



Judicial Council of California
Rules Committee

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

RULES COMMITTEE

MINUTES OF OPEN VIDEOCONFERENCE MEETING

Thursday, October 30, 2025
12:10 – 12:40 p.m.

Rules Committee Members Present:	Hon. Tamara L. Wood (Vice-Chair), Hon. Bunmi O. Awoniyi, Hon. Charles S. Crompton, Hon. Ryan Davis, Mr. Craig M. Peters, Hon. Michael Rhoads, and Ms. Dena Stone
Rules Committee Members Absent:	Hon. Joan K. Irion (Chair), Ms. Rachel W. Hill, Mr. Charles Johnson, Hon. Jeffrey C. Kauffman, Hon. Ricardo R. Ocampo, and Mr. Darrel E. Parker
Rules Committee Staff Present	Ms. Kristin Burford, Ms. Benita Downs, and Mr. Eric Long
Advisory Bodies Staff Present	Jenny Grantz and Eric Long
Others JC Staff Present:	James Barolo

OPEN MEETING

Call to Order and Roll Call

The vice-chair called the meeting to order at 12:11 p.m., and Ms. Downs took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the September 4, September 11, and October 16, 2025, Rules Committee meetings.

DISCUSSION AND ACTION ITEMS (ITEMS 01–03)

JUDICIAL COUNCIL STAFF

Judicial Council Report—Recommend Council Action

Item 01

Civil Practice and Procedure: Judgment Debtor Address Verification and Calculation of Earnings Withholding Period

The committee reviewed a recommendation from Judicial Council staff concerning Assembly Bill 774 (Stats. 2025, ch. 708), which was enacted on October 13, 2025. This legislation makes several changes to laws regarding enforcement of judgment, including a change to when the withholding period begins for

earnings withholding orders. To ensure Judicial Council forms accurately state the law when AB 774 takes effect on January 1, 2026, Judicial Council staff propose revisions to eight forms. These updates will be circulated for post-approval public comment as part of a broader proposal to implement the changes made by AB 774.

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

CIVIL JURY INSTRUCTIONS (CACI)

Memorandum-Rules Committee Action Only

Item 02

Jury Instructions: Civil Jury Instructions With Minor or Nonsubstantive Revisions (Release 48)

The committee reviewed a recommendation from the Advisory Committee on Civil Jury Instructions to make minor or nonsubstantive revisions to the *Judicial Council of California Civil Jury Instructions (CACI)*. The council has delegated authority to the Rules Committee to take final action to approve these types of changes.

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.

Judicial Council Report–Recommend Council Action

Item 03

Jury Instructions: Civil Jury Instructions (Release 48)

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 advisory 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 official 2026 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

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

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:30 p.m.

Approved by the committee on

DRAFT

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: December 4, 2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Civil Practice and Procedure: Revise Civil Case Cover Sheet

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

Revise form CM-010

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): October 16, 2025

Project description from annual agenda: Civil Practice and Procedure: Revise Civil Case Cover Sheet. Develop form recommendations as appropriate. Judicial officers and CEOs from several courts suggested revising Civil Case Cover Sheet (form CM-010) to add a checkbox for cases filed under the Song-Beverly Act. Over the past year, these courts have seen a significant increase in Song-Beverly cases, which tend to involve substantial motion practice and require more court resources than other case types. Adding a Song-Beverly checkbox to form CM-010 would allow courts and the branch to more effectively develop data regarding these cases and their resource requirements.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

These form revisions are being recommended in the Winter Cycle because they address a time-sensitive data collection concern brought to the committee by several courts.

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) 11/03/2025

☒ approved by Office Director (or Designee) (name) James Barolo
on (date) 11/04/2025

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

<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-01

Title

Civil Practice and Procedure: Revise Civil
Case Cover Sheet

Action Requested

Review and submit comments by January 7,
2026

Proposed Rules, Forms, Standards, or Statutes

Revise form CM-010

Proposed Effective Date

July 1, 2026

Proposed by

Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair

Contact

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

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes revising *Civil Case Cover Sheet* (form CM-010) to add a case type for Song-Beverly Act motor vehicle lemon law cases. Judicial officers and court executive officers at several courts have requested this revision to address recent significant increases in the number of Song-Beverly Act motor vehicle case filings. The proposed form revision will allow courts and the branch to more easily and effectively collect data about the number of these cases being filed and the court resources they require. The committee also proposes revising page 3 of the form to add introductory text, use consistent terminology, and clarify the meaning of several items.

The Proposal

Song-Beverly Act checkbox

The Civil and Small Claims Advisory Committee proposes revising *Civil Case Cover Sheet* (form CM-010) to add a case type checkbox for Song-Beverly Act cases involving motor vehicles. The Song-Beverly Consumer Warranty Act creates requirements for warranties on

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

consumer goods.¹ The Act’s protections for purchasers of new motor vehicles are often referred to as California’s motor vehicle “lemon law.”²

Judicial officers and court executive officers at several courts have informed the committee that in recent months they have seen a significant increase in the number of Song-Beverly Act motor vehicle lemon law cases filed, which has strained court resources because these cases often involve significant motion practice and numerous hearings. Adding a case type checkbox for these cases to form CM-010 would allow courts and the branch to more easily and effectively collect data about the number of these cases being filed and the court resources they require.

Accordingly, the committee proposes adding a “Song-Beverly Act: Motor Vehicle Lemon Law” case type checkbox to the “Contract” category on page 1 of form CM-010. Although Song-Beverly Act claims are distinct from contract claims, the committee determined that the contract category is the most appropriate place for the new case type. On the current version of the form, Song-Beverly Act cases typically choose the “breach of contract/warranty” subtype in the Contract category, so placing the new case type in the same category should help form users find it.

The committee proposes including “Motor Vehicle Lemon Law” in the case type name because the Song-Beverly Act applies to many types of consumer goods, but the Song-Beverly case type on form CM-010 is intended only for tracking Song-Beverly Act cases involving lemon law claims for motor vehicles.

The committee intends for form users to select the Song-Beverly Act case type for any case that includes a Song-Beverly Act motor vehicle lemon law claim, even if the case includes additional claims. Thus, in the list of case types on page 3 of the form, the committee proposes including an explanatory parenthetical for the Song-Beverly Act case type that states: “check this item if the case involves a Song-Beverly Act claim regarding a motor vehicle.” The committee asks for specific comments on whether the explanatory parenthetical sufficiently conveys this intention.

Other revisions

In addition to adding a Song-Beverly Act case type, the committee proposes adding introductory text and revising several items on page 3 of form CM-010 to clarify their meaning. Specifically, the committee proposes:

- In the “Other PI/PD/WD Tort” category, revising the explanatory parenthetical for “Product Liability” to change “toxic/environmental” to “environmental/toxic tort” in order to match the name of the corresponding case type on the form.

¹ Cal. Civ. Code, §§ 1790–1795.8.

² The Song-Beverly Act contains several provisions specific to motor vehicles, such as Civil Code sections 1793.22 through 1793.26.

- In the “Non-PI/PD/WD (Other) Tort” category, revising “Fraud” to add “(not contractual fraud)” because contractual fraud is listed as a subtype under “Other Contract.”
- In the “Non-PI/PD/WD (Other) Tort” category, revising the explanatory parenthetical under “Professional Negligence” for “Other Professional Malpractice” to change “not legal or medical” to “not medical malpractice.” Form users must select the Professional Negligence case type for both legal malpractice and other professional malpractice, so for purposes of this form, it does not matter whether the latter excludes the former.
- In the “Contract” category, deleting “or negligence” from the explanatory parenthetical for “Contract/Warranty Breach—Seller Plaintiff.” Form users must select the “Breach of Contract/Warranty” checkbox for both Contract/Warranty Breach—Seller Plaintiff and Negligent Breach of Contract/Warranty, so for purposes of this form, it does not matter whether the former excludes the latter.
- In the “Contract” category, adding “Rule 3.740 Collections (as defined in Cal. Rules of Court, rule 3.740(a)) (09)” and changing “Collections” to “Other Collections” to correspond with the case types listed on page 1 of the form and moving the existing examples of collections cases into the explanatory parenthetical for Other Collections.
- In the “Real Property” category, changing the explanatory parenthetical for “Other Real Property” from “not eminent domain, landlord-tenant, or foreclosure” to “not unlawful detainer.” Foreclosure does not need to be included because it is already listed as a separate example of Other Real Property. Eminent domain does not need to be included because by definition, Other Real Property excludes the other case types in the Real Property category. “Landlord-tenant” should be changed to “unlawful detainer” to match the name of the corresponding category.
- In the “Provisionally Complex Civil Litigation” category, changing “Claims Involving Mass Tort” to “Mass Tort” to match the name of the corresponding case type on page 1.
- In the “Enforcement of Judgment” category, deleting the “not unpaid taxes” parenthetical from “Administrative Agency Award.” Form users must select the Enforcement of Judgment case type for both administrative agency awards and petitions for entry of judgment on unpaid taxes, so for purposes of this form, it does not matter whether the former excludes the latter.
- In the “Miscellaneous Civil Petition” category, changing “Petition for Relief From Late Claim” to “Petition for Relief From Government Claim Requirement” to more accurately describe this case type.

Alternatives Considered

The committee considered the alternative of taking no action but determined that the proposal was warranted because of the benefits it would provide to courts and court users. In particular,

the proposal would benefit courts by allowing them to more effectively collect data about, and allocate resources toward, Song-Beverly Act cases involving motor vehicles.

Fiscal and Operational Impacts

The committee anticipates that this proposal will provide an operational benefit to courts because it will allow them to more effectively collect data about Song-Beverly Act cases involving motor vehicles. The form revisions will require coordination between courts and case management system (CMS) vendors to ensure that the new case category is correctly mapped in each court's CMS. Courts will likely incur costs to incorporate the revised form into paper or electronic processes, and the revised form may require education or training for court staff and judicial officers.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- The committee intends for form users to check the Song-Beverly Act checkbox for any case that includes a Song-Beverly Act motor vehicle lemon law claim, even if the case includes additional claims. In the list of case types on page 3 of the form, is this intention clearly conveyed by the explanatory parenthetical for the Song-Beverly Act case type?

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

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

Attachments and Links

1. Form CM-010, at pages 5–7

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 11/04/2025 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 <input type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> 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)
☐ Song-Beverly Act: Motor Vehicle Lemon Law (49)
☐ 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 on **page 3 of this form**. 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

The list below provides explanations and examples for the case type checkboxes listed in item 1 on this form. The lists of examples below are not meant to be exhaustive, and some case types may have more examples than those listed here.

Auto Tort

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

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
environmental/toxic tort*) (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 (*not contractual fraud*) (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice
(*not medical malpractice*)
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*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Song-Beverly Act: Motor Vehicle Lemon Law
(*check this item if the case involves a Song-
Beverly Act claim regarding a motor
vehicle*) (49)
Rule 3.740 Collections (*as defined in Cal.
Rules of Court, rule 3.740(a)*) (09)
Other Collections (e.g., money owed, open
book accounts, promissory note) (09)
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 unlawful
detainer*) (38)

Unlawful Detainer

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

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 (*if the case involves an
Employment Development Department
decision, check this item instead of
wrongful termination or other employment*)
(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
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
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 Government
Claim Requirement
Other Civil Petition

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: December 4, 2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Civil Practice and Procedure: Revisions to Enforcement of Judgment and Wage Garnishment Forms to Implement Assembly Bill 774

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

Adopt forms EJ-200, EJ-202, and EJ-205; revise forms EJ-130, EJ-150, WG-002, WG-003, WG-004, WG-005, WG-015/EJ-135, WG-017/EJ-137, 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): October 16, 2025

Project description from annual agenda: Enforcement of Judgment: Implementation of AB 774. Develop form recommendations as appropriate. AB 774 (Stats. 2025, ch. 708) makes several changes to the laws relating to enforcement of judgment, including the calculation of the start of the earnings withholding period and the procedure for verifying the judgment debtor's address in personal debt cases. AB 774 also creates new procedures for reinstating a judgment lien. AB 774 will likely require form revisions and the creation of a new form.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

These form revisions are being recommended with a July 1 effective date because they implement changes in law that will become effective on January 1, 2026 and July 1, 2026.

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) 11/04/2025

☒ approved by Office Director (or Designee) (name) James Barolo
on (date) 11/13/2025

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

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<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-02

Title

Civil Practice and Procedure: Revisions to Enforcement of Judgment and Wage Garnishment Forms to Implement Assembly Bill 774

Action Requested

Review and submit comments by January 7, 2026

Proposed Effective Date

July 1, 2026

Proposed Rules, Forms, Standards, or Statutes

Adopt forms EJ-200, EJ-202, and EJ-205; revise forms EJ-130, EJ-150, WG-002, WG-003, WG-004, WG-005, WG-015/EJ-135, WG-017/EJ-137, WG-022, and WG-030

Contact

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

Proposed by

Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair

Executive Summary and Origin

Assembly Bill 774 (Stats. 2025, ch. 708), makes several changes to the laws regarding enforcement of judgment, including creation of a new procedure by which the judgment creditor may seek reinstatement of a judgment lien on real or personal property. The Civil and Small Claims Advisory Committee proposes adopting 3 forms and revising 10 forms to implement AB 774.

The Proposal

The Civil and Small Claims Advisory Committee proposes adopting 3 forms and revising 10 forms to implement [AB 774](#). These form revisions fall into two categories: revisions that are being recommended to the Judicial Council for approval effective January 1, 2026 (these revisions are highlighted in green in the draft forms attached to this invitation to comment), and revisions that will be recommended with an effective date of July 1, 2026 (these proposed revisions are highlighted in yellow in the draft forms). This dual structure is needed because

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

several Judicial Council forms will be incorrect on January 1, 2026, when most of the provisions of AB 774 become effective, unless the council approves revisions before that date.

January 1 revisions

The form revisions recommended to take effect January 1, 2026, will implement changes to the address verification requirement set forth in Code of Civil Procedure section 684.130 and a change to the start of the earnings withholding period set forth in Code of Civil Procedure section 706.022(a). Although these revisions are being recommended for approval before the comment period concludes for this invitation to comment, the committee seeks comments related to these revisions and will, as appropriate, recommend further revisions effective July 1, 2026, in response to those comments.

Address verification in personal debt cases

Code of Civil Procedure section 684.130 provides that if the levying officer is required to serve “any writ, order, notice, or other paper” related to enforcement of a judgment for personal debt,¹ 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 used to complete the verification.² The judgment creditor must then file the signed declaration with the court.

Section 684.130 currently requires the judgment creditor to file the declaration within 5 business days of delivering it to the levying officer, but AB 774 changes that deadline to 10 business days.³ The January 1 recommendations revise the following items to change “5 business days” to “10 business days”:

- The notice on the last page of *Writ of Execution* (form EJ-130);
- The notice on page 1 of *Employee Instructions* (form WG-003);
- The instructions on page 1 of *Declaration of Address Verification* (form WG-015/EJ-135); and
- Item 4a(2) on *Application to Stay Levy or Garnishment* (form WG-017/EJ-137).

AB 774 also amends the portion of section 684.130 that sets forth methods for verifying the judgment debtor’s address. The statute currently states that acceptable address verification methods include sending a letter by certified mail or using a commercial address verification process that includes sending a letter by first-class mail. AB 774 clarifies that a person

¹ Documents the levying officer is statutorily required to serve 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).)

² Code Civ. Proc., § 684.130(b)(2).

³ Assem. Bill 774 (Stats. 2025, ch. 708) § 1 (amending Code Civ. Proc., § 684.130(b)(6)).

employing either of these methods may send either a letter or a legal pleading.⁴ The January 1 recommendations revise items 4b and 4c on form WG-015/EJ-135 to change “letter” to “letter or legal pleading.”

As discussed in more detail below, the committee is recommending form revisions to implement AB 774’s other amendments to section 684.130, but due to their scope, those revisions are not included in the recommendations that are proposed to take effect January 1.

Earnings withholding period

Code of Civil Procedure section 706.022(a) currently states that the employer should begin withholding earnings on the 30th day after service of the earnings withholding order on the judgment debtor (the employee). Under AB 774, the start of the withholding period will be calculated based on service of the order on the employer, not the judgment debtor.⁵

The January 1 recommendations revise *Earnings Withholding Order* (form WG-002), *Earnings Withholding Order for Support* (form WG-004), *Earnings Withholding Order for Taxes* (form WG-022), and *Earnings Withholding Order for Elder and Dependent Adult Financial Abuse* (form WG-030) as follows:

- Revising item 2 on page 1 of forms WG-002, WG-004, and WG-030 to state that the withholding period should be calculated from “the date when you were served with this order.”
- Revising the instructions on page 2 of forms WG-002, WG-004, and WG-030 to change “the employee was served” to “you were served” where appropriate.
- Revising item 5d on form WG-022 to state that withholding begins “on or after the 30th day after this order is served on the employer.”

July 1 revisions

The remaining form revisions in this proposal have a proposed effective date of July 1, 2026, and will be recommended to the Judicial Council after the public comment process concludes.

Address verification

AB 774 amends Code of Civil Procedure section 684.130 to state that the declaration verifying the judgment debtor’s address in personal debt cases “may be signed by any individual with adequate knowledge of the verification, including, but not limited to, a custodian of records. If the judgment creditor is represented by an attorney, the declaration may be signed by any

⁴ *Id.*, § 1 (amending Code Civ. Proc., § 684.130(b)(2)(B), (C)).

⁵ *Id.*, § 7 (amending Code Civ. Proc., § 706.022(a)).

employee of the attorney or the attorney's law firm with adequate knowledge of the verification, including, but not limited to, a custodian of records.”⁶

The committee proposes several revisions to *Declaration of Address Verification* (form WG-015/EJ-135) to implement this change in law:

- In the instructions at the top of the form, adding a bullet point stating that “anyone with adequate knowledge of the verification may complete this form.”
- In item 1, adding a checkbox for the form user to indicate that they are “a person who knows how the verification described in item 4 was completed,” and asking for an explanation of their role in the verification.
- In item 2, revising the parenthetical regarding the definition of personal debt to refer readers to Code of Civil Procedure section 683.110, rather than stating the entire statutory definition. The committee proposes this revision to make space on the form for the new items.
- In the instructions and in items 2, 3, and 4, changing “I” to “the judgment creditor” to reflect that someone other than the judgment creditor might be completing the form.

Time to file claim of exemption

Code of Civil Procedure section 703.520(a) requires the judgment debtor to file a claim of exemption from enforcement of judgment no later than 20 days after the judgment debtor is served with the notice of levy. Under AB 774, if the notice of levy is enforcing a judgment for personal debt, the judgment debtor may file a claim of exemption more than 20 days after being served with the notice of levy.⁷ However, the levying officer may release the funds to the judgment creditor at any time after the 20-day period ends.

The committee proposes adding a bullet point with this information to the instructions on page 2 of *Notice of Levy* (form EJ-150). In addition to the revisions to implement AB 774, the committee proposes revising item 1 on page 1 and numerous items in the instructions on page 2 to use plain language.

Employer's return

An employer who is served with an earnings withholding order must complete *Employer's Return* (form WG-005) and mail it to the levying officer within 15 days of service of the earnings withholding order.⁸ Code of Civil Procedure section 706.126 requires the employer's return to include certain information. AB 774 amends section 706.126 to require the return to include “the date on which the employer provided the employee a copy of the earnings

⁶ *Id.*, § 1 (amending Code Civ. Proc., § 684.130(b)(7)).

⁷ *Id.*, § 4 (amending Code Civ. Proc., § 703.520(c)).

⁸ Code Civ. Proc., § 706.104.

withholding order and the notice of earnings withholding order, the name and title of the person who provided the order and notice, and a short description of the manner in which the order and notice were provided.”⁹

To implement this change in law, the committee proposes revising form WG-005 to add item 4, which asks for the information required by AB 774. This revision will require renumbering the subsequent items on the form and revising several references to item numbers (e.g., in the instructions at the bottom of page 1).

The committee also proposes several revisions that are not mandated by AB 774:

- In the instructions at the top of page 1, changing “You must complete both copies of this form and mail them” to “You must complete this form and mail it.”
- In items 2a, 5, 6c, and 7, making minor revisions to use plain language and correct grammatical errors.
- In item 3, re-lettering items 3b–3f so that the lettering proceeds top to bottom and then left to right, rather than left to right and then top to bottom.

Reinstatement of judgment liens

Effective July 1, 2026, AB 774 creates a new procedure by which a judgment creditor may apply to the court for an order reinstating a judgment lien on real or personal property.¹⁰ If reinstated, the lien will have the same priority it held immediately before it was released. This procedure is available if the court ordered the judgment creditor under Code of Civil Procedure section 703.580(d)(2) or (3) to return certain levied property to the judgment debtor, and either (1) the money judgment would have been fully satisfied if not for that order, or (2) the property returned to the judgment debtor was identified in a recorded acknowledgment of full or partial satisfaction of judgment.

The committee proposes adopting three new forms to implement these procedures: *Application for Reinstatement of Judgment Lien* (form EJ-200), *Response to Application for Reinstatement of Judgment Lien* (form EJ-202), and *Certificate of Reinstatement of Judgment Lien* (EJ-205).

AB 774 requires the judgment creditor to provide specific information in the application, and the committee proposes form EJ-200 for this purpose:

- The title of the court, the case name and number, and the date and amount of the original judgment and any renewals thereof.

⁹ Assem. Bill 774 § 9 (amending Code Civ. Proc., § 706.126(b)(7)).

¹⁰ *Id.*, §§ 2, 3 (creating Code Civ. Proc., §§ 697.420, 697.680).

- A statement that the judgment creditor released a lien or liens in the reasonable belief that the money judgment was satisfied. This statement must include:
 - Information sufficient to identify the liens that were released, including the county or counties in which an abstract of judgment was recorded and the recording dates and numbers of those recordings, and if the lien is for personal property, the filing date and number of any notice of judgment lien on personal property that was filed with the Secretary of State.
 - The details of any acknowledgment of full or partial satisfaction of judgment that was filed or entered as a result of the prior application of funds, including the date, county, and recording number of any acknowledgment of full or partial satisfaction of judgment recorded by the judgment creditor.
- A statement that after the lien was released, the judgment creditor was ordered pursuant to Code of Civil Procedure section 703.580(d)(2) or (3) to return to the judgment debtor property levied or wages garnished in satisfaction of the money judgment. A copy of the order must be attached to the declaration.
- A statement that the judgment creditor returned, and the judgment debtor received, all property and wages ordered returned.
- A statement that, but for the court's order pursuant to section 703.580(d)(2) or (3), the money judgment would have been fully satisfied or that the property returned to the judgment creditor was identified in a recorded acknowledgment of full or partial satisfaction of judgment.
- A statement that the judgment creditor is not appealing the order to return funds pursuant to section 703.580(d).

The application must be filed in the action in which the judgment creditor was ordered to return levied property or garnished wages to the judgment debtor under section 703.580(d).¹¹

The committee proposes form EJ-202 to implement the portion of AB 774 that allows the judgment debtor to object to the application by filing a declaration stating that the levied property or garnished wages that the judgment creditor claims were returned under section 703.580(d) have not been returned.¹² This declaration must be filed within 15 days of service of the judgment creditor's application.

¹¹ *Id.*, §§ 2, 3 (creating Code Civ. Proc., §§ 697.420(d), 697.680(d)).

¹² *Id.*, §§ 2, 3 (creating Code Civ. Proc., §§ 697.420(c)(2), 697.680(c)(2)).

If a declaration is filed, the court must deny the application.¹³ If the judgment creditor wishes to continue seeking reinstatement of the lien, they must file a noticed motion.

If the judgment debtor does not file an objection, the court must issue to the judgment creditor a certificate and notice of reinstatement of judgment lien. The committee proposes form EJ-205 to serve this purpose. Form EJ-205 includes the following statutorily required information: identification of the judgment, parties, and unsatisfied judgment amount; the relevant recording or filing information from the original abstract of judgment, for liens on real property;¹⁴ and the filing number and date of the original notice of judgment lien filed with the Secretary of State, for liens on personal property.¹⁵

Revisions to form EJ-130

In addition to the proposed revisions to implement AB 774, the committee proposes several revisions to *Writ of Execution* (form EJ-130) to address suggestions from members of the public and make the form easier to understand. The committee proposes:

- Expanding the form to four pages and moving items 8 through 20 onto page 2.
- Combining item 4 with item 21 so that all judgment debtor names and addresses are provided in the same item.
- Revising the instructions for item 5.
- Revising item 6 to include checkboxes indicating whether the renewal extended the period of enforceability of the judgment for 5 years or 10 years. Under Code of Civil Procedure section 683.120, certain judgments can be extended for only 5 years.
- Reversing the order of items 7 and 8 and revising the text of new item 7 (regarding joint debtors) to make it clearer why the item should be checked.
- Combining new item 8 and current item 23 so that all information about the notice of sale is provided in the same item.
- Revising the text of item 9 to make it easier to understand.
- Revising the notice above item 11 to make it clearer how forms MC-012 and MC-013-INFO relate to items 11 through 17.
- Revising the explanatory parentheticals for items 11 through 20 to more clearly provide instructions and citations relevant to completing those items.

¹³ *Id.*, §§ 2, 3 (creating Code Civ. Proc., §§ 697.420(c)(3), 697.680(c)(3)).

¹⁴ *Id.*, §§ 2, 3 (creating Code Civ. Proc., § 697.420(a)(2)).

¹⁵ *Id.*, §§ 2, 3 (creating Code Civ. Proc., § 697.680(a)(2)).

- Renumbering current item 22 to 21, current item 24 to 22, and current item 25 to 23 to reflect the deletion of current items 21 and 23.
- Correcting grammar or citation formats in several other items.

The committee asks for specific comments on whether expanding the form to four pages and moving items 8 through 20 onto page 2 will create any problems for courts, form users, or levying officers.

Alternatives Considered

The committee did not consider the alternative of taking no action because AB 774 requires the Judicial Council to create forms to implement the new procedure for seeking reinstatement of a judgment lien, and the remaining forms in this proposal will not reflect current law unless they are revised. To the extent the form revisions in this proposal are not required by law, the committee considered taking no action but ultimately determined that the proposed revisions are warranted in light of the benefits they will provide to the courts and the public.

Fiscal and Operational Impacts

The statutory amendments made by AB 774 and the resulting form revisions will require education and training of court staff and judicial officers and possibly some changes to computerized case management systems. To the extent these operational impacts are the result of changes in law, they cannot be avoided.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- If *Writ of Execution* (form EJ-130) is expanded to four pages and items 8 through 20 are moved from page 1 to page 2 of the form, will that create any problems for courts, form users, or levying officers?

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

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

Attachments and Links

1. Forms EJ-130, EJ-150, EJ-200, EJ-202, EJ-205, WG-002, WG-003, WG-004, WG-005, WG-015/EJ-135, WG-017/EJ-137, WG-022, and WG-030, at pages 10–33
2. Link A: Assem. Bill 774 (Stats. 2025, ch. 708),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB774

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): _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY DRAFT 11/04/2025 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: _____
WRIT OF <input type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	<input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> 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 **Code of Civil Procedure section 699.080 or 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):

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

5. Judgment was entered on (date):

(The type of judgment is stated in item 21.)

6. ☐ The judgment has been renewed. (Complete items 6a and 6b.)

a. The judgment was renewed on (dates):

b. The most recent renewal extended the period of enforceability of the judgment for (check one)

(1) ☐ **5 years.**

(2) ☐ **10 years.**

7. ☐ A joint debtor was declared bound by the judgment. (If item 7 is checked, give information about the joint debtor in item 22.)

NOTICE TO PERSON SERVED: SEE PAGE 4 FOR IMPORTANT INFORMATION.



Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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8. Notice of sale under this writ:

- a. ☐ has not been requested.
- b. ☐ has been requested by (name and address):

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9. ☐ This writ is a Writ of Possession or a Writ of Sale. (If item 9 is checked, give information about the writ of possession or writ of sale in item 23.)

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

Note for items 11–17: To have costs and interests added to the enforceable amount owed, the judgment creditor must file and serve *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* (form MC-012). Read *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO) for more information.

11. Total amount of the judgment \$
(If the judgment has been renewed, state the amount of the most recent renewal. Otherwise, state the amount at the time the judgment was entered.)
12. Costs after judgment \$
13. Subtotal (add items 11 and 12) \$ _____
14. Credits to principal (applied after payments to interest, per Code of Civil Procedure section 695.220) \$
15. Principal remaining due (subtract item 14 from item 13) \$ _____
16. Accrued interest remaining due \$
(Read form MC-013-INFO for information on calculating accrued interest. Interest cannot be charged on fees included in the judgment under Government Code section 6103.5.)
17. Fee for issuance of writ (Gov. Code, § 70626(a)(I)) \$
18. Total amount due (add items 15, 16, and 17) \$ _____
19. **Levying officer:**
- a. Add daily interest from the date of the writ in the following amount
(Read form MC-013-INFO for information on the legal daily rates of interest. Interest cannot be charged on fees included in the judgment under Government Code section 6103.5.) \$
- b. Pay the following amount directly to court costs included in items 11 and 17
(Gov. Code, §§ 6103.5, 68637; Code Civ. Proc., § 699.520(j).) \$
20. ☐ The amounts called for in items 11–19 are different for each debtor. (If item 20 is checked, attach a page labeled "Attachment 20" and write the amounts for each debtor. Label each amount with the applicable item number.)

[SEAL]

Date: _____ Clerk, by _____, Deputy



Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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21. 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 enforce this writ.)
- d. ☐ other (describe):

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

- | | |
|--|--|
| a. on (date): | c. on (date): |
| b. name, type of legal entity if not a natural person, and last known address of joint debtor: | d. name, type of legal entity if not a natural person, and last known address of joint debtor: |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |
- e. ☐ Additional costs against certain joint debtors are itemized: ☐ below ☐ on Attachment 22c.

23. ☐ This writ is a 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) has 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 23a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with Code of Civil Procedure section 415.46 (item 23a(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):
- b. ☐ Possession of personal property.
☐ If delivery cannot be had, then for the value (itemize in item 23e) 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 23e.



Plaintiff/Petitioner:	CASE NUMBER:
Defendant/Respondent:	

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 *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 *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 21 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 **enforce** 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 10 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.

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): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	DRAFT 11/12/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	FOR RECORDER'S USE ONLY
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	LEVYING OFFICER (name and address): _____
NOTICE OF LEVY under Writ of <input type="checkbox"/> Execution (Money Judgment) <input type="checkbox"/> Sale	LEVYING OFFICER FILE NO.: _____
	COURT CASE NO.: _____

TO THE PERSON NOTIFIED (name):

1. The judgment creditor seeks to take (levy upon) property that belongs to, or is partially owned by, the judgment debtor and use it to pay off (satisfy) a judgment as follows:

- a. Judgment debtor (name): _____
- b. The property to be levied upon is described:
☐ in the attached writ of possession or writ of sale.
☐ as follows: _____

2. The judgment is for (check one):

☐ wages owed. ☐ child/spousal support. ☐ other.

3. The amount necessary to satisfy the judgment creditor's judgment writ is

- a. Total amount due (less partial satisfactions) from line 18 of writ (form EJ-130) \$
- b. Levy fee \$
- c. Sheriff's disbursement fee \$
- d. Recoverable costs \$
- e. Total (a through d) \$ _____
- f. Daily interest from line 19a of writ (form EJ-130) \$

4. You are notified as:

- a. ☐ a judgment debtor.
- b. ☐ a person other than the judgment debtor (state capacity in which person is notified): _____

(Read "If You Are the Judgment Debtor" or "If You Are Not the Judgment Debtor" on page 2.)

Notice of Levy was

☐ mailed on (date): _____

☐ delivered on (date): _____

☐ posted on (date): _____

☐ filed on (date): _____

☐ recorded on (date): _____

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE)
☐ Levying officer ☐ Registered process server



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

IF YOU ARE THE JUDGMENT DEBTOR:

- The levying officer is required to take the property described in item 1 if you have it or control it.
- You may be able to claim that your property is exempt (cannot be given to the judgment creditor). A list of exemptions can be found on form EJ-155. **If you wish to claim an exemption for personal property, you must do so within 15 days of service if you were personally served with this notice, or within 20 days of service if you were served by mail.**
 - If this notice of levy is enforcing a judgment for personal debt, as defined in Code of Civil Procedure section 683.110(d), you can file a claim of exemption more than 20 days after this notice was mailed to you. However, the levying officer can give the property described in item 1 to the judgment creditor at any time after the 20-day period ends.
 - To claim an exemption, file *Claim of Exemption* (form EJ-160) with the levying officer. (Code Civ. Proc., § 703.520.)
 - If you mail form EJ-160 to the levying officer and the U.S. Postal Service (or other delivery service) assigns a tracking number, then the filing is considered complete on the date of the postmark. If you mail form EJ-160 without a tracking number, the filing is complete on the day the levying officer receives form EJ-160.
 - If you do not file a claim of exemption on time, you may not be allowed to make the claim at a later time, and your property may be given to the judgment creditor. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.**
- If the property described in item 1 is a deposit account, the financial institution (such as a bank or credit union) must automatically protect a certain amount of money in the account before giving the money to the levying officer. Read "Information About Deposit Accounts" below.
- You cannot claim an exemption for property that is being taken under a judgment for sale of property. This property is described in the writ of sale. However, if the judgment for sale of property also awarded damages or costs, you can claim available exemptions for property being taken to satisfy that part of the judgment.
- You may get your property released if you pay the amount of the money judgment, including interest and unpaid costs.
- If your property is being taken under a writ of execution or to satisfy damages and costs under a writ of possession or sale, the property may be sold at an execution sale. The property can be sold for less than it is worth. You will receive a notice of sale. Notice of sale of real property (other than a leasehold estate with an unexpired term of less than two years) may not be given until at least 120 days after you are served with this notice. You can use this 120-day period to settle with the judgment creditor, find a buyer for the property, or encourage other potential buyers to attend the execution sale. All sales at an execution sale are final; there is no right of redemption.

IF YOU ARE NOT THE JUDGMENT DEBTOR:

- If you have or control the property listed in item 1, and you do not claim that you have a security interest in the property or the right to keep the property, you must give the property to the levying officer. If you do not dispute the levy or do not claim that you have priority over the judgment creditor's lien, you must pay to the levying officer the amount that is currently due and any amount that becomes due within two years after the writ of execution was issued. You must sign and provide any documents needed to transfer the property.
- If you are a financial institution, you are required to apply exemptions to deposit accounts (described in the next section).
- You must complete *Memorandum of Garnishee* (form EJ-152) within 10 days.
- If you claim ownership or the right to possession of the property listed in item 1, or if the property listed in item 1 is personal property and you claim a security interest in or lien on that property, you may make a third-party claim to release the property under Code of Civil Procedure sections 720.010–720.800.
- Make checks payable to the levying officer shown on page 1.**

INFORMATION ABOUT DEPOSIT ACCOUNTS

- If the levy is **not** for a judgment for wages owed, child or spousal support, or liability to the state government, then financial institutions must automatically protect money in a deposit account up to a certain dollar amount (this protection is called an "automatic exemption"). You do not have to file a claim of exemption to get this protection. (Code Civ. Proc., § 704.220.) The protected dollar amount is listed on *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156).
- Other automatic exemptions may apply to deposit accounts, such as exemptions for directly deposited social security or public benefits. (Code Civ. Proc., § 704.080.) Read form EJ-156 for the exemption amounts. If more than one exemption applies, the bank should apply the larger exemption. (Code Civ. Proc., § 704.220(b).)
- If a judgment debtor has multiple accounts in one or more financial institutions, either the judgment creditor or judgment debtor may ask the court for an order deciding how to apply the exemption to those accounts under Code of Civil Procedure section 704.220(e). To ask for this order, file *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157) as soon as possible. (Read form EJ-157-INFO for instructions.) Without a court order, the bank will choose how to apply the exemption to the accounts.

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 11/12/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
APPLICATION FOR REINSTATEMENT OF JUDGMENT LIEN		CASE NUMBER:

1. I am (*specify*): ☐ attorney for ☐ original judgment creditor ☐ assignee of record
2. I ask the court for an order reinstating a released judgment lien with the same priority it held at the time it was released. I released the lien because I had a reasonable belief the judgment was satisfied. This application contains sufficient information to identify the released lien. The lien was on (*check one*)
 - a. ☐ real property.
 - b. ☐ personal property.
 - ☐ *Check here if you are asking the court to reinstate multiple liens and list the additional liens on an attached sheet of paper labeled "Attachment 2."*
3. The judgment was entered as follows:
 - a. Court name (*specify*):
 - b. Case name (*specify*):
 - c. Case number (*specify*):
 - d. Date of entry of judgment (*specify*):
 - e. Dollar amount of judgment (*specify*): \$
 - f. ☐ Dates and amounts of any renewals of the judgment (*specify dates and dollar amounts*):

☐ *Check here if there are additional renewals and list them on an attached sheet of paper labeled "Attachment 3."*
4. An abstract of judgment was recorded as follows:
 - a. County (*specify*):
 - b. Instrument number (*specify*):
 - c. Date of recording (*specify*):
 - ☐ *Check here if the judgment was recorded in additional counties and list them on an attached sheet of paper labeled "Attachment 4."*
5. The name and last known address of the judgment debtor are (*specify*):
6. The unsatisfied judgment amount is (*specify*): \$



PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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7. ☐ I filed a notice of lien on personal property with the Secretary of State as follows:
- Filing number (*specify*):
 - Filing date (*specify*):
- ☐ Check here if you filed additional notices of lien and list them on an attached sheet of paper labeled "Attachment 7."
8. (*If there is any other information that will help identify the released lien, provide it here*):
9. ☐ I filed an acknowledgment of ☐ full ☐ partial satisfaction of the judgment as follows:
- Court name (*specify*):
 - Case name (*specify*):
 - Case number (*specify*):
 - Filing date (*specify*):
- ☐ Check here if you filed additional satisfactions of judgment and list them on an attached sheet of paper labeled "Attachment 9."
10. After the lien was released, I was ordered under Code of Civil Procedure section 703.580(d)(2) or (d)(3) to return levied property or garnished wages to the judgment debtor.
- A copy of the order is attached to this application.
 - I am not appealing the order.
 - I returned, and the judgment debtor received, all property and wages that the court ordered me to return.
 - (*Check one*)
 - ☐ If not for the court order, the money judgment would have been fully satisfied.
 - ☐ The property returned to the judgment debtor was identified in a recorded acknowledgment of full or partial satisfaction of judgment.

