by agreement.
		5. Comments on Form FL-700-INFO a. Item 2, Page 1 – Disclosures Requiring disclosures to be served by a nonparty differs from the summary dissolution petition process, where parties can exchange disclosures with each other. Removing the requirement to have disclosures served by a nonparty would simplify the process for SRLs and seems appropriate when parties have submitted a joint petition.	The committee understands the concern, but Senate Bill 1427 is not meant to replicate the summary dissolution process. Family Code section 2342.5(g) states that the requirements of joint petition cases are generally the same as those for dissolutions brought under Family Code section 2330(b). Therefore, the committee does not recommend a change to the service requirements for declarations of disclosure.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		b. Item 4, Page 1 – Appearances, Stipulations, and Waivers If submitted as a joint petition, why is this form required? Could the relevant language from FL-130 be incorporated into item 7 of FL-700?	The committee understands the concern but does not recommend making this change. Form FL-130 is submitted when parties already have an agreement; parties who submit form FL-700 may not yet have an agreement. Also, having different judgment submission requirements for joint petition cases may cause confusion and would require additional training for court clerks.
		c. Item 5, Page 2 – Notice of Revocation Filing Deadline Establishing a clear deadline would facilitate a more efficient resolution process and encourage timely decision-making.	The committee understands the concern but does not recommend adding a deadline that is not required by statute.
		6. General Concerns Regarding Complexity Compared to the Summary Dissolution Process The current process is more complex than expected. Aligning it more closely with the summary dissolution framework would make it more accessible.	The committee understands the concern but notes that this process is governed by Senate Bill 1427. To make joint petition more like summary dissolution would require legislative changes.
		A joint petition should allow parties to confirm completed disclosures and submit a proposed judgment alongside a marital settlement agreement (MSA).	The committee understands the reasoning but does not recommend changes to form FL-700 to incorporate this suggestion. If joint petitioners would like to confirm completed disclosures and submit a proposed marital settlement agreement simultaneously with the joint petition, they may do so by using the existing forms. The committee has concerns that adding this information to

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
			form FL-700 will lengthen the form and make it more complicated.
		Form FL-700 reads more like an instructional guide than a form requiring litigants to make decisions prior to filing.	The committee understands the concern, but pursuant to Family Code section 2330(c) parties in joint petition cases are not required to make decisions prior to filing. Under Family Code section 2330(c)(3)(A), they must provide a list of issues which they “intend to resolve by agreement.” However, they need not have resolved these issues prior to filing. They may file the joint petition to ensure the automatic temporary restraining orders are in place while they work towards a negotiated resolution.
		Including an option for parties to specify jointly requested orders—such as custody arrangements or spousal support termination—would improve clarity and prevent misunderstandings.	The committee understands the reasoning but does not recommend adding this language to form FL-700. It is not required pursuant to Family Code section 2330(c). Additionally, because parties in joint petition cases may not submit requests for orders, it may confuse self-represented parties to have an option to submit requests that the court will not rule on. Parties to joint petition proceedings should specify their requested orders in their proposed judgment.

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

SPR25-21

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
			To enhance accessibility and streamline the petition process, I encourage the committee to consider these refinements. Thank you for the opportunity to provide input.	The committee appreciates the feedback on this proposal.
14.	Trial Court Presiding Judges Advisory Committee (TJPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (“JRS”)	A	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: • Impact on existing automated systems. ○ Update Efile and Case Management Systems. Update training materials and BPRs. • Results in additional training, which requires the commitment of staff time and court resources. ○ Clerk, judicial officer and Self Help Center training. • Increases court staff workload. ○ Self Help Center will need to take time to explain this to the public as an option. Self Help will need to develop new packets and instructions. Could increase clerk staff time as these cases will need to be monitored.	The committee appreciates the feedback on this proposal.
15.	Jennifer Winestone, Attorney	NI	The drafters of this letter, Jennifer Winestone and Jeffery Jacobson, were the initiators of the joint petition proposal and partnered with Senator Ben Allen on drafting the legislation. The signatories to this letter are lawyers, mediators, mental health and financial professionals, who work in family law and who have reviewed the Invitation to Comment re: SPR25-21. By this letter, we submit our joint comments on the proposed implementation of Senate Bill 1427. Our comments address the four requests for specific comments from the committee.	The committee appreciates the feedback on this proposal.
	Jointly submitted by: Armine Baltazar, Attorney; Vi Ballard; Leon F. Bennett, Attorney;		1. Does the proposal appropriately address the stated purpose? Except for the item set out below, we believe that the proposal appropriately addresses the stated purpose. For the reasons described below, we request that all references to a default judgment being available if a party revokes the joint petition be removed. We do not believe that	The committee agrees with the suggested changes and has removed all references to the potential for default in all forms in this proposal. Specifically, the language was removed from the stipulations and waivers on proposed form FL-700, the