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 ATTORNEY OR NON-REPRESENTED PARTY

NOTICE TO THE JUDGMENT CREDITOR

You must file this form in the action in which you were ordered under Code of Civil Procedure section 703.580(d)(2) or (d)(3) to return levied property or garnished wages to the judgment debtor.

You must serve the judgment debtor with a completed copy of this form by first-class mail. You must use the address verified under Code of Civil Procedure section 684.130(b)(2) (on *Declaration of Address Verification* (form WG-015/EJ-135)).

If the judgment debtor files *Response to Application for Reinstatement of Judgment Lien* (form EJ-202), the court must deny this application, and you must file a noticed motion if you want to ask the court for an order reinstating the judgment lien.

If the judgment debtor does not file form EJ-202, the court will automatically reinstate the judgment lien and its priority.

NOTICE TO THE JUDGMENT DEBTOR

The judgment debtor must serve you with a completed copy of this form. Within 15 days of service, you may file *Response to Application for Reinstatement of Judgment Lien* (form EJ-202) stating that the funds or property identified in item 7 of this form were not returned to you.

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 11/12/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
RESPONSE TO APPLICATION FOR REINSTATEMENT OF JUDGMENT LIEN		CASE NUMBER:

1. My name is:
2. The judgment creditor (name): _____ filed *Application for Reinstatement of Judgment Lien*
(form EJ-200) on (date): _____.
3. I am the judgment debtor identified in *Application for Reinstatement of Judgment Lien*. In the application, the judgment creditor stated that the court ordered them to return levied property or garnished wages to me under Code of Civil Procedure section 703.580(d)(2) or (d)(3). The judgment creditor stated that they returned, and that I received, all property and wages that the court ordered them to return to me.
4. The judgment creditor has not returned to me all of the property and wages that the court ordered them to return. The court should deny the judgment creditor's *Application for Reinstatement of Judgment Lien* under Code of Civil Procedure section 697.420(c)(3) or section 697.680(c)(3).

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
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NOTICE TO THE JUDGMENT DEBTOR

You must file this form with the court within 15 days of being served with the judgment creditor's *Application for Reinstatement of Judgment Lien* (form EJ-200).

NOTICE TO THE JUDGMENT CREDITOR

If the judgment debtor files *Response to Application for Reinstatement of Judgment Lien* (form EJ-202), the court must deny *Application for Reinstatement of Judgment Lien* (form EJ-200), and you must file a noticed motion if you want to ask the court for an order reinstating the judgment lien.

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 11/12/2025 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
CERTIFICATE OF REINSTATEMENT OF JUDGMENT LIEN		
		CASE NUMBER:

1. Judgment creditor (name):
 asked the court for an order reinstating a released judgment lien. The lien was on (check one)
 - a. ☐ real property.
 - b. ☐ personal property.
 - ☐ This order reinstates multiple liens. The additional liens are listed on Attachment 1.
2. The judgment was entered as follows:
 - a. Court name (specify):
 - b. Case name (specify):
 - c. Case number (specify):
 - d. Date of entry of judgment (specify):
3. The original abstract of judgment was filed or recorded as follows:
 - a. County (specify):
 - b. Instrument number (specify):
 - c. Date of recording (specify):
4. The unsatisfied judgment amount is (specify): \$
5. The name and last known address of the judgment debtor are (specify):
6. The liens identified in item 1 are reinstated with the same priority they held at the time they were released.

[SEAL]

Date: _____ Clerk, by _____, Deputy

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 10/17/2025 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 **you were 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 *you were 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 *you were served* with *Earnings Withholding Order*, then the withholding period begins 45 days after *you were 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!

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 **10** 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): <div style="text-align: center;"> DRAFT 10/17/2025 NOT APPROVED BY COUNCIL </div>
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 <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Name and address of employee <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Social Security No. <input type="checkbox"/> on form WG-035 <input type="checkbox"/> unknown	

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (*see instructions on 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 **you were 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 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 **you were 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 **you were served** with *Earnings Withholding Order for Support*, then the withholding period begins 45 days after the date **you were 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 NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):		LEVYING OFFICER (name and address): <div style="text-align: center;"> DRAFT 11/04/2025 NOT APPROVED BY COUNCIL </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		COURT CASE NUMBER:
EMPLOYER'S RETURN (Wage Garnishment)		LEVYING OFFICER FILE NUMBER:

EMPLOYER: You must complete **this form** and mail **it** to the levying officer within 15 days. **Failure to complete and return this form may subject you to payment of attorney's fees and other civil penalties.**

Please correct any errors in the mailing information below and provide any missing information, including the name of the person to whom notices should be directed.

Name and address of employer <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Name and address of employee <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Attn: (Insert name above)	Social Security No. on form WG-035 unknown

1. I received the Earnings Withholding Order on (date):
2. The employee is
 - a. ☐ not employed by this employer. (If not employed, **skip** items 2b through 6 and proceed to the declaration at the end of this form.)
 - b. ☐ now employed by this employer and in the last pay period had gross earnings of: \$
3. The employee's pay period is
 - a. ☐ daily
 - c. ☐ weekly
 - e. ☐ every two weeks
 - b. ☐ twice a month
 - d. ☐ monthly
 - f. ☐ other (specify):
4. The employee was given a copy of the Earnings Withholding Order and *Employee Instructions* (form WG-003)
 - a. on (date):
 - b. by (name and title of person):
 - c. as follows (describe how the documents were provided to the employee):

(IF YOU HAVE RECEIVED NO OTHER ORDERS THAT PRESENTLY AFFECT THIS EMPLOYEE'S EARNINGS, SKIP ITEMS 5, 6, & 7 AND PROCEED TO THE DECLARATION AT THE END OF THIS FORM.)

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



SHORT TITLE:	LEVYING OFFICER FILE NUMBER:	COURT CASE NUMBER:
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If you have received other orders that presently affect this employee's earnings, another order may have priority over this one. Orders are prioritized as follows:

PRIORITY OF EARNINGS WITHHOLDING ORDERS

- First:** Wage and Earnings Assignment Order (for Support)
- Second:** Earnings Withholding Order for Support
- Third:** Earnings Withholding Order for Taxes
- Fourth:** Earnings Withholding Order for Elder or Dependent Adult Financial Abuse
- Fifth:** Earnings Withholding Order

If two or more orders have the same priority, comply with the one received first. If both were received on the same date, comply with the one with the earlier date of judgment. If the dates of judgment are the same, you may select which order you choose to comply with.

5. ☐ This order appears to have higher priority than any other order. Earnings will be withheld for this order in accord with the EMPLOYER'S INSTRUCTIONS (on **page 2** of Earnings Withholding Order).
6. ☐ The employer has received another order affecting the employee's earnings and earnings are being withheld for the other order because:
- a. ☐ The other order was received first. The other order was received on (date):
 - b. ☐ This order does not have higher priority.
 - c. ☐ A copy of the other order is attached. (**Keep the original for your records. If a copy is not attached, complete item d.**)
 - d. ☐ A copy of the other order is NOT attached. *Describe the other order by providing the following information:*
 - (1) Court name, address, and case number:
 - (2) Levying officer name, address, and file number:
 - (3) Total amount to be withheld: \$
7. ☐ This order is not effective for the reason shown in item 6. It is **being** returned to the levying officer with this return.

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

Date:

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (TYPE OR PRINT NAME)	<div style="position: relative; height: 20px;"> <div style="position: absolute; top: -10px; left: 50%; transform: translate(-50%, -100%); width: 10px; height: 10px; background: black; clip-path: polygon(50% 0%, 60% 35%, 95% 35%);"></div> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/> </div> (SIGNATURE OF DECLARANT)
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If an Earnings Withholding Order is not effective when served, for any reason, do not hold it. Return it to the levying officer with this return.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY SUBJECT AN EMPLOYER TO CIVIL PENALTIES AND ATTORNEY'S FEES.

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 10/13/2025 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 for completing this form:

- If the judgment creditor is enforcing a judgment for personal debt, they are required to verify the judgment debtor's address no later than 12 months before they give the levying officer any papers to serve on the judgment debtor. (Code Civ. Proc., § 684.130.)
- The judgment creditor must notify the levying officer and the court that they 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 10 business days of giving a copy to the levying officer.
- Anyone with adequate knowledge of the verification may complete this form.

1. I am (check one): ☐ original judgment creditor ☐ assignee of record ☐ attorney for judgment creditor or assignee
☐ a person who knows how the verification described in item 4 was completed (explain your role in the verification process):

2. The judgment creditor is 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 is defined in Code of Civil Procedure section 683.110(d).)
3. The judgment creditor is asking the levying officer to serve the judgment debtor at the following address:
4. Within the last 12 months, the judgment creditor verified the address in item 3, or someone verified it on their 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 or legal pleading 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 or legal pleading to the verified address via first-class mail on (date): and the letter or legal pleading 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 10/17/2025 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 10 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 STATE TAX AGENCY: _____	FOR COURT USE ONLY DRAFT 10/17/2025 NOT APPROVED BY COUNCIL
NAME OF COURT: _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
APPLICATION OF (Name): _____ <div style="text-align: right;">TAXPAYER / RESPONDENT</div>	
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 employer.
 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 10/17/2025 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 you were 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. 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 you were 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 you were served with *Earnings Withholding Order*, then the withholding period begins 45 days after the date you were 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!

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 12/4/2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Civil Practice and Procedure: Name Change and Gender Change Rules and Forms

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

Amend Cal. Rules of Court, rules 2.575 and 2.577; adopt forms NC-200, NC-210G, NC-221/NC-321/NC-521, NC-225, NC-230, and NC-230G; approve forms NC-015, NC-030, NC-200-INFO, and NC-250/NC-350/NC-550; revise forms NC-100, NC-100-INFO, NC-110, NC-130, NC-300, NC-300-INFO, NC-311, NC-312, NC-325, NC-330, NC-400, NC-400-INFO, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; and revoke forms NC-125 and NC-150

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): Maddie Joyner, (916) 643-8068, maddie.joyner@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): 10/16/25

Project description from annual agenda: Develop form recommendations as appropriate. AB 1084 (Stats. 2025, ch. 723) changes the procedures for obtaining a court order changing the petitioner's name to conform to their gender identity. The bill eliminates the mechanism for objecting if the petition is filed by an adult or if the petitioner is a minor and all living parents have signed the petition. These petitions must be granted by the court within six weeks of the filing of the petition. SB 59 (Stats. 2025, ch. 738) requires courts to limit access to court records in proceedings to change the petitioner's gender and sex identifier, change the petitioner's name and recognize their gender and sex identifier, or conform the petitioner's name to their gender identity. Both bills will likely require revisions to name change forms. The committee will also consider whether to revise name change forms to address recent suggestions from members of the public to make the forms easier to use.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

SB 59 requires the Judicial Council to, as necessary, develop forms and rules to implement that law on or before July 1, 2026. The requirements of AB 1084 become operative on that same date.

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.)

N/A

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) 11/3/2025

☒ approved by Office Director (or Designee) (name) James Barolo
on (date) 11/18/2025

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
<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-03

Title

Civil Practice and Procedure: Name Change and Gender Change Rules and Forms

Action Requested

Review and submit comments by January 7, 2026

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 2.575 and 2.577; adopt forms NC-200, NC-210G, NC-221/NC-321/NC-521, NC-225, NC-230, and NC-230G; approve forms NC-015, NC-030, NC-200-INFO, and NC-250/NC-350/NC-550; revise forms NC-100, NC-100-INFO, NC-110, NC-130, NC-300, NC-300-INFO, NC-311, NC-312, NC-325, NC-330, NC-400, NC-400-INFO, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530; and revoke forms NC-125 and NC-150

Proposed Effective Date

July 1, 2026

Contact

Maddie Joyner, 916-643-8068
maddie.joyner@jud.ca.gov

Proposed by

Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair

Executive Summary and Origin

The Civil and Small Claims Advisory Committee is proposing revisions and additions to the Judicial Council forms that individuals use to request a change of name and recognition of a change of gender and sex identifier. The proposal implements Assembly Bill 1084 (Stats. 2025, ch. 723) and Senate Bill 59 (Stats. 2025, ch. 738). AB 1084, which becomes operative on July 1, 2026, streamlines the process associated with a change of name and recognition of a change of gender and sex identifier. SB 59 makes court records associated with these proceedings confidential and gives the Judicial Council until July 1, 2026, to develop rules and forms to implement that new law. The proposal also makes various technical or clarifying changes and updates rules and forms that participants in the Secretary of State's address confidentiality

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

program (Safe at Home) may use to request confidential name changes. Finally, the committee proposes revisions to certain forms in response to feedback from members of the public regarding clarity and ease of use.

Background

SB 59 and AB 1084 enhance privacy and streamline the process for seeking a change of name or recognition of a change of gender and sex identifier. Broadly, SB 59 makes court records confidential, while AB 1084 dispenses with the order to show cause requirement for two types of proceedings and eliminates the requirement that a judgment be filed with specified state and local entities within 30 days.

Senate Bill 59: confidentiality and limitations on access

Senate Bill 59 repeals section 103437 of the Health and Safety Code as it existed and enacts a new version of that section. Under new section 103437, courts are required to do both of the following:

- Keep court records that are associated with a proceeding for a “change of name or gender and sex identifier, or both,” as defined,¹ confidential. This includes the index, register of actions, and any other case information used to provide the public with electronic access to court records.²
- Limit access to these records, with distinctions between who can access these records “until the court orders a change” and “upon the court ordering a change.”³

The confidentiality requirements and limitations on access described above apply if the petition is filed on or after July 1, 2026, or if the records in the proceeding were previously made confidential by statute or otherwise.⁴

For petitions filed before July 1, 2026, the confidentiality requirements and limitations on access described above also apply if the petitioner files a request to keep the records confidential; the petitioner may make such a request *ex parte* and without paying a filing fee.⁵ The bill additionally provides that if a petitioner discovers that court records in their proceeding are not

¹ This is a defined term that means “a proceeding for a change of gender and sex identifier pursuant to Section 103430 [of the Health and Safety Code], for a combined change of the petitioner’s name and recognition of the change to the petitioner’s gender and sex identifier pursuant to Section 103435 [of the Health and Safety Code], or for a change of name to conform the petitioner’s name to the petitioner’s gender identity pursuant to Title 8 (commencing with Section 1275) of Part 3 of the Code of Civil Procedure.”

² Health & Saf. Code, § 103437(b)(1).

³ *Id.*, § 103437(b)(2)–(3).

⁴ *Id.*, § 103437(c)(1), (3).

⁵ *Id.*, § 103437(c)(2). The court must also make the request and all associated records confidential. *Ibid.*

being kept confidential by the court, the petitioner may apply *ex parte* for that order, without paying a filing fee, and the court shall enter an order making the records confidential.⁶

Assembly Bill 1084: orders to show cause and filing the judgment

Change of name to conform to gender identity

The NC-100 form series is currently used if an adult or a minor wants to petition for a court order recognizing a change of name.⁷ Under existing law, an order to show cause is required for petitions requesting a change of name, including a change of name to conform to one's gender identity.

AB 1084, beginning on July 1, 2026, instead requires of the following:

- Dispense with the order to show cause requirement for two types of proceedings: (1) a proceeding for a change of name to conform an adult petitioner's name to their gender identity, and (2) a proceeding for a change of name to conform a minor's name to their gender identity if all living parents of the minor sign the petition. Instead, for these two proceedings, the court must, without a hearing and within six weeks of the petition's filing, enter an order that the name change is granted, except as provided in Code of Civil Procedure section 1279.5.⁸
- Retain the order to show cause process for a proceeding for a change of name to conform a minor petitioner's name to their gender identity where less than all living parents sign the petition. The legislation additionally requires the order to show cause to state that if no objection is filed, the court shall, without hearing, enter the order that the change of name is granted "after the completion of the six weeks, except as provided in Section 1279.5."⁹ Moreover, the legislation requires service on any nonsigning parent within four weeks from the date the order was made.¹⁰

Recognition of a change in gender and sex identifier

If a person wants to petition for a court order recognizing a change in the petitioner's gender and sex identifier,¹¹ or file a single petition to change the petitioner's name and recognize a change in

⁶ *Id.*, § 103437(d). The court must also make the application and all associated records confidential. *Ibid.*

⁷ For petitions to both change the petitioner's name and recognize a change in the petitioner's gender and sex identifier, see "recognition of a change in gender and sex identifier," below.

⁸ See Code Civ. Proc., § 1277.5(a)–(b)(1).

⁹ *Id.*, § 1277.5(b)(2)(B).

¹⁰ *Id.*, § 1277.5(b)(2)(C).

¹¹ Health & Saf. Code, § 103430.

the petitioner's gender and sex identifier,¹² that is addressed through the NC-300 form series for adults and the NC-500 form series for minors.

With respect to recognition of a change in gender and sex identifier, beginning July 1, 2026, AB 1084 retains the order to show cause processes outlined in existing law. This includes, among other things, requiring an order to show cause to issue if the petitioner requests the issuance of a new marriage license and certificate but the spouse who shares that document does not sign the petition and is capable of doing so.¹³ For petitions to recognize a change of gender, AB 1084 additionally requires an order to show cause to state that if no objection is filed, the court shall, without hearing, enter the order that the gender and sex identifier recognition is granted "after the completion of the six weeks."¹⁴

Filing the judgment

Under existing law, a petitioner must file the judgment with the Secretary of State, State Registrar, or county clerk "within 30 days" from the date of the judgment.¹⁵ AB 1084 eliminates the "within 30 days" requirement.

Safe at Home program

Safe at Home is a confidential address program administered by the California Secretary of State's Office. Safe at Home offers a substitute mailing address for program participants.

Courts are required to keep confidential the current legal name and proposed new name of Safe at Home participants who petition for a change of name to avoid domestic violence, stalking, sexual assault, or human trafficking.¹⁶ Before filing a name change petition, the petitioner must have their proposed new name on file with Safe at Home. Moreover, the petition and the order of the court shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential and is on file with the Secretary of State pursuant to the provisions of the address confidentiality program.¹⁷

The Safe at Home program expressed concerns that, if the petition is filed with the court before Safe at Home has confirmed they have the intended name change on file, the petitioner will not be able to complete the forms correctly and may not receive these statutory protections. Additionally, the Safe at Home program had previously expressed concerns that if the petition

¹² Health and Safety Code section 103435 provides the statutory authority for a single petition to change the petitioner's name and recognize a change of gender and sex identifier and, if requested, to order the issuance of a new birth certificate, marriage license and certificate, confidential marriage license and certificate, or birth certificate of the petitioner's child.

¹³ Health & Saf. Code, § 103430(b)(2) & (e)(3).

¹⁴ *Id.*, § 103430(e).

¹⁵ *Id.*, §§ 103431, 103435.

¹⁶ Code Civ. Proc., § 1277(b).

¹⁷ *Ibid.*

and order recite the person's proposed name in error, this can create safety concerns for Safe at Home program participants.

The Proposal

To reflect the new laws, make various technical or clarifying changes, and address feedback received by committee staff regarding how to make these forms easier to use, the proposal includes the changes summarized below.

Forms NC-015 and NC-030

Under Health and Safety Code section 103437(c)(2), a petitioner in a proceeding filed before July 1, 2026, may file a request to keep the records in the proceeding confidential. Moreover, Health and Safety Code section 103437(d) provides that if a petitioner discovers that their court records are not being kept confidential, the petitioner may apply for an order making the records confidential. To implement SB 59, the committee proposes approving two new optional-use forms for this purpose, *Request to Make Records Confidential* (form NC-015) and *Order to Make Records Confidential* (form NC-030).

NC-100 form series (name change forms)

The existing Judicial Council forms for name change petitions (forms NC-100 to NC-150)¹⁸ currently address all varieties of name changes, including name changes to conform to one's gender identity and all other name changes.

Under SB 59, court records relating to name changes to conform to gender identity are confidential. Therefore, the committee proposes splitting the existing content of NC-100 form series into two sets of forms by (1) retaining the NC-100 form series for name changes that are not related to one's gender identity, and (2) creating a new series of forms starting at form NC-200 for name changes to conform to gender identity (which, starting on July 1, 2026, are automatically confidential).

The committee proposes the following revisions to the NC-100 form series as well as the revocation of two forms to implement SB 59 and enhance clarity for court users regarding the requirements of the Safe at Home program:

- *Petition for Change of Name* (form NC-100). The committee proposes revising the form's instruction on page 1 to provide information regarding when forms NC-200, NC-300, and NC-500 should be used and to provide additional information regarding the Safe at Home program. The proposed revisions further include deleting item 6, which previously read "This petition seeks to change the name [petitioner or name] to conform to that person's gender identity," as form NC-100 would no longer be used to change one's name conform to their gender identity. Finally, the committee proposes deleting in item 5 the prompts for a name of

¹⁸ Note that under the existing forms, form NC-150 is also used to reflect a change in the petitioner's gender.

the near relative, guardian, or attorney completing the form. These name fields are duplicative because the petitioner's name is already listed in item 1.

- *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO). The committee proposes removing information regarding a name change to conform to gender identity from items 4, 6, 7, 8, and 10. The committee also proposes revising item 3 to indicate that a participant in the Safe at Home program should not file anything with the court until Safe at Home has confirmed a person's active participation in the program. The committee proposes revising item 4 to enhance clarity regarding when forms NC-200-INFO, NC-300-INFO, or NC-500-INFO should be used. The committee proposes revising item 5 to delete information regarding the preparation of an original *Civil Case Cover Sheet* (form CM-010), as similar information is already included in item 4. Finally, the committee proposes various revisions to use simpler language.
- *Name and Information about the Person Whose Name is to be Changed* (form NC-110). The proposed revisions to this form include deleting the text reading "Attachment to Petition form NC-300 or form NC-500" under the title of the form. As discussed below, the committee proposes incorporating the relevant portions of form NC-110 into forms NC-300 and NC-500. Moreover, the committee recommends renumbering form NC-110 to begin with item 1a rather than item 7b.
- *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125). The committee proposes revoking form NC-125, as that form is only used for a change of name to conform to gender identity.¹⁹
- *Decree Changing Name* (form NC-130). The committee proposes adding information that explains how to complete the form if the person whose name is being changed is a participant in the Safe at Home program.
- *Notice of Hearing on Petition* (form NC-150). The committee proposes revoking form NC-150 because the objections listed are no longer relevant to a form series dedicated to name changes that are unrelated to one's gender identity.

NC-200 form series (confidential forms for change of name to conform to gender identity)

The committee proposes a new series of confidential forms starting at NC-200 for name changes to conform to gender identity. Except for the information sheet, the committee proposes that all forms in the series include a CONFIDENTIAL banner at the top of each page.

To implement SB 59 and AB 1084, the committee proposes the following new forms:

¹⁹ The order to show cause for name changes not related to gender identity would not be changed. See *Order to Show Cause—Change of Name* (form NC-120).

- *Petition for Change of Name to Conform to Gender Identity* (form NC-200). The committee proposes mandatory form NC-200, a petition that allows petitioners to request a change of name to conform to gender identity.²⁰ To implement AB 1084, item 3 would include an instruction that requests for the issuance of an order to show cause to only be made if the petition is being filed on behalf of a minor and the petition does not include the signatures of all of the minor's living parents.
- *Instructions for Filing a Petition for Change of Name to Conform to Gender Identity* (form NC-200-INFO). The committee proposes a new information sheet to accompany form NC-200.
- *Supplemental Attachment to Petition for Change of Name to Conform to Gender Identity* (form NC-210G). The committee proposes a new mandatory supplemental attachment, form NC-210G, that a guardian must prepare for a child whose name is to be changed.
- *Proof of Service of Order to Show Cause (Related to Gender Identity)* (form NC-221/NC-321/NC-521). The committee proposes a new mandatory proof of service form for use across three petition types. The committee requests specific comment as to whether the cross-numbering of the proposed form would present any administrative difficulty for courts.
- *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-225). The committee proposes new mandatory form NC-225 to facilitate the order to show cause process for a change of name to conform to gender identity. To implement AB 1084, the form would indicate that it should be used only if the petition is being filed on behalf of a minor and the petition does not include the signatures of all the minor's living parents. Item 2 implements AB 1084 and would match the phrasing seen in statute.²¹
- *Decree Changing Name to Conform to Gender Identity* (form NC-230). The committee proposes a new mandatory form for the court's order regarding the request for a change of name to conform to gender identity.
- *Decree Changing Name of Minor to Conform to Gender Identity* (form NC-230G). The committee proposes a new mandatory form for the court's order about a guardian's request to change a child's name.

²⁰ Form NC-200 is based on form NC-100 and form NC-110. The items that are duplicative between form NC-100 and form NC-110 would only appear one time on new form NC-200. For example, both item 2 of existing form NC-100 and item 7b of existing form NC-110 request the person's current name and their proposed name. Proposed form NC-200 would instead, at item 4, only require that information to be provided in one instance.

²¹ Code Civ. Proc., § 1277.5(b)(2)(B).

- *Notice of Hearing on Petition* (form NC-250/NC-350/NC-550). The committee proposes a new optional form which informs the petitioner that the court has set a hearing because someone is opposing their request. Like the proof of service, this form may be used across three types of petitions. The committee requests specific comment as to whether cross-numbering the proposed form would present any administrative difficulty for courts. The committee also requests specific comment regarding whether there are any other objections that would be helpful to list on item 1 of the proposed form.²²

NC-300 form series (confidential forms for change of gender for adult petitioners)

Forms NC-300 to NC-330 are the existing Judicial Council forms associated with petitions recognizing an adult petitioner's change of gender. The forms also facilitate combined petitions to change an adult petitioner's name and to recognize their change of gender²³ and authorize the issuance of new certificates.²⁴

To implement SB 59, the committee proposes revising the NC-300 form series to include a CONFIDENTIAL banner at the top of each page, except for the information sheet. The committee also proposes adding "adult" to the titles of forms NC-300, NC-300-INFO, and NC-330 to further distinguish those forms from the forms used for minors in the NC-500 form series.

To implement SB 59 and AB 1084, the following forms would be revised:

- *Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300). The committee proposes revising form NC-300 by incorporating the relevant items from form NC-110.²⁵ Additionally, item 4b of form NC-300, which requests the court to issue an order to show cause related to the petition for change of name, would be omitted because AB 1084 dispenses with the order to show cause requirement for adult petitioners seeking a change of name to conform to their gender identity.²⁶ Moreover, the proposed forms distinguish between the signatures required by all petitioners who use form NC-300 and the signatures required only if the petitioner is also requesting a change of name.²⁷

²² For example, Health and Safety Code section 103430(e)(1) and (2) discuss objections by a nonsigning parent or living grandparent.

²³ Health & Saf., § 103435(a).

²⁴ Health & Saf., § 103425.

²⁵ Not all items from form NC-110 are relevant in the context of form NC-300, as form NC-300 only addresses adult petitioners. For example, while existing form NC-110 contains checkboxes to indicate whether the petition is being applied for on the behalf of one's "self" or "other," form NC-300 is only brought by an adult petitioning on their own behalf. Additionally, venue item and request for a decree to change the petitioner's name at item 4 of existing form NC-300 are instead incorporated directly into new item 5 alongside other relevant portions of form NC-110.

²⁶ See Code Civ. Proc., § 1277.5(a).

²⁷ The proposed revisions to form NC-300 include adding an instruction above the existing declaration on page 2 that the declaration must be completed by all petitioners. This is to distinguish this declaration from the new declaration added on page 3, which only applies to petitioners requesting a change of name. The committee similarly

- *Instructions for Filing Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO). The committee proposes deleting references to form NC-110 and conforming revisions to reflect the petition's revised content. The committee also proposes deleting all references to *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125). The committee further proposes revising item 7 to reflect that a hearing date will be set if the petitioner is seeking a change to their marriage license and certificate, and the spouse sharing that document has not signed the form. Finally, the committee proposes deleting the language in items 9 and 10 that speaks to filing a certified copy of the order "within 30 days."
- *Birth Certificate for Child of Petitioner—Attachment* (form NC-311) and *Marriage License and Certificate—Attachment* (form NC-312). The proposed revisions to these forms include the addition of the CONFIDENTIAL banner and an updated signature line.
- *Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325). To implement AB 1084, the committee proposes adding "after the completion of the six weeks" to the court's order.
- *Order Recognizing Adult's Change of Gender and Sex Identifier, For Name Change, and for Issuance of New Certificates* (form NC-330). To implement AB 1084, the committee proposes removing references to the 30-day time period for filing a copy of the order with the county clerk or State Registrar.

NC-400 form series (Safe at Home confidential cover sheet and information sheet)

Form NC-400 is a confidential cover sheet for name change petitions under the Safe at Home program. To highlight the requirements of the Safe at Home program, the committee proposes revising the instructions at the top of *Confidential Cover Sheet—Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-400) to add information explaining that form NC-100 should not be filed until after the Safe at Home program has confirmed that the petitioner's proposed new name is on file. The committee also proposes reformatting the instruction box to be easier to read and revising the first and fourth bullet points to use simpler language.

Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home) (form NC-400-INFO) would also be revised to state: "Do not file anything with the court until you are an active participant in the Safe at Home program." The committee proposes revising much of the form to use plain language and to use the second person, in keeping with current practices for information sheets.

proposes adding an instruction above the new declaration on page 3 indicating that this declaration should only be signed if a name change is being sought.

NC-500 form series (confidential forms for change of gender for minors)

Forms NC-500 to NC-530 are the existing Judicial Council forms associated with petitions recognizing a minor's change of gender. The forms also facilitate combined petitions to change a minor's name and to recognize their change of gender. The forms additionally authorize the issuance of a new birth certificate reflecting these changes.

The committee proposes adding a CONFIDENTIAL banner at the top of each page, except for the information sheet. To implement SB 59 and AB 1084, the following forms would be revised:

- *Petition for Recognition of Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500). The committee proposes revising form NC-500 to incorporate the relevant items from form NC-110.²⁸ Additionally, existing item 9 would be deleted and its relevant subitems would be incorporated into new item 10. To implement AB 1084, the committee proposes adding an instruction to item 10f to indicate that an order to show cause related to a change of name should only be requested if the petition does not include the signatures of all the minor's living parents.²⁹ A new subheading entitled "Request for Issuance of New California Certificate" would also be inserted.³⁰ Moreover, the proposed forms distinguish between the signatures that are required by all petitioners who use form NC-500 and the signatures that are required only if a petitioner is also requesting a change of name.³¹
- *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO). The committee proposes deleting references to form NC-110. On items 3 and 6, under the discussion of the order to show cause, the committee

²⁸ Not all items from form NC-110 are relevant in the context of form NC-500, as form NC-500 only addresses petitions that are brought on the behalf of a minor. For example, while existing form NC-110 contains checkboxes to indicate whether the petition is being applied for on the behalf of one's "self" or "other," form NC-500 is only brought on the behalf of a minor.

²⁹ See Code Civ. Proc., § 1277.5(b).

³⁰ The committee proposes locating the following items underneath this new subheading: requests for a new birth certificate and an indication that a decree changing the name for the minor was previously obtained.

³¹ Existing form NC-500 includes a declaration under penalty of perjury that the request is to conform the person's legal gender to their gender identity and not for any fraudulent purpose. The proposed revisions to form NC-500 include adding an instruction above that existing declaration stating that the declaration may be completed by the minor and that all petitioners must sign below. (Health & Saf. Code, § 103430(a)–(b)(1).)

Moreover, a court user provided feedback to committee staff via email that the existing declaration on form NC-500 was odd in that it required a minor to sign a declaration under penalty of perjury. However, Health and Safety Code section 103430(a)–(b)(1) specifies that the declaration may be signed by a minor. That same court user additionally noted a lack of clarity regarding who is signing the existing declaration on form NC-500 given the numerous signature lines that follow. In response to this feedback, the committee further proposes placing a text box around the declaration and the signature line for minor.

Proposed form NC-500 also includes a new declaration declaring under penalty of perjury that the information on the petition is true and correct. The committee proposes adding an instruction before this new declaration indicating that these signatures are only required if the petition requests a change of name.

proposes deleting language indicating that an order to show cause is required for a petition that seeks a decree changing a minor's name.³² On item 4, which provides item-by-item instructions regarding how to complete form NC-500, the committee proposes revising the instructions to reflect the proposed reorganization of form NC-500. On item 9, references to the 30-day time period for filing a certified copy of the order with the Secretary of State and State Registrar would be deleted.

- *Declaration of Guardian or Juvenile Attorney* (form NC-510G). The proposed revision to this form includes the addition of the CONFIDENTIAL banner.
- *Order to Show Cause—Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520). To implement AB 1084, the committee proposes adding “after the completion of the six weeks” to the portion of the form addressing recognition of a gender or sex identifier, and “after the completion of the six weeks, except as provided in Code of Civil Procedure section 1279.5” to the portion of the form addressing a change of name.
- *Order Recognizing Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530). At item 6, the reference to the 30-day time period for filing a certified copy of the order would be deleted.

Miscellaneous form revisions

In September 2025, an attorney provided feedback to committee staff via email regarding form NC-330. The attorney noted that item 6 of form NC-330 asks for “a marriage on *(date)*: ____” while item 13 asks for information regarding the marriage license and certificate “issued on *(date)*: ____.” The attorney noted that the marriage or solemnization date is frequently different than the date of issuance.

When requesting information about a person's original marriage license and certificate, an attachment to the petition, form NC-312, requests only the original date of issuance. Therefore, the committee proposes revising item 6 of form NC-330 to similarly reflect the date of issuance. However, the committee also requests specific comment on this issue.

To clarify which name should be used where, the committee further proposes revisions throughout these forms to use “current legal name” and “proposed legal name,” or in the case of the court's orders, “legal name when petition was filed” and “new legal name.”³³ Because these

³² Note that the existing category describing the need for an order to show cause where the petition is not signed by all living parents of the minor remains, which is expansive enough to cover both changes of name and the recognition of a minor's gender and sex identifier.

³³ Additionally, a court user provided feedback to committee staff via email that item 4 of existing form NC-530 simply used “name,” which created confusion regarding which name should be listed. Particularly for transgender and nonbinary court users, a person may have socially transitioned before legally changing their name. The committee therefore proposes revising that item to instead refer to the minor identified in item 3b.

forms repeatedly require people to write both their current legal name and their proposed legal name, there can be confusion regarding the name that a person should use to sign these forms. Therefore, the committee proposes revisions to clarify, where appropriate, that these signatures should use the person's current legal name.

Finally, the committee proposes changing “judge” to “judicial officer” across these forms, which would create efficiencies by preventing commissioners from having to strike out “judge” when signing these forms.

Rules 2.575 and 2.577

The committee proposes amending California Rules of Court, rules 2.575 and 2.577(a). The proposed amendments to rule 2.575 match the language of Code of Civil Procedure section 1277(b). The committee also proposes clarifying amendments to rule 2.577(a), which currently addresses requests to file records under seal for both name change petitioners under the Safe at Home program and for other petitioners. The revision would narrow subdivision (a) to address only the procedure for sealing records in name change proceedings under the Safe at Home program. The committee also proposes adding an advisory committee comment to explain that the rule is not intended to abrogate or limit any duty of the court to keep records confidential and to clarify the scope of subdivision (a). The proposed amendments and advisory committee comment are intended to prevent confusion regarding the application of the rule by highlighting the difference between sealing related to the Safe at Home program, sealing in other contexts, and statutorily required confidentiality.

Alternatives Considered

The committee did not consider the alternative of not taking any action because revisions are needed to comply with this legislation and ensure the legal accuracy of these forms. The committee considered the alternative of adding content for requests for name changes to conform to gender identity into the existing NC-300 and NC-500 form series instead of creating a new form series. However, the committee found that approach too complex and potentially confusing, particularly for self-represented litigants.

The committee also considered requiring Safe at Home program participants to file their Safe at Home confirmation letter with the court. However, after determining that this course of action would place additional administrative burdens on Safe at Home program participants, who are changing their name to avoid things like domestic violence, stalking, sexual assault, or human trafficking, the committee decided not to pursue that approach.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the new and revised forms. Courts will also incur costs to incorporate the new and revised forms into paper or electronic processes. Most of the impacts—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the changes in law, not the forms proposal, and therefore cannot be avoided.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- The committee received feedback from an attorney that the existing phrasing of item 6 of form NC-330, which uses the phrase “marriage date,” is unclear, noting that the issuance of the marriage license and certificate often occurs on a different date than the solemnization of the marriage. The committee proposes revising item 6 of form NC-330 to instead reflect the date of issuance. Are there any reasons why item 6 of form NC-330 should not reflect the date of issuance?
- Are there any other objections that would be helpful to list on item 1 of form NC-250/NC-350/NC-550?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?
- Does cross-numbering two proposed forms (form NC-221/NC-321/NC-521 and form NC-250/NC-350/NC-550) for use across three varieties of proceedings present any administrative difficulties for courts?

Attachments and Links

1. Cal. Rules of Court, rules 2.575 and 2.577, at pages 14–15
2. Forms NC-015, NC-030, NC-100, NC-100-INFO, NC-110, NC-125, NC-130, NC-150, NC-200, NC-200-INFO, NC-210G, NC-221/NC-321/NC-521, NC-225, NC-230, NC-230G, NC-250/NC-350/NC-550, NC-300, NC-300-INFO, NC-311, NC-312, NC-325, NC-330, NC-400, NC-400-INFO, NC-500, NC-500-INFO, NC-510G, NC-520, and NC-530, at pages 16–59
3. Link A: Assem. Bill 1084 (Stats. 2025, ch. 723),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1084
4. Link B: Sen. Bill 59 (Stats. 2025, ch. 738),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB59

Rule 2.575 and rule 2.577 of the California Rules of Court would be amended, effective July 1, 2026, to read:

Title 2. Trial Court Rules

Division 4. Court Records

Chapter 5. Name Change Proceedings Under Address Confidentiality Program

Rule 2.575. Confidential information in name change proceedings under address confidentiality program

(a) Definitions

As used in this chapter, unless the context or subject matter otherwise requires:

- (1) “Confidential name change petitioner” means a petitioner who is a participant in the address confidentiality program created by the Secretary of State under chapter 3.1 (commencing with section 6205) of division 7 of title 1 of the Government Code.
- (2) “Record” means all or a portion of any document, paper, exhibit, transcript, or other thing that is filed or lodged with the court.
- (3) “Lodged” means temporarily placed or deposited with the court but not filed.

(b) Application of chapter

The rules in this chapter apply to records filed in a change of name proceeding ~~under Code of Civil Procedure section 1277(b)~~ by a confidential name change petitioner who alleges any of the ~~following~~ reasons or circumstances listed in Code of Civil Procedure section 1277(b) as a reason for the name change:

- ~~(1) The petitioner is seeking to avoid domestic violence, as defined in Family Code section 6211.~~
- ~~(2) The petitioner is seeking to avoid stalking, as defined in Penal Code section 646.9.~~
- ~~(3) The petitioner is, or is filing on behalf of, a victim of sexual assault, as defined in Evidence Code section 1036.2.~~

(c)-(e) * * *

1 **Rule 2.577. Procedures for filing confidential name change records under seal**

2
3 **(a) Court approval required**

4
5 Records in a name change proceeding brought by a confidential name change
6 petitioner may not be filed under seal without a court order. A request by a
7 confidential name change petitioner to file records under seal may be made under
8 the procedures in this chapter. ~~A request by any other petitioner to file records~~
9 ~~under seal must be made under rules 2.550–2.573.~~

10
11 **(b)-(h) * * ***

12
13 **Advisory Committee Comment**

14
15 This rule is not intended to abrogate or limit any duty of the court to keep court records
16 confidential (for example, court records, including the index, register of actions, and any other
17 case information available through court systems used to provide the public with electronic
18 access to court records, associated with a proceeding for a change of name or gender and sex
19 identifier, or both, under Health and Safety Code section 103437).

20
21 **Subdivision (a).** This subdivision describes procedures for filing records under seal in a name
22 change proceeding brought by a confidential name change petitioner (a participant in the Safe at
23 Home address confidentiality program (see rule 2.575(a)(1)).

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p> <hr/> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p> <hr/> <p>PETITION OF (name):</p>	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT</p> <p>2025-11-19</p> <p>Not approved by the Judicial Council</p>
<p>REQUEST TO MAKE RECORDS CONFIDENTIAL (Health & Saf. Code, § 103437)</p>	<p>CASE NUMBER:</p>

Use this form only if a petition requesting one of the following is already on file with the court:

- Recognition of a change of gender and sex identifier.
- A change of name to conform to gender identity.
- A change of name and recognition of a change of gender and sex identifier.

1. My name is (current legal name):

a. On (date): _____, a petition was filed to (check one):

- (1) ☐ Recognize petitioner's change of gender and sex identifier.
- (2) ☐ Change petitioner's name to conform to their gender identity.
- (3) ☐ Change petitioner's name and recognize a change of gender and sex identifier.

b. The petition was filed in the Superior Court of California, County of (specify): _____
and the case number assigned to the petition is (specify): _____.

c. I am the ☐ attorney for the petitioner ☐ petitioner who filed the petition listed in item 1a.

2. I am asking the court to make the petition listed in item 1, and all records associated with the petition, confidential because (check one):

- a. ☐ The petition listed in item 1 was filed **before** July 1, 2026, and I am requesting confidentiality under Health and Safety Code section 103437(c)(2).
- b. ☐ The petition listed in item 1 and other records in that proceeding were previously made confidential, but they are not being kept confidential by the court. These records must be kept confidential because (check one):
- (1) ☐ The petition listed in item 1 was filed **on or after** July 1, 2026, and the court is required by Health and Safety Code section 103437(c)(1) to make all records in the proceeding confidential.
- (2) ☐ The petition listed in item 1 was filed **before** July 1, 2026, and on (date): _____ the court entered an order granting my request to make the records in the proceeding confidential under Health and Safety Code section 103437(c)(2).
- (3) ☐ They were previously made confidential by a different statute or order (describe the statute or order making the records confidential): _____



CONFIDENTIAL

NC-015

PETITION OF *(name)*:

CASE NUMBER:

(If the petitioner is the person whose name was changed, use the petitioner's current legal name.)

Date:

Type or Print Name



Signature of Petitioner

Date:

Type or Print Name



Signature of Attorney

CONFIDENTIAL

NC-030

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 2025-11-12 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (name):		
ORDER TO MAKE RECORDS CONFIDENTIAL (Health & Saf. Code, § 103437)		CASE NUMBER:

1. a. On (date): _____, (current legal name of petitioner): _____
filed a petition to (check one):
(1) ☐ Recognize petitioner's change of gender and sex identifier.
(2) ☐ Change petitioner's name to conform to their gender identity.
(3) ☐ Change petitioner's name and recognize a change of gender and sex identifier.
- b. The petition was filed in the Superior Court of California, County of (specify): _____
and the case number assigned to the petition is (specify): _____.
2. The petitioner asked the court for an order making the petition listed in item 1, and all records associated with the petition, confidential because (check one):
- a. ☐ The petition listed in item 1 was filed **before** July 1, 2026, and the petitioner requests confidentiality under Health and Safety Code section 103437(c)(2).
- b. ☐ The petition listed in item 1 and other records in that proceeding were previously made confidential, but they are not being kept confidential by the court. These records must be kept confidential because (check one):
- (1) ☐ The petition listed in item 1 was filed **on or after** July 1, 2026, and the court is required by Health and Safety Code section 103437(c)(1) to make all records in the proceeding confidential.
- (2) ☐ The petition listed in item 1 was filed **before** July 1, 2026, and on (date): _____ the court entered an order granting petitioner's request to make the records in the proceeding confidential under Health and Safety Code section 103437(c)(2).
- (3) ☐ They were previously made confidential by a different statute or order (describe the statute or order making the records confidential): _____
3. The court, having reviewed the application, makes the following ruling:
- a. ☐ The application is granted. This order, the application for this order, the petition listed in item 1, and all records associated with the petition must be kept confidential and must be accessible only by the persons described in Health and Safety Code section 103437(b) in accordance with Health and Safety Code section 103437(b) and (c).
- b. ☐ The application is denied because (check all that apply):
- (1) ☐ The application was incomplete.
- (2) ☐ The application did not meet the requirements of Health and Safety Code section 103734(c)(1).
- (3) ☐ The application did not meet the requirements of Health and Safety Code section 103734(c)(2).
- (4) ☐ The application did not meet the requirements of Health and Safety Code section 103437(c)(3).
- (5) ☐ Other (specify): _____

Date:

Judicial Officer

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 2025-11-12 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF <i>(name of each petitioner)</i> :	
PETITION FOR CHANGE OF NAME	CASE NUMBER:

Instructions for completing this form: Before you complete this form, read the *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO). If you want to file this petition under the Safe at Home (address confidentiality) program, read form NC-400-INFO first. Do not use form NC-100 if the change of name is related to gender identity. To petition for a change of name to conform to your gender identity, use form NC-200. To petition for a change of name as part of a petition to also recognize a change of gender and sex identifier, use form NC-300 for an adult or form NC-500 for a minor.

1. Petitioner (*current legal name*):
(*check a or b*):
 - a. ☐ resides in this county.
 - b. ☐ does not live in California and (*check 1 or 2*):
 - (1) ☐ wants a name change on a marriage license, and was married in this county.
 - (2) ☐ wants a name change on their or their child's birth certificate, which was issued in this county.
2. Petitioner requests that the court decree the following name changes (*list every name that you are seeking to change*):

Current legal name	changed to	Proposed legal name
a.	changed to	
b.	changed to	
c.	changed to	

☐ Continued (*If you are seeking to change additional names, you must prepare a list and attach it to this petition as Attachment 2.*)
3. Petitioner requests that the court issue an order directing all interested persons to appear or file objections to show cause why this petition for change of name of the persons identified in item 2 should not be granted.
4. The number of persons under 18 years of age whose names are to be changed is (*specify*):
5. If this petition requests the change of name of any person or persons under 18 years, this request is being made by
 - a. ☐ two parents.
 - b. ☐ one parent.
 - c. ☐ near relative (*relationship*):
 - d. ☐ guardian.
 - e. ☐ attorney for an individual under the jurisdiction of the juvenile court:
 - f. ☐ other (*specify*):
6. For each person whose name is to be changed, petitioner provides the following information (*you must attach Name and Information About the Person Whose Name Is to Be Changed* (form NC-110) *for each person identified in item 2*):
 - a.–e. (*These items are on the attached pages of form NC-110.*)
 - f. Number of pages attached (*specify number*):

INSTRUCTIONS FOR FILING A PETITION FOR CHANGE OF NAME

1. Where to File

- California residents: The petition for change of name must be filed in the superior court of the county where the person whose name is to be changed is a resident.
- Non-California residents: If the person whose name is to be changed is also requesting an order for the issuance of a new California marriage license and certificate, a new California birth certificate for the person whose name is to be changed, or a new California birth certificate for a minor or adult child of the person whose name is to be changed, the petition for change of name must be filed in the superior court of the county where the marriage took place, or where the birth certificate was issued.

2. Whose Name May Be Changed

The petition may be used to change your own name and, under certain circumstances, the names of others (e.g., children under 18 years of age).

3. Confidentiality of Certain Names

If you want to file a petition for change of name and have your current and proposed names kept confidential as part of Safe at Home, the Secretary of State's address confidentiality program (Code Civ. Proc., § 1277(b)), **do not file anything with the court until Safe at Home has confirmed you are an active participant in the program.** Read *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO) **for more information.**

4. What Forms Are Required

If you are requesting a change of name unrelated to your gender identity, prepare an original and two copies of each of the following documents:

- Petition for Change of Name* (form NC-100)
- Name and Information About the Person Whose Name Is to Be Changed* (form NC-110) (attach as many copies as necessary)
- Order to Show Cause—Change of Name* (form NC-120)
- Decree Changing Name* (form NC-130 or, for guardians, form NC-130G)
- Civil Case Cover Sheet* (form CM-010)

In addition, a guardian must prepare and attach a *Supplemental Attachment to Petition for Change of Name* (Declaration of Guardian) (form NC-110G) for each child whose name is to be changed.

Local courts may require additional local forms. Check with the court to determine if additional forms are required.

If you are requesting a change of name to conform to your gender identity, please read *Instructions for Filing a Petition for Change of Name to Conform to Gender Identity* (form NC-200-INFO).

If you are requesting a change of name and recognition of a change of gender and sex identifier, read the following:

- Instructions for Filing Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO) if you are an adult petitioning on your own behalf.
- Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO) if you are petitioning on the behalf of a minor.

5. Filing and Filing Fee

File the original versions (not copies) of the forms listed above with the clerk of the court and obtain two filed-endorsed copies of the petition (form NC-100). You will be charged a filing fee unless you qualify for a fee waiver. (If you want to apply for a fee waiver, read *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO).) There is no filing fee for minors in the State's address confidentiality program (Safe at Home).

6. Requesting a Court Hearing Date and Obtaining the Order to Show Cause

When you file *Order to Show Cause—Change of Name* (form NC-120), you will need to ask the court for a hearing date. You should request a date that is at least six weeks after the date you file the form. Take the completed form to the clerk's office. The clerk will provide the hearing date and location, obtain the judicial officer's signature, file the original, and give you a copy.

7. Publishing the Order to Show Cause

In most cases, a copy of the *Order to Show Cause* must be published in a local newspaper of general circulation once a week for **at least four consecutive weeks** before the date of the hearing. You must select the newspaper from among those newspapers legally qualified to publish orders and notices. The newspaper used must file a Proof of Publication with the superior court before the hearing. If no newspaper of general circulation is published in the county, the court may order the *Order to Show Cause* to be posted by the clerk.



But you **do not have to publish** the order if the following applies:

- You are a participant in the State Witness Program;
- You are a participant in the address confidentiality program, and the petition alleges that you are petitioning to avoid (a) domestic violence, (b) stalking, (c) sexual assault, or (d) human trafficking; or
- The name change is for a minor or nonminor dependent under the jurisdiction of the juvenile court.

8. Name Change for Children

- If you are a petitioning parent requesting the name change for a child under 18 years of age, and one of the parents, if living, does not join in consenting to the name change, the petitioning parent must have a copy of the *Order to Show Cause* or notice of the time and place of the hearing served on the nonconsenting parent. Service must be made **at least 30 days prior to the hearing**, under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.
- If the nonconsenting parent resides in California, the order or notice must be personally served on the nonconsenting parent. You cannot personally serve this document.
- If the nonconsenting parent resides outside California, that parent may be served by sending a copy of the order or notice by first-class mail, postage prepaid, return receipt requested.
- If you are the guardian of a minor and filing a petition to change the name of that minor, you must (1) provide notice of the hearing to any living parent of the child by personal service at least 30 days before the hearing, or (2) if either or both parents are deceased or cannot be located, serve notice of the hearing on the child's grandparents, if living, not less than 30 days before the hearing, under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.

If you have served a parent or grandparent, file a copy of the completed *Proof of Service of Order to Show Cause* (form NC-121) with the court before the hearing.

9. Name Change for Person in Jail or Prison or on Parole

If you are a person in county jail, or under the jurisdiction of the Department of Corrections and Rehabilitation (in state prison, or on parole) you may file a petition to change your name, but must serve the petition on a government agency.

- If in county jail, you must provide a copy of the petition to the county sheriff's department. Check with the department as to how that should be done.
- If in state prison, you must provide a copy of the petition to the warden. Check with the warden's office as to how that should be done.
- If on parole, you must provide a copy of the petition to the regional parole administrator. Check with the administrator's office as to how that should be done.

After you have provided a copy to the sheriff, warden, or regional parole administrator, file a copy of the completed *Proof of Service By Mail* (form POS-030) with the court.

Note that the declaration on form NC-110 as to whether the petitioner is in jail or under jurisdiction of the California Department of Corrections and Rehabilitation are only for purposes of determining if service of the petition is required.

10. Court Hearing

If no written objection is filed at least two court days before the scheduled hearing, the court may grant the petition and sign the decree without a hearing. Check with the court to find out if a hearing will be held. If there is a hearing, bring copies of all documents to the hearing. If the judicial officer grants the petition, the judicial officer will sign the original decree.

11. Requesting Accommodations for Disability

If you have a disability and need an accommodation to help you access your court hearing, you can use *Disability Accommodation Request* (form MC-410) to make your request. You can also ask the court's ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form MC-410-INFO).

12. Issuance of New Birth Certificate

If you were born in California and want to amend a birth certificate to show the name change, you should contact the following office:

California Department of Public Health
Vital Records - MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410

Phone: 916-445-2684
website: www.cdph.ca.gov

Local courts may supplement these instructions. Check with the court to determine whether supplemental information is available. For instance, the court may provide you with additional written information identifying the department that handles name change petitions, the times when petitions are heard, and the newspapers that may be used to publish the *Order to Show Cause*.

PETITION OF <i>(name of petitioner or petitioners)</i> :	CASE NUMBER:
FOR CHANGE OF NAME	

**NAME AND INFORMATION ABOUT THE PERSON
WHOSE NAME IS TO BE CHANGED**
Attachment to Petition (form NC-100)

Attachment of

*(You must use a **separate** attachment for **each person** whose name is to be changed. If petitioner is a guardian of a minor, a declaration of guardian (form NC-110G) must also be completed and attached for each minor whose name is to be changed.)*

1. Petitioner applies for a decree to change the name of the following person:

a. ☐ Self

☐ Another person

(1) Current legal name *(specify)*:

(2) Proposed legal name *(specify)*:

(3) Born on *(date of birth)*: and presently

☐ under 18 years of age

☐ 18 years of age or older

(4) Born at *(place of birth)*:

(5) Sex *(as stated on original birth certificate)*:

☐ Male

☐ Female

(6) Current residence address *(street, city, county, state, and zip code)*:

b. Reason for name change *(explain)*:

c. Relationship of the petitioner to the person whose name will be changed:

(1) ☐ Self

(2) ☐ Parent

(3) ☐ Guardian

(4) ☐ Guardian ad litem or attorney for minor appointed by juvenile court

(5) ☐ Near relative *(indicate relationship)*:

(6) ☐ Other *(specify)*:

d. If the person whose name will be changed is under 18 years of age, provide the names and addresses, if known, of the following persons:

(1) Parent *(name)*: *(address)*:

(2) Parent *(name)*: *(address)*:

(3) (Only if neither parent is living) Near relatives *(names, relationships, and addresses)*:



PETITION OF <i>(name of petitioner or petitioners)</i> : <div style="text-align: right;">FOR CHANGE OF NAME</div>	CASE NUMBER:
--	--------------

(If the person whose name will be changed is 18 years of age or older, that person must sign the following declaration.)

DECLARATION	
I declare under penalty of perjury under the laws of the State of California that <i>(check one)</i> <input type="checkbox"/> I am not <input type="checkbox"/> I am under the jurisdiction of the California Department of Corrections and Rehabilitation (in state prison or on parole) or in county jail and <i>(check one)</i> <input type="checkbox"/> I am not <input type="checkbox"/> I am required to register as a sex offender under Penal Code section 290.	
Date: _____	
Type or Print Name of Person Whose Name is to Be Changed <div style="text-align: center;"><i>(Use Current Legal Name)</i></div>	Signature of Person Whose Name is to Be Changed <div style="text-align: center;"><i>(Use Current Legal Name)</i></div>

(If petitioner is represented by an attorney, the attorney's signature follows):

Date: _____	
_____ <div style="text-align: center;">Type or Print Name</div>	_____ <div style="text-align: center;">Signature of Attorney</div>

(Each petitioner must sign this petition in the space provided below or, if additional pages are attached, at the end of the last attachment. If the petitioner is the person whose name is to be changed, use the petitioner's current legal name.) I declare under penalty of perjury under the laws of the State of California that the information in the foregoing petition is true and correct.

Date: _____	
_____ <div style="text-align: center;">Type or Print Name</div>	_____ <div style="text-align: center;">Signature of Petitioner</div>

Date: _____	
_____ <div style="text-align: center;">Type or Print Name</div>	_____ <div style="text-align: center;">Signature of Petitioner</div>

<input type="checkbox"/> Add Additional Signature Lines for Additional Petitioners	<input type="checkbox"/> Signature of Petitioners Follows Last Attachment
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ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (<i>name of each petitioner</i>): <div style="text-align: right;">FOR CHANGE OF NAME</div>		
ORDER TO SHOW CAUSE—CHANGE OF NAME TO CONFORM TO GENDER IDENTITY		CASE NUMBER:

TO ALL INTERESTED PERSONS:

- Petitioner (*name*):
 for a decree changing name as follows:

<u>Present name</u>	to	<u>Proposed name</u>
a.	to	
b.	to	
c.	to	
d.	to	
- THE COURT ORDERS that any person objecting to the name changes described above must file a written objection that includes the reasons for the objection **within six weeks of the date this order is issued**. If no written objection is timely filed, the court will grant the petition without a hearing.
- A hearing date may be set only if an objection is timely filed and shows good cause for opposing the name change. Objections based solely on concerns that the proposed change is not the person's actual gender identity or gender assigned at birth do not constitute good cause. (See Code Civ. Proc., § 1277.5(c).)

NOTE: When a petition has been filed to change the name of a minor to conform to gender identity and the petition does not include the signatures of both living parents, the petition and this order to show cause must be served on the parent who did not sign the petition, under Code of Civil Procedure section 413.10, 414.10, or 415.40, within 30 days from the date on which the order is made by the court.

Date:

JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (<i>name</i>): STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	DRAFT 2025-11-12 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (<i>name of each petitioner</i>): <div style="text-align: right;">FOR CHANGE OF NAME</div>	
DECREE CHANGING NAME	CASE NUMBER:
If the petitioner is a participant in Safe at Home (the Secretary of State's address confidentiality program under Government Code section 6205 et seq.), attach <i>Confidential Cover Sheet—Name Change Proceeding Under Address Confidentiality Program (Safe at Home)</i> (form NC-400) to this form and do not include the petitioner's new legal name on this form . Instead, in the "New legal name" column, indicate that the new name is confidential and is on file with the Secretary of State under the provisions of the address confidentiality program.	

1. The petition was considered:
- a. ☐ at the hearing on (*date*): _____ in Courtroom: _____ of the above-entitled court.
- b. ☐ without hearing.

THE COURT FINDS

2. a. All notices required by law have been given.
- b. Each person whose name is to be changed identified in item 3 below
☐ is not ☐ is required to register as a sex offender under section 290 of the Penal Code.
 This determination was made (*check one*): ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.
- c. ☐ No objections to the proposed change of name were made.
- d. ☐ Objections to the proposed change of name were made by (*name*): _____
- e. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
- f. ☐ Other findings (*if any*): _____

THE COURT ORDERS

3. The name of Legal name when petition was filed New legal name
- a. _____ is changed to _____
- b. _____ is changed to _____
- c. _____ is changed to _____
- d. _____ is changed to _____
- ☐ Additional name changes are listed on Attachment 3.

Date: _____

 Signature of Judicial Officer follows last attachment

- a. Date: _____ Time: _____ Dept.: _____ Room: _____

- (To appear remotely, check in advance of the hearing for information about how to do so on the court's website. To find your court's website, go to www.courts.ca.gov/find-my-court.htm.)*

Date: _____ Clerk, by _____, Deputy

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 2025-11-12 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (name of each petitioner):	
PETITION FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY	CASE NUMBER:
Instructions for completing this form: Before you complete this form, read <i>Instructions for Filing a Petition for Change of Name to Conform to Gender Identity</i> (form NC-200-INFO). Do not use this form to change a name as part of a petition to also recognize a change of gender and sex identifier. For those petitions, use form NC-300 for an adult or form NC-500 for a minor.	

1. Petitioner (current legal name):
(check a or b):
 - a. ☐ resides in this county.
 - b. ☐ does not live in California and (check 1 or 2):
 - (1) ☐ wants a name change on a marriage license, and was married in this county.
 - (2) ☐ wants a name change on their or their child's birth certificate, which was issued in this county.

2. If this petition requests the change of name of any person under 18 years, this request is being made by
 - a. ☐ two parents.
 - b. ☐ one parent.
 - c. ☐ near relative (relationship):
 - d. ☐ guardian.
 - e. ☐ attorney for an individual under the jurisdiction of the juvenile court.
 - f. ☐ other (specify):

3. ☐ Petitioner requests that the court issue an order directing all interested persons to appear or file objections to show cause why this petition for change of name of the person identified in item 4a should not be granted. (Check the box for this item only if the petition is being filed on the behalf of a minor and the petition does not include the signatures of all of the minor's living parents.)

4. Petitioner applies for a decree to change the name of the following person to conform to their gender identity (if the petitioner is a guardian of a minor, a declaration of guardian (form NC-220G) must also be completed and attached):
 - a. ☐ Self ☐ Another person
 - (1) Current legal name (specify):
 - (2) Proposed legal name (specify):
 - (3) Born on (date of birth):
and presently ☐ under 18 years of age ☐ 18 years of age or older
 - (4) Born at (place of birth):
 - (5) Sex (as stated on original birth certificate): ☐ Male ☐ Female
 - (6) Current residence address (street, city, county, state, and zip code):



PETITION OF <i>(name of each petitioner):</i>	CASE NUMBER:
---	--------------

4. *(Continued)* Petitioner applies for a decree to change the name of the following person to conform to their gender identity:

b. Relationship of the petitioner to the person whose name will be changed:

- | | |
|---------------------------------------|--|
| (1) <input type="checkbox"/> Self | (4) <input type="checkbox"/> Guardian ad litem or attorney for minor appointed by juvenile court |
| (2) <input type="checkbox"/> Parent | (5) <input type="checkbox"/> Near relative <i>(indicate relationship):</i> |
| (3) <input type="checkbox"/> Guardian | (6) <input type="checkbox"/> Other <i>(specify):</i> |

c. If the person whose name will be changed is under 18 years of age, provide the names and addresses, if known, of the following persons:

- | | |
|---|-------------------|
| (1) Parent <i>(name):</i> | <i>(address):</i> |
| (2) Parent <i>(name):</i> | <i>(address):</i> |
| (3) (Only if neither parent is living) Near relatives <i>(names, relationships, and addresses):</i> | |

d. Number of pages attached *(specify number):*

(If the person whose name will be changed is 18 years of age or older, that person must sign the following declaration.)

DECLARATION	
<p>I declare under penalty of perjury under the laws of the State of California that <i>(check one)</i>: <input type="checkbox"/> I am not <input type="checkbox"/> I am under the jurisdiction of the California Department of Corrections and Rehabilitation (in state prison or on parole) or in county jail and <i>(check one)</i>: <input type="checkbox"/> I am not <input type="checkbox"/> I am required to register as a sex offender under Penal Code section 290.</p> <p>Date: _____</p>	
<p>_____</p> <p align="center">Type or Print Name of Person Whose Name Is to Be Changed (Use Current Legal Name)</p>	<p align="center"></p> <p>_____</p> <p align="center">Signature of Person Whose Name Is to Be Changed (Use Current Legal Name)</p>

(If petitioner is represented by an attorney, the attorney's signature follows):

Date: _____	
_____	<p align="center"></p> <p align="center">Signature of Attorney</p>
Type or Print Name	

(Each petitioner must sign this petition in the space provided below or, if additional pages are attached, at the end of the last attachment. If the petitioner is the person whose name is to be changed, use the petitioner's current legal name.) I declare under penalty of perjury under the laws of the State of California that the information in the foregoing petition is true and correct.

Date: _____	
_____	<p align="center"></p> <p align="center">Signature of Petitioner</p>
Type or Print Name	

Date: _____	
_____	<p align="center"></p> <p align="center">Signature of Petitioner</p>
Type or Print Name	

☐ Add additional signature lines for additional petitioners

☐ Signature of petitioners follows last attachment

DRAFT 2025-11-14 Not approved by the Judicial Council

**INSTRUCTIONS FOR FILING A PETITION FOR CHANGE
OF NAME TO CONFORM TO GENDER IDENTITY**

NC-200-INFO

1. Where to File

- a. California residents: The petition for change of name must be filed in the superior court of the county where the person whose name is to be changed is a resident.
- b. Non-California residents: If the person whose name is to be changed is also requesting an order for the issuance of a new California marriage license and certificate, a new California birth certificate for the person whose name is to be changed, or a new California birth certificate for a minor or adult child of the person whose name is to be changed, the petition for change of name must be filed in the superior court of the county where the marriage took place, or where the birth certificate was issued.

2. Whose Name May Be Changed

The petition may be used to change your own name and, under certain circumstances, the names of others (e.g., children under 18 years of age).

4. What Forms Are Required

If you are requesting a change of name to conform to your gender identity, prepare an original and two copies of each of the following documents:

- a. *Petition for Change of Name to Conform to Gender Identity* (form NC-200)
- b. *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-225), if applicable
- c. *Decree Changing Name to Conform to Gender Identity* (form NC-230, or, for guardians, form NC-230G)
- d. *Civil Case Cover Sheet* (form CM-010)

In addition, a guardian must prepare and attach a *Supplemental Attachment to Petition for Change of Name to Conform to Gender Identity* (Declaration of Guardian) (form NC-210G).

Local courts may require additional local forms. Check with the court to determine if additional forms are required.

If you are requesting a change of name unrelated to your gender identity, please read *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO) instead.

If you are requesting a change of name and recognition of a change of gender and sex identifier at the same time, read:

- *Instructions for Filing Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO) if you are an adult petitioning on your own behalf.
- *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO) if you are petitioning on the behalf of a minor.

5. Filing and Filing Fee

File the original versions (not copies) of the forms listed above with the clerk of the court and obtain two filed-endorsed copies of the petition. You will be charged a filing fee unless you qualify for a fee waiver. (If you want to apply for a fee waiver, read *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO).)

6. Requesting a Court Hearing Date and Obtaining the Order to Show Cause

You do not need to request a hearing date unless the petition is being filed on the behalf of a minor and the petition does not include the signatures of all of the minor's living parents. If that is the case, complete the *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-225) and take the completed form to the clerk's office. The clerk will obtain the judicial officer's signature, file the original, and give you a copy.

7. Publishing the Order to Show Cause

If you are seeking a change of name to conform to your gender identity, you **do not have to publish** an order to show cause if one is required.

8. Name Change for Children

- a. If you are a petitioning parent or any other adult requesting the name change for a child to conform to that child's gender identity and a living parent does not join in the petition for the name change, you must have a copy of the petition and the *Order to Show Cause* served on the nonconsenting parent. Service must be made **within 4 weeks of the date the order is made by the court**, under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.
- b. If the nonconsenting parent resides in California, the order or notice must be personally served on the nonconsenting parent. You cannot personally serve this document.



8. c. If the nonconsenting parent resides outside California, that parent may be served by sending a copy of the order or notice by first-class mail, postage prepaid, return receipt requested.

If you have served a parent, file a copy of the completed *Proof of Service of Order to Show Cause (Change of Name to Conform to Gender Identity)* (form NC-221) with the court before the hearing.

9. Name Change for Person in Jail or Prison or on Parole

If you are a person in county jail, or under the jurisdiction of the Department of Corrections and Rehabilitation (in state prison, or on parole) you may file a petition to change your name, but must serve the petition on a government agency.

- If in county jail, you must provide a copy of the petition to the county sheriff's department. Check with the department as to how that should be done.
- If in state prison, you must provide a copy of the petition to the warden. Check with the warden's office as to how that should be done.
- If on parole, you must provide a copy of the petition to the regional parole administrator. Check with the administrator's office as to how that should be done.

After you have provided a copy to the sheriff, warden, or regional parole administrator, file a copy of the completed *Proof of Service By Mail* (form POS-030) with the court. Note that the declaration on form NC-200 as to whether the petitioner is in jail or under jurisdiction of the California Department of Corrections and Rehabilitation is only for purposes of determining if service of the petition is required.

10. Court Hearing

If you filed a petition for name change to conform to gender identity, the order shall generally be granted without a hearing (see Code of Civil Procedure section 1279.5 for additional information regarding persons who are required to register as a sex offender). However, if (1) the petition is being filed on behalf of a minor and the petition does not include the signatures of all of the minor's living parents, and (2) timely objections were filed, the court may set a hearing date after receiving the objections. If it does, you will be sent a notice of the hearing date. Check with the court after the deadline for filing objections to see if a hearing date has been set. If there are no objections, the court will grant the petition and sign the decree without a hearing.

If no written objection is filed at least two court days before the scheduled hearing, the court may grant the petition and sign the decree without a hearing. Check with the court to find out if a hearing will be held. If there is a hearing, bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original decree.

11. Requesting Accommodations for Disability

If you have a disability and need an accommodation to help you access your court hearing, you can use *Disability Accommodation Request* (form MC-410) to make your request. You can also ask the court's ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form MC-410-INFO).

12. Issuance of New Birth Certificate

If you were born in California and want to amend a birth certificate to show the name change, you should contact the following office:

California Department of Public Health
Vital Records - MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410

Phone: 916-445-2684
website: www.cdph.ca.gov

Local courts may supplement these instructions. Check with the court to determine whether supplemental information is available. For instance, the court may provide you with additional written information identifying the department that handles name change petitions, the times when petitions are heard, and the newspapers that may be used to publish the *Order to Show Cause*.

CONFIDENTIAL

NC-210G

PETITION OF <i>(Name of petitioner or petitioners):</i>	CASE NUMBER:
FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY	

DRAFT
2025-11-14
Not approved by
the Judicial Council

DECLARATION OF GUARDIAN
Supplemental Attachment to *Petition for Change of Name to*
***Conform to Gender Identity* (form NC-200)**

Attachment ____ of ____

1. a. Petitioner *(name)*:
- b. Petitioner's address *(street, city, county, and zip code)*:
- c. Petitioner is the guardian of the following minor whose name is to be changed:
 - (1) Name *(current legal name of child)*:
 - (2) Address *(street, city, county, and zip code)*:
- d. Petitioner was appointed guardian of the minor identified in item 1c by *(specify)*:
 - (1) Superior Court of California, County of *(name)*:
 - (2) Department *(check one)*: ☐ Juvenile ☐ Probate
 - (3) Case number *(specify)*:
 - (4) Date of appointment *(specify)*:
- e. The grandparents of the minor whose name is to be changed are *(provide names and addresses, if known)*:
 - (1) Grandparent's Name: (address):
 - (2) Grandparent's Name: (address):
 - (3) Grandparent's Name: (address):
 - (4) Grandparent's Name: (address):
- f. The minor identified in item 1c is likely to remain under the guardian's care until the minor reaches the age of majority because *(explain)*:

☐ Continued *(if you need additional space, check the box, prepare an Attachment 1f, and attach it to this declaration)*.
- g. The minor identified in item 1c is not likely to be returned to the custody of the minor's parents because *(explain)*:

☐ Continued *(if you need additional space, check the box, prepare an Attachment 1g, and attach it to this declaration)*.
- h. Other relevant information about the guardianship and why the proposed name change is in the best interest of the minor *(specify)*:

☐ Continued *(if you need additional space, check the box, prepare an Attachment 1h, and attach it to this declaration)*.

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

Date:

Type or Print Name
Guardian of *(current legal name of minor)*:



Signature of Petitioner

CONFIDENTIAL

NC-221/NC-321/NC-521

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):		DRAFT 2025-11-14 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (name of each petitioner): FOR CHANGE OF NAME OR GENDER TO CONFORM TO GENDER IDENTITY		
PROOF OF SERVICE OF ORDER TO SHOW CAUSE BY <input type="checkbox"/> PERSONAL DELIVERY <input type="checkbox"/> MAILING (OUTSIDE CALIFORNIA ONLY)		
		CASE NUMBER:

1. At the time of mailing or personal delivery, I was at least 18 years of age and **not a party** to this proceeding.

2. My residence or business address is (specify):

3. I personally delivered or mailed a copy of the (title of document):

as follows (complete either a or b):

a. ☐ **Personal delivery.** I personally delivered a copy to the person served as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

(4) Time delivered:

b. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and mailed the sealed envelope to the person served by first-class mail, postage prepaid, return receipt requested, to the address outside of California listed below.

(2) The envelope was addressed and mailed as follows:

(a) Name of person served:

(b) Address on envelope:

(c) Date of mailing:

(d) Place of mailing (city and state):

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

Date:

Type or Print Name of Declarant

Signature of Declarant

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY:</p> <p>TELEPHONE NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (<i>name</i>):</p> <p>STATE BAR NUMBER:</p> <p>STATE: ZIP CODE:</p> <p>FAX NO.:</p>	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT</p> <p>2025-11-14</p> <p>Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITION OF (<i>name of each petitioner</i>):</p> <p align="center">FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY</p>	
<p>ORDER TO SHOW CAUSE—CHANGE OF NAME TO CONFORM TO GENDER IDENTITY</p>	<p>CASE NUMBER:</p>

NOTE: This form should be used only if the petition is being filed on the behalf of a minor and the petition does not include the signatures of all of the minor's living parents. The petition and this order to show cause must be served on any parent who did not sign the petition, under Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40, within 4 weeks from the date on which the order is made by the court.