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
Bransky, David, Attorney; Kevin J. Chroman, Attorney; Austin H. Chung, Attorney; Jill Cohen, Attorney; Catherine Connor, Attorney; Michelle Daneshrad, Attorney; Kimberly Davidson, Attorney; Bill Eddy, Attorney; Michel Eller, Attorney; Jane K. Euler, Attorney; Jami Fostage, Attorney; Gary Freideman, Attorney;		either party to a joint petition can ever be (or should ever be) in default following the revocation of the joint petition process. Family Code Section 2331(b), as amended, provides as follows: If the parties file a joint petition and joint summons, in a form and content approved by the Judicial Council, the joint petition shall be deemed to be served on both parties upon the filing of the joint petition with the court and both parties shall be determined to have appeared in the matter. [emphasis added] In addition, according to Rule 5.62 of the California Rules of Court: Except as provided in Code of Civil Procedure section 418.10 and Family Code sections 2012 and 3409, a respondent is deemed to have made a general appearance in a proceeding when he or she files: (1) A response or answer; (2) A request for order to strike, under section 435 of the Code of Civil Procedure; (3) A request for order to transfer the proceeding under section 395 of the Code of Civil Procedure; or (4) A written notice of his or her appearance. The filing of the joint petition satisfies the requirements of a general appearance for both parties (meaning that a default Judgment is no longer available as a disposition option). The filing of an amended petition or amended response transitions the proceeding from the non-adversarial joint petition process to the traditional adversarial process. The joint petition serves as a written notice of both parties' appearances. The filing of an amended petition or amended response does not revoke a general appearance pursuant to the new legislation. Pursuant to the new Family Code Section 2342.5(b)(3): <i>If an amended petition or amended response is filed pursuant to paragraph (1), the joint petition for dissolution or for legal separation of the parties is deemed revoked</i>	instructions on proposed form FL-700-INFO, and the notice on proposed form FL-720. Forms FL-720 and FL-700-INFO now indicate that revoking the joint petition does not revoke the general appearance.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
	Franklin R. Garfield, Attorney; Fahí Takesh Hallin, Attorney; Leslie K. Howell, Attorney; Barbara Irshay Zipperman, Attorney; Jeffrey S. Jacobson, Attorney; Wendy S. Jones, Attorney; Michelle Katz, Attorney; Sharon S. Kianfar, Attorney; Jon Kramer; Mary Elizabeth Lund; Stephanie M. Maloney; Diana L. Martinez,		<i>and <u>the proceeding shall proceed</u> as a petition for dissolution or for legal separation of the parties under Section 2330. [emphasis added]</i> The filing of an amended pleading <u>does not</u> revoke the underlying proceeding or the appearance of either party. The case number, time period under Section 2339, Standard Temporary Restraining Orders on the Summons, and party appearances are unaffected by the filing of an amended pleading. The deemed revocation applies only to the joint process and not to the underlying proceeding. Accordingly, we believe the proposal to allow a default judgment if a joint petition is revoked is legally improper and will result in potential confusion and/or actual prejudice to joint petitioners. Article 6 of Chapter 4 of the California Rules of Court provides rules for "Specific Proceedings", which currently include rules for "Domestic Partnerships"(Rule 5.76) and "Summary Dissolution" (Rule 5.77). If possible, a new Rule of Court could be added for joint petition, as follows or to the following effect: Rule 5.78. Joint Petitions (Non-Summary Dissolution) The joint petition serves as written notice of both parties' appearances. A deemed revocation of the joint petition does not revoke the appearance of the party served with an amended petition or an amended response. Both parties' written notice of appearance is satisfied by the filing of the joint petition. If an additional Rule of Court is not able to be added, then we suggest that the following notice be added directly to the FL-720 form. We propose that, for clarity, the form be titled: "Notice of Revocation of the Joint Petition Process" and include an affirmative statement at the top of the form, as follows: "Revocation of the Joint Petition Process does not dismiss the case or revoke the appearances of the parties." In addition, the last paragraph should read: <i>"You have 30 calendar days after the amended Petition-Marriage/Domestic Partnership (form FL-100) or amended Response-Marriage/Domestic Partnership</i>	The committee understands the concern but does not recommend adopting a new rule of court. The committee believes that the content of the commenter's suggested rule 5.78 is already contained in the language of Family Code sections 2331(b) and 2342.5(b). The committee agrees with the suggested changes to the language of proposed form FL-720, but has simplified the language for accessibility. Item 2a of proposed form FL-720 contains the following language: "Revoking the joint petition does not dismiss (close) your case or revoke your general appearance. Rather, the person in 1 has now moved your case to a different process, where each of you must file a separate petition or response and either of you may ask