TO ALL INTERESTED PERSONS:

1. Petitioner (*name*):
for a decree changing name as follows:

Current legal name
to
Proposed legal name

filed a petition with this court

2. THE COURT ORDERS that any person objecting to the name changes described above must file a written objection that includes the reasons for the objection **within six weeks of the date this order is issued**. If no written objection is timely filed, the court will grant the petition without a hearing after the completion of the six weeks, except as provided in Code of Civil Procedure section 1279.5.

3. A hearing date may be set only if an objection is timely filed and shows good cause for opposing the name change. Objections based solely on concerns that the proposed change is not the person's actual gender identity or gender assigned at birth do not constitute good cause. (See Code Civ. Proc., § 1277.5(c).)

Date:

Judicial Officer

CONFIDENTIAL

NC-230

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.:	DRAFT 2025-11-14 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
PETITION OF (name of each petitioner): FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY			
DECREE CHANGING NAME TO CONFORM TO GENDER IDENTITY		CASE NUMBER:	

1. The petition was considered:
- a. ☐ at the hearing on (date): _____ in Courtroom: _____ of the above-entitled court.
- b. ☐ without hearing.

THE COURT FINDS

2. a. All notices required by law have been given.
- b. Each person whose name is to be changed identified in item 3 below
☐ is not ☐ is required to register as a sex offender under section 290 of the Penal Code.
This determination was made (check one): ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.
- c. ☐ No objections to the proposed change of name were made.
- d. ☐ Objections to the proposed change of name were made by (name): _____
- e. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient and that the petition should be granted.
- f. ☐ Other findings (if any): _____

THE COURT ORDERS

3. The name of Legal name when petition was filed New legal name
is changed to

Date:

Judicial Officer☐ Signature of Judicial Officer follows last attachment

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY:</p> <p>TELEPHONE NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR <i>(name)</i>:</p>	<p>STATE BAR NUMBER:</p> <p>STATE: ZIP CODE:</p> <p>FAX NO.:</p>
<p>DRAFT</p> <p>2025-11-14</p> <p>Not approved by the Judicial Council</p>	
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITION OF <i>(name of each petitioner)</i>:</p> <p align="center">FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY</p>	
<p>DECREE CHANGING NAME OF MINOR TO CONFORM TO GENDER IDENTITY (BY GUARDIAN)</p>	
<p>CASE NUMBER:</p>	

1. The petition was duly considered:
- a. ☐ at the hearing on *(date)*: _____ in Courtroom: _____ of the above-entitled court.
- b. ☐ without hearing.

THE COURT FINDS

2. a. All notices required by law have been given.
- b. The person whose name is to be changed *(specify legal name when petition was filed)*: _____ is a minor.
- c. The petition for change of name was filed on behalf of the minor by the minor's guardian *(name)*:
- d. The minor whose name is to be changed is likely to remain in the guardian's care until the age of majority.
- e. The minor whose name is to be changed is not likely to be returned to the custody of his or her parents.
- f. The minor whose name is to be changed
- ☐ is not ☐ is required to register as a sex offender under section 290 of the Penal Code.
- This determination was made *(check one)*: ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.
- g. ☐ No objections to the proposed change of name were made.
- h. ☐ Objections to the proposed change of name were made by *(name)*:
- i. It appears to the satisfaction of the court that all the allegations in the petition are true and sufficient, that the proposed name change is in the best interest of the minor, and that the petition should be granted.
- j. ☐ Other findings *(if any)*:

THE COURT ORDERS

3. The name of *(specify legal name when petition was filed)*: _____
- is changed to *(new legal name)*: _____

Date: _____

Judicial Officer

☐ Signature of Judicial Officer follows last attachment

CONFIDENTIAL

NC-250/NC-350/NC-550

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 2025-11-19 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
PETITION OF (name):			
NOTICE OF HEARING ON PETITION <input type="checkbox"/> Form NC-200 <input type="checkbox"/> Form NC-300 <input type="checkbox"/> Form NC-500		CASE NUMBER:	

1. Objections have been filed to petitioner's request for (check all that apply):

- a. ☐ a decree changing name to conform to gender.
- b. ☐ an order for the issuance of a new birth certificate reflecting the change of petitioner's gender.
- c. ☐ an order for the issuance of a new marriage license and certificate reflecting the change in designation of the petitioner to bride, groom, or neither bride nor groom.
- d. ☐ an order for the issuance of a new birth certificate for petitioner's child reflecting the change of petitioner's gender.

2. A hearing will take place at the time and place below, at which time the court may consider the objections that have been filed.

a.	Date:	Time:	Dept.:	Room:
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b. The address of the court is

- ☐ same as noted above.
- ☐ other (specify):

(To appear remotely, check in advance of the hearing for information about how to do so on the court's website. To find your court's website, go to courts.ca.gov/find-my-court.)

Date: _____ Clerk, by _____, Deputy

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY:</p> <p>TELEPHONE NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p> <p>STATE BAR NUMBER:</p> <p>STATE:</p> <p>ZIP CODE:</p> <p>FAX NO.:</p>	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT</p> <p>2025-11-14</p> <p>Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITION OF (name):</p>	
<p>PETITION FOR RECOGNITION OF ADULT'S CHANGE OF GENDER AND SEX IDENTIFIER</p> <p><input type="checkbox"/> AND CHANGE OF NAME</p> <p><input type="checkbox"/> AND ISSUANCE OF NEW CERTIFICATES</p>	<p>CASE NUMBER:</p>

Before you complete this petition, read *Instructions for Filing Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO).

Note: You do not need to file this petition or obtain a court order in order to obtain a new California birth certificate for you or your child reflecting a change of your gender or a new California marriage license and certificate reflecting a change of gender. You may use an administrative process instead; see Health and Safety Code section 103426.

1. Petitioner (**current legal** name): _____ is 18 years old or older and requests an order recognizing the change of petitioner's gender and sex identifier to
 - a. ☐ female.
 - b. ☐ male.
 - c. ☐ nonbinary.

2. Petitioner is a California resident or seeks a change to a California birth certificate or marriage license and certificate.

3. ☐ Petitioner has already obtained a decree of name change that petitioner wants reflected on the certificates checked in item 4. Petitioner attaches a certified copy of the decree of name change to this petition.
 (If this item is checked, skip item 5 and indicate the request in item 4.)

4. ☐ **Issuance of New California Certificate**
 - a. ☐ Petitioner requests an order for the issuance of a new birth certificate for petitioner reflecting the change of gender
☐ and change of name.
 - b. ☐ Petitioner requests an order for the issuance of a new birth certificate for petitioner's child reflecting petitioner's change of gender
☐ and change of name.
 (Attach *Birth Certificate for Child of Petitioner—Attachment* (form NC-311).)
 - c. ☐ Petitioner requests an order for the issuance of a new marriage license and certificate with a change of designation of the person as bride, groom, or having neither box checked
☐ and change of name.
 (Attach *Marriage License and Certificate—Attachment* (form NC-312).)



PETITION OF (name):	CASE NUMBER:
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5. ☐ Petitioner applies for a decree to change their name to conform to their gender identity:

a. The petitioner's information is included below:

- (1) Current legal name (specify):
- (2) Proposed legal name (specify):
- (3) Born on (date of birth):
and presently 18 years of age or older
- (4) Born at (place of birth):
- (5) Sex (as stated on original birth certificate): ☐ Male ☐ Female
- (6) Current residence address (street, city, county, state, and zip code):

b. This is the right court for the petition to change name because petitioner (check (1) or (2)):

- (1) ☐ resides in this county.
- (2) ☐ does not reside in California and (check one):
 - (i) ☐ wants a name change on their or their child's birth certificate, which was issued in this county.
 - (ii) ☐ wants a name change on a marriage license, and was married in this county.

6. Number of pages attached (specify number): _____

All petitioners must complete the following declaration and sign below on this page. Petitioners requesting a change of name (item 5) must additionally complete and sign the declarations on page 3.

I declare under penalty of perjury under the laws of the State of California that the request for a change in gender and sex identifier to (check one): ☐ female ☐ male ☐ nonbinary is to conform my legal gender and sex identifier to my gender identity and is not for any fraudulent purpose.

Date:

Type or Print Name of Petitioner (Use Current Legal Name)



Signature of Petitioner (Use Current Legal Name)

(If petitioner is represented by an attorney, the attorney's signature follows:)

Date:

Type or Print Name



Signature of Attorney



PETITION OF (name):

CASE NUMBER:

Complete the following declarations and sign below only if item 5 is checked.

DECLARATION

I declare under penalty of perjury under the laws of the State of California that (check one): ☐ I am not ☐ I am under the jurisdiction of the California Department of Corrections and Rehabilitation (in state prison or on parole) or in county jail **and** (check one): ☐ I am not ☐ I am required to register as a sex offender under Penal Code section 290.

Date:

Type or Print Name of Petitioner (Use Current Legal Name)



Signature of Petitioner (Use Current Legal Name)

(Petitioner must sign this petition in the space provided below or, if additional pages are attached, at the end of the last attachment.) I declare under penalty of perjury under the laws of the State of California that the information in the foregoing petition is true and correct.

Date:

Type or Print Name of Petitioner (Use Current Legal Name)



Signature of Petitioner (Use Current Legal Name)

INSTRUCTIONS FOR FILING PETITION FOR RECOGNITION OF ADULT'S CHANGE OF GENDER AND SEX IDENTIFIER, NAME CHANGE, AND ISSUANCE OF NEW CERTIFICATES

Note you do not need to file this petition or obtain a court order in order to obtain a new California birth certificate for you or your child reflecting a change of gender or a new California marriage license and certificate reflecting a change of gender. See Health and Safety Code section 103426. You may make the request directly to the State Registrar at the California Department of Public Health or, for a confidential marriage license and certificate, the county clerk of the county that issued the confidential marriage license. (See contact information on page 2.)

1. How to Make Request

A petition for recognition of change of gender and sex identifier, either on its own or combined with a request for a name change, a new birth certificate for petitioner, a new birth certificate for petitioner's child or children, and a new marriage license and certificate must be filed on form NC-300. This form may only be used by individuals 18 years old or older. (Minors must use form NC-500.)

2. Where to File

The petition to recognize a change of gender and sex identifier may be filed in the superior court of any county in California, but if the petition **includes a request to change petitioner's name**, it must be filed:

- If petitioner is a California resident, in the superior court where petitioner presently resides, or
- If petitioner is not a California resident, in the superior court in the county where petitioner's or petitioner's child's birth certificate was issued or where petitioner's marriage was entered into.

3. What Forms Are Required

You will need to have an original and a copy of each of the following documents:

- Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300)
- Order Recognizing Adult's Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330)
- If requesting order for new birth certificate for child:
Birth Certificate for Child of Petitioner—Attachment (form NC-311)
- If requesting order for new marriage license and certificate:
Marriage License and Certificate—Attachment (form NC-312) and, if form NC-312 is not signed by the other spouse, *Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325)
- Civil Case Cover Sheet* (form CM-010)

Local courts may require additional local forms. Check with the court to determine if additional forms are required.

4. Filing with Court

Prepare an original *Civil Case Cover Sheet* (form CM-010). Take the completed petition, with any required attachments and the proposed orders with the *Civil Case Cover Sheet*, along with a copy of each document, to the clerk of the court. Obtain a filed-endorsed copy (stamped by the clerk) of the petition and ask that any required orders to show cause be issued.

A filing fee will be charged unless you qualify for a fee waiver. (If you want to apply for a fee waiver, see *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)

5. Service on Spouse

If seeking a change to your marriage license and certificate, and the spouse sharing that marriage license has not signed the form (and is alive and capable of signing it), you must serve the *Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325) that has been issued by the court, along with a copy of the petition, on that spouse within four weeks from the date on which the order is made by the court. It must be served in person or, if out of state, by mail, in the manner described in Code of Civil Procedure sections 413.10, 414.10, or 415.40. Service must be made by someone other than you, and you must have the server complete a proof of service and file it with the court.



6. Service on Government Agency—Name Change for Person in Jail or Prison or on Parole

If you are in county jail or under the jurisdiction of the California Department of Corrections and Rehabilitation (in state prison, or on parole), a petition to change your name—including one on form NC-300—must be served on a government agency.

- If in county jail, you must provide a copy of the petition to the county sheriff's department.
- If in state prison, you must provide a copy of the petition to the warden.
- If on parole, you must provide a copy of the petition to the regional parole administrator.

Check with each office as to how to serve it. After you have provided a copy to the sheriff, warden, or regional parole administrator, file a copy of the completed *Proof of Service By First-Class Mail—Civil* (form POS-030) with the court.

Note that the declaration on form NC-300 as to whether the petitioner is in jail or under jurisdiction of the California Department of Corrections and Rehabilitation is only for purposes of determining if service of the petition is required.

7. Court Hearings

A hearing date will be set if a nonsigning spouse, as described in item 5, files a timely objection. If there is a hearing, you will be sent a notice by the court. Bring copies of all documents to the hearing. If the judicial officer grants the petition, the judicial officer will sign *Order Recognizing Adult's Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330). If no timely objections are filed, the court will grant the petition and sign the order without a hearing.

8. Requesting Accommodations for Disability

If you have a disability and need an accommodation to help you access your court hearing, you can use *Disability Accommodation Request* (form MC-410) to make your request. You can also ask the court's ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form MC-410-INFO).

9. Issuance of New Birth Certificate

If you were born in California, or if your children were, to obtain a new birth certificate for you or them reflecting your change of gender, file a certified copy of the order with the State Registrar and pay the applicable fees. You may write or contact the State Registrar at:

California Department of Public Health
Vital Records – MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410

Phone: 916-445-2684
Website: www.cdph.ca.gov

10. Issuance of New Marriage License and Certificate

If you were married in California, to obtain a new marriage license and certificate reflecting your change of gender with a change in your designation to bride, groom, or neither, file a certified copy of the order, and pay the applicable fees, as follows:

- If the original marriage license and certificate was **confidential**, then file with the county clerk in the county where the confidential marriage license and certificate was issued. (A confidential marriage is a marriage that is available to two unmarried adults who have been living together as spouses. Confidential marriages do not require witnesses to attend a ceremony or sign the marriage license.)
- If the original marriage license and certificate was **not** confidential, then file with the State Registrar, whose contact information is given in item 9 above.

11. Self-Help Guide

For more information, please visit the California Courts Self-Help Guide on gender recognition, available at selfhelp.courts.ca.gov/gender-recognition-order-index.

Local courts may supplement these instructions. Check with the court to determine whether supplemental information is available. For instance, the court may provide you with additional written information identifying the department that handles these petitions, the times when petitions are heard if hearings are required, and whether remote appearances by video or telephone are available.

CONFIDENTIAL

NC-311

PETITION OF (name of petitioner):

CASE NUMBER:

BIRTH CERTIFICATE FOR CHILD OF PETITIONER—ATTACHMENT**Attachment to Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates (form NC-300)**

Petitioner must complete and attach this form to form NC-300 if asking the court to order issuance of a new birth certificate of a minor or adult child that reflects petitioner's change in gender, or change in both gender and name. A separate form is required for each child.

1. This is an attachment to a request for an order for the issuance of a new birth certificate for a minor or adult child to reflect petitioner's (check all that apply):
 - a. ☐ change of gender and sex identifier.
 - b. ☐ change of name.
 - (1) ☐ Petitioner is seeking a decree changing their name as part of this petition.
 - (2) ☐ Petitioner has already obtained a decree for change of name; a certified copy of the decree is attached to the petition for recognition of change of gender and sex identifier.

2. Information about petitioner's minor or adult child

- a. Name of child:
- b. Date of birth:
- c. City and county of birth:
- d. Petitioner's child is ☐ a minor (under 18 years of age) ☐ an adult (18 years of age or older)

3. ☐ Child whose birth certificate will be changed is an adult.

If petitioner's child is 18 years of age or older, this request must be signed by the adult child whose birth certificate would be changed by granting this petition, unless the adult child is deceased or incapable of providing a signature. (Check applicable item below.)

- a. ☐ Petitioner's adult child agrees to the issuance of a new birth certificate and provides a signature below.

Date:

Type or Print Name_____
Signature of Petitioner's Adult Child

- b. ☐ Petitioner's adult child is deceased. Date of death:
- c. ☐ Petitioner's adult child is incapable of providing a signature for the following reason:
Explain:

Date:

Type or Print Name of Petitioner (Use Current Legal Name)_____
Signature of Petitioner (Use Current Legal Name)

CONFIDENTIAL

NC-312

PETITION OF (name of petitioner):

CASE NUMBER:

MARRIAGE LICENSE AND CERTIFICATE—ATTACHMENT**Attachment to *Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300)**

Petitioner must complete and attach this form to form NC-300 if asking the court to order issuance of a new marriage license and certificate or a new confidential marriage license and certificate that reflect petitioner's change in gender, or change in both gender and name. For a definition of confidential marriage, see item 10 on *Instructions for Filing Petition for Recognition of Adult's Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300-INFO).

1. Request to issue a new marriage license and certificate

This is an attachment to a request for an order for the issuance of a new marriage license and certificate or new confidential marriage license and certificate to reflect (check all that apply):

- a. ☐ recognition of petitioner's change of gender and sex identifier by changing petitioner's designation to:
- ☐ bride ☐ groom ☐ neither bride nor groom.
- b. ☐ change of name:
- (1) ☐ Petitioner is seeking a decree changing their name as part of this petition.
- (2) ☐ Petitioner has already obtained a decree for change of name; a certified copy of the decree to the petition for recognition of change of gender and sex identifier is attached.

2. Information about original marriage license and certificate

- a. Original date of issuance:
- b. County of issuance:
- c. Petitioner name on original marriage license and certificate:
- d. Petitioner date of birth:
- e. Spouse name on original marriage license and certificate:
- f. Spouse date of birth:
- g. The original marriage license and certificate are: ☐ not confidential ☐ confidential.

3. Spouse who shares petitioner's marriage license and certificate

To be granted without further notice required, this request must be signed by the spouse sharing the original marriage license and certificate, unless that person is deceased or incapable of providing a signature. (One item below must be checked.)

- a. ☐ The spouse who shares petitioner's original marriage license and certificate agrees to the issuance of a new marriage license and certificate with petitioner's new designation. (Sign below.)

Date:

Type or Print Name

Signature of Spouse Listed on the Original Marriage License and Certificate

- b. ☐ The spouse is deceased. Date of death:
- c. ☐ The spouse is incapable of providing a signature for the following reason (explain):

- d. ☐ (Check this item if spouse is living and capable of signing but has not.) Petitioner requests that the court issue an order directing the spouse who shares petitioner's original marriage license and certificate to file written objections to show cause why the requested changes should not be made.

Date:

Type or Print Name of Petitioner (Use Current Legal Name)

Signature of Petitioner (Use Current Legal Name)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY:</p> <p>TELEPHONE NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p> <p>STATE BAR NUMBER:</p> <p>STATE: ZIP CODE:</p> <p>FAX NO.:</p>	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT</p> <p>2025-11-14</p> <p>Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITION OF (name of each petitioner):</p> <p style="text-align: right;">FOR CHANGE OF NAME</p>	
<p>ORDER TO SHOW CAUSE—ISSUANCE OF NEW MARRIAGE LICENSE AND CERTIFICATE</p>	<p>CASE NUMBER:</p>

TO ALL INTERESTED PERSONS:

1. Petitioner (name): _____ filed a petition with this court for an order that a new ☐ marriage license and certificate ☐ confidential marriage license and certificate be prepared
 - a. changing petitioner's designation on the license and certificate to (check one):

☐ bride
☐ groom
☐ neither bride nor groom
 - b. ☐ and changing name to (proposed legal name): _____

2. THE COURT ORDERS that any person objecting to issuance of a new marriage license and certificate with the changes described above must file a written objection that includes any reasons why the requested changes would be fraudulent, **within six weeks of the date this order is issued**. If no written objection showing good cause to oppose the changes to the marriage license and certificate is timely filed, the court will enter the order that the gender and sex identifier recognition is granted without a hearing **after the completion of the six weeks**.

3. A hearing date may be set only if an objection is timely filed and shows good cause for opposing the petition. Objections based solely on concerns that the proposed change is not the person's actual gender identity or gender assigned at birth do not constitute good cause. (See Code Civ. Proc., § 1277.5(c) and Health & Saf. Code, § 103430(h).)

Date: _____

Judicial Officer

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY:</p> <p>TELEPHONE NO.:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p> <p>STATE BAR NUMBER:</p> <p>STATE: ZIP CODE:</p> <p>FAX NO.:</p>	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT</p> <p>2025-11-14</p> <p>Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PETITION OF (name):</p>	
<p>ORDER RECOGNIZING ADULT'S CHANGE OF GENDER AND SEX IDENTIFIER</p> <p><input type="checkbox"/> AND FOR NAME CHANGE</p> <p><input type="checkbox"/> AND FOR ISSUANCE OF NEW CERTIFICATES</p>	<p>CASE NUMBER:</p>

1. The petition was duly considered

☐ at the hearing on (date):

in Department: of the above-entitled court.

☐ without hearing.

- THE COURT FINDS**

2. ☐ Petitioner is a California resident or seeks a change to a California birth certificate or marriage license and certificate.

☐ All notices required by law have been given.

☐ No objections to the petition were made.

☐ Objections to the petition were made by (name):

3. ☐ The petition included a **request for change of name** for the person described in item 10.

a. The person whose name is to be changed

☐ is not ☐ is required to register as a sex offender under Penal Code section 290.

This determination was made ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.

b. ☐ A certified copy of a court decree changing petitioner's name was attached to the petition.

4. ☐ The petition included a **request to order a new birth certificate for one or more minor children of petitioner.**

5. ☐ The petition included a **request to order a new birth certificate for one or more adult children of petitioner**, and (check one):

a. ☐ each request for a new birth certificate for an adult child on form NC-311 contains the signature of the adult child agreeing to the reissuance of their birth certificate.

b. ☐ the court was satisfied that the following adult child or children who did not sign form NC-311 are either deceased or incapable of providing a signature:

Full Name:

Date of Birth:

Full Name:

Date of Birth:

6. ☐ The petition included a **request for an order for the issuance of a new marriage certificate, for a marriage license and certificate issued on (date):** , with a change of designation of the petitioner as bride, groom, or having neither box checked and (check one):

a. ☐ the spouse who shares the marriage certificate with the petitioner has agreed to the issuance of a new marriage license and certificate OR the court is satisfied that the spouse is deceased or incapable of providing a signature.



PETITION OF (name):	CASE NUMBER:
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6. b. ☐ the petition did not include the agreement of the spouse who shares the marriage license and certificate with the petitioner. An order directing the spouse to make known any objection to the changes requested on the marriage license and certificate or confidential marriage license and certificate by filing a written objection, which includes any reasons why the requested changes would be fraudulent, was issued and served.

7. ☐ The court is satisfied that all the allegations in the petition are true and sufficient and that the petition should be granted.

8. ☐ Other findings (if any):

THE COURT ORDERS

9. The gender and sex identifier of petitioner has been changed to ☐ female ☐ male ☐ nonbinary.

THE COURT FURTHER ORDERS

10. ☐ The name of (legal name when petition was filed):

a. ☐ is changed to (new legal name):

b. ☐ was previously changed by court decree.

11. ☐ A new birth certificate must be issued reflecting the change of gender and sex identifier described in item 9

☐ and change of name described in item 10.

If petitioner was born in California, a certified copy of this order shall be filed by the petitioner with the State Registrar. When the State Registrar receives a certified copy of this order and payment of the applicable fees, the State Registrar shall establish for the petitioner a new birth certificate reflecting the gender of the petitioner as it has been altered and any change of name specified in this order.

12. ☐ A new birth certificate for the following child or children of the petitioner must be issued reflecting petitioner's change of gender and sex identifier described in item 9

☐ and change of name described in item 10.

Full Name: _____	Date of Birth: _____
Full Name: _____	Date of Birth: _____
Full Name: _____	Date of Birth: _____
Full Name: _____	Date of Birth: _____

If petitioner's child or children were born in California, a certified copy of this order shall be filed by the petitioner with the State Registrar. When the State Registrar receives a certified copy of this order and payment of the applicable fees, the State Registrar shall establish for each child a new birth certificate reflecting the gender of the petitioner as it has been altered and any change of name specified in this order.

13. ☐ The marriage license and certificate for petitioner and (name of spouse):

issued on (date): _____ in (county): _____ must be reissued

with a change of designation of the petitioner to ☐ bride ☐ groom ☐ neither bride nor groom

☐ and change of name described in item 10.

If the original marriage license and certificate were **confidential** and issued within this state, a certified copy of this order shall be filed by the petitioner with the county clerk in the county where the confidential marriage license and certificate were issued. When the county clerk receives a certified copy of this order with an application and payment of applicable fees, the county clerk shall issue a confidential marriage license and certificate for the petitioner.

If the original marriage license and certificate were **not** confidential and issued within this state, a certified copy of this order shall be filed by the petitioner with the State Registrar. When the State Registrar receives a certified copy of this order with an application and payment of applicable fees, the State Registrar shall issue a marriage license and certificate for the petitioner.

14. ☐ Other orders:

Date: _____

Judicial Officer

CONFIDENTIAL

NC-400

ATTORNEY (leave blank if no attorney) _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): [CONFIDENTIAL]	FOR COURT USE ONLY DRAFT 2025-11-03 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITION OF (name of each petitioner): <div style="text-align: center;">[CONFIDENTIAL]</div>	
CONFIDENTIAL COVER SHEET—NAME CHANGE PROCEEDING UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)	CASE NUMBER: _____

Instructions for completing this form:

- Use this form if the petitioner is an active participant in Safe at Home (the Secretary of State's address confidentiality program under Government Code section 6205 et seq.) and is asking the court for a change of name to avoid (1) domestic violence, (2) stalking, (3) sexual assault, or (4) human trafficking.
- If you are the petitioner, do not file your *Petition for Change of Name* (form NC-100) until after Safe at Home has given you a letter confirming that you are an active participant in Safe at Home and that your intended change of name is on file with Safe at Home.
- This **Confidential Cover Sheet** must be **attached** to the first page of the petition and to any other documents filed in this **proceeding**.
- Read *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO) for more information on how to ask the court for a change of name under Safe at Home.

Under Code of Civil Procedure section 1277(b), **the current legal name of the petitioner must be kept confidential by the court** and must not be published or posted in the court's calendars, indexes, or register of actions, or by any means or in any public forum.

This cover sheet is affixed to the following documents (*check all that apply*):

1. ☐ *Petition for Change of Name* (form NC-100)
2. ☐ *Attachment to Petition for the Name Change* (form NC-110)
3. ☐ *Order to Show Cause for Change of Name* (form NC-120)
4. ☐ *Decree Changing Name* (form NC-130)
5. ☐ *Civil Case Cover Sheet* (form CM-010)
6. ☐ *Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-410)
7. ☐ *Declaration in Support of Application to File Documents Under Seal in Name Change Proceedings Under Confidentiality Program (Safe at Home)* (form NC-420)
8. ☐ *Order on Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-425)
9. ☐ *Other (describe):*

Date: _____

The name of the petitioner is to remain confidential UNLESS:

1. The petitioner's participation in the address confidentiality program is ended (Gov. Code, § 6206.7); or
2. The court finds by clear and convincing evidence that the allegations of domestic violence or stalking in the petition are false. (Code Civ. Proc., § 1278(b).)

1 Confidentiality in name change proceedings

Changing your name, especially confidentially, is a life-changing decision. It may make it more difficult for you to enforce a restraining order, obtain a passport, apply for school programs, purchase or rent property, gain employment, get credit, or start a business, among other things.

The court must keep the current legal name of the petitioner (the person asking the court for a change of name) confidential if the petitioner is a participant in Safe at Home (the Secretary of State's confidential address program under Government Code section 6205 et seq.), and is asking for a change of name in order to avoid (1) domestic violence, (2) stalking, (3) sexual assault, or (4) human trafficking. (One of these reasons must be stated in the papers filed with the *Petition for Change of Name*.)

The court must not publish or post the petitioner's current legal name in the court's calendars, indexes, or registers of actions, or in any other place in which it might be accessible to the public. In addition, the proposed new name is not put into the court records at all and does not have to be published. (Code Civ. Proc., § 1277(b).)

To have your current and proposed legal names kept confidential by the court, follow the steps below.

2 Is a lawyer necessary?

You are not required to have a lawyer, but if you can, you should talk to a lawyer or legal service agency to discuss the effects of a confidential name change.

3 How to get started

Do not file anything with the court until you are an active participant in the Safe at Home program. You must complete and file a Notice of Intent of Name Change with the Safe at Home program at the Secretary of State's Office. You will receive a letter from that program to show to the court, confirming that you are an active participant in the confidential address program and that a Notice of Intent of Name Change is on file. You can reach the Safe at Home program by calling toll free 1-877-322-5227 or by going to www.sos.ca.gov/safeathome.

4 Where to file

Your name change petition must be filed in the superior court of the county where you currently live.

5 Whose name may be changed

You can use the petition to ask to change your own name and, under certain circumstances, the names of other people (such as children under 18 years of age). There are no filing fees for minors in the Safe at Home program.

6 Name changes for children

If you are asking to change the name of a minor, you may have to notify the child's parents or grandparents about the petition. Read item 8 on *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO) for information about when this notice is required and how to provide it. Participating in Safe at Home does not change these requirements. You will generally not be able to change a child's name without notifying the other parent.

7 What forms are required

Item 4 on *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO) explains which forms to complete to ask for a change of name. When you complete those forms, make sure that you:

- Include your current legal name in the items that ask for it on *Petition for Change of Name* (form NC-100), *Order to Show Cause for Change of Name* (form NC-120), and *Decree Changing Name* (form NC-130). **Do not** include your proposed new name. Instead, write that the proposed new name is confidential and is on file with the Secretary of State's Safe at Home program.
- Include the reasons you are asking for a name change when you complete *Attachment to the Petition for Change of Name* (form NC-110).
- Include a completed *Confidential Cover Sheet—Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-400) when you file your forms. Form NC-400 tells the court that attached documents contain confidential information. Do not include your current legal name on form NC-400. Include a completed form NC-400 any time you file documents in your name change proceeding.

You will also need a copy of the letter from the Safe at Home program to take to the court when filing the petition, to confirm that you are in the confidential address program and have a Notice of Intent of Name Change on file. Keep a copy of that letter for your records.

8 Requesting a court hearing date and obtaining the Order to Show Cause

Most people who file *Petition for Change of Name* (form NC-100) must also file and publish *Order to Show Cause—Change of Name* (form NC-120). Read *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO) for more information about this requirement.

You should request a date for the hearing on *Order to Show Cause* at least six weeks after the date you file the petition. Take the completed form to the clerk's office. The clerk will provide the hearing date and location, obtain the judicial officer's (judge's) signature, file the original, and give you a copy.

You do not have to publish *Order to Show Cause* if you are participating in Safe at Home and you are filing the name change petition to avoid (1) domestic violence, (2) stalking, (3) sexual assault, or (4) human trafficking.

9 Court hearing

If no one files an objection to your petition at least two court days before the hearing, the court may grant the petition without a hearing. Check with the court to find out if a hearing will be held. If there is a hearing, bring copies of all documents to the hearing. If the court grants the petition, the judicial officer will sign *Decree Changing Name* (form NC-130).

10 Application to file documents under seal

If you believe that keeping your current and proposed names confidential is not enough protection, you can ask the court to file the petition and related documents under seal. Documents filed under seal are secured and kept separate from the public files.

The court cannot file your documents under seal unless you explain that the facts of your case show that:

- There is an overriding interest (a specific reason) that overcomes the right of public access to the record.
- That overriding interest supports sealing the name change documents.
- A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed.
- The proposed order to seal the records is narrowly tailored to protect that overriding interest.
- No less restrictive means than sealing the whole record exist to achieve the overriding interest.

To ask the court to file your records under seal, you must follow the procedures in rule 2.577 of the California Rules of Court. You must file *Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-410) and *Declaration in Support of Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-420). On form NC-420, explain why the facts of your case justify the sealing.

Attach *Confidential Cover Sheet* (form NC-400) to the application. You must put all the documents that you want filed under seal into a sealed envelope marked "Conditionally Under Seal" with form NC-400 on top. Give the envelope to the court clerk (this is called "lodging"). If the application is denied, the clerk will return the documents to you unless you file a written notice within 10 days asking the court to file the documents unsealed.

11 Making the records public

Even if the documents are not sealed, as long as the other requirements are met, your name will remain confidential **UNLESS:**

- Your participation in the address confidentiality program is ended under Government Code section 6206.7; or
- The court finds by clear and convincing evidence that the allegations of domestic violence or stalking in the petition are false (see Code of Civil Procedure section 1278(b).)

If another person or a court wants to make the records public for one of these reasons, the court must hold a hearing, and a notice will be sent to you. (Gov. Code § 6206(a)(5)(A).)

Ask your court whether they have more instructions for Safe at Home proceedings. Your court might also have other information for you, such as identifying the department that handles name change petitions and the times when petitions are heard.

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 DRAFT 2025-11-14 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITION OF (name of each petitioner):	
PETITION FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE <input type="checkbox"/> AND CHANGE OF NAME	CASE NUMBER:

Use this form only for a petition relating to a minor. (Petitioners 18 years or older must use form NC-300.) Before completing this petition, read the *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO).

- If you are seeking a name change in addition to recognition of gender change, complete items 8 or 10. If you are only seeking recognition of gender change, skip these items.
- If the petition is being brought by a guardian, an attorney appointed as guardian ad litem for a dependent minor (Welf. & Inst. Code, § 326.5), or an attorney for a minor under the jurisdiction of the juvenile court (Welf. & Inst. Code, § 601 or 602), you must also complete *Declaration of Guardian or Juvenile Attorney* (form NC-510G).

INFORMATION ABOUT PETITIONER

1. This request is being made by (minor's **current legal name**): and (check one of the following):
 - a. ☐ parent or parents (names):
 - b. ☐ guardian (name):
 - c. ☐ attorney for minor under jurisdiction of juvenile court (name):
 - d. ☐ near relative or friend (check only if all parents of minor are deceased and no guardian has been appointed)
Name and relationship to minor:
2. Petitioning minor either is a California resident or seeks a change to a California birth certificate.
3. Parents of minor (check one item below):
 - a. ☐ The minor has no living parent.
 - b. ☐ The minor has no living parent other than the parent or parents who have signed this petition.
 - c. ☐ Neither the minor nor the adult petitioner has any information about whether any nonsigning parent is living.
 - d. ☐ The minor has one or more living parents who have not signed the petition (specify names and addresses):
 Parent's Name: Address:

 Parent's Name: Address:
- ☐ Continued (Check this box if you need additional space. Attach a sheet of paper and write "Attachment 3d" for a title.)
4. ☐ (Check if petition is filed by a guardian or attorney appointed for minor under jurisdiction of juvenile court.)
This petition is supported by the information contained in attached *Declaration of Guardian or Juvenile Attorney* (form NC-510G).

REQUEST FOR RECOGNITION OF CHANGE OF GENDER AND SEX IDENTIFIER

5. Petitioners request a decree recognizing that minor's gender and sex identifier is changed to:
 - a. ☐ female.
 - b. ☐ male.
 - c. ☐ nonbinary.



PETITION OF <i>(name of each petitioner):</i>	CASE NUMBER:
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6. ☐ *(Check if petition does not include the signature of all living parents.)* Petitioners request that the court issue an order on form NC-520 directing any living parent who did not sign this petition to file written objections to show cause why this petition for recognition of minor's change of gender and sex identifier should not be granted. (Form NC-520 is filed along with this document.)
7. ☐ *(Check if petition is filed by a guardian or guardian ad litem for minor and all parents are deceased or cannot be located.)* Petitioners request that the court issue an order on form NC-520 directing that any living grandparent file written objections to show cause why this petition for recognition of minor's change of gender and sex identifier should not be granted. (Form NC-520 is filed along with this document.)

REQUEST FOR ISSUANCE OF NEW CALIFORNIA CERTIFICATE

8. ☐ A decree of change of name for the minor has already been obtained, and a certified copy of the decree is attached.
9. ☐ Petitioners request the court to order that a new birth certificate be issued reflecting the recognition of gender change and any name change sought by this petition.

REQUEST FOR CHANGE OF NAME

10. ☐ Petitioner applies for a decree to change the name of the following minor to conform to their gender identity:

a. The minor's information is included below:

- (1) Current legal name *(specify)*:
- (2) Proposed legal name *(specify)*:
- (3) Born on *(date of birth)*:
and presently under 18 years of age.
- (4) Born at *(place of birth)*:
- (5) Sex *(as stated on original birth certificate)*: ☐ Male ☐ Female
- (6) Current residence address *(street, city, county, state, and zip code)*:

b. Relationship of the petitioner to the person whose name will be changed:

- (1) ☐ Parent
- (2) ☐ Guardian
- (3) ☐ Guardian ad litem or attorney for minor appointed by juvenile court
- (4) ☐ Near relative *(indicate relationship)*:
- (5) ☐ Other *(specify)*:

c. This is the right court for the petition to change name because minor *(check (1) or (2))*:

- (1) ☐ is a resident of this county.
- (2) ☐ does not reside in California and wants to change their birth certificate that was issued in this county.

d. Provide the names and addresses, if known, of the following persons:

- (1) Parent *(name)*: (address):
- (2) Parent *(name)*: (address):
- (3) (Only if neither parent is living) Near relatives *(names, relationships, and addresses)*:

- e. ☐ *(Check if petition does not include the signature of all living parents.)* Petitioners request that the court issue an order on form NC-520 directing all interested persons to file written objections to show cause why the petition for change of name should not be granted. (Form NC-520 is filed along with this document.)