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
Attorney; Erin McGaughey, Attorney; Tara McGuinness Attorney; Forrest S. Mosten, Attorney; Lauren S. Petkin, Attorney; Jaye-Jo Portanova; Tanya E Prioste, Attorney; George B. Richardson, Attorney; Fern Topas Salka, Attorney; Robin Sax, Attorney; Alison Spirito, Attorney; Joseph P. Spirito Jr.,		(form FL-120) is served on you to file <u>an amended</u> Response-Marriage/Domestic Partnership (if you were Petitioner 2) or an amended Petition-Marriage/Domestic Partnership (if you were Petitioner 1). ~~If you do not, the~~ The court may ~~may~~ make orders affecting your marriage (...)" 2. Should rule 5.68 provide for different service methods of the pleading revoking the joint petition for represented and unrepresented litigants? No. Rule 5.68 should not provide different service methods. Further to item 1 above, since both parties have appeared in the proceeding and said appearances have not been revoked, there is no need for heightened service requirements and different service requirements for unrepresented litigants. Personal service is not required after a party has made a general appearance. We believe different service requirements will cause unnecessary confusion and litigation, which is inconsistent with the purpose of the statute. Moreover, if the committee believes different service requirements should apply for unrepresented litigants, then we respectfully submit this should apply for all documents served on unrepresented litigants in all cases, including in the traditional adversarial process. Parties engaging in a joint petition process should not be subject to the proposed additional requirements for service.	for orders of the court without the agreement of the other.” The committee has also included similar language in item 5 of proposed form FL-700-INFO. The committee also recommends changing the title of proposed form FL-720 from <i>Notice of Revocation (Cancellation) of Joint Petition</i> to <i>Notice of Revocation of Joint Petition</i>. The committee does not recommend adding the word “process” to the title because, pursuant to Family Code section 2342.5, it is not the process that is being revoked but rather the joint petition itself. The committee agrees with the suggested changes and recommends removing the alternate service requirements from rule 5.68. The committee is also no longer recommending that the Judicial Council adopt a new proof of service form.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
	Attorney; Jennifer L. Stara, Attorney; Nicole M. Stednitz, Attorney; Anthony Storm, Attorney; R. J. Thomas; Kerry Wallis, Attorney; James Walton; Shawn Weber, Attorney; Alex Weinberger; Jenna Williams, Attorney		3. The forms in this proposal are a new series. Please provide any suggestions to improve their usability. a. Joint Petition-Marriage or Domestic Partnership, FL-700 i. Paragraph 1 “Who You Are”. Add a line at the end of the last sentence of the first parenthesis: “For identification (administration) purposes, on any forms that you must file in your case that say ‘Petitioner’ and ‘Respondent’, Petitioner 1 should identify as ‘Petitioner’ and Petitioner 2 should identify as ‘Respondent.’”	The committee understands the reasoning but does not recommend this change. The committee is concerned that including this instruction on proposed form FL-700 will confuse self-represented litigants, as they need not file any forms outside of the 700 series at the same time that they file form FL-700. The instruction “For any forms that you must file in your case that say ‘Petitioner’ and ‘Respondent,’ Petitioner 1 should identify themselves and ‘Petitioner’ and Petitioner 1 should identify themselves as ‘Respondent’” is included on proposed form FL-700-INFO, which describes the steps that parties must take to obtain a judgment in their case. The committee believes that this language is sufficient to address the concern.
			ii. Paragraph 3 “Where you live or Where you Established your Legal Relationship (Residency)”. a. Generally, we believe that paragraph 2 “Residence Requirements” of the FL-100 is clearer than this proposed section. We would recommend modeling the paragraph in the manner of the FL-100 instead. b. Subject to our comment a. above, and in the alternative, revise the third sentence of the first parenthesis to read: “To end your marriage or domestic partnership, ~~you have~~ one of you has to be a resident of this state for at least six months and of this county for at least three months, unless you qualify for one of the exceptions listed below.” Delete subparagraph b: “~~Has Petitioner 2 lived in California for the last six months and in this county for the last three months~~”	The committee agrees with the suggestions and recommends changing the language of the residency requirements item on form FL-700 to more closely follow those on form FL-100.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		Subject to our comment a. above, and in the alternative, we find the last paragraph very confusing. We recommend revising as follows: ~~“If you did not answer yes to~~ If you answered no to item 3.a, item 3 b*, item 3c ~~or both of the questions in item 3d,~~ you may not be allowed to file your request in this county. If you answered yes to item 3d and no to items 3d(1) and 3d(2), you may not be allowed to file your request in this county. Even if you are allowed to file in this county to ask the court to end your legal relationship, if you do not live in California, the court may not be able to make orders about property, support, or children. You can find more information on the rules for where you can file you case in the California Court Self-Help Guide: selfhelp.courts.ca.gov/divorce-california.” *Note: see above. Item 3b should be removed.	
		iii. Paragraph 5: “Your Children Who Are Younger Than 18”. Revise paragraph a., as follows: “Are you both the parents of any children <u>of this relationship</u> who are younger than 18.”	The committee does not recommend this change because the phrase “both the parents of” satisfies the concern and is more commonly used in everyday speech than “children of this relationship.” The committee believes that its proposed phrasing will be easier for self-represented litigants to understand.
		iv. Paragraph 6: We recommend a complete revision of this paragraph. Include a title for this paragraph “Issues You Intend to Resolve by Agreement In this Case” followed by a parenthetical (The items below are a list of the issues in the case.) ☐ Date of Separation ☐ Spousal or Domestic Partner Support ☐ Rights to community and quasi-community assets and debts ☐ Rights to separate property ☐ Attorneys’ Fees and Costs If you have children: ☐ Child custody and visitation (parenting plan)	The committee agrees with the suggestion. It recommends changing item 7 on form FL-700 to list the issues that apply to all dissolution cases as mandatory and giving parties the opportunity to check additional issues that apply to their case.

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
			☐ Child support If applicable: ☐ Changing name back to what it was before you were married: ☐ Petitioner 1 will change their name back to: _____ ☐ Petitioner 2 will change their name back to: _____ Other: (List any other issues) ☐ _____ ☐ _____ ☐ _____ We do not believe that it is necessary to include the checkboxes for “Does not apply”. We are concerned that it will cause unnecessary confusion. For example, the parties may check “Does not apply” if they do not believe either of them is entitled to spousal support, notwithstanding that it may be applicable. Moreover, irrespective of whether the “Does not apply” box is checked or not, the court still has jurisdiction over spousal support. In our view, all of the issues in the first category, as well as the issues in the second category (provided the parties have children), are applicable in every divorce or legal separation case. Even if, for example, there are no claims of separate property or spousal support, those issues should be addressed in a stipulated judgment by way of an affirmative waiver to fully dispose of the issues arising from the marriage or domestic partnership. The statute was designed such that parties would provide notice to the court of the issues, without the requirement to make legal decisions or state legal claims prior to engaging in negotiations. Many of the concepts in SB 1427 were derived from contemporary psychology and negotiation theory. Early and uninformed decisions and/or claims can often act as conflict triggers, anchoring to positional bargaining and discouragement of cooperation and settlement.	

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		We suggest modeling this notice in the manner of FL-100, which is shorter, simplified and clearer. Notwithstanding, pursuant to Family Code Section 2024(a), it would appear that the verbatim notice is mandatory. In this case, we propose the notice be titled simply “Notice—Cancellation of Rights” in the same manner as the title in the FI-100.	The committee agrees and recommends that the language in notice box on page 6 of form FL-700 replicate the language in the notice box on form FL-100.
		b. Summons Joint Petition (Family Law), FL-710: a. Revise the Notice, as follows: “These restraining orders are effective against both spouses or domestic partners until the <u>joint petition case</u> is dismissed, a judgment is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them. <u>Withdrawal from the joint petition process by service of an amended response does not terminate these restraining orders.</u>”	The committee agrees with the proposed change but has updated the language to use the phrase “revocation of the joint petition” instead of the phrase “withdrawal from the joint petition process.” The committee’s language uses the statutory terminology contained in Family Code section 2342.5(b)(3) and also lists filing of an amended petition or amended response as the means of revoking the joint petition as specified in Family Code section 2342.5(b)(3). This paragraph on form FL-710 now reads, “These restraining orders are effective against both spouses or domestic partners until the case is dismissed, a judgment is entered, or the court makes further orders. They are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them. Revocation of the joint petition by the filing of an amended petition or an amended response does not terminate these restraining orders.”

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

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

Commenter	Position	Comment	Committee Response
		c. Notice of Revocation (Cancellation) of Joint Petition, FL-720 a. See comments above under item no.1.	The committee has provided a response in the row where the substantive comment is listed.
		d. Information Sheet for Joint Petition for Dissolution or Legal Separation, FL-700-INFO a. See comments above under item no. 1. b. Under “Where can I get help?”, we propose including the court links for Collaborative Divorce and mediation resources here as well.	The committee appreciates the suggestion and has included a link to the California Court’s Self Help Guide regarding negotiated agreements. Judicial Council forms do not include recommendations for specific paid services beyond a certified lawyer referral service. A new webpage on the joint dissolution process will be available by January 1, 2026 on the California Court’s Self Help Guide. The committee recommends including a link to this new page on the top of form FL-700.
		c. Under “What if there is domestic violence?”, the word “collaborative” should be replaced with joint petition”.	The committee agrees and proposes this change.
		e. Proof of Service of Pleading Revoking Joint Petition-Marriage or Domestic Partnership, FL-725 a. See comments under item no. 1. This form is unnecessary, provided that our comments are accepted. b. Subject to a. above, and in the alternative, item 3. C is not required, includes forms that may have already been served, and may create unnecessary confusion.	The committee agrees with the suggested changes and is no longer recommending that the Judicial Council adopt a new proof of service form.
		4. Form FL-700’s items 2 (type of case) and 3 (residency requirements and exceptions) present multiple issues required by statute. Are there alternatives to the proposed wording of the questions and instructions or the flow of questions and organizational structure that would make the form clearer and easier to complete? For example,	The committee appreciates the feedback on this proposal. In response to other comments, the committee recommends separating

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

SPR25-21

Family Law: Joint Petition for Dissolution or Legal Separation (amend Cal. Rules of Court, rules 5.16, 5.50, 5.68, and 5.92, adopt forms FL-700, FL-710, and FL-720, and approve form FL-700-INFO)

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

	Commenter	Position	Comment	Committee Response
			domestic partnership and its components separately? Please describe any alternatives that would improve clarity and usability. a. We have no comments to the proposed wording of item 2 on Form FL-700. See above at paragraph 3.a. for our comments on item 3. We really appreciate the work and thoughtful approach of the Judicial Council on the joint petition forms. We hope you will consider our comments, which we believe will serve to simplify process, ensure that it conforms to established rules and practices, and avoid potential confusion and prejudice to the parties.	marriage and domestic partnership into individual items and simplifying the wording. Regarding item 3, the committee has provided a response in the row where the substantive comment is listed.

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

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: September 4, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Recommend JC approval (has circulated for comment)

Title of proposal: Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk

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

Adopt rule 2.40 and approve form MC-420

Committee or other entity submitting the proposal:

Advisory Committee on Providing Access and Fairness

Staff contact (name, phone and email): Sarah Jacobvitz, 415-865-4533, sarah.jacobvitz@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): Approved by the Executive and Planning Committee 12/5/2024; amended on June 10, 2025

Project description from annual agenda: Project Title: Implementation of Superior Court Lactation Accommodation Procedure (Sen. Bill 949 Stats. 2024, Ch. 159) in All Court Proceedings (New/Implementation Project): Develop a proposal to implement Senate Bill 949 for superior courts. The proposal will outline a process for courts to offer lactating court users who are participating in an ongoing proceeding, a confidential request for a reasonable amount of break time to express breast milk for their infant child. To comply with SB 949, PAF will draft a new form for court users, circulate the proposal for public comment, and address any public comments received.

Out of Cycle/Early Implementation: *If requesting July 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.)

Senate Bill 949 mandates new or amended rules and forms by January 1, 2026.

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) 7/3/2025

☒ approved by Office Director (or Designee) (name) Anna Maves
on (date) 7/10/2025

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-153

For business meeting on October 24, 2025

Title

Access and Fairness: Accommodations for
Court Users to Pump or Express Breast Milk

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Adopt rule 2.40; approve form MC-420

Date of Report

August 5, 2025

Recommended by

Advisory Committee on Providing Access
and Fairness

Contact

Sarah Jacobvitz, 415-865-4533

Hon. Kevin C. Brazile, Cochair

sarah.jacobvitz@jud.ca.gov

Hon. Victor A. Rodriguez, Cochair

Executive Summary

Senate Bill 949 (Stats. 2024, ch. 159) requires superior courts to grant court users who are participating in court proceedings a reasonable amount of break time to express milk for their infant children. The legislation also mandates that the Judicial Council create a confidential process for superior court users to request break time for that purpose. To implement the new law, the Advisory Committee on Providing Access and Fairness recommends a new rule of court and a new optional form.

Recommendation

The Advisory Committee on Providing Access and Fairness recommends that, effective January 1, 2026, the council adopt rule 2.40 and approve *Request for Accommodation to Pump or Express Breast Milk* (form MC-420).

The recommended rule and optional form are attached at pages 7–11.

Relevant Previous Council Action

The council has not taken any relevant previous action.