11. Number of pages attached *(specify number)*:



PETITION OF <i>(name of each petitioner):</i>	CASE NUMBER:
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The minor may complete the following declaration and all petitioners must sign below. Petitioners requesting a change of name (see item 10) must additionally complete and sign the declaration at the bottom of this page.

DECLARATION

I (*minor's current legal name*): _____ declare under penalty of perjury under the laws of the State of California that the request for a change in gender to (*check one*) ☐ female ☐ male ☐ nonbinary is to conform my legal gender to my gender identity and is not for any fraudulent purpose.

Date:

Type or Print Name of Minor (Use Current Legal Name)	Signature of Minor (Use Current Legal Name)
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Date:

Type or Print Name of Petitioning Adult and Relationship to Minor	Signature of Petitioning Adult
---	--------------------------------

Date:

Type or Print Name of Petitioning Adult and Relationship to Minor	Signature of Petitioning Adult
---	--------------------------------

Date:

Type or Print Name of Petitioning Adult and Relationship to Minor	Signature of Petitioning Adult
---	--------------------------------

Date:

Type or Print Name of Petitioner's Attorney	Signature of Petitioner's Attorney
---	------------------------------------

Complete the following declaration and sign below only if item 10 is checked.

(Each petitioner must sign this petition in the space provided below or, if additional pages are attached, at the end of the last attachment.) I declare under penalty of perjury under the laws of the State of California that the information in the foregoing petition is true and correct.

Date:

Type or Print Name	Signature of Petitioner
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Date:

Type or Print Name	Signature of Petitioner
--------------------	-------------------------

☐ Add additional signature lines for additional petitioners

☐ Signature of petitioners follows last attachment

INSTRUCTIONS FOR FILING PETITION FOR RECOGNITION OF MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER

1. Who Can File

Anyone who lives in California or was born here (or got married or had children here) can ask a court for an order recognizing a change of gender and sex identifier and for issuance of a new birth certificate reflecting that change. If the person asking for the order is under 18, the petition must be made on form NC-500 and signed by an adult. (If the person is 18 or older, use form NC-300.) The petition for a minor must be signed by at least one of the following (it can be signed by more than one):

- One or more of the minor's parents
- The minor's guardian
- An attorney appointed to act as guardian ad litem for a dependent minor (under Welfare and Institutions Code section 326.5)
- An attorney representing a minor in the juvenile justice system (under Welfare and Institutions Code section 601 or 602)
- If all of minor's parents are deceased and no guardian has been appointed, a near relative or friend

2. Where to File

The *Petition for Recognition of Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500) may be filed in the superior court of any county in California, but if the petition **includes a request to change the minor's name**, it must be filed:

- If the minor is a California resident, in the superior court where the minor presently resides; **or**
- If the minor is not a California resident, in the superior court in the county where the minor's birth certificate was issued.

If the petition is filed by an attorney appointed as guardian ad litem for a dependent minor, or one representing a minor alleged or adjudged to be a person described in Welfare and Institutions Code section 601 or 602, the petition must be filed in the court having jurisdiction over the minor.

3. What Forms Are Required

All petitioners need an original and two copies of each of the following forms:

- *Petition for Recognition of Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate and Change of Name* (form NC-500)
- *Order Recognizing Minor's Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530)
- *Civil Case Cover Sheet* (form CM-010)

Some petitioners will also need an original and two copies of each of the following forms:

- *Order to Show Cause—Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520). This form is needed if
 - (1) the petition is not signed by all living parents of the minor; **or**
 - (2) the petition is filed by a guardian, guardian ad litem, or attorney acting for a minor under Welfare and Institutions Code section 601 or 602, **and** all of minor's parents are deceased or cannot be located.
- *Declaration of Guardian or Juvenile Attorney* (form NC-510G). This form is needed if the petition is filed by a guardian, by an attorney guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602.

Local courts may require additional local forms. Check with your court to determine if additional forms are required.

4. Completing the Petition

Use form NC-500 only for a person under 18. (Adults seeking an order recognizing change of gender must use form NC-300.)

Section of form titled Information About Petitioner:

- In item 1, provide the name of the minor and the name of the adult who is signing the petition. One of the persons listed in that item must sign. (See paragraph 1 above as to which adults can sign.)
- Item 2 asserts that the petitioning minor is a California resident or is seeking a change to a California birth certificate.
- Item 3 asks whether the minor has any living parents. If the minor has any living parents who did **not** sign the petition, provide the name and address of any non-signing parent in item 3d.



4. • In item 4, check the box if the petition is signed by a guardian or dependency attorney appointed as a guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602, **and** attach *Declaration of Guardian or Juvenile Attorney* (form NC-510G) to the petition.

Section of form titled Request for Recognition of Change of Gender and Sex Identifier:

- In item 5, check the box to indicate what gender and sex identifier the minor wants the court to recognize as the minor's new gender and sex identifier.
- Check item 6 **ONLY** if the petition is not signed by all living parents of the minor. This item asks the court to issue an order that will provide notice to any non-signing parent that any objections to the petition must be filed with the court within a certain time frame.
- Check item 7 **ONLY** if the petition is (1) filed by a guardian, a guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602 **and** (2) all of minor's parents are deceased or cannot be located. This item asks the court to issue an order that will give notice to the minor's living grandparents that any objections to the petition must be filed with the court within a certain time frame.

Section of form titled Request for Issuance of New California Certificate:

- Check item 8 if the minor has previously obtained a decree of name change and wants to have their birth certificate reissued to reflect this name change. If checked, a certified copy of the name change decree must be attached. (If item 8 is checked, you do not need to complete item 10.)
- In item 9, check the box request that the court order that a new birth certificate be issued that will reflect the gender change to be recognized by the court as well as any name change being sought by the petition.

Section of form titled Request for Change of Name:

Note: If the petition is not asking the court to change the name of the minor or to have minor's birth certificate reflect a prior name change, do not complete items 8 and 10 on the form. If the minor wants their name changed on their birth certificate, follow the instructions above.

- If requesting a change of name, check the box "and change of name" at the top part of form NC-500.
- In item 10a, complete the minor's current legal name, proposed legal name, date of birth, place of birth, sex as indicated on their original birth certificate, and the current address.
- In item 10b, check the box indicating the relationship of the petitioner to the minor whose gender is to be changed.
- In item 10c, check the box showing why the name change petition may be filed in a particular court.
- In item 10d, provide the names and addresses of the parents or, if applicable, near relatives of the minor.
- Item 10e asks the court to issue an order that will give notice to all interested persons that any objections to the name change petition must be filed with the court within a certain time frame. If the petition is not signed by all living parents of the minor, check this item.

Remaining items on form

- In item 11, list the number of pages attached to the petition.
- **First Declaration:** The minor may complete (by filling out the minor's name and checking the box identifying the new gender) and sign the Declaration. Note that it is signed under penalty of perjury. The adult named in item 1 must also sign the form, and any living parent may also sign.
- **Second Declaration:** The petitioning adult or adults should complete and sign only if a request for change of name is being made (in other words, if item 10 is checked). Note that this declaration is signed under penalty of perjury.

5. Filing and Filing Fee

Prepare an original *Civil Case Cover Sheet* (form CM-010). File with the clerk of the court the original petition and any attachments or orders to show cause required on page 1 of this information sheet with the confidential cover sheet and obtain two file-endorsed copies of the petition and any order to show cause. A filing fee will be charged unless you qualify for a fee waiver. If you want to apply for a fee waiver, see *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).



6. Orders to Show Cause and Hearing Date

When an Order to Show Cause is required

An order to show cause may be required with certain petitions if:

- the petition is not signed by all living parents of the minor; or
- the petition is filed by a guardian, a guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602 **and** all of minor's parents are deceased or cannot be located.

If any of these conditions apply, complete the top part of an original and two copies of the *Order to Show Cause—Recognition of Minor's Change of Gender and Issuance of New Birth Certificate* (form NC-520) (complete the portion of the form above the title, and check the box if a name change is requested). Submit that form with the petition. The clerk will obtain the judicial signature and give you back copies.

What to do with the Order to Show Cause

The order to show cause must be served on certain individuals, as described below, within a set time frame:

- If the petition did not include the signature of all living parents of the minor, a copy of the order and the petition must be served on the nonsigning parent within **four weeks** of issuance of the order.
- If the petition was filed by a guardian, a guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602 **and** all of minor's parents are deceased or cannot be located, a copy of the order and the petition must be served on the minor's living grandparents within **four weeks** of issuance of the order.

If the person to be served lives in California, the form and petition must be served in person. If they live outside California, the form may be served either in person or by first-class mail requiring return receipt. If such service is not possible, or if the person lives outside the United States, then the court may order that service be done in another way. Service must be made by someone other than the petitioner, but the petitioner must have the server complete a proof of service and file it with the court. (Form NC-221 may be used.)

What happens next

If objections are filed within six weeks of the issuance of the order to show cause, the court will set a hearing date and send you and the objectors notice of the date, time, and place. If no objections are filed, the court will make the decision based on the petition.

7. Court Hearing

Check with the court after the deadline for objections to find out if a hearing will be held. If a hearing is held, bring copies of all documents to the hearing. If the **judicial officer** grants the petition, the **judicial officer** will sign the original order, form NC-530.

8. Requesting Accommodations for Disability

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

9. Birth Certificate

If you were born in California, to obtain a new birth certificate reflecting the change of gender or name, file a certified copy of the order with the Secretary of State and the State Registrar and pay the applicable fees. You may write or contact the State Registrar at:

California Department of Public Health
Vital Records – MS 5103
P.O. Box 997410
Sacramento, CA 95899-7410

Phone: 916-445-2684
Website: www.cdph.ca.gov

10. Self-Help Guide

For more information, please visit the California Courts Self-Help Guide on gender recognition, available at <https://selfhelp.courts.ca.gov/gender-recognition-order-index>.

Local courts may supplement these instructions. Check with the court to determine whether supplemental information is available. For instance, the court may provide you with additional written information identifying the department that handles name- and gender-change petitions, and the times when petitions are heard.

CONFIDENTIAL**NC-510G**

PETITION OF (name of petitioner or petitioners):

CASE NUMBER:

FOR CHANGE OF GENDER

DECLARATION OF GUARDIAN OR JUVENILE ATTORNEY (Attachment to Form NC-500)*Court-appointed guardians must fill out all items on this page.**An attorney appointed as guardian ad litem for a dependent minor (Welf. & Inst. Code, § 326.5) must complete items 1–4.**An attorney for a minor under the jurisdiction of the juvenile court (Welf. & Inst. Code, § 601 or 602) must complete items 1–4.*

1. a. Petitioner (name):
b. Address (street, city, county, and zip code):
2. a. Minor seeking recognition of gender change (current legal name of minor):
b. Address (street, city, county, and zip code):
3. Petitioner was appointed guardian for minor or is attorney for minor who is under the jurisdiction of the juvenile court as follows:
 - a. Superior Court of California, County of (name):
 - b. Department (check one): ☐ Juvenile ☐ Probate
 - c. Case number (specify):
 - d. Date of appointment (if applicable):
4. If all parents are deceased or cannot be located, provide the following information for the minor's living grandparents (if known):

a. Grandparent's Name:	Address:
b. Grandparent's Name:	Address:
c. Grandparent's Name:	Address:
d. Grandparent's Name:	Address:

☐ Neither the minor nor the petitioner has any information about whether any of minor's grandparents are living.
5. The minor identified in item 2 is likely to remain under the guardian's care until the minor reaches the age of majority because (explain):
- ☐ Continued (For additional space, check the box, and attach a sheet of paper titled "Attachment 5" to this declaration.)
6. The minor identified in item 2 is not likely to be returned to the custody of the parents because (explain):
- ☐ Continued (For additional space, check the box, and attach a sheet of paper titled "Attachment 6" to this declaration.)
7. Other relevant information about the guardianship and why the proposed change is in the best interest of the minor (specify):
- ☐ Continued (For additional space, check the box, and attach a sheet of paper titled "Attachment 7" to this declaration.)

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

Date:

Type or Print Name

Signature of Petitioner

Guardian of (current legal name of minor):

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):		STATE BAR NUMBER:	FOR COURT USE ONLY DRAFT 2025-11-03 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
PETITION OF (name of each petitioner):			
FOR CHANGE OF GENDER (Minor)			
ORDER TO SHOW CAUSE—RECOGNITION OF MINOR'S CHANGE OF GENDER AND ISSUANCE OF NEW BIRTH CERTIFICATE <input type="checkbox"/> and CHANGE OF NAME			CASE NUMBER:

1. NAME CHANGE

- ☐ **TO ALL INTERESTED PERSONS**
(Check only if the petition (form NC-500) includes a request for change of name. If not checked, go to item 2.)

a. A petition has been filed seeking change of name
from (minor's current **legal** name):
to (proposed **legal** name):

b. **THE COURT ORDERS** that any person objecting to the name change described above must file a written objection that includes the reasons for the objection **within six weeks of the date this order is issued**. If no written objection is timely filed, the court will grant the petition without a hearing after the completion of the six weeks, **except as provided in Code of Civil Procedure section 1279.5**.

2. GENDER AND SEX IDENTIFIER CHANGE

- ☐ **TO ANY LIVING PARENT OF MINOR WHO DID NOT SIGN PETITION**
(Check only if the petition (form NC-500) was not signed by all living parents of minor.)

☐ **TO ALL LIVING GRANDPARENTS OF MINOR**
(Check only if the petition (form NC-500) was brought by a guardian, a dependency attorney appointed as guardian ad litem, or an attorney acting for a minor under Welfare and Institutions Code section 601 or 602, and all parents are deceased or cannot be located.)

a. Petitioner (name of petitioning adult): _____ filed a petition on behalf of
(current legal name of minor): _____
requesting a decree recognizing that minor's gender and sex identifier is changed to

(1) ☐ female

(2) ☐ male

(3) ☐ nonbinary

and an order for issuance of a new birth certificate reflecting minor's changed gender and sex identifier.

b. **THE COURT ORDERS** that any living parent or, if all parents are deceased or cannot be located, all living grandparents show cause, if any, why the petition should not be granted by filing a written objection that includes any reasons for the objection **within six weeks of the date this order is issued**. If no written objection is timely filed, the court will grant the petition without a hearing **after the completion of the six weeks**.

Date:

Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: PETITION OF (name of each petitioner): <div style="text-align: right;">(FOR CHANGE OF GENDER (Minor))</div>	FOR COURT USE ONLY DRAFT 2025-11-03 Not approved by the Judicial Council CASE NUMBER:
<div style="text-align: center;"> ORDER RECOGNIZING MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE <input type="checkbox"/> and DECREE CHANGING NAME </div>	

1. The petition was duly considered
- a. ☐ at the hearing on (date): _____ in courtroom: _____ of the above-entitled court.
- b. ☐ without a hearing.

THE COURT FINDS

2. ☐ Petitioner is a California resident or seeks a change to a California birth certificate.
3. a. All notices required by law have been given.
- b. The following person seeking recognition of a change of gender and sex identifier is a minor (specify **current legal name**):
- c. ☐ The petition includes a request regarding a change of name.
- (1) ☐ Petitioner requests that minor's name be changed to (specify new name):
- (a) ☐ The minor is a resident in this county.
- (b) ☐ The minor's birth certificate was issued in this county.
- (2) ☐ A certified copy of a court decree changing minor's name was attached to the petition.
- d. The petition was signed on behalf of the minor by
- (1) ☐ all of minor's parents (names):
- (2) ☐ fewer than all of minor's parents (names):
- (3) ☐ a guardian (name):
- (a) The minor is likely to remain in the guardian's care until the age of majority.
- (b) The minor is not likely to be returned to the custody of the parents.
- (4) ☐ an attorney guardian ad litem appointed by the juvenile court (name):
- (5) ☐ an attorney representing minor who is asserted to be a person described in Welfare and Institutions Code section 601 or 602 (name):
- (6) ☐ a near relative or friend (name and relationship to minor):
- (a) All of minor's parents are deceased.
- (b) No guardian has been appointed for minor.
- e. ☐ (For name change) Minor ☐ is not ☐ is required to register as a sex offender under Penal Code section 290. This determination was made (check one) ☐ by using CLETS/CJIS ☐ based on information provided to the clerk of the court by a local law enforcement agency.



PETITION OF <i>(name of each petitioner)</i> :	CASE NUMBER:
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3. f. ☐ No timely objections to the proposed changes were made.
- g. ☐ Objections to the proposed changes were made by *(name and relationship to minor)*:
- h. ☐ *(If objections by parent)* After considering objections by minor's parent, the court is satisfied that the proposed recognition of change of gender and sex identifier
- ☐ is in the best interest of the minor, and the petition should be granted.
- ☐ is not in the best interest of the minor, and the petition should be denied.
- i. ☐ The court is satisfied that all the allegations in the petition are true and sufficient, that the proposed recognition of change of gender and sex identifier (and name, if requested) are not fraudulent, and that the petition should be granted.
- j. ☐ Other findings *(if any)*:

THE COURT ORDERS

4. ☐ The gender and sex identifier of the minor identified in item 3b has been changed to
- a. ☐ female.
- b. ☐ male.
- c. ☐ nonbinary.

THE COURT FURTHER ORDERS

5. ☐ The name of *(legal name when petition was filed)*:
- a. ☐ is changed to *(new legal name)*:
- b. ☐ was previously changed by court decree.
6. ☐ A new birth certificate must be issued reflecting the change of gender described in item 4
- ☐ and change of name described in item 5.

If minor was born in California, a certified copy of this order shall be filed by the petitioner with the State Registrar. When the State Registrar receives a certified copy of this order and payment of the applicable fees, the State Registrar shall establish for the petitioner a new birth certificate reflecting the gender of the minor as it has been altered and any change of name specified in this order.

7. ☐ Other orders:

Date:

Judicial Officer

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: December 4, 2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts

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

Amend California Standards of Judicial Administration, standard 4.10

Committee or other entity submitting the proposal:

Collaborative Justice Courts Advisory Committee

Staff contact (name, phone and email): Deanna Adams, 916.263.1378, deanna.adams@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): Annual agenda approved by Executive & Planning Committee on December 5, 2024

Project description from annual agenda: This project seeks to update the Standards of Judicial Administration, standard 4.10 (Guidelines for diversion drug court programs), to better address judicial leadership and court responses impacting collaborative justice courts and diversion programs. The amendments would seek to (1) update the scope of standard 4.10 to more accurately align with the evolution of collaborative courts, and (2) update the reference to national drug court standards to ensure standard 4.10 reflects current national treatment court best practices. This project will also fulfill the requirements proposed under Senate Bill 910 that, if enacted, would require the Judicial Council to update the Standards of Judicial Administration to reflect prescribed state and nationally recognized best practices and guidelines for collaborative programs by January 1, 2026. This project was started as part of the 2024 annual agenda and is in progress to incorporate requirements proposed in Senate Bill 910.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

By law, Judicial Council is required to revise the standards of judicial administration by January 1, 2026 to reflect specified best practices and guidelines. Health & Safety Code Sect. 11972(b). This work was delayed due to pending legislative changes that would have affected the scope of this work and the unavailability of best practice standards that the law requires to be reflected in this work. While those issues are not yet fully resolved, the committee recommends moving ahead with this proposal expeditiously now in light of the statutory deadline.

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 910 was signed on September 27, 2024, with an effective date of January 1, 2025. The annual agenda submission deadline for advisory committees overseen by the Executive & Planning Committee was September 25, 2024. The committee's annual agenda project description reflects the bill's pending status at the time of submission. The committee did not have an opportunity after the annual agenda submission deadline to revise the project description to indicate the bill had since been signed into law.

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) October 16, 2025

☒ approved by Office Director (or Designee) (name) Francine Byrne
on (date) September 19, 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
<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-04

Title	Action Requested
Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts	Review and submit comments by January 7, 2026
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Stds. Jud. Admin., std. 4.10	July 1, 2026
Proposed by	Contact
Collaborative Justice Courts Advisory Committee Hon. Charles A. Smiley III, Chair	Deanna Adams, 916.263.1378 deanna.adams@jud.ca.gov

Executive Summary and Origin

The Collaborative Justice Courts Advisory Committee proposes amending standard 4.10 of the California Standards of Judicial Administration to expand the scope of its application from diversion drug court programs to adult collaborative treatment courts.¹ This amendment is in response to Senate Bill 910 (Stats. 2024, ch. 641),² which expressly requires the Judicial Council to amend standards of judicial administration to reflect specified state and nationally recognized best practices and guidelines for collaborative programs.

Background

The Judicial Council originally developed standard 4.10³ to establish criteria to evaluate a grant program for courts to implement pre-plea drug diversion under Penal Code section 1000.5.

¹ Adult collaborative treatment courts include adult drug courts, impaired driving treatment courts, family treatment courts, and veterans treatment courts.

² See Link A.

³ Originally numbered section 36, this standard became effective on January 1, 1998, and was renumbered in 2006 as part of the reorganization of the California Rules of Court. See Judicial Council of Cal., Advisory Com. Rep., *Reorganization of the California Rules of Court* (June 30, 2006).

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

Health and Safety Code section 11972⁴ originally provided the basis for these criteria. This statute included a requirement that the design and operation of drug court programs comply with the standards set forth in *Defining Drug Courts: The Key Components*, a guideline developed by the National Association of Drug Court Professionals and Drug Court Standards Committee. The statute also listed 10 key components for drug court programs. The grant program was permanently eliminated as part of the 2013–14 State Budget, and there have been no substantive changes to the standard since its adoption.

SB 910, effective January 1, 2025, amended section 11972 in three important ways. First, the statute now requires counties and courts with “treatment court programs” to design and operate these programs in accordance with state and national guidelines that incorporate the *Adult Treatment Court Best Practice Standards* and *Family Treatment Court Best Practice Standards*⁵ developed by All Rise.⁶ The statutory amendments also updated the list of key components for “criminal adult treatment court programs.”⁷ (§ 11972(a)(1)–(11).) Finally, newly added subdivision (b) requires the Judicial Council to revise the standards of judicial administration by January 1, 2026, to reflect these updated guidelines for “collaborative programs.”⁸

Collaborative treatment court programs in California⁹ have historically reflected standards developed by All Rise. However, the All Rise standards are not specific to California and are

⁴ All further statutory references are to the Health and Safety Code unless otherwise specified.

⁵ See Link B. All Rise, originally founded as the National Association of Drug Court Professionals, specifies the following treatment court models as falling within the scope of its *Adult Treatment Court Best Practice Standards* and *Family Treatment Court Best Practice Standards*: adult drug courts, impaired driving treatment courts, family treatment courts, and veterans treatment courts. See All Rise, “Treatment Court Models,” <https://allrise.org/about/treatment-courts>.

⁶ All Rise temporarily withdrew its standards to revise and align them with the policy priorities of the federal executive branch. On November 7, 2025, All Rise released the latest edition of the *Adult Treatment Court Best Practice Standards* and stated that these standards will be updated on an ongoing basis. See All Rise, “Adult Treatment Court Best Practice Standards,” <https://allrise.org/publications/standards>. The *Family Treatment Court Best Practice Standards* are currently unavailable.

⁷ The updated list of key components for criminal adult treatment court programs include: a focus on a high-risk and high-need target population; access to a continuum of care that incorporates treatment for substance use and other behavioral health treatment, as well as social services; a system of incentives, sanctions, and service adjustments; and equitable access to people of all sociodemographic and sociocultural groups.

⁸ The committee initially undertook work to revise the standard by January 1, 2026, as specified in § 11972(b). The committee postponed the work due to recent and pending changes in the law that could affect the scope of this work and the unavailability of best practice standards that were to be included in this work. See *supra* note 6. Despite the ongoing issues, the committee decided to move forward with this proposal to comply with the requirement in § 11972(b). The committee will continue to monitor any new developments that may impact this proposal or that may require future revisions to standard 4.10.

⁹ Section 11972 uses the terms “treatment court programs,” “criminal adult treatment court programs,” and “collaborative programs.” The statute also specifies key components and the All Rise standards for court programs that only serve adult populations. Moving forward, the term “adult collaborative treatment court programs” will refer to court programs covered under § 11972.

also informed by the United States Constitution, federal law, and laws from other states.¹⁰ As a result, some areas of these standards and guidance may differ from California laws and policies. The proposed changes to standard 4.10 provide flexible adaptation of the All Rise standards to California and also account for varying resources in different counties that may influence the design and operation of local programs.

The Proposal

The committee proposes expanding the application of standard 4.10 to adult collaborative treatment court programs.¹¹ This expansion is consistent with the treatment court models covered within the scope of the *Adult Treatment Court Best Practice Standards* and *Family Treatment Court Best Practice Standards* developed by All Rise, and consistent with the focus on “criminal adult treatment court programs” as specified in section 11972(a). The changes would also remove program requirements specific to the former pre-plea drug diversion grant program while retaining elements that apply to covered adult collaborative treatment court models.¹² Finally, the proposed revisions avoid creating a narrow standard to allow for greater adaptability across covered adult collaborative treatment court models.

The Collaborative Justice Courts Advisory Committee proposes, effective July 1, 2026, the following amendments to standard 4.10 of the California Standards of Judicial Administration to be consistent with the directive in Health and Safety Code section 11972(b):

- Expand the scope of the standard to apply to covered adult collaborative treatment court programs by:
 - Amending the title of standard 4.10;
 - Amending subdivision (a) to expand the scope under paragraph (1); and
 - Adding new paragraph (a)(2) to clarify the adult collaborative treatment court models that may be covered under the standard, based on treatment court models specified by All Rise.

¹⁰ See Link B, p. 1. See also All Rise, *A Practitioner’s Guide to Constitutional and Legal Issues in Adult Drug Courts* (2023), allrise.org/wp-content/uploads/2023/06/Constitutional-and-Legal-Issues.pdf.

¹¹ See the list of treatment court models falling within the scope of the All Rise standards, *supra* note 5.

¹² Pre-plea drug diversion and adult collaborative treatment court programs provide judicial monitoring and treatment in the community in lieu of incarceration; however, they differ in program design and operation. Adult collaborative treatment court programs serve a target population with more severe criminal risk and behavioral health needs compared to the population served by pre-plea drug diversion. Because of this difference, adult collaborative treatment court programs are designed and operated differently than pre-plea drug diversion to respond to the specific supervision, treatment and rehabilitative needs of its target population.

- Remove provisions relevant to pre-plea drug diversion that do not apply to covered adult collaborative treatment court programs.¹³
- Amend language to reflect the key components identified in section 11792 by:
 - Amending subdivision (b) to clarify the target population that may be eligible to participate in adult collaborative treatment court programs, as specified in section 1172(a)(3);
 - Amending subdivision (f) to clarify best practices for administering sanctions and incentives and for ordering service adjustments, consistent with Section 11792(a)(6);
 - Adding new subdivision (g) to identify best practices for complying with section 11792(a)(11), which directs covered adult collaborative treatment court programs to “ensure equitable access, services, and outcomes for all sociodemographic and sociocultural groups;” and
 - Adding new advisory committee comment to specify that section 11792(a) provides additional design and operational requirements for covered adult collaborative treatment court programs.
- Update language to reflect All Rise best practice standards by:
 - Adding new paragraph (b)(2) to provide guidance on serving more than one risk or need level, consistent with the All Rise standard on high-risk and high-need participants.
 - Renumbering current paragraphs (c)(3) and (4) as new paragraphs (c)(1) and (2) and clarifying best practices for establishing a treatment and social service phase structure, consistent with the All Rise standard on phase advancement;
 - Amending subdivision (d) to clarify best practices for the frequency of monitoring and testing for the use of controlled substances, consistent with the All Rise standard on frequency of drug and alcohol testing;
 - Amending subdivision (e) to clarify best practices for the frequency of judicial supervision, consistent with the All Rise standard on status hearings;
 - Adding new paragraph (f)(2) to provide guidance for ordering service adjustments, consistent with the All Rise standard on incentives, sanctions, and service adjustments;

¹³ The following provisions were removed: (b)(1)–(2); (c)(1)–(2); (c)(5); (d)(1)–(4); (e)(1)–(5); and (f)(2)–(3).

- Adding new paragraph (f)(3) to provide guidance on establishing additional responses, consistent with the All Rise standard on complementary services and recovery capital; and
- Amending paragraph (f)(4) to provide guidance on hearings to determine possible unsuccessful program discharge, consistent with the All Rise standard on program discharge.

Alternatives Considered

Section 11972(b) requires the Judicial Council to revise the standards of judicial administration to reflect state- and nationally recognized best practices and guidelines for collaborative programs, so the committee did not consider the alternative of not proposing revisions to the standards.

The committee considered recent and pending changes in the law that impacted the work to revise the standards. Instead of January 1, 2026, the proposed revision of this standard would be effective July 1, 2026. Several factors caused this six-month delay. In November 2024, voters passed Proposition 36, which included the Treatment-Mandated Felony Act. (§ 11395.) This act specifies certain required program components for drug treatment. (§ 11395(d).) Introduced in December 2024, Senate Bill 28 proposes amending section 11972 to add section 11395 cases into the required treatment court standards. This bill also proposes eliminating the current requirement that the Judicial Council revise the standards, set forth in section 11972(b). Meanwhile, in February 2025, All Rise temporarily withdrew its standards to revise and align them with the policy priorities of the federal executive branch. On November 7, 2025, All Rise released the latest edition of the *Adult Treatment Court Best Practice Standards*; however, the *Family Treatment Court Best Practice Standards* are currently unavailable, with no anticipated release date. And, as of this date, SB 28 remains pending in the legislature. Despite these ongoing issues, the committee decided to move forward with this proposal to comply with the requirement in section 11972(b). The committee will continue to monitor any new developments that may impact this proposal or that may necessitate future revisions to standard 4.10.

Fiscal and Operational Impacts

The fiscal and operational impacts of this proposal are attributable to the legislation that mandated it. Expected costs include training of court staff. Through the Budget Act of 2025, the Judicial Council received ongoing funding to implement training for adult collaborative treatment court staff on the guidelines of SB 910.¹⁴ Training developed through this funding can incorporate future changes to the All Rise standards. This funding allocation is anticipated to offset the costs of training court staff.

¹⁴ See Cal. Department of Finance, Enacted Budget Detail, 0250 Judicial Branch, California State Budget 2025–26 (June 27, 2025), p. 2, ebudget.ca.gov/2025-26/pdf/Enacted/GovernorsBudget/0010/0250.pdf.

The committee does not anticipate additional fiscal or operational impacts from the proposed amendments to the standard.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Cal. Standards of Judicial Administration, std. 4.10, at pages 7–11
2. Link A: Sen. Bill 910 (Stats. 2024, ch. 641),
[leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB910](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB910)
3. Link B: All Rise, *Adult Treatment Court Best Practice Standards* (Nov. 7, 2025 edition),
allrise.org/publications/standards
4. Link C: Proposition 36, Homelessness, Drug Addiction, and Theft Reduction Act (passed by voters Nov. 5, 2024), vig.cdn.sos.ca.gov/2024/general/pdf/prop36-text-proposed-laws.pdf
5. Link D: Sen. Bill 28 (2025–26),
leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB28

Standard 4.10 of the California Standards of Judicial Administration would be amended, effective July 1, 2026, to read:

Title 4. Standards for Criminal Cases

Standard 4.10. Guidelines for adult collaborative treatment courts ~~diversion drug court programs~~

(a) Minimum components

(1) The components specified in this standard should be included as minimum requirements in ~~any pre-plea diversion drug program developed under Penal Code section 1000.5.~~ adult collaborative treatment courts.

(2) Adult collaborative treatment courts are evidence-based, post-adjudication courts that provide an alternative to traditional criminal justice case processing. Adult collaborative treatment courts may include adult drug courts, impaired driving treatment courts, family treatment courts, and veterans treatment courts.

(b) ~~Early entry~~ Adult collaborative treatment court participants

(1) Adult collaborative treatment courts should serve a high-risk and high-need target population.

(2) Adult collaborative treatment courts may serve participants with lower risk or need levels. Adult collaborative treatment courts that serve more than one risk or need level should develop alternative treatment and service tracks.

(3) Adult collaborative treatment court candidates ~~Eligible participants~~ should be identified early. Those determined eligible for participation should be accepted and enter placed into a supervision and an adult collaborative treatment court program promptly.

(1) ~~A declaration of eligibility should be filed by the district attorney no later than the date of the defendant's first appearance in court.~~

(2) ~~Participants designated as eligible by the district attorney should be ordered by the assigned drug court judge to report for assessment and treatment supervision within five days of the first court appearance.~~

(c) Treatment and social services

Participants should be given access to a continuum of treatment and ~~rehabilitative~~ social services that are responsive to their individual needs.

- (1) ~~The county drug program administrator should specify and certify appropriate drug treatment programs under Penal Code section 1211.~~
- (2) ~~The certified treatment programs should provide a minimum of two levels of treatment services to match participants to programs according to their needs for treatment, recognizing that some diverttees may be at the stage of experimenting with illicit drugs while others may be further along in the addiction's progression.~~
- (3)(1) Each Treatment levels should be divided into phases in order a phase structure to provide periodic reviews of treatment progress and address participant needs in an effective sequence. Each phase may vary in length. It should be recognized that a participant is expected to progress in treatment but may relapse. ~~Most participants, however, should be able to successfully complete the treatment program within 12 months.~~
- (4)(2) ~~Each pre-plea diversion drug court program~~ Adult collaborative treatment courts should have an assessment component to ensure that participants are initially screened and then periodically assessed ~~by treatment personnel~~ to ensure that appropriate treatment and social services are provided and to monitor the participants' progress ~~through the phases.~~
- (5) ~~Treatment services should include educational and group outpatient treatment. Individual counseling, however, should be made available in special circumstances if an assessment based on acceptable professional standards indicates that individual counseling is the only appropriate form of treatment. Referrals should be made for educational and vocational counseling if it is determined to be appropriate by the judge.~~

(d) Monitoring

Abstinence from and use of ~~drugs~~ controlled substances should be monitored by frequent drug testing and tested at the frequency determined necessary by the adult collaborative treatment court based on each participant's behavior and needs.

- (1) ~~Alcohol and other drug (AOD) testing is essential and should be mandatory in each pre-plea diversion drug court program to monitor participant compliance.~~
- (2) ~~Testing may be administered randomly or at scheduled intervals, but should occur no less frequently than one time per week during the first 90 days of treatment.~~

1
2 (3) ~~The probation officer and court should be immediately notified when a~~
3 ~~participant has tested positive, has failed to submit to AOD testing, or has~~
4 ~~submitted an adulterated sample. In such cases, an interim hearing should be~~
5 ~~calendared and required as outlined in (e)(4).~~

6
7 (4) ~~Participants should not be considered to have successfully completed the~~
8 ~~treatment program unless they have consistently had negative test results for~~
9 ~~a period of four months.~~

10
11 (e) **Judicial supervision**

12
13 ~~There should be early and frequent judicial supervision of each diversion drug~~
14 ~~court participant. Adult collaborative treatment courts should provide early and~~
15 ~~ongoing judicial supervision, at a frequency consistent with the needs of each~~
16 ~~participant.~~

17
18 (1) ~~Each participant should appear in court before a specifically assigned~~
19 ~~diversion drug court judge within 30 days after the first court appearance. At~~
20 ~~this time the participant should provide proof of registration, proof of~~
21 ~~completion of assessment, proof of entry into a specific treatment program,~~
22 ~~and initial drug test results.~~

23
24 (2) ~~The second drug court appearance should be held no later than 30 days after~~
25 ~~the first drug court appearance. The third drug court appearance should be~~
26 ~~held no later than 60 days after the second drug court appearance.~~

27
28 (3) ~~A final drug court appearance should be required no sooner than 12 months~~
29 ~~from entry into treatment unless continued treatment is found to be~~
30 ~~appropriate and necessary.~~

31
32 (4) ~~Interim drug court appearances should be required within one week of the~~
33 ~~following: positive drug test results, failure to test, adulterated test, or failure~~
34 ~~to appear or participate in treatment.~~

35
36 (5) ~~At each drug court appearance, the judge should receive a report of the~~
37 ~~participant's progress in treatment and drug test results and should review,~~
38 ~~monitor, and impose rewards and sanctions based on the participant's~~
39 ~~progress or lack of progress.~~

40
41 (f) **Sanctions, and incentives, and service adjustments**

1 ~~The drug court~~ Adult collaborative treatment courts should responds directly to
2 each participant's ~~compliance or noncompliance~~ behavior with ~~graduated~~ sanctions,
3 ~~or incentives, or service adjustments.~~

4
5 (1) A clear regimen of incentives and sanctions should be established and
6 implemented ~~at each court hearing to support each participant's adherence to~~
7 adult collaborative treatment court goals and conditions.