Analysis/Rationale

Under Labor Code section 1031, superior courts that employ more than 50 people must provide a lactation room to their employees; superior courts that employ fewer than 50 people may be exempt if they can demonstrate that this requirement would impose an undue hardship.¹ It came to the Legislature's attention that although many attorneys spend the bulk of their day in superior courts, not all superior courts permitted attorneys or jurors to use lactation rooms because they are not employees of the court. To ensure that all superior court users have similar access to a lactation room as court employees, in 2022 the Legislature enacted Assembly Bill 1576 (Stats. 2022, ch. 200), which added section 69894 to the Government Code. Effective July 1, 2026, section 69894 requires any superior court that is required to provide access to a lactation room to its employees to also provide access to a lactation room to court users.²

To provide the greatest number of superior court users with access to lactation rooms in as many courthouses as possible, Assembly Bill 3280 (Stats. 2024, ch. 228) amended section 69894 to clarify that a superior court may provide a lactation room that does not meet all the requirements an employer must satisfy in providing a lactation room for employees under Labor Code section 1031(d).³ Assembly Bill 3280 also mandates that superior courts must use the most cost-effective means possible to construct or renovate lactation rooms in courthouses.⁴

In 2024 the Legislature also enacted Senate Bill 949, which added section 69894.1 to the Government Code. Effective July 1, 2026, this section requires superior courts to provide court users participating in ongoing proceedings with a reasonable amount of break time during the proceedings to express breast milk for their infant children.⁵ Government Code section 69894.1(b) requires the Judicial Council to adopt or amend rules of court or forms to provide a confidential process to request this break time by no later than January 1, 2026.

The recommended rule of court and optional form would provide a confidential process by which superior court users participating in proceedings may request break time to express or pump breast milk under new Government Code section 69894.1.

Rule 2.40, Requests for accommodations to pump or express breast milk

New rule 2.40 is modeled on current rule 1.100, which governs requests for accommodations by persons with disabilities. The recommended process for requesting an accommodation to pump or express breast milk and responding to those requests closely mirrors rule 1.100, as court staff and users are already familiar with the disability accommodation request process. Also similar to rule 1.100, new rule 2.40 contains definitions, a policy statement, a review procedure, and

¹ Lab. Code, § 1031(a) & (i).

² The operative date of the bill was originally July 1, 2024, but was changed to July 1, 2026, in 2023 by Senate Bill 133 (Stats. 2023, ch. 34).

³ Gov. Code, § 69894(b).

⁴ *Ibid.*

⁵ Gov. Code, § 69894.1.

provisions to maintain confidentiality. The new rule does not include the provisions of rule 1.100(f), which address denials of disability accommodation requests, because the statutory bases for denial of a disability accommodation request do not apply to requests for break time by lactating persons.

Unlike rule 1.100, which is located in title 1, rules that apply to all courts, the new rule would be located in title 2, rules that apply to superior courts, because Senate Bill 949 applies to superior courts only. Within title 2, the new rule would be located in new chapter 5, Accommodations.

Request for Accommodation to Pump or Express Breast Milk (form MC-420)

The committee recommends new optional *Request for Accommodation to Pump or Express Breast Milk* (form MC-420), a confidential form that a user may submit to the court but that should not be submitted electronically because it contains sensitive health data and does not become part of the court's case file.

The recommended form is in plain-language format. On the first page, court users would put their name and contact information in item 1 and indicate their role in court proceedings in item 2. In items 3 and 4, court users would indicate the proceedings for which they are requesting break time and give additional information regarding their request (duration, timing, etc.). Page 2 of the form is for the court to respond to the request.

Policy implications

The committee is recommending adoption of rule 2.40 and approval of form MC-420 to assist courts in complying with the requirements of Government Code section 69894 et seq. In providing a simple and uniform process, the rule and form will help achieve the judicial branch's goal of providing quality of justice and service to the public.

Comments

The new rule and form circulated for public comment from April 15 to May 23 in the spring 2025 invitation-to-comment cycle. The committee received seven comments. Two commenters agreed with the proposal, four commenters agreed with the proposal if modified, and one commenter did not indicate a position.

In general, commenters supported the proposal to implement SB 949. A chart of comments is attached at pages 12–17.

One superior court commented that form MC-420 should be a confidential document that can be filed in the case file to allow for better tracking of the request throughout the life of a case. The committee understands the concern but does not recommend making this change because form MC-420 will contain sensitive health information.⁶ As a best practice, this information should be

⁶ Health Insurance Portability and Accountability Act, 45 C.F.R. parts 160 & 164; HIPAA Privacy Rule, 42 U.S.C. § 1320d; Pregnancy Discrimination Act of 1978, 95 P.L. 555, 92 Stat. 2076; Gov. Code, § 12945; Cal. Code Regs., tit. 2, § 11035(d) (Lexis Advance through Register 2024, No. 46, Nov. 15, 2024).

stored separately to ensure access is limited to individuals involved in the accommodations process. If superior courts have overriding operational concerns that necessitate placement in the case file, they may create their own local form for court users to request accommodations.

As circulated, the proposal provided for accommodation requests to go to a judicial officer. One local court requested that the committee also allow nonjudicial officers to review lactation accommodation requests, similar to the procedure provided in rule 1.100. This procedure would assist individuals not assigned to a courtroom. The committee agreed with the suggested revision and modified the review procedure of recommended rule 2.40 to allow review by a judicial officer or nonjudicial court staff. The committee modified the signature line on page 2 of form MC-420 to remove the words “judicial officer” and conform to the wording of the signature line found on page 2 of *Disability Accommodation Request* (form MC-410).

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (“JRS”) suggested expanding the definition of “persons who are lactating” to include individuals not covered by Government Code section 69894.1, including individuals providing breast milk for a child who is not their own and those who have a medical condition that causes them to lactate. The JRS stated that this change would have no fiscal impact and result in only a de minimis operational impact on courts. The committee agreed and implemented this suggestion by modifying the definitions of “persons who are lactating” and “accommodations” in recommended rule 2.40 and revising the introductory language of form MC-420 to remove references to the user’s own infant child. The JRS also commented that there is no statutory requirement for these accommodations requests to be submitted five days in advance or in writing. The committee agreed that, although advance notice is helpful, it is not necessary and oral requests should be permitted. The committee recommends modifications to the rule and the instructions on page 1 of form MC-420 to incorporate JRS’s suggestions. Subdivision (c)(3) of recommended rule 2.40 now reads, “[r]equests for accommodations should be made in advance, if possible.” The instructions on page 1 of form MC-420 contain the plain language advisement, “[t]ry to make this request before the date you need the accommodation, if you can.”