8
9 (2) ~~The suggested range of incentives should be as follows:~~

10
11 (A) ~~Encouragement;~~

12
13 (B) ~~Advancement to next treatment phase;~~

14
15 (C) ~~Reduction in diversion program fees (other than state mandated fees);~~

16
17 (D) ~~Completion of treatment and required court appearances and shortening~~
18 ~~of the term of diversion; and~~

19
20 (E) ~~Other incentives the court may deem necessary or appropriate.~~

21
22 (3) ~~The suggested range of sanctions should be as follows:~~

23
24 (A) ~~Demotion to earlier treatment phase;~~

25
26 (B) ~~Increased frequency of testing, supervision, or treatment requirements;~~

27
28 (C) ~~Graduated length of incarceration for violating diversion order to~~
29 ~~abstain from use of illegal drugs and for nonparticipation in treatment;~~
30 ~~and~~

31
32 (D) ~~Reinstatement of criminal proceedings.~~

33
34 (2) Service adjustments should be provided when necessary to support a
35 participant in achieving program goals and conditions. Service adjustments
36 should not be used as incentives or sanctions. Service adjustments may
37 include but are not limited to supervision adjustments, treatment adjustments,
38 and learning adjustments.

39
40 (3) Adult collaborative treatment courts may establish additional responses to
41 behaviors to address participant and court needs.
42

1 (4) ~~A participant~~ Adult collaborative treatment courts should hold a hearing to
2 determine whether a participant facing possible unsuccessful discharge
3 should be terminated from the adult collaborative treatment court pre-plea
4 diversion drug court, and criminal proceedings should be reinstated, if the
5 drug court judge, after a hearing, makes a final and specific finding and
6 determination at any time during the period of diversion that the participant
7 has:

8
9 (A) ~~Not performed satisfactorily in treatment;~~

10
11 (B) ~~Failed to benefit from education, treatment, or rehabilitation;~~

12
13 (C) ~~Been convicted of a misdemeanor that reflects the participant's~~
14 ~~propensity for violence; or~~

15
16 (D) ~~Engaged in criminal conduct rendering him or her unsuitable for~~
17 ~~continued treatment.~~

18
19 **(g) Diversity, equity, and inclusion**

20
21 (1) Adult collaborative treatment courts should ensure equitable access, services,
22 and outcomes for all sociodemographic and sociocultural groups.

23
24 (2) Adult collaborative treatment court staff and service providers should
25 reasonably reflect the sociodemographic characteristics or sociocultural
26 identities of adult collaborative treatment court candidates and participants.

27
28 **(g) National standards**

29
30 ~~In addition to meeting the minimum guidelines provided in this standard, courts are~~
31 ~~encouraged to look to the nationally accepted guidelines, *Defining Drug Courts:*~~
32 ~~*The Key Components*, developed by the National Association of Drug Court~~
33 ~~Professionals in cooperation with the Department of Justice, for further and~~
34 ~~detailed guidance in developing an effective diversion drug court program.~~

35
36 **Advisory Committee Comment**

37
38 **Subdivision (a).** In addition to the components identified in this standard, Health and Safety
39 Code section 11972(a) specifies requirements and components for the design and operation of an
40 adult collaborative treatment court.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 12/4/2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Criminal Procedure: Rule and Forms Revisions Related to the Racial Justice Act

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

Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188

Committee or other entity submitting the proposal:

Appellate Advisory Committee; 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): 10/16/25

Project description from annual agenda: AAC: This is a joint project with the Criminal Law Advisory Committee.

Develop rules recommendations as appropriate. AB 1071 (Stats. 2025, ch. 721) requires amendment to rule 8.385 to allow courts to request an informal response from the state and implement new "plausible allegation" and "prima facie showing" standards. Develop rules recommendations as appropriate. The committee will also consider forms recommendations as appropriate to clarify that habeas petitioners making claims related to the Racial Justice Act must explain those claims in the petition. This change was suggested by staff of appellate courts.

CLAC: Develop rules and forms recommendations as needed to implement AB 1071 (Stats. 2025, ch. 721). AB 1071 revises and clarifies procedures and remedies under Penal Code section 745, which was enacted by the Racial Justice Act. In addition to changes needed to implement legislation, the committee will consider additional substantive rule and form changes based on suggestions made by courts, stakeholders, and the public, or to increase useability of rules and forms for courts and litigants

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

Implements law that is effective January 1, 2026.

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) 11/7/2025

☒ approved by Office Director (or Designee) (name) Francine Byrne/Kara Portnow; James Barolo on (date) 11/3/2025, 11/18/2025

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
<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-05

Title

Criminal Procedure: Rule and Form
Revisions Related to the Racial Justice Act

Action Requested

Review and submit comments by January 7, 2026

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188

Proposed Effective Date

July 1, 2026

Contact

Sarah Fleischer-Ihn, 415-865-7702
sarah.fleischer-ihn@jud.ca.gov

Proposed by

Appellate Advisory Committee
Hon. Allison M. Danner, Chair

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

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Executive Summary and Origin

The Racial Justice Act prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin. To implement recent legislation related to the Racial Justice Act and address urgent issues identified by courts on existing court forms implementing the Act, the Appellate Advisory Committee and the Criminal Law Advisory Committee propose amending two rules of court and revising three forms.

Background

The Racial Justice Act of 2020¹ enacted Penal Code section 745,² which prohibits the state from seeking or obtaining a conviction or sentence on the basis of race, ethnicity, or national origin and allows claims for relief based on violations of the Act. To raise a violation of the Racial

¹ Assembly Bill 2542 (Stats. 2020, ch. 317).

² All further references are to the Penal Code unless otherwise specified.

Justice Act under section 745(a),³ a moving party may file a motion in the trial court, a petition for writ of habeas corpus, or a motion to vacate a conviction or sentence under section 1473.7. Section 745 was subsequently amended in 2023 and 2024 to apply retroactively to final judgments and, for claims based on the trial record, allow a defendant to raise a Racial Justice Act claim on direct appeal and to move to stay the appeal and request remand to the superior court.⁴

To implement the Racial Justice Act and subsequent legislation, the Judicial Council approved rule and form changes effective September 1, 2024.⁵ The committees propose further changes based on recent legislation and feedback from Court of Appeal staff about issues with presenting and processing Racial Justice Act claims on *Petition for Writ of Habeas Corpus* (form HC-001).

Effective January 1, 2026, Assembly Bill 1071 (Stats. 2025, ch. 721)⁶ clarifies the legislative intent around court procedures related to the Racial Justice Act, and amends relevant statutes to state that:

- A defendant or petitioner may file a motion for disclosure of all relevant evidence in any proceeding alleging a violation of the Racial Justice Act, including in preparation for filing a petition for writ of habeas corpus under section 1473(e)(2) or a motion to vacate a conviction under section 1473.7(a)(3);⁷
- The definitions in section 745(h) apply to Racial Justice Act claims in petitions for writ of habeas corpus and motions to vacate convictions;⁸
- Before a judgment has been entered, the remedies listed in section 745(e)(1) are mandatory rather than discretionary if the court finds a violation of the Racial Justice Act;⁹
- Counsel must be appointed in a habeas proceeding if a petitioner “pleads a plausible allegation” of a violation of the Racial Justice Act;¹⁰ and

³ This invitation to comment uses “claim under section 745(a)” and “violation of section 745(a)” interchangeably with “claim under the Racial Justice Act” and “violation of the Racial Justice Act.”

⁴ Assembly Bill 256 (Stats. 2022, ch. 739) and Assembly Bill 1118 (Stats. 2023, ch. 464).

⁵ Judicial Council of Cal., Advisory Com. Rep., *Criminal Procedure: Racial Justice Act* (Apr. 19, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=12870891&GUID3=E9B6569C-6089-48C2-B898-6A9FA49A83D4>.

⁶ See Link A.

⁷ § 745(d), effective January 1, 2026.

⁸ § 745(h), effective January 1, 2026.

⁹ § 745(e)(1), effective January 1, 2026.

¹⁰ § 1473(e)(5), effective January 1, 2026.

- A prima facie determination of a violation of the Racial Justice Act in a habeas proceeding is based on a petitioner's showing and the record; the court may request an informal response from the state.¹¹

Additionally, section 1 of the bill includes legislative findings and declarations that the threshold showing for appointment of counsel for a habeas proceeding does not require a prima facie showing, as held by *McIntosh v. Superior Court* (2025) Cal.App.5th 33, and should be construed as a minimal pleading requirement.

Also effective January 1, 2026, Senate Bill 734 (Stats. 2025, ch. 784),¹² in relevant part, amends several statutes to state that if a person is represented by counsel and is raising a claim under section 745(a)(1) or (2) based on the conduct of a law enforcement officer, counsel must serve a copy of the petition or motion on the law enforcement agency that employs the officer.¹³

In addition to these legislative changes, the committees considered feedback from the courts on the presentation and processing of Racial Justice Act claims in habeas proceedings. Form HC-001 was revised effective September 1, 2024, to allow Racial Justice Act claims to be raised alongside other claims challenging orders of commitment, criminal convictions or sentences, and conditions of confinement. Based on issues arising from these revisions, Court of Appeal staff requested a separate petition for writ of habeas corpus form for Racial Justice Act claims. Staff stated that petitioners without Racial Justice Act claims were marking checkboxes exclusive to Racial Justice Act claims, causing additional workload for the courts when denying the petition. Court of Appeal staff also noted that separate petitions would be helpful from an administrative standpoint because of the different standards and procedures for Racial Justice Act claims and other claims, such as appointment of counsel, requests for discovery, and the applicability of certain habeas procedural bars. Further, staff and judicial officers with both the trial and appellate courts noted that the current version of form HC-001 does not have adequate space for a petitioner to explain the basis of a Racial Justice Act claim. Court of Appeal staff also stated that additional information on discovery and appointment of counsel would be helpful for courts considering these requests.

The Proposal

The committees propose amending California Rules of Court, rules 4.551 and 8.385 and revising forms HC-001, CR-187, and CR-188 to implement these changes in law and address the issues raised by courts.

To reflect each committee's respective subject matter expertise, the Criminal Law Advisory Committee led the development of the proposed amendments to rule 4.551 and revisions to forms CR-187 and CR-188, as they primarily impact the trial courts. The Appellate Advisory

¹¹ § 1473(e)(7)(A), effective January 1, 2026.

¹² See Link B.

¹³ §§ 745(c)(3), 1473(e)(6), 1473.7(a)(3)(B), effective January 1, 2026.

Committee led the development of the proposed amendments to rule 8.385 on petitions for writ of habeas corpus in the appellate courts. Both committees developed the proposed revisions to form HC-001.

Rule 4.551, Habeas corpus proceedings

Rule 4.551 establishes procedures for habeas corpus petitions filed in the trial court in noncapital cases. The committees propose the following amendments to reflect changes under AB 1071:

- Amend subdivision (c), Order to show cause, to add a new provision stating that when a petition raises a Racial Justice Act claim, the court must issue an order to show cause if the petitioner has made a prima facie showing as defined under section 745(h), and state that the determination must be based on the petitioner's showing and the record.
- Amend subdivision (d), Appointment of counsel, to address appointment of counsel for Racial Justice Act claims first in subdivision (1), followed by appointment of counsel for all other claims in subdivision (2).
- Amend subdivision (d)(1)(B) to state that in Racial Justice Act claims, appointment of counsel is limited to the facial sufficiency of the allegations of the petition alone.
- Add an advisory committee comment stating that the standard set out in subdivision (d)(1)(B) is consistent with *McIntosh v. Superior Court* (2025) 110 Cal.App.5th 33, as indicated in the Legislature's statement of intent in Assembly Bill 1071 (Stats. 2025, ch. 721).
- To implement section 1473(e)(6), add an advisory committee comment stating that as in other cases, when considering a petition raising a claim under Penal Code section 745(a), the court may request an informal response by the People.
- Remove the advisory committee comment stating that the issue of whether the prima facie showing for a petition for writ of habeas corpus under section 1473(e) is the same as in section 745(h)(2) or defined in rule 4.551(c)(1) is unresolved, because this question has been resolved by section 745(h)(2).

Rules 8.385, Habeas proceedings on appeal

Rule 8.385 establishes procedures for petitions for a writ of habeas corpus filed in the Supreme Court or Court of Appeal. The committees propose the following amendments to reflect changes under AB 1071:

- Amend subdivision (d), Order to show cause, to add a new provision stating that when a petition raises a Racial Justice Act claim, the court must issue an order to show cause if the petitioner has made a prima facie showing as defined under section 745(h), and state that the determination must be based on the petitioner's showing and the record.
- Amend subdivision (d)(1) to add the language of the prima facie standard.
- Amend subdivision (g)(2)(B) to state that appointment of counsel is limited to the facial sufficiency of the allegations of the petition alone.

- Add an advisory committee comment stating that the standard set out in subdivision(g)(2)(B) is consistent with *McIntosh v. Superior Court* (2025) 110 Cal.App.5th 33, as indicated in the Legislature’s statement of intent in Assembly Bill 1071 (Stats. 2025, ch. 721).
- To implement section 1473(e)(6), add an advisory committee comment stating that as in other cases, when considering a petition raising a claim under Penal Code section 745(a), the court may request an informal response by the state.

Petition for Writ of Habeas Corpus (form HC-001)

Form HC-001 can be used to petition a superior court, a Court of Appeal, or the Supreme Court for a writ of habeas corpus. Under the California Rules of Court, a self-represented person must use form HC-001 to petition any of these courts for a writ of habeas corpus, with exceptions for good cause.¹⁴ Form HC-001 is designed to provide the court with sufficient information to either issue an order to show cause, deny the petition, or request an informal response.

The committees recommend adding an instruction to page 1 of the form to incorporate the service requirements of SB 734: An attorney filing this petition on behalf of a petitioner, based on a claim under Penal Code section 745(a)(1) or (2) that involves conduct by a law enforcement officer, must serve a copy of this petition on the law enforcement agency that employs the officer.

In response to concerns raised by Court of Appeal staff, the committees discussed whether to develop a separate form for petitions for writ of habeas corpus based on Racial Justice Act claims. In addition to the feedback from appellate courts, several large trial courts provided feedback on the impact of separate habeas petition forms as compared to the current joint form, with some courts preferring separate and others preferring joint. The committees also considered how separate petition forms might impact self-represented litigants, especially those with mixed claims who are only aware of and file only one type of petition form. The committees were also concerned about possible issues with successive petitions and timeliness.

To address these concerns, the committees propose keeping all claims on form HC-001. To more clearly differentiate between Racial Justice Act and other claims, the committees propose organizing the petition into three subparts (A, B, and C):

- Part A is required for all petitioners and asks for information relevant to all claims. Part A contains items 1 through 5, 7 through 9, and 11 through 17 from the current version of the form, and these items have been numbered 1 through 16.
- Part B is for all claims except for those under the Racial Justice Act. Part B contains items 6 and 10, which have been renumbered 1, 2, and 3 (item 6 is now two separate items).

¹⁴ Cal. Rules of Court, rules 4.551(a)(1), 8.380(a). Note that rule 4.571 contains different requirements for death penalty–related habeas corpus proceedings.

- Part C is for Racial Justice Act claims. Part C contains item 18, which has been divided into parts and numbered 1 through 9.

The subparts are explained in an instruction on page 1, in a sentence preceding each subpart, and at the end of part A.

For claims not under the Racial Justice Act, in part B, the committees propose the following revisions:

- Add a declaration under penalty of perjury about the truth and correctness of the petition.

The revisions for claims under the Racial Justice Act, in part C, also incorporate feedback to add more space for the petitioner to explain the basis of the claim and additional information to assist with decisions on requests for counsel and discovery. Specifically, the committees propose the following revisions:

- Renumber item 18a on the category of retroactivity as item 1, and revise to remove references to whether the petitioner is currently serving a sentence and whether the petition was filed after January 1, 2025, or 2026, and replace with a checkbox indicating that judgment was for a felony conviction.¹⁵
- Renumber item 18b on the basis of the claim as item 2, and add an introductory sentence and space for the petitioner to explain the basis of the Racial Justice Act claim.
- Renumber item 18d on appointment of counsel as item 4, and add a question about whether the petitioner was represented by appointed counsel in trial and/or on appeal, to assist with an indigency determination.
- Renumber item 18f on discovery as item 6, and to use plain language.
- Add new items 7 and 8 on whether the petitioner previously attempted to obtain evidence and whether the petitioner asked a court for discovery prior to filing the petition. These items are intended to assist courts with considering requests for discovery.

Motion to Vacate Conviction or Sentence (form CR-187) and Order on Motion to Vacate Conviction or Sentence (form CR-188)

Motion to Vacate a Conviction or Sentence (form CR-187) allows a petitioner to file a motion for relief under sections 1016.5 and 1473.7(a)(1)–(3). *Order on Motion to Vacate Conviction or Sentence* (form CR-188) allows a court to grant or deny the requested relief.

¹⁵ Item 18a incorporates the phased-in retroactive application of section 745(a), as stated in section 745(j). As the last phase-in date is January 1, 2026, the committees recommend removing the checkboxes implementing the phase-in dates and categories.

Under section 1473.7(a)(3), a person who is out of custody may file a motion to vacate a conviction or sentence based on a Racial Justice Act claim. The committees propose the following revisions to form CR-187:

- Add a note stating that “an attorney filing this motion on behalf of a moving party, based on a claim under Penal Code section 745(a)(1) or (2) that involves conduct of a law enforcement officer, must serve the motion on the law enforcement agency that employs the officer,” to implement SB 734.
- Replace references to Penal Code section 745(a) with “the Racial Justice Act” in items 5a and f to use plain language and align with form HC-001.
- Replace items 5a(3) and (4) with a single checkbox indicating that the judgment is for a felony conviction.¹⁶
- Replace “disclosure” with “discovery” in item 5f, and revise the subitems to use plain language and align with form HC-001.
- Add a citation to *People v. Gutierrez* (2025) 113 Cal.App.5th 906,¹⁷ to item 6 on requesting counsel.

The committees propose the following revision to form CR-188:

- Remove item 5b, which allows the court to dismiss a prematurely filed motion under the time frames in Penal Code section 745(j). Because phased-in retroactivity is complete as of January 1, 2026, dismissal based on the premature filing of a motion will no longer apply.
- Replace references to Penal Code section 745(a) with “the Racial Justice Act” in item 5 to use plain language and align with form HC-001.
- Replace “disclosure” with “discovery” in item 5c to use plain language and align with form HC-001.

Alternatives Considered

The committees did not consider the alternative of not amending the rules and forms because they determined that revisions were necessary to implement new legislation. To the extent the proposed revisions were not required by the terms of the legislation, the committees 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.

¹⁶ Item 5a incorporates the phased-in retroactive application of section 745(a), as stated in section 745(j). As the last phase-in date is January 1, 2026, the committees recommend removing the checkboxes implementing the phase-in dates and categories.

¹⁷ In *Gutierrez*, the Court of Appeal, Second Appellate District, Division Five, held that there is a right to appointed counsel under Penal Code section 1473.7(a)(3) when an indigent defendant makes a prima facie showing of entitlement to relief.

Rule 4.551(b)(2) requires the court and the respondent to notify and serve the petitioner with information and filings related to an informal response. A member of the Criminal Law Advisory Committee recommended amending the rule to add petitioner's counsel as an additional party to be notified and served, since a petitioner with a Racial Justice Act claim may have counsel appointed prior to the court requesting an informal response. The committees did not move forward with the recommendation because counsel should already receive service under the rule, as the default practice is to notify and serve counsel when a statute or rule refers to a petitioner or a defendant. However, the committees request specific comments on whether including a reference to petitioner's counsel in rule 4.551(b)(2) would be helpful.

Effective January 1, 2026, Assembly Bill 1036 (Stats. 2025, ch. 444)¹⁸ amends Penal Code section 1054.9 to expand access to discovery in a postconviction proceeding to defendants convicted of felonies resulting in incarceration in state prison.¹⁹ AB 1036 also broadens the definition of discovery materials for purposes of the statute. The committees request specific comments on whether to incorporate section 1054.9's provisions into forms HC-001, CR-187, and CR-188, such as revising the forms to add a question on whether the petitioner/moving party made efforts to obtain discovery materials from trial counsel prior to a request for discovery to the court²⁰ or adding a separate items to the form for discovery materials as defined in section 1054.9(c) that are requested by persons eligible under section 1054.9(a).

Finally, a member of the Criminal Law Advisory Committee suggested that proposed rule 4.551(d)(2) on appointment of counsel in a habeas proceeding should be amended to start with "in all cases" to clarify that the general rule that counsel must be appointed when an order to show cause issues also applies to Racial Justice Act proceedings. The committees request specific comments on this issue.

Fiscal and Operational Impacts

The fiscal and operational impacts of this proposal are largely attributable to recent legislation. Expected costs include training, case management system updates, and the production of new forms. The revisions to form HC-001 should reduce operational demands by reducing the number of litigants who check the box for a Racial Justice Act claim without including facts to support such a claim.

¹⁸ See Link C.

¹⁹ Prior to AB 1036, this was limited to defendants convicted of a serious felony or a violent felony resulting in a sentence of 15 years or more.

²⁰ § 1054.9(a).

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would it be helpful to refer to petitioner's counsel as an additional party to notify and serve with information and filings related to an informal response in rule 4.551(b)(2), or is the existing reference to notifying and serving the petitioner sufficient?
- Should the forms incorporate Penal Code section 1054.9's provisions on certain discovery materials sought by certain petitioners and moving parties?
- Should rules 4.551(d)(2) and 8.385(g)(1) state that the general rule requiring appointment of counsel upon issuance of an order to show cause applies in all cases, including Racial Justice Act proceedings?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

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

Attachments and Links

1. Cal. Rules of Court, rules 4.551 and 8.385, at pages 10–13
2. Forms HC-001, CR-187, and CR-188, at pages 14–32
3. Link A: Assembly Bill 1071,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260AB1071
4. Link B: Senate Bill 734,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB734
5. Link C: Assembly Bill 1036,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260AB1036

Rules 4.551 and 8.385 of the California Rules of Court would be amended effective July 1, 2026, to read:

Rule 4.551. Habeas corpus proceedings

(a) Petition; form and court ruling

* * *

(b) Informal response

- (1) Before passing on the petition, the court may request an informal response from:
 - (A) The respondent or real party in interest; or
 - (B) The custodian of any record pertaining to the petitioner's case, directing the custodian to produce the record or a certified copy to be filed with the clerk of the court.
- (2) A copy of the request must be sent to the petitioner. The informal response, if any, must be served on the petitioner by the party of whom the request is made. The informal response must be in writing and must be served and filed within 15 days. If any informal response is filed, the court must notify the petitioner that he or she may reply to the informal response within 15 days from the date of service of the response on the petitioner. If the informal response consists of records or copies of records, a copy of every record and document furnished to the court must be furnished to the petitioner.
- (3) After receiving an informal response, the court may not deny the petition until the petitioner has filed a timely reply to the informal response or the 15-day period provided for a reply under (b)(2) has expired.

(c) Order to show cause

- (1) Except as provided in (2), the court must issue an order to show cause if the petitioner has made a prima facie showing that the petitioner is entitled to relief. In doing so, the court takes petitioner's factual allegations as true and makes a preliminary assessment regarding whether the petitioner would be entitled to relief if the petitioner's factual allegations were proved. If so, the court must issue an order to show cause.
- (2) When a petition raises a claim under Penal Code section 745(a), the court must issue an order to show cause if the petitioner has made a prima facie showing, which means that the petitioner has produced facts that, if true, establish that there is a substantial likelihood that a violation of section

1 745(a) has occurred. A prima facie determination must be based on the
2 petitioner's showing and the record.

- 3
4 (3) An order to show cause is a determination that the petitioner has made a
5 showing that they may be entitled to relief. It does not grant the relief sought
6 in the petition.
7

8 **(d) Appointment of counsel**
9

- 10 (1) ~~On issuing an order to show cause, the court must appoint counsel for any~~
11 ~~unrepresented petitioner who desires but cannot afford counsel.~~
12
13 (2) When a petition raises a claim under Penal Code section 745(a) and requests
14 appointment of counsel, the court must appoint counsel if the petitioner
15 cannot afford counsel and either: ~~the petition alleges facts that would~~
16 ~~establish a violation of section 745(a) or~~
17
18 (A) ~~†The State Public Defender requests that counsel be appointed; or~~
19 ~~Newly appointed counsel may amend a petition filed before their~~
20 ~~appointment.~~
21
22 (B) The petition alleges facts that would establish a violation of section
23 745(a). This inquiry is limited to the facial sufficiency of the
24 allegations of the petition alone.
25

26 Newly appointed counsel may amend a petition filed before their
27 appointment.
28

- 29 (2) On issuing an order to show cause, the court must appoint counsel for any
30 unrepresented petitioner who desires but cannot afford counsel.
31

32 (e)–(i) * * *

34 **Advisory Committee Comment**
35

36 Except for claims raising a violation of Penal Code section 745(a) which are addressed in
37 subdivision (d)(1), the court must appoint counsel on the issuance of an order to show cause. (*In*
38 *re Clark* (1993) 5 Cal.4th 750, 780 and *People v. Shipman* (1965) 62 Cal.2d 226, 231–232.) The
39 Court of Appeal has held that under Penal Code section 987.2, counties bear the expense of
40 appointed counsel in a habeas corpus proceeding challenging the underlying conviction.
41 (*Charlton v. Superior Court* (1979) 93 Cal.App.3d 858, 862.) Penal Code section 987.2
42 authorizes appointment of the public defender, or private counsel if there is no public defender
43 available, for indigents in criminal proceedings.
44

1 The issue of whether the prima facie showing for a petition for writ of habeas corpus under
2 section 1473(e) is the same as in section 745(h)(2) or defined in subdivision (e)(1) of this rule
3 (see *In re Marquez* (2007) 153 Cal.App.4th 1, 11) is unresolved.
4

5 **Subdivision (a)(4) and (7).** * * *

6
7 **Subdivision (b).** As in other cases, when considering a petition raising a claim under Penal Code
8 section 745(a), the court may request an informal response by the People.
9

10 **Subdivision (d).** The standard set out in section (1)(B) is consistent with *McIntosh v. Superior*
11 *Court* (2025) 110 Cal.App.5th 33, as indicated in the Legislature's statement of intent in
12 Assembly Bill 1071 (Stats. 2025, ch. 721).
13

14 **Rule 8.385. Proceedings after the petition is filed**

15
16 **(a)–(c)** * * *

17
18 **(d) Order to show cause**
19

20 (1) Except as provided in (2), if the petitioner has made the required prima facie
21 showing that he or she is entitled to relief, the court must issue an order to
22 show cause. In doing so, the court takes petitioner's factual allegations as
23 true and makes a preliminary assessment regarding whether the petitioner
24 would be entitled to relief if the petitioner's factual allegations were proved.
25 If so, the court must issue an order to show cause.
26

27 (2) When a petition raises a claim under section 745(a), the court must issue an
28 order to show cause if the petitioner has made a prima facie showing, which
29 means that the defendant has produced facts that, if true, establish that there
30 is a substantial likelihood that a violation of section 745(a) occurred. A prima
31 facie determination must be based on the petitioner's showing and the record.
32

33 (3) An order to show cause does not grant the relief sought in the petition.
34

35 **(e)–(f)** * * *

36
37 **(g) Appointment of counsel**
38

39 (1) Except as provided in (2), if the return is ordered to be filed in the Supreme
40 Court or the Court of Appeal, the court in which the return is ordered filed
41 must appoint counsel for any unrepresented petitioner who desires but cannot
42 afford counsel.
43

1 (2) When a petition raises a claim under Penal Code section 745(a) and requests
2 appointment of counsel, the court must appoint counsel if the petitioner
3 cannot afford counsel and either ~~the petition alleges facts that would establish~~
4 ~~a violation of section 745(a) or:~~

5
6 (A) The State Public Defender requests that counsel be appointed; or

7
8 (B) The petition alleges facts that would establish a violation of section
9 745(a). This inquiry is limited to the facial sufficiency of the
10 allegations of the petition alone.

11
12 Newly appointed counsel may amend a petition filed before their
13 appointment.

14
15 **Advisory Committee Comment**

16
17 **Subdivision (a).** * * *

18
19 **Subdivision (b).** As in other cases, when considering a petition raising a claim under Penal Code
20 section 745(a), the court may request an informal written response from the state.

21
22 **Subdivision (c).** * * *

23
24 **Subdivision (d).** * * *

25
26 **Subdivision (g).** The standard set out in section (2)(B) is consistent with *McIntosh v. Superior*
27 *Court* (2025) 110 Cal.App.5th 33, as indicated in the Legislature's statement of intent in
28 Assembly Bill 1071 (Stats. 2025, ch. 721).

Name: _____

Address: _____

CDCR or ID Number: _____

(Court)

DRAFT
 Not approved by the
 Judicial Council
 11/19/2025

PETITION FOR WRIT OF HABEAS CORPUS

No. _____

(To be supplied by the Clerk of the Court)

Petitioner	v.	Respondent
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INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction or sentence and are filing this petition in the superior court, you should file it in the county that made the order.
 - If you are challenging the conditions of your confinement and are filing this petition in the superior court, you should file it in the county in which you are confined.
-
- Read the entire form *before* answering any questions.
 - Answer all questions in Part A. Also fill out Part B for all claims except for those based on a violation of the Racial Justice Act (RJA). For RJA claims, fill out Part C. If you have RJA claims and other claims, fill out both Parts B and C.
 - This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
 - Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
 - If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
 - If you are filing this petition in the Court of Appeal, file the original of the petition and one set of any supporting documents.
 - If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
 - Notify the Clerk of the Court in writing if you change your address after filing your petition.
 - An attorney filing this petition on behalf of a petitioner, based on a claim under Penal Code section 745(a)(1) or (2) that involves conduct by a law enforcement officer, must serve a copy of this petition on the law enforcement agency that employs the officer.

Approved by the Judicial Council of California for use under rules 4.551 (as amended July 1, 2026) and 8.380 (as amended January 1, 2020) of the California Rules of Court. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.



Part A (must be filled out by all petitioners)

This petition concerns (check all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> A conviction | <input type="checkbox"/> Parole | <input type="checkbox"/> A conviction or sentence involving a violation of the Racial Justice Act under Penal Code section 745(a)
(Part C must be completed if this box is checked) |
| <input type="checkbox"/> A sentence | <input type="checkbox"/> Credits | |
| <input type="checkbox"/> Jail or prison conditions | <input type="checkbox"/> Prison discipline | |
| <input type="checkbox"/> Other (specify): _____ | | |

1. Your name: _____

2. a. Where are you incarcerated? _____

b. If you are not incarcerated, are you on supervised release, such as probation, parole, mandatory supervision, or postrelease community supervision?

- ☐ Yes (specify): _____
- ☐ No

3. Why are you in custody or on supervised release?

- ☐ Criminal conviction
- ☐ Civil commitment

4. Answer items a through i to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

b. Penal or other code sections: _____

c. Name and location of sentencing or committing court: _____

d. Case number: _____

e. Date convicted or committed: _____

f. Date sentenced/Date of judgment: _____

g. Length of sentence: _____

h. When do you expect to be released? _____

i. Were you represented by counsel in the trial court?

- ☐ No
- ☐ Yes If yes, state the attorney's name and address:

5. What was the LAST plea you entered? (check one):

- ☐ Not guilty
- ☐ Guilty
- ☐ Nolo contendere
- ☐ Other: _____

6. If you pleaded not guilty, what kind of trial did you have?

- ☐ Jury
- ☐ Judge without a jury
- ☐ Submitted on transcript
- ☐ Awaiting trial



7. Did you appeal from the conviction, sentence, or commitment?

☐ No

☐ Yes If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"):

b. Result: _____

c. Date of decision: _____

d. Case number or citation of opinion, if known: _____

e. All issues raised:

(1) _____

(2) _____

(3) _____

f. Were you represented by counsel on appeal?

☐ No

☐ Yes If yes, state the attorney's name and address, if known:

8. Did you seek review in the California Supreme Court?

☐ No

☐ Yes If yes, give the following information:

a. Result: _____

b. Date of decision: _____

c. Case number or citation of opinion, if known: _____

d. All issues raised:

(1) _____

(2) _____

(3) _____

9. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal (see *In re Dixon* (1953) 41 Cal.2d 756, 759):

10. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, sentence, commitment, or issue in any court, including this court? (See *In re Clark* (1993) 5 Cal.4th 750, 767–769 and *In re Miller* (1941) 17 Cal.2d 734, 735.)

☐ No If no, skip to number 13.

☐ Yes If yes, continue with number 11.

11. a. (1) Nature of proceeding (for example, "habeas corpus petition"): _____

(2) Name of court: _____

(3) Result (*attach order or explain why unavailable*): _____

(4) Date of decision: _____

(5) Case number or citation of opinion, if known: _____

(6) All issues raised:

(a) _____

(b) _____

(c) _____



- b. (1) Nature of proceeding: _____
- (2) Name of court: _____
- (3) Result (*attach order or explain why unavailable*): _____
- (4) Date of decision: _____
- (5) Case number or citation of opinion, if known: _____
- (6) All issues raised:
- (a) _____
- (b) _____
- (c) _____

12. If any of the courts listed in number 11 held a hearing, state name of court, date of hearing, nature of hearing, and result:

13. Explain any delay in discovering or presenting the claims for relief and in raising the claims in this petition. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; Pen. Code, § 1473(e).)

14. Are you presently represented by counsel?

- ☐ No
- ☐ Yes If yes, state the attorney's name and address, if known:

15. Do you have any petition, appeal, or other matter pending in any court?

- ☐ No
- ☐ Yes If yes, explain:

16. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

Before moving to Parts B and C of this form, read this chart to decide which parts of the form you must complete.

Do you have a Racial Justice Act claim?	You must fill out:
No	Part A and B only
Yes, I only have a Racial Justice Act claim.	Part A and C only
Yes, I have a Racial Justice Act claim and other claims.	Parts A, B, and C



- 1. Claim 1:** State briefly your claim for relief. For example, "The trial court imposed an illegal enhancement." (*If you have additional claims for relief, use a separate page for each claim. State claim 2 on page 6. For additional claims, make copies of page 6 and number the additional claims in order.*)

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, *who* did exactly *what* to violate your rights at what time (*when*) or place (*where*).

b. Supporting documents:

Attach declarations, relevant records, transcripts, or other documents supporting your claim. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

c. Supporting cases, rules, or other authority (*optional*):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If you need more space, add additional pages.)



This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

[illegible]

3. Administrative review:

- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.) Explain what administrative review you sought or explain why you did not seek such review:

- b. Did you seek the highest level of administrative review available?

- ☐ Yes
☐ No

Attach documents that show you have exhausted your administrative remedies. (See People v. Duvall (1995) 9 Cal.4th 464, 474.)

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: _____



Signature of Petitioner

If you do not have a Racial Justice Act claim, fill out Part A and Part B only and stop here.



PART C – only fill out Part C for claims involving a violation of the Racial Justice Act under Penal Code section 745(a).

1. Indicate which of the following apply to the case in which you are making a claim for violation of the Racial Justice Act (*check all that apply*):

- a. ☐ Judgment is not final (for example, because an appeal is pending).
- b. ☐ Judgment is for a felony conviction.

2. For each box checked below, you must fill in the specific facts that support a violation of the Racial Justice Act. This may include statistical or other evidence in support of a claim comparing your charge or sentence with the charges or sentences of defendants of other races, ethnicities, or national origins. If you need more space, add additional pages.

I request relief based on the following (*choose all that apply*):

- a. ☐ The judge, an attorney, a law enforcement officer, an expert, or a juror in the case exhibited bias or animus toward me because of my race, ethnicity, or national origin:

- b. ☐ During in-court trial proceedings, the judge, an attorney, a law enforcement officer, an expert, or a juror used discriminatory language about my race, ethnicity, or national origin:

- c. ☐ I was charged with or convicted of a more serious offense than defendants 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 convictions for more serious offenses against people who share my race, ethnicity, or national origin in the county where the convictions were sought or obtained:

- d. ☐ I received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense **and**:
 - (1) ☐ longer or more severe sentences were more frequently imposed for the same offense on defendants who share my race, ethnicity, or national origin than on others in that county; *and/or*
 - (2) ☐ longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in that county:

3. Is your claim based on a statement or conduct by a judge?

- ☐ Yes If yes, please state the judge's name: _____
- ☐ No

4. a. Do you want appointed counsel?

- ☐ Yes
- ☐ No

b. If yes, can you afford to hire counsel?

- ☐ Yes
- ☐ No

c. Were you represented by appointed counsel in this case (at the trial court and/or on appeal)?

- ☐ Yes
- ☐ No

5. a. Do you request permission to amend a pending petition for writ of habeas corpus with this claim?

- ☐ Yes
- ☐ No

b. If yes, in what court is your petition pending? _____

c. If yes, what is the case number of your pending petition? _____



6. Do you request **discovery** relevant to a potential violation of the Racial Justice Act?

- ☐ Yes
- ☐ No

a. ☐ Describe, as specifically as you can, the type of records or information you seek:

b. ☐ List the reasons you need the records or information:

7. Have you tried before to obtain evidence to support your claims?

- a. ☐ Yes
- b. ☐ No

If yes, please attach any information or documents you found that support your claim.

8. Before filing this petition, did you ask a court for discovery (to get evidence)?

- a. ☐ Yes
- b. ☐ No

If yes, what was the result? Please attach any information or court order you received.