Alternatives considered

The committee considered including requests for lactation accommodation in rule 1.100, the existing rule for requesting disability accommodation. The committee rejected this option because although the processes are similar, the applicable law and types of accommodations are different. In addition, the statute specifies that trial courts must provide lactation accommodations, while all courts must provide disability accommodations. For clarity, the committee recommends a new rule in a new chapter of title 2.

Regarding the title of the form, *Request for Accommodation to Pump or Express Breast Milk* (form MC-420), the committee considered shortening the name to *Request for Lactation Accommodation*. However, the committee decided against this title because it does not comport with plain-language principles and the committee was concerned that the title might cause confusion among the public.

The committee also considered which term to use for the process of expressing milk and decided to use the phrase “pump or express.” The committee considered using only the word “express” or only the word “pump,” but the former is not plain language, and the latter excluded methods such as manual expression.

Because the statute does not specify the amount of time the court should grant for any scheduled break time, stating only that it should be “reasonable,”⁷ the committee considered shortening the form and not including item 4, which allows the user to provide more details about their request. Instead, the committee considered including only a general statement that the user should request a “reasonable” amount of time. However, because what is reasonable will depend on the circumstances, the committee decided that allowing an applicant to provide more information would assist the judicial officer or court staff in determining the amount of break time to allow and the reasonableness of the request.

Before circulation, the committee considered making form MC-420 mandatory instead of optional but decided against doing so to give individual courts the flexibility to adopt their own local forms, which may better suit their needs. The committee also considered approving an optional form but not proposing any rule amendments or a new rule; however, it concluded that courts would benefit from guidance on processing these requests.

Finally, the committee did not consider taking no action because of the legislative mandate to create a confidential process including rules of court or forms by which users participating in superior court proceedings can request break time.

Fiscal and Operational Impacts

To implement the new process, courts will need to provide training to judicial officers and court employees, create local procedures for court operations, and otherwise update systems to incorporate the new form. These costs are a result of the legislation.

Attachments and Links

1. Cal. Rules of Court, rule 2.40, at pages 7–9
2. Form MC-420, at pages 10–11
3. Chart of comments, at pages 12–17
4. Link A: Sen. Bill 949 (Stats. 2024, ch. 159),
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240SB949&showamends=false
5. Link B: Lab. Code, § 1031,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=1031

⁷ Gov. Code, § 69894.1(a).

6. Link C: Assem. Bill 3280 (Stats. 2024, ch. 228),
[https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240AB3280
&showamends=false](https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240AB3280&showamends=false)

DRAFT

Title 2. Trial Court Rules

Chapter 5. Accommodations

Rule 2.40. Requests for accommodations to pump or express breast milk

(a) Definitions

As used in this rule:

- (1) “Persons who are lactating” means individuals who may need to express breast milk, including but not limited to those specified in Government Code section 69894 et seq.
- (2) “Applicant” means any court user who is participating in an ongoing court proceeding in a superior court.
- (3) “Accommodations” means providing break time from court proceedings in a superior court to pump or express breast milk. Accommodations may include making reasonable modifications in policies, practices, and procedures and providing access to a lactation room if the court has one.

(b) Policy

It is the policy of the courts of this state to ensure that persons who are lactating have equal and full access to the judicial system.

(c) Process for requesting accommodations to pump or express breast milk

The process for requesting accommodations to pump or express breast milk is as follows:

- (1) Requests for accommodations may be presented ex parte on a form approved by the Judicial Council, in another written format, or orally.
- (2) Requests for accommodations must include a description of the accommodation being requested. The court, in its discretion, may require the applicant to provide additional information about the request.
- (3) Requests for accommodations should be made in advance, if possible.
- (4) The court must keep confidential all information of the applicant concerning the request for accommodation unless confidentiality is waived in writing by

1 the applicant or disclosure is required by law. The applicant's identity and
2 confidential information may not be disclosed to the public or to persons
3 other than those involved in the accommodation process. Confidential
4 information includes all medical information pertaining to the applicant and
5 all oral or written communication from the applicant concerning the request
6 for accommodation.

7
8 **(d) Permitted communication**

9
10 Communications under this rule must address only the accommodation requested
11 by the applicant and must not address, in any manner, the subject matter or merits
12 of the proceedings before the court.

13
14 **(e) Response to accommodation request to pump or express breast milk**

15
16 The court must respond to a request for accommodation to pump or express breast
17 milk as follows:

- 18
19 (1) In determining whether to grant an accommodation request or provide an
20 appropriate alternative accommodation, the court must consider but is not
21 limited by Government Code section 69894 et seq.
22
23 (2) The court must promptly inform the applicant of the determination to grant or
24 deny an accommodation request. If the accommodation request is denied in
25 whole or in part, the response must be in writing. The response to the
26 applicant must indicate:
27
28 (A) Whether the request for accommodation is granted or denied, in whole
29 or in part, or an alternative accommodation is granted;
30
31 (B) If the request for accommodation is denied in whole or in part, the
32 reason for the denial;
33
34 (C) The nature of any accommodation to be provided;
35
36 (D) The duration of any accommodation to be provided; and
37
38 (E) If the response is in writing, the date the response was delivered in
39 person or sent to the applicant.
40

41 **(f) Review procedure**
42

- 1 (1) If the determination to grant or deny a request for accommodation is made by
2 nonjudicial court personnel, an applicant may submit a written request for
3 review of that determination to the presiding judge or designated judicial
4 officer. The request for review must be submitted within 10 days of the date
5 the response under rule 2.40(e)(2) was delivered in person or sent.
6
- 7 (2) If the determination to grant or deny a request for accommodation is made by
8 a presiding judge or another judicial officer, an applicant may file a petition
9 for a writ of mandate under rules 8.485–8.493 or 8.930–8.936 in the
10 appropriate reviewing court. The petition must be filed within 10 days of the
11 date the response under rule 2.40(e)(2) was delivered in person or sent to the
12 petitioner. For purposes of this rule, only those participants in the proceeding
13 who were notified by the court of the determination to grant or deny the
14 request for accommodation are considered real parties in interest in a writ
15 proceeding. The petition for the writ must be served on the respondent court
16 and any real party in interest as defined in this rule.
17
- 18 (3) The confidentiality of all information of the applicant concerning the request
19 for accommodation and review under rule 2.40(f)(1) must be maintained as
20 required under rule 2.40(c)(4).
21