9. Are you raising this claim for the first time?

- ☐ Yes
- ☐ No

If no, are you raising it again because of new evidence that could not have been previously known to you?

a. ☐ Yes (explain):

b. ☐ No (explain):

If you need additional space to answer any question on this petition, add an extra page and indicate that your answer is "continued on additional page."

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: _____



Signature of Petitioner

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY 11/18/2025 DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	FOR COURT USE ONLY DATE: TIME: DEPARTMENT:

MOTION TO VACATE CONVICTION OR SENTENCE

☐ Pen. Code, § 1016.5
 ☐ Pen. Code, § 1473.7(a)(1)
 ☐ Pen. Code, § 1473.7(a)(2)
 ☐ Pen. Code, § 1473.7(a)(3)

Instructions—Read carefully if you are filing this motion for yourself

- The term "Moving Party" as used in this form refers to the person asking for relief.
- This motion must be clearly handwritten in ink or typed. Make sure all answers are true and correct. If you make a statement that you know is false, you could be convicted of perjury (lying under oath).
- You must file a separate motion for each separate case number.
- Fill in the requested information. If you need more space, add an extra page and note that your answer is "continued on added page," or use *Attachment to Judicial Council Form* (form MC-025) as your additional page.
- Serve the motion on the prosecuting agency.
- An attorney filing this motion on behalf of a moving party, based on a claim under Penal Code section 745(a)(1) or (2) that involves conduct of a law enforcement officer, must serve the motion on the law enforcement agency that employs the officer.
- File the motion in the superior court in the county where the conviction or sentence was imposed.** Only the original motion needs to be filed unless local rules require additional copies.
- Notify the clerk of the court in writing if you change your address after filing your motion.

1. This motion concerns a conviction or sentence in case number _____ . On (date): _____ ,
 the Moving Party was convicted of a violation of the following offenses (*list all offenses included in the conviction*):

CODE	SECTION	TYPE OF OFFENSE (<i>felony, misdemeanor, or infraction</i>)

If you need more space to list offenses, use *Attachment to Judicial Council Form* (form MC-025) or any other additional page.



PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

2. ☐ **MOTION UNDER PENAL CODE SECTION 1016.5**a. **GROUND FOR RELIEF: The Moving Party requests relief based on the following:**

- (1) Before acceptance of a plea of guilty or nolo contendere to the offense, the court failed to advise the Moving Party that the conviction might have immigration consequences, as required under Penal Code section 1016.5(a).
- (2) The conviction that was based on the plea of guilty or nolo contendere may result in immigration consequences for the Moving Party, including possible deportation, exclusion from admission to the United States, or denial of naturalization.
- (3) The Moving Party likely would not have pleaded guilty or nolo contendere if the court had advised the Moving Party of the immigration consequences of the plea. (*People v. Arriaga* (2014) 58 Cal.4th 950.)

b. **Supporting Facts**

Tell your story. Describe the facts you allege regarding (1) the court's failure to advise you of the immigration consequences, (2) the possible immigration consequences, and (3) the likelihood that you would not have pleaded guilty or nolo contendere if you had been advised of the immigration consequences by the court. (*If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting the claim.*)

3. ☐ **MOTION UNDER PENAL CODE SECTION 1473.7(a)(1), Legal Invalidity With Actual or Potential Immigration Consequences**

The Moving Party is not currently in criminal custody in the case referred to in item 1 (criminal custody includes in jail or prison or on bail, probation, mandatory supervision, postrelease community supervision (PRCS), or parole).

a. **GROUND FOR RELIEF: Moving Party requests relief based on the following:**

The conviction or sentence is legally invalid due to a prejudicial error (a mistake that causes harm) that damaged the Moving Party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence. (Note: A determination of legal invalidity may, *but is not required to*, include a finding of ineffective assistance of counsel.) If you are claiming that your conviction or sentence is invalid due to ineffective assistance of counsel, before the hearing is held on this motion, you (or the prosecutor) must give timely notice to the attorney who you are claiming was ineffective in representing you.



PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

3. b. **Supporting Facts**

Tell your story. What facts show prejudicial error? Include information that shows that the conviction or sentence you are challenging is currently causing or has the possibility of causing your removal from the United States, or the denial of your application for an immigration benefit, lawful status, or naturalization.

CAUTION: You must *state facts, not conclusions*. For example, if claiming ineffective assistance of counsel, you must state facts detailing what the attorney did or failed to do and how that affected your conviction or sentence.

Note: The court presumes your conviction or sentence is not legally valid if

- (1) you pleaded guilty or nolo contendere based on a law that provided that the arrest and conviction would be deemed never to have occurred if specific requirements were completed;
- (2) you completed those specific requirements; and
- (3) despite completing those requirements, your guilty or nolo contendere plea has been, or possibly could be, used as a basis for adverse immigration consequences.

(If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting the claim.)

c. **Reasonable Diligence (check all that apply)**

- (1) (a) ☐ On *(date)*: _____, the Moving Party received a notice to appear in immigration court or other notice from immigration authorities that asserts the conviction or sentence as a basis for removal or the denial of an application for an immigration benefit, lawful status, or naturalization.
- (b) ☐ The Moving Party has not received a notice to appear in immigration court or other notice from immigration authorities as described above.
- (2) (a) ☐ On *(date)*: _____, the Moving Party received notice that a final removal order was issued against the Moving Party, based on the conviction or sentence that the Moving Party seeks to vacate.
- (b) ☐ The Moving Party has not received a final notice of removal as described above.

(If you are requesting appointment of counsel, you may skip the following item, 3c(3).)

- (3) This motion may be denied because of a delay in filing it. If you received *both* notices mentioned above, explain why you did not bring and could not bring this motion earlier. If you received both notices before this law went into effect on January 1, 2017, when did you become aware of the law? Did something happen to give you a reason to look for conviction relief?



PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

4. ☐ **MOTION UNDER PENAL CODE SECTION 1473.7(a)(2), Newly Discovered Evidence of Actual Innocence**

The Moving Party is not currently in criminal custody in the case referred to in item 1 (criminal custody includes in jail or prison or on bail, probation, mandatory supervision, post release community supervision (PRCS), or parole).

a. **GROUND FOR RELIEF: Moving Party requests relief based on the following:**

- (1) Newly discovered evidence of actual innocence exists that requires vacating the conviction or sentence as a matter of law or in the interests of justice.
- (2) The Moving Party discovered the new evidence of actual innocence on *(date)*:

b. **Supporting Facts**

Tell your story. Describe the newly discovered evidence and how it proves your actual innocence. Explain why you could not discover this evidence at the time of your trial. Explain why you did not bring and could not bring this motion earlier. *(If necessary, attach additional pages. You may use Attachment to Judicial Council Form (form MC-025) for any additional pages. If available, attach declarations, relevant records, transcripts, or other documents supporting the claim.)*

5. ☐ **MOTION UNDER PENAL CODE SECTION 1473.7(a)(3), Conviction or Sentence Based on Race, Ethnicity, or National Origin in Violation of Penal Code section 745(a) (Racial Justice Act)**

The Moving Party is not currently in criminal custody in the case referred to in item 1 (criminal custody includes in jail or prison or on bail, probation, mandatory supervision, postrelease community supervision (PRCS), or parole).

a. **Filing Date**

If you have a claim for violation of **the Racial Justice Act**, indicate which of the following apply to the case in which you are making this claim *(check all that apply)*:

- (1) ☐ Judgment is not final (for example, because an appeal is pending).
- (2) ☐ The Moving Party is facing actual or potential immigration consequences related to the conviction or sentence.
- (3) ☐ Judgment is for a felony conviction.



PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

5. b. **GROUND FOR RELIEF: Moving Party requests relief based on the following** (*choose all that apply*):

- (1) ☐ The judge, an attorney, a law enforcement officer, an expert, or a juror in the case exhibited bias or animus toward the Moving Party because of the Moving Party's race, ethnicity, or national origin.
- (2) ☐ During in-court trial proceedings, the judge, an attorney, a law enforcement officer, an expert, or a juror used racially discriminatory language about the Moving Party's race, ethnicity, or national origin. (Racially discriminatory language does not include relaying language used by someone else that is relevant to the case, or giving a racially neutral and unbiased physical description of the suspect.)
- (3) ☐ The Moving Party was charged with or convicted of a more serious offense than defendants 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 convictions for more serious offenses against people who share the Moving Party's race, ethnicity, or national origin in the county where the convictions were sought or obtained.
- (4) ☐ The Moving Party received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense **and**:
- (a) ☐ longer or more severe sentences were more frequently imposed for the same offense on defendants who share the Moving Party's race, ethnicity, or national origin than on others in that county; *and/or*
- (b) ☐ longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in that county.

c. **Discovery of Violation**

The Moving Party learned of the grounds described in item 5b above on or about (date): _____

d. **Supporting Facts**

CAUTION: You must state facts, not conclusions. A rule of thumb to follow is, *who* did exactly *what* to violate your rights at what time (*when*) or place (*where*).

- e. ☐ Judicial Conflict. The motion is based on a statement or conduct by a judge (*check if applicable*).

The judge's name is:

- f. ☐ **Motion for Discovery.** The Moving Party is requesting **discovery** relevant to a potential violation of **the Racial Justice Act** (*check if applicable*).

(1) **Describe, as specifically as you can, the type of records or information you seek:**

(2) **List the reasons you need the records or information:**




PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:

CASE NUMBER:

6. ☐ **REQUEST FOR COUNSEL** (*People v. Fryhaat* (2019) 35 Cal.App.5th 969, 981; *People v. Gutierrez* (2025) 113 Cal. App.5th 906)
- a. The Moving Party requests appointment of counsel upon a finding by the court that there is a prima facie case for relief, and
 - b. The Moving Party is indigent and has completed and attached *Defendant's Financial Statement* (form CR-105) showing that the Moving Party cannot afford to hire a lawyer. Form CR-105 is available online at courts.ca.gov/forms.
7. ☐ The Moving Party requests that the court hold the hearing on this motion without the Moving Party's personal presence because the Moving Party is (*check one*):
- a. ☐ in federal custody awaiting deportation.
 - b. ☐ otherwise in custody at (*facility*):
 - c. ☐ outside of the United States and lacks permission to enter.
 - d. ☐ other (*specify*):
8. The Moving Party requests that the court vacate the conviction or sentence in the above-captioned matter.
9. If the Moving Party entered a plea of guilty or nolo contendere, the Moving Party requests that the court allow the withdrawal of the plea of guilty or nolo contendere in the above-captioned matter.

Date:

Name of moving party or attorney for moving party


Signature of Moving Party or Attorney

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 11/18/2025 DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: DATE OF BIRTH:	CASE NUMBER:
ORDER ON MOTION TO VACATE CONVICTION OR SENTENCE <input type="checkbox"/> Pen. Code, § 1016.5 <input type="checkbox"/> Pen. Code, § 1473.7(a)(1) <input type="checkbox"/> Pen. Code, § 1473.7(a)(2) <input type="checkbox"/> Pen. Code, § 1473.7(a)(3)	FOR COURT USE ONLY DATE: TIME: DEPARTMENT:

1. FOR APPOINTMENT OF COUNSEL

- a. ☐ The court **grants** the request for appointment of counsel.
- b. ☐ The court **denies** the request for appointment of counsel because the Moving Party has not shown (*choose all that apply*):
☐ a prima facie case ☐ indigency.

2. FOR PENAL CODE SECTION 1016.5 RELIEF

- a. ☐ The court **grants** the Moving Party's request to vacate the judgment and to permit the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.
- b. ☐ The court **denies** the Moving Party's request to vacate the judgment and to permit the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.

3. FOR PENAL CODE SECTION 1473.7(a)(1) RELIEF

- a. **Request to Waive Personal Appearance (if applicable)**
- (1) ☐ The court finds good cause to **grant** the request that the court hold the hearing without the personal presence of the Moving Party.
- (2) ☐ The court **denies** the request that the court hold the hearing without the personal presence of the Moving Party.
- b. **Timeliness**
- (1) ☐ The court **deems the motion timely** because the Moving Party did not receive, or acted with reasonable diligence after receiving, notice from immigration authorities.
- (2) ☐ The court exercises its discretion to **deem the motion timely**.
- (3) ☐ The court **deems the motion untimely and dismisses the motion** after a hearing (*People v. Alatorre* (2021) 70 Cal. App.5th 747).
- c. **Vacatur of Conviction or Sentence**
- (1) ☐ The court **grants** the Moving Party's request to vacate the conviction or sentence on the basis that the conviction or sentence is legally invalid due to a prejudicial error damaging the Moving Party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.
☐ The court permits the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.
- (2) ☐ The court **denies** the Moving Party's request to vacate the conviction or sentence on the basis that the conviction or sentence is legally invalid due to a prejudicial error damaging the Moving Party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.



CASE NUMBER:

DEFENDANT:

4. FOR PENAL CODE SECTION 1473.7(a)(2) RELIEF**a. Request to Waive Personal Appearance** *(if applicable)*

- (1) ☐ The court finds good cause to **grant** the request that the court hold the hearing without the personal presence of the Moving Party.
- (2) ☐ The court **denies** the request that the court hold the hearing without the personal presence of the Moving Party.

b. Undue Delay

- (1) ☐ The court finds that the Moving Party **filed without undue delay** from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence of actual innocence.
- (2) ☐ The court finds that the Moving Party **failed to file the motion without undue delay** from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence of actual innocence, and **dismisses** the motion after a hearing.

c. Vacatur of Conviction or Sentence

- (1) ☐ The court **grants** the Moving Party's request to vacate the conviction or sentence based on newly discovered evidence of actual innocence.
☐ The court permits the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.
- (2) ☐ The court **denies** the Moving Party's request to vacate the conviction or sentence based on newly discovered evidence of actual innocence.
- (3) The court's basis for the ruling:

5. FOR PENAL CODE SECTION 1473.7(a)(3) RELIEF**a. Request to Waive Personal Appearance** *(if applicable)*

- (1) ☐ The court finds good cause to **grant** the request that the court hold the hearing without the personal presence of the Moving Party.
- (2) ☐ The court **denies** the request that the court hold the hearing without the personal presence of the Moving Party.

b. Undue Delay

- (1) ☐ The court finds that the Moving Party filed **without undue delay** from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence that provides a basis for relief under **the Racial Justice Act**.
- (2) ☐ The court finds that the Moving Party **failed to file the motion without undue delay** from the date the Moving Party discovered, or could have discovered through the exercise of due diligence, the evidence that provides a basis for relief under **the Racial Justice Act**, and **dismisses the motion** after a hearing.

c. Motion for Discovery

- (1) ☐ The court grants the Moving Party's request for the following records or information relevant to a potential **Racial Justice Act violation**:
- (2) ☐ The court denies the Moving Party's request for **discovery** of records or information.



DEFENDANT:	CASE NUMBER:
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5. **d. Vacatur of Conviction or Sentence**

(1) The court finds the following violations of the **Racial Justice Act** occurred (*check all that apply*):

- (a) ☐ The judge, an attorney, a law enforcement officer, an expert, or a juror in the case exhibited bias or animus toward the Moving Party because of the Moving Party's race, ethnicity, or national origin.
- (b) ☐ During in-court trial proceedings, the judge, an attorney, a law enforcement officer, an expert, or a juror used racially discriminatory language about the Moving Party's race, ethnicity, or national origin. (Racially discriminatory language does not include relaying language used by someone else that is relevant to the case, or giving a racially neutral and unbiased physical description of the suspect.)
- (c) ☐ The Moving Party was charged with or convicted of a more serious offense than defendants of other races, ethnicities, or national origin who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the Moving Party's race, ethnicity, or national origin in the county where the convictions were sought or obtained.
- (d) ☐ The Moving Party received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense **and**:
 - (i) ☐ longer or more severe sentences were more frequently imposed for the same offense on people who share the Moving Party's race, ethnicity, or national origin than on others in the county; *and/or*:
 - (ii) ☐ longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in that county.

(2) ☐ The court **grants** the Moving Party's request to vacate the conviction and sentence based on a violation of **the Racial Justice Act** and finds the conviction and sentence legally invalid.

(a) ☐ Refer to the court minute order from (*date*): _____

OR (*check all that apply*):

(b) ☐ The court orders the following new proceedings consistent with **the Racial Justice Act**:

(c) ☐ The court finds a violation of Penal Code section 745(a)(3) and modifies the judgment to the following lesser included or lesser related offense:

(d) ☐ The court permits the Moving Party to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty.

(e) ☐ The court grants the following remedies:



DEFENDANT:	CASE NUMBER:
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5. d. (3) ☐ The court **grants** the Moving Party's request to vacate the sentence based on a violation of the Racial Justice Act and finds the sentence was legally invalid.

(a) ☐ Refer to the court minute order from (date): _____

OR (check all that apply):

(b) ☐ The court imposes the following new sentence:

(c) ☐ The court grants the following remedies:

(4) ☐ The court **denies** the Moving Party's request to vacate the conviction or sentence based on a violation of the Racial Justice Act.

(5) The court's basis for the ruling:

Date:

Judicial Officer

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: 12/4/2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Criminal Law: Advisements on the Felony Plea Form

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

Revise form CR-101

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): 10/16/25

Project description from annual agenda: To implement SB 281 (Stats. 2025, ch. 666), the committee will consider revising the felony plea form to update the immigration advisement to incorporate the verbatim language specified in Penal Code section 1016.5(a). The committee will also consider additional revisions requested by judicial officers on clarifying the advisement given under In re Tellez (2024) 17 Cal.5th 77 and adding a waiver of appellate rights.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

Implements law that is effective January 1, 2026.

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) 11/4/2025

☒ approved by Office Director (or Designee) (name) Francine Byrne and Kara Portnow on (date) 10/28/2025

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

<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-06

Title

Criminal Law: Advisements on the Felony
Plea Form

Action Requested

Review and submit comments by January 7,
2026

Proposed Rules, Forms, Standards, or Statutes

Revise form CR-101

Proposed Effective Date

July 1, 2026

Proposed by

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Contact

Sarah Fleischer-Ihn, 415-865-7702
sarah.fleischer-ihn@jud.ca.gov

Executive Summary and Origin

Under existing law, before accepting a plea of guilty or no contest, courts must advise a defendant on the record that if they are not a citizen, conviction of the charged offense may result in specified immigration consequences. Recent legislation requires courts to advise defendants of these immigration consequences with the verbatim language of Penal Code section 1016.5(a). Additionally, when a defendant pleads guilty or no contest to a sexually violent offense, the California Supreme Court has directed trial courts to advise defendants about the possibility of being referred to sexually violent predator civil commitment proceedings. The Criminal Law Advisory Committee proposes amendments to the optional felony plea form to incorporate the verbatim immigration advisement and to clarify the advisement in cases involving sexually violent offenses.

Background

Since January 1, 1978, Penal Code section 1016.5¹ has required courts, before accepting a guilty or no contest plea, to advise a defendant on the record that, if they are not a citizen, conviction of the charged offense may result in deportation, exclusion from admission to the United States, or

¹ All further references are to the Penal Code unless otherwise specified.

denial of naturalization. Based on this statute, *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101) includes an immigration advisement as item 3j.²

Effective January 1, 2026, Senate Bill 281 (Stats. 2025, ch. 666) amended section 1016.5 to require courts to administer the advisement using the verbatim language of the statute. According to the bill’s author, the bill’s intent is to ensure consistency in the administration of the immigration advisement by courts. The author noted that some courts state that as a result of the plea, immigration consequences “will” occur, versus using the statutory language that they “may” occur, impacting the defendant’s understanding of the plea agreement.³ To assist courts with providing the statutory verbatim advisement, the committee proposes modifying item 3j.

In addition to the immigration advisement, courts are also required to advise a defendant when they could be subject to civil commitment as a sexually violent predator. Specifically, *In re Tellez* (2024) 17 Cal.5th 77 requires trial courts to advise a defendant—when pleading guilty or no contest to a sexually violent offense⁴ or when the court is aware that the defendant has a prior conviction for a sexually violent offense—along the following lines: “At the end of your sentence for this offense, you may be subject to screening by the State Department of State Hospitals to determine whether you qualify for trial as a sexually violent predator, which could result in your being committed to a secure medical facility indefinitely.”⁵

To implement the advisement in *In re Tellez*, the Judicial Council approved revisions to form CR-101 effective July 1, 2025.⁶ After these revisions, a superior court judge advised the committee of a minor error: although *In re Tellez* states that specified defendants may be subject to screening by the State Department of State Hospitals, the judge noted that the California Department of Corrections and Rehabilitation (CDCR) and the Board of Parole Hearings actually conduct the initial screening.⁷

If this screening determines that the person potentially meets the criteria for sexually violent predator, CDCR then refers the person to the State Department of State Hospitals for a full evaluation of whether the person meets the statutory criteria for a sexually violent predator.⁸ As a result, the committee recommends removing the reference in the advisement to the State Department of State Hospitals so that the advisement generally states that the person may be

² “I understand that if I am not a citizen of the United States, my plea of guilty or no contest may result in my deportation, exclusion from admission to the United States, or denial of naturalization under the laws of the United States.”

³ Sen. Com. on Pub. Saf., Analysis of Sen. Bill 281 (2025–2026 Reg. Sess.) Mar. 21, 2025, p. 2.

⁴ As defined in Welfare and Institutions Code section 6600(a)(2) and (b).

⁵ *In re Tellez*, *supra*, 17 Cal.5th, at pp. 92–93.

⁶ See Judicial Council of Cal., Advisory Com. Rep., *Criminal Law: Felony Plea Form* (Apr. 2, 2025), <https://jcc.legistar.com/View.ashx?M=F&ID=14012017&GUID=F5BB7680-05A8-47F3-9A01-3D9E376E9BF0>.

⁷ Welf. and Inst. Code, § 6601(b).

⁸ *Ibid.*

subject to screening. The committee believes that specifying the state agency conducting the screening is not necessary for the advisement, which is merely intended to notify a defendant that they could be subject to civil commitment as a sexually violent predator.

The Proposal

The committee proposes the following revisions to form CR-101:

- Modifying item 3j, Immigration Consequences, to state that the defendant understands the following:

If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

- Modifying item 3h, Sexually Violent Predator Civil Commitment, to remove a reference to the State Department of State Hospitals as the agency conducting the screening for whether the person meets the criteria for indeterminate commitment as a sexually violent predator.

Alternatives Considered

The committee did not consider the alternative of not revising the form because it determined that revising the immigration consequences advisement was necessary to implement recent legislation.

For the *In re Tellez* advisement, the committee considered referencing both the CDCR and the State Department of State Hospitals as the agencies that conduct the screening and evaluation for sexually violent predator civil commitment proceedings. However, the committee concluded that a simplified approach referencing a screening as part of the procedure was sufficient. A committee member also suggested replacing the reference to an “indeterminate” commitment as a sexually violent predator with an “indefinite” commitment, finding that “indefinite” was more accurate. When the advisement previously circulated for public comment, the committee requested specific comment on two different versions of the advisement. One version was a more specific advisement regarding the possibility of an indeterminate civil commitment, and the other referenced commitment to a secure medical facility indefinitely. Commenters preferred the former, which was incorporated into the plea form. Because this issue had been deliberated before, the committee declined to make the change.

The committee also considered a request from a superior court judge to add a waiver of appellate rights to the plea form. The committee declined this request, finding that local practices on waiving appellate rights differed across the state and did not seem suitable for a statewide form.

Fiscal and Operational Impacts

The fiscal and operational impacts of this proposal are attributable to recent legislation and case law. Expected costs include training, case management system updates, and the production of new forms.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Form CR-101, at pages 5–12
2. Link A: Senate Bill 281,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260SB281

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 12/1/2025 DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:
PLEA FORM, WITH EXPLANATIONS AND WAIVER OF RIGHTS—FELONY	

INSTRUCTIONS:

- (1) Fill out this form only if you want to plead guilty or no contest.
- (2) Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item. For any item that does not apply to you or that you do not understand, leave the box blank.
- (3) On page 6, sign and date the form under "DEFENDANT'S STATEMENT."
- (4) Keep in mind that the court cannot give legal advice. If you have any questions about anything in this form, ask your attorney.

1. **CHARGES AND MAXIMUM TERM.** I want to plead guilty or no contest ("nolo contendere") to the charges and admit the following prior convictions, enhancements, allegations, and circumstances in aggravation listed below. I understand that the minimum and maximum penalties for the charges to which I am pleading guilty or no contest are listed below.

INITIALS

COUNT	CHARGES (SECTION & DESCRIPTION)	YEARS / MONTHS		PRIOR CONVICTIONS, ENHANCEMENTS, ALLEGATIONS & CIRCUMSTANCES IN AGGRAVATION (SECTION & DESCRIPTION)	YEARS / MONTHS		TOTAL MAXIMUM TIME
		MINIMUM	MAXIMUM		MINIMUM	MAXIMUM	
AGGREGATE MAXIMUM TIME OF IMPRISONMENT							

2. **PLEA AGREEMENT.** I understand that I must tell the court on this form about any promises anyone has made to me about the sentence I will receive or the sentence recommendations that will be made to the court. My attorney, the court, or the prosecutor has explained to me that if I plead guilty or no contest to the charges and admit the prior convictions, enhancements, allegations, and circumstances in aggravation listed above, the court will sentence me as follows:

a. Check one: ☐ **State Prison** for ☐ **County Jail** per Penal Code section 1170(h) for

(1) years and months or

(2) not less than years and months and/or not more than years and months.

(3) Other (specify):

b. **Probation** for years under conditions to be set by the court, including

days in the **county jail** or

up to days in the **county jail**.

I understand that a violation of any of the conditions of probation, including failure to complete a drug education or treatment program, if ordered by the court, may cause the court to send me to **county jail or state prison** for up to the **"Aggregate Maximum Time of Imprisonment"** specified in item 1, which may include a period of mandatory supervision under Penal Code section 1170(h)(5)(B) if the court sends me to county jail.



PEOPLE OF THE STATE OF CALIFORNIA v.

CASE NUMBER:

Defendant:

INITIALS

2. c. **Split Sentence (1170(h)(5)(B)):** years and days in the county jail and years and days on mandatory supervision under conditions set by the court. I understand that if I violate any of the terms or conditions of mandatory supervision, I may be remanded into custody for the entire unserved portion of the sentence.

d. **Open Plea**

- (1) ☐ I understand the maximum and minimum sentences for the charges, enhancements, and allegations stated on page 1. No one has made any other promises to me about what sentence the court may order.
- (2) ☐ I understand that I am not eligible for probation.
- (3) ☐ I understand that I will not be granted probation unless the court finds at the time of sentencing that this is an unusual case where the interests of justice would be best served by granting probation.

e. **Restitution, Statutory Fees, and Assessments**

I understand that the court will order me to pay the following amounts (if an amount is not yet known, "TBD" for "to be determined" is entered next to the \$); I must prepare financial disclosure statements to assist the court in determining my ability to pay; and refusal or failure to prepare the required financial disclosure statements may be used against me at sentencing:

- (1) ☐ \$ **to the Victim Restitution Fund**
- (2) ☐ \$ **restitution to actual victims**
- (3) ☐ \$ **restitution to the State of California, Victims of Crime Fund**
- (4) ☐ \$ **court operations assessment**
- (5) ☐ \$ **court facilities assessment**
- (6) ☐ \$ **base fine plus any applicable penalties, assessments, and surcharges**
- (7) ☐ \$ **other (specify):**
- (8) ☐ \$ **other (specify):**
- (9) ☐ An (additional) amount to be determined by the court at sentencing or such other hearing as the court may set.

f. **Fines for Revocation of Parole, Postrelease Community Supervision, Mandatory Supervision, or Probation**

I understand that if I am sentenced to **state prison**, the court **will** impose a parole revocation fine or a postrelease community supervision revocation fine, which will be collected only if my parole or postrelease community supervision is later revoked. I also understand that if I am granted probation or mandatory supervision, the court **will** impose a probation revocation fine or mandatory supervision revocation fine, which will be collected only if my probation or mandatory supervision is later revoked.

g. **Dismissal of Other Counts**

I understand that as part of the plea agreement bargain, the following counts will be dismissed after sentencing:

I understand and agree that the sentencing judge may consider facts underlying dismissed counts to determine restitution and to sentence me on the counts to which I am entering a plea.

h. **Other Terms (specify):**3. **CONSEQUENCES OF MY PLEA**a. **No Contest ("Nolo Contendere") Plea**

I understand that a no contest plea is the same as pleading guilty and that if I plead no contest, I will be convicted and my no contest plea could be used against me in a civil case.



PEOPLE OF THE STATE OF CALIFORNIA v.

CASE NUMBER:

Defendant:

INITIALS

3. b. **Parole and Postrelease Community Supervision**I understand that if I am sentenced to **state prison**

- (1) I will be placed on parole or postrelease community supervision for up to _____ years after my release.
- (2) if I abscond or the court tolls my supervision, the total time of parole or postrelease community supervision can be extended.
- (3) if I violate any of the terms or conditions of my parole, I can be sentenced to county jail for up to 180 days for each violation, or if I am convicted of a crime that is subject to parole under Penal Code section 3000(b)(4) or 3000.1, I could be returned to state prison.

c. **Effect of Conviction on Other Cases**

I understand that a conviction in this case may constitute a violation of any other current grant of parole, mandatory supervision, postrelease community supervision, or probation in any other case and that I may receive additional punishment as a result of that violation.

d. **Registration**

I understand that I will be required to register with the local police agency or sheriff's department in the city or county in which I reside as

- (1) ☐ an arson offender (3) ☐ a sex offender (**this registration is a lifelong requirement**)
- (2) ☐ a gang member (4) ☐ Other (*specify*):

and that if I fail to register or to keep my registration current for any reason, new felony criminal charges may be filed against me.

e. **Prints and DNA Samples**

I understand that I must provide biological samples and prints for identification purposes—including buccal (mouth) swab samples, right thumb prints, palm prints of each hand, and blood specimens or other biological samples required by law—and that failure to do so constitutes a new criminal offense.

f. **Serious or Violent Felony**

- (1) ☐ I understand that by pleading guilty or no contest to a serious or violent felony ("strike"), the penalty for any future felony conviction will be increased as a result of my conviction in this case, depending on the number of strikes I have, up to a mandatory prison sentence of double the term otherwise provided or a term of at least 25 years to life.
- (2) ☐ I understand that if I am convicted of a violent felony, jail or prison conduct/work-time credit I may accrue will not exceed 15 percent.
- (3) ☐ I understand that if I am admitting a prior strike conviction, prison work-time credit that I may accrue will not exceed 20 percent of the total term of imprisonment.
- (4) ☐ I understand that if I am convicted of murder or a third felony conviction of certain offenses, I am ineligible to receive work-time credits. Count _____ is such an offense.

g. **Prior Prison Term for Sexually Violent Offense**

I understand that if I am sentenced to serve a state prison term for this sexually violent offense, as defined in Welfare and Institutions Code section 6600(b), the penalty for any future felony conviction may be increased as a result of my incarceration in this case.

h. **Sexually Violent Predator Civil Commitment**

If I am or previously have been convicted of a sexually violent offense and am ever committed to the custody of the California Department of Corrections and Rehabilitation, I may at the conclusion of that term be subject to screening to determine whether I meet the criteria for indeterminate commitment as a sexually violent predator and, potentially, be made subject to civil commitment proceedings.



PEOPLE OF THE STATE OF CALIFORNIA v.

CASE NUMBER:

Defendant:

INITIALS

i. **Driver's License and Vehicle Forfeiture**

I understand that my privilege to drive a motor vehicle may be revoked or suspended by the court or the California Department of Motor Vehicles and my vehicle may be ordered forfeited if it was involved in the offense.

j. **Immigration Consequences**

I understand the following:

If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

k. **Firearms (Guns), Firearm Parts, and Ammunition Prohibition and Relinquishment**

I understand that under federal and state law a conviction in this case prohibits me from owning, using, purchasing, receiving, or having under my custody or control firearms (guns), firearm parts, ammunition, reloaded ammunition, and ammunition feeding devices, including but not limited to magazines, for life. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). I must relinquish any firearms and firearm parts I own, possess, or have under my custody or control (see Penal Code section 29810).

l. **Body Armor Prohibition and Relinquishment**

I understand that a conviction in this case prohibits me from purchasing, owning, or possessing body armor (defined in Penal Code section 16288). I must relinquish any body armor I have in my possession (see Penal Code section 31360).

m. **Other Consequences (specify):**4. **RIGHT TO AN ATTORNEY**

I understand that I have the right to an attorney of my choice to represent me throughout the proceedings. If I cannot afford to hire an attorney, the court will appoint one to represent me.

I hereby give up my right to be represented by an attorney.

5. **OTHER CONSTITUTIONAL RIGHTS**

I understand that I am entitled to each of the following rights as to the charges, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1):

a. **Right to a Jury Trial**

I understand that I have a right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be convicted unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my counsel, to participate in jury selection.

b. **Right to a Court Trial**

I understand that, as an alternative to a jury trial, if the prosecutor agrees, I may give up a jury trial and have a court trial in which the judge alone, without a jury, hears the evidence. I still could not be convicted unless, after hearing all of the evidence, the judge was convinced beyond a reasonable doubt that I am guilty.

c. **Right to Confront and Cross-Examine Witnesses**

I understand that I have the right to confront and cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court, they must testify under oath in my presence, and my attorney may question them.

d. **Right to Remain Silent and Not to Incriminate Myself**

I understand that I have the right to remain silent, and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself, and I cannot be forced to testify.

e. **Right to Produce Evidence and to Present a Defense**

I understand that I have a right to present evidence and to have the court issue subpoenas to bring to court all witnesses and evidence favorable to me, at no cost to me. I also have the right to testify on my own behalf.



PEOPLE OF THE STATE OF CALIFORNIA v.

CASE NUMBER:

Defendant:

INITIALS

6. BEFORE THE PLEA**a. Discussion With My Attorney****Before entering this plea, I have had a full opportunity to discuss the following with my attorney:**

- (1) The facts of my case;
- (2) The elements of the charged offenses, prior convictions, enhancements, allegations, and circumstances in aggravation;
- (3) Any defenses that I may have;
- (4) My constitutional and statutory rights and waiver of those rights;
- (5) The consequences of this plea, including the immigration consequences;
- (6) Anything else I think is important to my case.

b. Questions

I have no further questions of the court or of my attorney with regard to my plea and admissions in this case, any of the rights, or anything else on this form.

c. Stipulation to Commissioner

I understand that I have the right to have a judge take my plea and sentence me. I give up this right and agree to have a commissioner, sitting as a temporary judge, take my plea and sentence me.

d. Medications or Controlled Substances

I am not taking any medication that affects my ability to understand this form and the consequences of my plea, have not recently consumed any alcohol or drugs, and am not suffering from any medical condition, except for the following:

e. Court Approval of Plea Agreement

I understand that the plea agreement in item 2 (on pages 1 and 2) is based on the facts before the court. I understand that if the court approves this plea agreement, the approval of the court is not binding, and that the court may withdraw its approval of the plea agreement upon further consideration of the matter. I understand that if the court withdraws its approval of this plea agreement, I will be allowed to withdraw my plea. (Pen. Code, § 1192.5.)

7. STATUTORY RIGHT TO A PRELIMINARY HEARING

I understand that before I have a trial, the law gives me the right to a speedy preliminary hearing at which the prosecution would produce evidence and the court must find reasonable cause to believe I committed the crimes with which I have been charged. I understand that I have all of the above constitutional rights at the preliminary hearing, except for the right to a jury trial.

I give up my right to a preliminary hearing and the constitutional rights listed in item 5 (on page 4).**8. WAIVER OF CONSTITUTIONAL AND STATUTORY RIGHTS****I give up, for each of the charges, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1), my right to a jury trial, my right to a court trial, my right to confront and cross-examine witnesses, my right to remain silent and not to incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf. I understand that I am, in fact, incriminating myself with my plea.****9. THE PLEA**I plead ☐ GUILTY ☐ NO CONTEST to the charges listed in item 1 (on page 1) and admit the prior convictions, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1), understanding that this plea and admission will lead to the penalties listed in item 2 (on pages 1 and 2).

- a. I offer my plea of guilty or no contest freely and voluntarily and with full understanding of everything in this form. No one has made any threats; used any force against me, my family, or my loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest.



PEOPLE OF THE STATE OF CALIFORNIA v.

Defendant:

CASE NUMBER:

INITIALS

9. b. I understand that the court is required to find a factual basis for my plea to make sure that I am entering a plea to the proper offenses under the facts of the case.

- (1) ☐ I admit that on the dates charged, I (*describe the facts establishing all elements of the offense as to each count*):

- (2) ☐ I offer to the court as the basis for the plea of guilty or no contest and any admissions the following documents that are in the record or that are attached to this plea form to become part of the record:

- (a) ☐ Preliminary hearing transcript
 (b) ☐ Police report
 (c) ☐ Probation report
 (d) ☐ Welfare investigator's declaration
 (e) ☐ Court documents regarding any alleged prior offenses
 (f) ☐ Other (*specify*):
 (g) ☐ (*Specify facts*):

- c. I am pleading guilty or no contest to take advantage of a plea agreement or to avoid the risk of conviction of a greater offense and I understand that my attorney will stipulate that there is a factual basis for the plea. (*N.C. v. Alford* (1970) 400 U.S. 25; *People v. West* (1970) 3 Cal.3d 595.)