22 **(g) Duration of accommodations**
23

24 The accommodation by the court must be provided for the duration indicated in the
25 response to the request for accommodation and must remain in effect for the period
26 specified. The court may provide an accommodation for an indefinite period of
27 time, for a limited period of time, or for a particular matter or appearance.
28

29 **Advisory Committee Comment**
30

31 Nothing in this rule limits the rights of persons who are lactating to seek accommodation under
32 rule 1.100.
33

34 **Subdivision (f)(2).** Which court is the “appropriate reviewing court” under this rule depends on
35 the court in which the accommodation decision is made and the nature of the underlying case. If
36 the accommodation decision is made by a superior court judicial officer and the underlying case
37 is a limited civil, misdemeanor, or infraction case, the appropriate reviewing court is the appellate
38 division of the superior court. If the accommodation decision is made by a superior court judicial
39 officer and the case is anything other than a limited civil, misdemeanor, or infraction case, such
40 as a family law, unlimited civil, or felony case, the appropriate reviewing court is the Court of
41 Appeal.

If you need break time while at court to pump or express breast milk, you may use this form to make your request.

Clerk receives and date stamps here.

DRAFT
Not approved by
the Judicial Council
MC-420 2025-8-1 TN-AD-
SJ-v19



Try to make this request before the date you need the accommodation, if you can.

1 Your information

Name: _____

Address: _____

Phone: _____

Email: _____

Court Name and Address:

Case Number (if you know it):

Case Name or Type (if you know it):



Important! Provide complete and updated contact information. The court may contact you about this request. The contact will only be about this request, and you must not discuss the details of any court case.

2 How are you participating in the case?

☐ Juror ☐ Party ☐ Witness ☐ Lawyer

☐ Other (explain): _____

3 For which court event are you asking for break time?

a. ☐ Date or dates: _____

Department: _____ Courthouse: _____

b. ☐ Other (explain): _____

4 Explain your request

a. At what times or how often are you asking for the breaks to happen? (specify): _____

b. How much break time are you asking for? (give length in minutes of each break): _____

c. Would you like to provide more information about your request? ☐ Yes (explain below) ☐ No

☐ More information on this request is attached. (you may use form MC-025)

d. If the court has an available lactation room, would you like to use it? ☐ Yes ☐ No

Date: _____

Type or print your name

Signature

Confidential—do not place in court file.



Name: _____

Case Number (if you know it): _____

----- Court fills out below -----

(Optional)



Important! If your situation changes after you make this request and you do not need the break for the date or dates you listed in (3), please contact the court at:

Phone: _____ Email: _____

- ☐ Your request is **GRANTED**. The court will provide the accommodation requested.
- ☐ Your request is **GRANTED IN PART**. The reasons for denying part of your request are listed below.

The court will provide the accommodation as follows:

- ☐ Your request is **DENIED** for the reasons listed below.

The court's reasons for denying all or part of your request are:

The court will provide the accommodation:

- ☐ For the dates and times requested. ☐ For every court hearing in this case.
- ☐ On the following date or dates: _____
- ☐ More information on this decision is attached.

Date: _____

Type or print name



Signature

The court responded in person, by phone, or by mail/email on: _____



Please note: Form MC-420 is a confidential form that is not part of the case file. The form must be given to the ADA coordinator or designated person in your court. If you are submitting papers to the court electronically, you must not include form MC-420 with your filing.

You may be able to ask for a review of this decision. [California Rules of Court, rule 2.40\(f\)](#) explains how to do this.

Confidential—do not place in court file.

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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

	Commenter	Position	Comment	Committee Response
1.	Bay Area Legal Aid by Renée Coe, Attorney	A	We strongly support the proposed process for confidentially requesting breastfeeding accommodation in court. Many of our clients are low-income parents and caregivers who must bring their children or need to pump while attending court proceedings. Ensuring access to lactation rooms and creating a confidential request process promotes dignity, health, and equal access to justice for these individuals.	The committee appreciates the feedback on this proposal.
2.	Orange County Bar Association by Mei Tsang, President	A	Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the feedback on this proposal.
3.	Rebekah Pasciuti [No location stated]	AM	I agree with the proposed changes if it were modified to include ALL female court users, and not just court employees. The judicial system is supposed to work for the people that it serves. It seems to me that the judicial system is fixated on themselves more than they are about stabilizing fairness and equality within the communities that they live and work in. There is mixed language in the proposal that implies "court users" and "court employees." However, not all "court users" are "court employees." "Court users" would imply lactating mothers that either work for the court or are requesting assistance from the court. The diversity in this scenario is the difference between "court employees" and "non-court employees." To be inclusive would include "all." The court has a "double-standard" responsibility and obligation to provide adequate access, during court proceedings, to lactating mothers and their infants.	The committee appreciates the feedback on this proposal. As proposed and recommended, the rule and optional form allow all court users, not just court employees, to request lactation accommodations and use a lactation room, if available.
4.	Superior Court of California, County of Los Angeles	AM	The Court does not believe the form should include any additional information. The proposal would not provide cost savings.	The committee appreciates the feedback on this proposal and thanks the commenter for providing this information.

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

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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

	Commenter	Position	Comment	Committee Response
	by Stephanie Kuo, Analyst		To implement, the form should be made a confidential document in the case management system. Otherwise, it will be a manual, cumbersome process. Additionally, it will limit access and provide a specific place to store these forms. It will also ensure the judicial officer is aware of the request. If the proposal moves forward with the manual process, then it will be very difficult for the proposal to work in large courts.	The committee understands the concern. As a best practice, optional form MC-420 does not become a part of the case file. Nothing in the proposal limits courts from entering it in their case management systems, provided that the storage in the case management system is compliant with rule 2.40(c)(4), which contains the same language as rule 1.100(c)(4) regarding storage of requests for accommodations for persons with disabilities.
5.	Superior Court of Orange County, Family Law and Juvenile Divisions by Katie Tobias, Analyst	NI	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the feedback on this proposal.
			Should the form include any other information? If so, please specify. The form is well designed in plain language and easy to use; however, adding a checkbox to indicate whether the user is requesting access to a lactation room or plans to use their own space could enhance its usability.	The committee understands the concern, but believes that question 4d on form MC-420, which reads, “If the court has an available lactation room, would you like to use it? ☐ Yes ☐ No” sufficiently addresses the concern.
			Would the proposal provide cost savings? If so, please quantify. No, the proposal does not appear to provide cost savings. 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?	The committee appreciates the information provided.

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

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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

	Commenter	Position	Comment	Committee Response
			Implementation will require providing communication to judicial officers and court staff, revising current procedures, and updating the case management system. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County. How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	
6.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Should the form include any other information? If so, please specify. A: No. Q: Would the proposal provide cost savings? If so, please quantify. A: No. 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: Developing internal procedures and training staff. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Our court would request three months from Judicial Council approval, which has been provided in previous invitation cycles. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes.	The committee appreciates the feedback on this proposal and thanks the commenter for the information provided.

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

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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

	Commenter	Position	Comment	Committee Response
			MC-420: Propose that item 4d be removed. The court is unable to guarantee the availability of a specific lactation room at any given time. Lactation rooms are available to employees and members of the public (including observers and media) on a first-come, first-served basis. Providing designated times for a specific room creates logistical issues.	The committee understands the concern but does not recommend making this change because it believes that the language of question 4d is sufficient as proposed. The question states that the user is requesting a lactation room if one is available, it does not create an obligation for superior courts to provide a specific room at a specific time. It also does not create an obligation for courts to provide access to a lactation room at all if one is not available.
			The Review Procedure and Report at pp. 2-3 implies that nonjudicial officers of the court, such as the ADA Coordinator, are prohibited from ruling on the accommodation request. This differs from Rule 1.100 and also may be susceptible to issues when requests are made by, for example, jurors not assigned to a courtroom, or individuals seeking assistance from Family Law Facilitators, Small Claims Legal Advisors, or other clinics located in the courthouse where there may be no case filed. It is unclear which judicial officer would review accommodation requests from these individuals. For these instances, it makes sense for the court to have the ability to have accommodation requests reviewed and ruled on by a nonjudicial court personnel, such as the ADA Coordinator.	The committee agrees with the suggested revision and has changed the review procedure of rule 2.40 to allow nonjudicial court personnel to review these requests.

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

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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

	Commenter	Position	Comment	Committee Response
			Propose that these be part of the case file but in the confidential portion, not accessible by the public. For example, Judge A grants one of these requests for the duration of the case, but then the case is assigned out for trial (i.e. long cause, or on the wheel) to Judge B. If there is no record of the order on the accommodation in the court file, and these are confidential, how would Judge B know that an accommodation of this kind has been granted? The court should know what orders are in place in the event that another judge covers a matter where this accommodation has been granted.	The committee understands the concern. As a best practice, the committee is recommending that optional form MC-420 not become a part of the case file. Courts may instead create a local form for court users to request accommodations. The storage of any request form should comply with rule 2.40(c)(4), which contains the same language as rule 1.100(c)(4) regarding storage of requests for accommodations for persons with disabilities.
			No additional comments.	No response required.
7.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	AM	Although Government Code section 69894.1 limits the right to this accommodation to individuals pumping or expressing breast milk for their “infant child,” the proposed rule and form should be revised to not include the same limit by replacing instances of “infant child” with “persons who are lactating” and by broadening the definition in the rule of “persons who are lactating.” The need to pump or express breast milk is not limited to individuals with an infant child. It also applies for individuals who are wet-nursing or who have the medical condition of galactorrhea. It is within the Branch’s discretion to provide broader access than what is required by statute, and providing this accommodation to such individuals would better align with the Judicial Branch’s goal to provide equal access. This change would not result in any increased fiscal impact, and the increased operational impact would be de minimis.	The committee agrees with the suggested revisions and has expanded the definitions of “persons who are lactating” and “accommodations” in rule 2.40 and removed references to the user’s infant child from the introductory language of form MC-420.
			The required timeline and format for submission of these requests in section (c) of the rule appears to be modeled after the requirements in CRC, rule 1.100. However, accommodations for this purpose are different than accommodations	The committee agrees with the suggested revision and has removed the requirement in recommended rule

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

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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

	Commenter	Position	Comment	Committee Response
			under that rule. The need to pump or express breast milk may occur at a specific time, but most court proceedings are scheduled for a window of time and not a specific time. The specific time the proceeding will occur may not be clear until the calendar has commenced. It is therefore unrealistic to expect individuals in such proceedings to submit these requests at least five days in advance as they do not yet know if they will need the accommodation. Further, the reason that rule 1.100 requires requests to be submitted in advance is that many accommodations under the rule require advance preparation by the court. No advance preparation is required to provide an accommodation under this rule.	2.40 for users to submit the form five court days in advance. The recommended rule now states that, "Requests for accommodations should be made in advance if possible." The committee has also updated the instructions on recommended form MC-420 to state, "Try to make this request before your court date, if you can."
			Lastly, Government Code section 69894.1 does not require the requests to be submitted in writing or in advance. The rule should therefore be modified to allow for verbal requests to be made confidentially to the judicial officer during a court proceeding or calendar, to comply with the statutory obligation and better conform to operational and accommodation realities.	The committee agrees with the suggested revision and has updated the recommended rule to allow for users to submit oral requests.

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