10. AFTER THE PLEA

a. Surrender

I understand that the court is allowing me to surrender at a later date to begin serving time in custody.

I agree that if I fail to appear on the date set for surrender or sentencing without a legal excuse, my plea will become an "open plea" to the court, I will not be allowed to withdraw my plea, and I may be sentenced up to the maximum allowed by law.

b. Sentencing Court

I understand that I have the right to be sentenced by the same judge or commissioner who takes my plea.

I give up that right and agree that any judge or commissioner may sentence me.

c. Sentencing Date

I understand that I have the right to be sentenced within 20 court days. I give up that right and agree to be sentenced at a later date.

11. MANDATORY WARNING

- a. I understand that if I am charged with violating Vehicle Code section 23103, as specified in Vehicle Code section 23103.5, or Vehicle Code section 23152 or 23153, the following warning applies:

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder.

- b. I understand that if I am charged with violating Health and Safety Code section 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, or 11379.6 involving a hard drug, the following warning applies:

You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in this conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish, administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of section 187 of the Penal Code.



PEOPLE OF THE STATE OF CALIFORNIA v.

Defendant:

CASE NUMBER:

DEFENDANT'S STATEMENT

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and effects of any prior convictions, enhancements, allegations, and circumstances in aggravation have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the items in the form, including the defendant's constitutional and statutory rights, to the defendant and have answered all of the defendant's questions with regard to those rights, the other items in this form, and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge; any possible defenses to the charges; the effect of any prior convictions, enhancements, allegations, and circumstances in aggravation; and the consequences of the plea.

I concur in the plea and admissions and join in the waiver of the defendant's constitutional and statutory rights, and I hereby stipulate that there is a factual basis for the plea and refer the court to the following documents that are in the record or that are attached to this plea form to become part of the record:

☐ police report ☐ preliminary hearing transcript ☐ probation report

☐ other (*specify*):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

INTERPRETER'S STATEMENT

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language noted below.

Language: ☐ Spanish ☐ Other (*specify*):

Date:

(CERTIFICATION NUMBER)

(TYPE OR PRINT NAME)

(SIGNATURE OF INTERPRETER)

DISTRICT ATTORNEY'S STATEMENT

I have read this form and understand the terms of the plea agreement.

I ☐ agree ☐ do not agree with the terms of the plea agreement and the indicated sentence.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DISTRICT ATTORNEY)



PEOPLE OF THE STATE OF CALIFORNIA v. Defendant:	CASE NUMBER:
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COURT'S FINDINGS AND ORDER

The court, having reviewed this form (and any addenda), and having orally examined the defendant, finds as follows:

1. The initialed items in this form have been read by or read to the defendant, and the defendant understands each of them.
2. The defendant understands the nature of the crimes, prior convictions, enhancements, allegations, and circumstances in aggravation listed in item 1 (on page 1) and the consequences of the plea and any admissions.
3. The defendant expressly, knowingly, understandingly, and intelligently waives the constitutional and statutory rights associated with this plea.
4. The defendant's plea, admissions, and waiver of rights are made freely and voluntarily.
5. A factual basis exists for the plea and admissions.
6. ☐ For convictions of a sexually violent offense, the parties discussed the possibility of a disposition involving a plea to an offense that is not a sexually violent offense.

The court accepts the defendant's plea, admissions, and waiver of rights, and the defendant is hereby convicted based thereon.

It is ordered that this document be filed with the court's records of this case and that the defendant's plea, admissions, and waiver of rights be accepted and entered in the minutes of this court.

Date: _____

(SIGNATURE OF JUDICIAL OFFICER)

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: December 4, 2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Juvenile Law: Update to Racial Justice Act Forms

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

Revise forms JV-720 and JV-720-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 16, 2025

Project description from annual agenda: Item 1y: Project Summary: Develop rules and forms recommendations as needed to implement the legislation listed below. In addition to changes needed to implement legislation, the committee may propose additional substantive rule and form changes based on suggestions made by courts, stakeholders, and the public, or to increase useability of rules and forms for courts and litigants.

Assembly Bill 1071 (Kalra), Criminal procedure: discrimination (Stats. 2025, ch. 721)

This bill amends Penal Code sections 745, 1473, and 1473.7 and adds Penal Code section 1473.2 to provide procedures for a defendant to seek relief if they believe their conviction or sentence was influenced by racial, ethnic, or national origin discrimination. It establishes a process for filing a motion for relief, including the submission of statistical evidence, and specifies the burden of proof required. The bill would also change the remedies for a violation of this prohibition in accordance with the procedure the defendant used to pursue relief.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

These form revisions are being recommended in the Winter Cycle because AB 1071 takes effect on January 1, 2026.

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) 11/10/25

☒ approved by Office Director (or Designee) (name) Audrey Fancy on (date) 11/20/25

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.](#)

(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

<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-07

Title

Juvenile Law: Update to Racial Justice Act Forms

Action Requested

Review and submit comments by January 5, 2026

Proposed Rules, Forms, Standards, or Statutes

Revise forms JV-720 and JV-720-INFO

Proposed Effective Date

July 1, 2026

Proposed by

Family and Juvenile Law Advisory Committee

Hon. Tari L. Cody, Cochair

Hon. Stephanie E. Hulsey, Cochair

Contact

Tony Cheng, 415-865-4268

tony.cheng@jud.ca.gov

Executive Summary and Origin

Assembly Bill 1071 (Kalra; Stats. 2025, ch. 721) amended provisions of the Racial Justice Act by, among other changes, adding a service requirement to Penal Code section 745. In cases involving represented applicants who allege a violation of the act by law enforcement, counsel for the applicant must now serve a copy of the petition on the law enforcement agency that employed the officer. The Family and Juvenile Law Advisory Committee proposes revising two forms to implement AB 1071 in juvenile court and to make clarifying nonsubstantive changes.

Background

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) 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).)¹ The act, which added section 745 and amended sections 1473 and 1473.7, enables individuals to file claims for relief based on violations of its provisions. (§ 745(a)(1)–(4).) If a claim under the act is sustained, a juvenile

¹ Unless otherwise specified, all further statutory references are to the Penal Code.

court may grant relief that the court finds appropriate. (§ 745(e)(1), (2).) 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 (Kalra); Stats. 2022, ch. 739) subsequently authorized the retroactive application of the act in certain cases. In juvenile cases, an individual facing actual or potential immigration consequences may now file a claim regardless of when their judgment became final. (§ 745(j)(2).) As of January 1, 2026, individuals with a juvenile case that resulted in a commitment to the Division of Juvenile Justice² may also file a claim, regardless of when the judgment or disposition became final. (§ 745(j)(5).) Section 745 was subsequently amended effective January 1, 2024, to allow an individual to raise a claim under the act for the first time on direct appeal. (Assem. Bill 1118 (Kalra); Stats. 2023, ch. 464.) An individual may also now move to stay an appeal and request remand to the trial court to file a claim under the act. (§ 745(b).)

To implement the act in juvenile cases, the Family and Juvenile Law Advisory Committee recommended five new forms for optional use for claims in juvenile court under the act, which the Judicial Council approved.³ These forms will become effective on January 1, 2026.

Also effective January 1, 2026, AB 1071 imposes a service requirement in cases in which a represented applicant alleges a violation of the RJA by a law enforcement officer. (§ 745(c)(3).) In such cases, counsel for the applicant must serve a copy of the petition on the law enforcement officer's agency. Section 745(c)(3) provides that:

If the defendant is represented by an attorney and the motion alleges a violation of paragraph (1) or (2) of subdivision (a), based in whole or in part on the conduct of one or more law enforcement officers, the attorney shall serve a copy of the motion on the law enforcement agency or agencies that employed the officer or officers.

The Proposal

To implement AB 1071 and to improve clarity and readability⁴, the Family and Juvenile Law Advisory Committee proposes revisions to two of the new forms: *Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-720) and *The Racial Justice Act in Juvenile Court* (form JV-720-INFO). Other amendments made by AB 1071 do not impact other existing

² All Division of Juvenile Justice facilities were ordered closed as of July 1, 2023 (Sen. Bill 823; Stats. 2020, ch. 337).

³ Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Racial Justice Act Forms* (Oct. 10, 2025), jcc.legistar.com/View.ashx?M=F&ID=14856297&GUID=EB43CC6D-0EDE-412C-B2B5-51423E64139D.

⁴ In order to make Judicial Council forms more user friendly, updates have been made to formatting across all forms. These changes include the font style of information in the footers, the shape of checkboxes, and other minor, nonsubstantive edits.

RJA forms for juvenile cases, and thus the committee does not propose revisions to them.⁵ The proposed changes are described below.

Request for Relief Under the Racial Justice Act—Juvenile Adjudication (form JV-720)

Form JV-720 is 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. To implement AB 1071, the committee proposes the addition of item 4c to the form. In item 4c, the applicant would be asked to answer either yes or no to the question “Are you asking for this request based on something a law enforcement officer did, said, or wrote?” The “yes” answer would further state “*(If yes, and you have an attorney, your attorney must send a copy of this form to the agency that employed the officer. If you do not have an attorney, you do **not** have to send a copy of this form to the officer’s employer.)*.”

As the committee is concerned that the process for seeking relief may be confusing to nonattorneys, in addition to the substantive changes needed to implement AB 1071, the committee proposes minor revisions to four items to improve clarity and readability:

- For items 2, 4b, and 6, rephrasing them to pose yes/no questions; and
- For item 5, adding information about when disclosure of evidence may be relevant, including providing examples of potentially relevant evidence.⁶

The Racial Justice Act in Juvenile Court (form JV-720-INFO)

Form JV-720-INFO is an information sheet to supplement 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.

To implement AB 1071, the committee proposes including information about the new service requirement under “How do I file an RJA request?” on page 2, item 4:

If you have an attorney, and your request is based on something a law enforcement officer did, said, or wrote, your attorney must send ("serve") a copy of this form to the agency that employed the officer."

The committee also proposes the following changes to improve clarity and readability:

- On page 1, change the heading “Who can file a request under the RJA?” to “Who can file a request under the RJA in juvenile court?”

⁵ There are no corresponding rules of court associated with the juvenile Racial Justice Act forms.

⁶ The approved version of form JV-720-INFO contains similar instructions.

- Move information about filing in adult criminal court from page 2 to page 1 and add a new heading, “What if my last court date was in adult criminal court?”
- On page 2, remove the step-by-step instructions on how to fill out form JV-720, which are already outlined in form JV-720.
- On page 2, in the section titled “How do I file an RJA request?”, add information about making copies of the request before filing, and reformat the section into a step-by-step process.

Alternatives Considered

The committee considered taking no action but rejected this option because without the proposed revision, form JV-720 would not reference the new mandatory service requirement. The committee also considered not adding an additional question to page 2 of form JV-720, instead adding information about the service requirement implemented by AB 1071 on page 1 of the form. On page 1, there is currently a box titled “Instructions—Read Carefully.” The box contains five bullet points. The fifth bullet point currently states:

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.

The committee considered adding another sentence to the end of this bullet point:

If the basis for your Racial Justice Act violation is something a law enforcement officer did, said, or wrote, your current attorney must also serve the form on the law enforcement agency that employed the officer.

The committee ultimately rejected this option because the committee had concerns that the information would be overlooked. The committee felt that the addition of a separate question to form JV-720 would make it less likely that the advisal would be missed.

The committee also considered not making additional technical changes to forms JV-720 and JV-720-INFO. The committee rejected this option because the proposed changes improve the readability and usability of both forms.

Fiscal and Operational Impacts

Fiscal and operational impacts are likely to be minor, as the proposal is limited to minor changes on two optional forms. Expected costs include training, case management system updates, and the production of new forms.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Would retaining any of the existing step-by-step instructions on how to fill out form JV-720 (first column on page 2 of form JV-720-INFO) be preferable to removing them?

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

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

Attachments and Links

1. Forms JV-720 and JV-720-INFO, at pages 6–10
2. Link A: Pen. Code, § 745,

leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=745&lawCode=PEN

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 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:
<p style="text-align: center;">Instructions—Read Carefully</p> <ul style="list-style-type: none"> 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 make this request, see <i>The Racial Justice Act in Juvenile Court</i> (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

Are you asking the court to appoint an attorney to represent you?

- ☐ No
- ☐ Yes

CASE NAME:	CASE NUMBER:
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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.)
- 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. Are you asking for this request based on something a judge did, said, or wrote?

☐ No

☐ Yes *(If yes, write the judge's name below. Note: a different judge will hear this request.)*

Judge's name: _____

- c. Are you asking for this request based on something a law enforcement officer did, said, or wrote?

☐ No

☐ Yes *(If yes, and you have an attorney, your attorney must send a copy of this form to the agency that employed the officer. If you do not have an attorney, you do **not** have to send a copy of this form to the officer's employer.)*

CASE NAME:	CASE NUMBER:
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5. Disclosure of evidence

(You may ask for records or information that can be used to support your request. Examples might include a transcript from a hearing where a witness used discriminatory language about you, or records of people charged with offenses similar to yours to show that people who share your race, ethnicity, or national origin tend to be charged with more serious offenses.)

(Check a or b)

- a. ☐ I request disclosure of evidence relevant to a potential violation of the Racial Justice Act.

(Complete items (1) and (2). You can add to this request after an attorney 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

Will you need an interpreter if there is a hearing?


☐ No

☐ Yes **(If yes, write the language you will need the 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 (Kalra); 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;
- 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 in juvenile court?

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.

What if my last court date was in adult criminal court?

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-187](#)).



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](#)).

- ① Complete form [JV-720](#) (*Request for Relief Under the Racial Justice Act—Juvenile Adjudication*). (Make sure to put your name and contact information in the box at the top of the form and the court's address below your name and address. You can get the court's address from the court papers in your case.)
- ② Make at least one copy of your completed form if you want a copy for your records.
- ③ Once you have filled out the form, 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 you mail your completed form, you will need to include a stamped, self-addressed envelope for the clerk to mail a filed copy to you.
- ④ If you have an attorney, and your request is based on something a law enforcement officer did, said, or wrote, your attorney must send ("serve") a copy of this form to the agency that employed the officer.

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.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: December 4, 2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Mental Health Law: Implementation of CARE Act Legislation

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

Amend Cal. Rules of Court, rules 7.2221, 7.2223, and 7.2230; repeal rule 7.2225; approve forms CARE-125 and CARE-126; revise forms CARE-050-INFO, CARE-060-INFO, CARE-100, CARE-101, and CARE-102.

Committee or other entity submitting the proposal:

Probate and Mental Health Advisory Committee

Staff contact (name, phone and email): Tyler Shill, 415-865-4571, Tyler.Shill@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 16, 2025

Project description from annual agenda: The committee will develop a recommendation for new and amended rules and new and revised forms as needed to implement the Community Assistance, Recovery, and Empowerment (CARE) Act (Welf. & Inst. Code, §§ 5970–5987), as amended by Senate Bill 27 (Umberg; Stats. 2025, ch. 528). The recommendation will also respond to feedback and suggestions from courts and the executive branch. The project is expected to include revisions to the petition forms and the accompanying declaration form as well as the information sheets to conform to changes to the law and to make the forms more user friendly. The committee will also consider developing a recommendation for approval of an optional form for courts to use to refer a person to the CARE process.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

This proposal is urgently needed to implement changes made by Senate Bill 27, which takes effect January 1, 2026. The advisory committee requests circulation of this proposal in the Winter 2026 cycle with the proposal materials intended to take effect on July 1, 2026. The changes included in this proposal are necessary to ensure legally accurate rules and forms for courts, justice partners, and members of the public.

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) November 3, 2025
- ☒ approved by Office Director (or Designee) (name) Audrey Fancy on (date) November 6, 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
<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-08

Title

Mental Health Law: Implementation of CARE Act Legislation

Action Requested

Review and submit comments by January 7, 2026

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 7.2221, 7.2223, and 7.2230; repeal rule 7.2225; approve forms CARE-125 and CARE-126; revise forms CARE-050-INFO, CARE-060-INFO, CARE-100, CARE-101, and CARE-102

Proposed Effective Date

July 1, 2026

Contact

Tyler Shill, 415-865-4571
Tyler.Shill@jud.ca.gov

Proposed by

Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Executive Summary and Origin

To implement recently enacted legislation regarding the Community Assistance, Recovery, and Empowerment (CARE) Act, the Probate and Mental Health Advisory Committee proposes amending three rules of court, repealing one rule of court, approving two forms, and revising five forms. Senate Bill 27 (Stats. 2025, ch. 528) amended both substantive and procedural aspects of the CARE Act, including eligibility criteria and initiation processes. This proposal would make the changes to rules and forms necessary to conform to SB 27. This proposal would also make minor changes to improve form usability and clarity.

Background

The CARE Act (Sen. Bill 1338; Stats. 2022, ch. 319, § 7) created a new pathway to deliver mental health treatment and support services to persons with schizophrenia or other psychotic disorders by authorizing specific qualifying individuals to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan. The first cohort of California

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

counties implemented the CARE Act by October 1, 2023,¹ with the remaining counties required to implement no later than December 1, 2024.² All counties and courts implemented the CARE Act by December 1, 2024.

Senate Bill 27

SB 27 expands CARE Act eligibility criteria and amends procedures related to hearings and referrals to CARE Act proceedings. Specifically, SB 27:

- Expands CARE Act eligibility to include individuals diagnosed with “bipolar I disorder with psychotic features, except psychosis related to current intoxication”;
- Authorizes the CARE Act court to consider referrals from courts hearing Assisted Outpatient Treatment, conservatorship, misdemeanor incompetent to stand trial, and felony incompetent to stand trial proceedings as petitions to begin CARE Act proceedings, if certain criteria are met;
- Defines “clinically stabilized in ongoing voluntary treatment” to mean both (1) “the person’s condition is stable and not deteriorating”, and (2) “the person is currently engaged in treatment and managing symptoms through medication or other therapeutic interventions”; and
- Includes nurse practitioners and physician assistants among the licensed behavioral health professionals authorized under Welfare and Institutions Code section 5975(d)(1) to complete an affidavit stating that the respondent meets the diagnostic criteria to be eligible for CARE Act proceedings.

The Proposal

To implement the statutory requirements and procedures introduced by SB 27, maintain consistency across CARE Act rules and forms, and improve usability and clarity, the proposal would:

- Amend California Rules of Court, rules 7.2221, 7.2223, and 7.2230;
- Amend the heading of California Rules of Court, title 7, chapter 2, article 2;
- Repeal California Rules of Court, rule 7.2225;
- Approve *Court Referral to the CARE Act Court* (form CARE-125) and *Ruling or Order on Court Referral to CARE Act Court* (form CARE-126) as optional forms; and
- Revise *Information for Petitioners—About the CARE Act* (form CARE-050-INFO), *Information for Respondents—About the CARE Act* (form CARE-060-INFO), *Petition to*

¹ Welf. & Inst. Code, § 5970.5(a). The first cohort included the counties and courts of Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne.

Unless otherwise noted, all further statutory references are to the Welfare and Institutions Code.

² § 5970.5(b). Five counties and courts implemented before the deadline: Los Angeles on December 1, 2023; San Mateo on July 1, 2024; Kern on October 1, 2024; Mariposa on November 1, 2024; and Napa on November 25, 2024.

Begin CARE Act Proceedings (form CARE-100), *Mental Health Declaration—CARE Act Proceedings* (form CARE-101), and *Petition to Begin CARE Act Proceedings by Licensed Behavioral Health Professional Only* (form CARE-102).

The proposed changes to these rules and forms are discussed more thoroughly below.

Rule 7.2221 Papers to be filed

Implementation of SB 27

Rule 7.2221 outlines the options for beginning CARE Act proceedings. Rule 7.2221(a) would be revised to incorporate the CARE Act court's discretion to consider referrals as petitions to begin CARE Act proceedings. This amendment is intended to reflect changes SB 27 made to Welfare and Institutions Code section 5978 and to clarify that a separate petition does not need to be filed if the CARE Act court considers a referral to be a petition.

This rule would also be restructured to identify each of the three ways that CARE Act proceedings can begin in separate paragraphs and clarify who may file or submit the required document to begin the CARE Act proceeding.

Updates for Consistent Terminology

Additionally, the rule would be amended to use the words "begin" in place of "commence" to reflect the recent form name change to CARE-100 and to promote consistency across all CARE Act rules and forms. The word "Beginning" would also replace "Commencing" in the name of Article 2 to maintain this consistency.

Rule 7.2223 Venue and transfer

Rule 7.2223(a) would be amended to replace "commence" with "begin" to reflect the recent form name change to CARE-100 and to promote consistency across all CARE Act rules and forms.

Rule 7.2225 Persons who may file petition

Rule 7.2225 would be repealed because the amendments to rule 7.2221 discussed above render it unnecessary. Previously, rule 7.2225 identified the individuals authorized to file a petition to begin CARE Act proceedings, including those designated to file a petition when the proceeding was initiated by referral. This information fits better in rule 7.2221 as proposed to be amended.

Rule 7.2230 Counsel for respondent

Rule 7.2230(b) would be amended to reflect the change made in SB 27 to provide a new option to begin CARE Act proceedings by referral, as described in section 5978(a). Previously, rule 7.2230(b) required the court to provide a copy of the "petition packet" to appointed counsel.

Under the new referral provisions, when the CARE Act court decides to consider a referral to be a petition, the CARE Act proceedings would likely begin without the "petition packet" that rule 7.2230(b) requires the court to provide to appointed counsel. The rule would be amended to allow the court to instead provide a copy of the written referral that began the proceedings.

Furthermore, the name of the subdivision for rule 7.2230(b) would be revised to reflect this change.

Court Referral to the CARE Act Court (form CARE-125)

Form CARE-125 would be approved as an optional form that provides courts with a clear method to refer individuals to the CARE Act court under the new court-to-court referral process established by SB 27. This form is intended to facilitate this referral process by prompting the referring court to provide key information about the individual and their potential CARE Act eligibility that would enable the CARE Act court to evaluate whether to exercise their discretion to treat the referral as a petition. The form's items are intended to (1) elicit the information necessary to support a referral being treated as a petition under section 5978, and (2) allow the referring court to provide additional details about the individual and their circumstances that may assist both the court in its determination and the county behavioral health agency in engaging with the individual, as was suggested by stakeholder.

SB 27 authorizes the CARE Act court to treat a referral as a petition if (1) the referral contains all the information required to be included in a CARE process petition under section 5975, and (2) the information included in the referral makes a prima facie showing that the respondent is, or may be, a person described in section 5972³. Items 3 and 4 of the form directly reflect this statutory language. In Item 5, a checkbox option was added to allow the referring judicial officer to indicate whether confidential reports or records are attached with consent of the referred individual or their counsel. This addition responds to concerns about information-sharing limitations and ensures that critical eligibility-related documentation, particularly regarding diagnosis or condition, can be included when confidentiality has been waived.

In addition, stakeholders have emphasized the importance of the CARE Act court receiving additional information about the individual, their location, contact details, or any other relevant information about their situation that may assist the CARE Act court in deciding whether to exercise its discretion to treat the referral as a petition. This information, captured in items 6 through 8, may also support county behavioral health agencies in locating and engaging the individual.

Order on Court Referral to CARE Act Court (form CARE-126)

The committee proposes form CARE-126 as an optional form for use by a CARE Act court to document its decision on whether to treat a referral from another court as a petition under section 5978. This form would support the statutory discretion granted to the CARE Act court by SB 27 and provides a clear mechanism for communicating the court's ruling back to the referring court and relevant parties.

After receiving a referral under section 5978, the CARE Act court may use this form to indicate one of the two possible outcomes. If the CARE Act court decides to exercise its discretion to treat the referral as a petition, the judicial officer would check item 1 and check the "ruling"

³ § 5972 identifies the criteria that an individual must meet in order to qualify for the CARE Act process.

option in the title name. By checking item 1, the CARE Act court is ruling that the referral contains all of the information required by section 5975 to be included in a CARE process petition, and the information included in the referral makes a prima facie showing that the respondent is, or may be, a person described in section 5972. In that case, the CARE Act court will notify the referring court that the referral has been accepted as a petition, as required by section 5978(c). Finally, by checking item 1, the judicial officer would also be ruling that the court will complete a form CARE-105. Since the CARE Act court would be finding that a petition from a petitioner other than the director of the county behavioral health agency made a prima facie showing has been made that the respondent is or may be a person described in section 5972, an order for a report from the county behavioral health agency, which is made on form CARE-105, would be the next step in the CARE Act process.⁴

Alternatively, if the CARE Act court does not exercise its discretion to treat the referral as a petition, the judicial officer would check item 2 and check the box for “order” in the title. Here, the judicial officer would order the appropriate petitioner candidate to complete the actions listed in item 2(a) and item 2(b) within 14 court days. The actions listed in these two sections directly reflect the requirements under section 5978(d).

Information for Petitioners—About the CARE Act (form CARE-050-INFO)

Form CARE-050-INFO would be revised to reflect changes to the criteria for CARE Act eligibility made by SB 27. Specifically, the form would be revised to include “bipolar I disorder with psychotic features, except psychosis related to current intoxication” as an eligible diagnosis and to define “clinically stabilized in ongoing voluntary treatment” to mean both that the person’s condition is stable and not deteriorating, and that the person is currently engaged in treatment and managing symptoms through medication or other therapeutic interventions.

Information for Respondents—About the CARE Act (form CARE-060-INFO)

Form CARE-060-INFO would be revised to include “bipolar I disorder with psychotic features, except psychosis related to current intoxication” as an eligible diagnosis.

Petition to Begin CARE Act Proceedings (form CARE-100)

Form CARE-100 would be revised to reflect changes to the criteria for CARE Act eligibility made by SB 27. Specifically, item 7a would be revised to include “bipolar I disorder with psychotic features, except psychosis related to current intoxication” as an eligible diagnosis, and item 7c would define “clinically stabilized in ongoing voluntary treatment” to mean both that the person’s condition is stable and not deteriorating, and that the person is currently engaged in treatment and managing symptoms through medication or other therapeutic interventions.

Mental Health Declaration—CARE Act Proceedings (form CARE-101)

Form CARE-101 would be revised to incorporate changes from SB 27 and to further the consistency with form CARE-102. Specifically, form CARE-101 would be revised as follows:

⁴ § 5977(a)(3)(B).

- Include nurse practitioners and physician assistants in the list of licensed behavioral health professionals who may fill out the form based on the revision to section 5975(d)(1);
- Replace the listed options for waiver of licensure with an option for the declarant to indicate that a waiver applies and provide the rationale in narrative form to increase ease of use of the form;
- Provide a space for the licensed behavioral health professional to indicate their license number, if applicable, to maintain consistency with form CARE-102;
- Include “bipolar I disorder with psychotic features, except psychosis related to current intoxication” as an eligible diagnosis in item 7a to comply with SB 27; and
- Define “clinically stabilized in ongoing voluntary treatment” in part 7c to mean both that the person’s condition is stable and not deteriorating, and that the person is currently engaged in treatment and managing symptoms through medication or other therapeutic interventions, to comply with SB 27.
- Revise the form footer to ensure consistency with the Judicial Council’s standard footer format.

Petition to Begin CARE Act Proceedings by Licensed Behavioral Health Professional Only (form CARE-102)

Form CARE-102 would be revised to incorporate changes from SB 27 and to maintain consistency with form CARE-101. Specifically, form CARE-102 would be revised as follows:

- Require the petitioner to provide the respondent’s name and date of birth (if known) in item 1;
- Provide a checkbox option for the licensed behavioral health professional to indicate whether they have an applicable waiver of licensure to maintain consistency with form CARE-101;
- Include “bipolar I disorder with psychotic features, except psychosis related to current intoxication” as an eligible diagnosis in item 9a;
- Define “clinically stabilized in ongoing voluntary treatment” in part 9c to mean both that the person’s condition is stable and not deteriorating and that the person is currently engaged in treatment and managing symptoms through medication or other therapeutic interventions, to comply with SB 27; and
- Update the citation for the definition of a licensed behavioral health professional in item 2a.

Alternatives Considered

The committee did not consider taking no action in response to SB 27. SB 27 made changes to the CARE Act statute. To ensure that rules and forms accurately reflect the law, the council needs to update CARE Act rules and forms.

The committee considered taking no action on the changes making terminology consistent across the CARE Act rules and forms. However, the committee determined that the proposed changes would improve usability and clarity of the materials.

Court referral form

The committee considered not including form CARE-125 in this proposal and letting courts develop their own local forms or procedures to implement the new referral procedure under SB 27. The committee evaluated whether the adoption of a form was necessary to accompany the new referral procedure and whether judicial officers would find it useful. The committee also considered whether CARE-125 should be adopted as a mandatory form. Ultimately, the committee decided that creating an optional form rather than a mandatory one would provide those courts that want a standardized referral form with the ability to use it, while allowing other courts to develop their own local forms. Furthermore, system partners have expressed support for a form that would standardize the referral process and promote referral efficiency.

In reviewing the caption section of form CARE-125, the committee considered whether to include a case number field for only the CARE Act court or for both the CARE Act court and the referring court. The committee received feedback indicating that listing a single case number may create confusion about which court it referred to include the case number. To address this, the committee looked to existing Judicial Council forms for reference and examined form JV-200, which includes two distinct case numbers in its caption. Drawing from that model, the committee ultimately decided to include two case number fields in form CARE-125 to reduce procedural ambiguity in the referral process and to align with formatting conventions used in other Judicial Council forms.

Ruling or order on court referral form

The committee considered not including form CARE-126 in this proposal and letting courts develop their own local forms or procedures to implement the new referral procedure. The committee evaluated whether the adoption of a form was necessary to implement the new referral procedures, or whether SB 27 provides sufficient direction to ensure efficient referral operations. The committee received feedback from system partners that a form could facilitate documentation of the CARE Act court's decisions following a referral, and that a form could enhance consistent data collection and reporting related to referrals and petitions. Ultimately, the committee decided that creating an optional form would provide courts with an option to implement the new referral procedures while allowing courts to develop their own local forms.

The committee also considered whether to designate form CARE-126 as a mandatory form rather than an optional form. The committee evaluated whether a mandatory form was needed to

ensure consistency in the practices for responding to referrals across all courts. Ultimately, the committee concluded that the procedures outlined in section 5978 regarding the steps following the CARE Act court's decision whether to exercise its discretion were sufficiently clear, and that the form should remain optional to allow courts the flexibility to develop their own local forms if needed.

Finally, the committee also considered whether to include one or two case number fields in the caption of form CARE-126. Applying the same rationale used for form CARE-125, the committee decided to include both the referring court and CARE Act court case numbers in an effort to minimize confusion during the referral process and to ensure consistency with form CARE-125 and other Judicial Council forms.

Eligibility to use CARE-102

The committee considered revising form CARE-102 to allow its use by nurse practitioners and physician assistants who are now included in the list of eligible declarants under section 5975(d)(2). However, because SB 27 did not expand the list of eligible petitioners in section 5974 to include nurse practitioners and physician assistants, the committee proposes to limit use of form CARE-102 to licensed behavioral health professionals as defined in section 5971(l) who are eligible petitioners under section 5974(e). The committee felt that including the additional sections necessary to allow those individuals to demonstrate eligibility would detract from the consolidated nature of the form, which had been specifically requested by stakeholders.

Fiscal and Operational Impacts

The proposed rule amendments, form revisions, and new optional forms would impose indeterminate costs on the courts to change their operational procedures. For example, accommodating two new optional forms related to court referral will likely impose intermediate costs in providing training to judicial officers and court staff on referral procedures and allowable court communications. The committee considered these costs and determined that they are necessary components of ensuring efficient court operations and striving to implement the CARE Act as effectively as possible. The committee also considered that courts will likely incur costs in the form of training and local form development to implement the new referral mechanism regardless of the adoption of new forms.

Additionally, the changes to eligibility criteria and referral processes under SB 27 may lead to increased costs for courts and county behavioral health agencies if the changes result in an increased volume of referrals and petitions. However, these costs would stem from SB 27, rather than from changes to the CARE Act rules and forms.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Does optional use of forms CARE-125 and CARE-126 strike an appropriate balance between system consistency and court flexibility?

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

- Should form CARE-126 be split into two forms, with one form designated to be filled out when a referral is treated as a petition and the other form for when the court decides **not** to treat a referral as a petition? Or would two forms for one decision point be more confusing?
- Does the inclusion of space for two case numbers on forms CARE-125 and CARE-126 appropriately support use of case numbers from both the referring and receiving courts, where applicable?
- Are forms CARE-125 and CARE-126 sufficient to support the referral process on their own, or would additional rules or guidance, such as is provided in the juvenile custody order process, be helpful?
- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 7.2221, 7.2223, 7.2225, and 7.2230, at pages 10–11
2. Forms CARE-050-INFO, CARE-060-INFO, CARE-100, CARE-101, CARE-102, CARE-125, and CARE-126 at pages 12–38
3. Link A: Sen. Bill 27 (Stats. 2025, ch. 528),
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260SB27

Rules 7.2221, 7.2223, and 7.2230 of the California Rules of Court would be amended, and rule 7.2225 would be repealed, effective July 1, 2026, to read:

Article 2. Beginning ~~Commencement~~ of Proceedings

Rule 7.2221. Papers to be filed (§§ ~~5975, 5978~~)

(a) Alternative petitions to begin CARE Act proceedings

A petition to ~~commence~~ begin CARE Act proceedings must be made on one of the following:

(1) A Petition to Begin CARE Act Proceedings (form CARE-100) filed by any person authorized to petition by section 5974 or 5978; or,

(2) if the petitioner is a licensed behavioral health professional as defined in section 5971(l), on A Petition to Begin CARE Act Proceedings by Licensed Behavioral Health Professional Only (form CARE-102); filed by a licensed behavioral health professional as defined in section 5971(m); or

(3) A written referral under section 5978 if the CARE Act court deems the referral to be a petition as authorized by that section.

(b)–(c) * * *

Rule 7.2223. Venue and transfer (§ 5973)

(a) Filing

A petition to ~~commence~~ begin CARE Act proceedings may be filed in the superior court of:

(1) The county where the respondent resides at the time of filing;

(2) The county where the respondent is found at the time of filing; or

(3) A county where the respondent is a defendant or respondent in a pending criminal or civil action or proceeding.

(b) * * *

~~Rule 7.2225. Persons who may file petition (§§ 5974, 5978)~~

1 **(a) ~~Persons who may file petition~~**

2
3 ~~Any person identified in section 5974 may file a petition to begin CARE Act~~
4 ~~proceedings. If a petition is based on a referral authorized by section 5978, only the~~
5 ~~person designated in that section may file the petition.~~
6

7
8 **Rule 7.2230. Counsel for respondent (§§ 5976(c), 5977(a)(3)(A), (a)(5)(C) & (b)(1))**
9

10 **(a) * * ***

11
12 **(b) Copy of petition or written court referral**

13
14 On appointment, the court must provide to counsel a copy of the petition packet or
15 written court referral that began the proceedings to appointed counsel.
16

17 **(c) * * ***

This information sheet describes the CARE Act and how to fill out *Petition to Begin CARE Act Proceedings* (form CARE-100). A court self-help center may also be able to help you. Go to <https://selfhelp.courts.ca.gov/self-help/find-self-help> to find your court's self-help center. **Note:** There is no cost to file a CARE Act petition.

1 What is the CARE Act?

CARE stands for Community Assistance, Recovery, and Empowerment. The CARE Act allows a person in one or more of 14 categories (see page 2) to file a petition asking a court to start proceedings intended to get help for an adult who has a schizophrenia spectrum disorder or another psychotic disorder and meets several other requirements. The person who asks the court to start the proceedings is called the *petitioner*. This form assumes that you are thinking about whether to file a petition and become a petitioner. The person who you think needs help is called the *respondent*.

If the court decides that the respondent is eligible for the CARE Act, the county behavioral health agency will work with them to try to reach a CARE agreement, as described in item 2.

2 What is a CARE agreement or CARE plan?

A CARE agreement and a CARE plan are written documents that describe services to support the recovery and stability of the respondent. They must be approved by court order. Services may include clinical behavioral health care; counseling; specialized psychotherapy, programs, and treatments; stabilization medications; a housing plan; and other supports and services provided directly and indirectly by local government. The agreement or plan cannot give anyone the right to use force to medicate the respondent.

A CARE agreement is a voluntary agreement for services and treatment between the respondent and the county behavioral health agency after a court has found that the respondent is eligible for the CARE program. For the agreement to be valid, the court must approve it. The court can change the agreement before approving it.

A CARE plan is a set of community-based services and supports for the respondent that is ordered by the court if the respondent and the county cannot reach a CARE agreement.

A CARE plan or CARE agreement may be amended if the respondent and the county agree to amend the plan or agreement. The court may also approve amendments to a CARE plan without the parties' agreement if the court holds a hearing and finds that the amendments are needed to support the respondent in getting the help they need.

3 Have you thought about ways to help other than CARE Act proceedings?

There may be other ways to help a person with a serious mental illness. If the person has private health insurance, contact their health plan/insurer. If you do not know if the person has private health insurance or if they do not have private insurance, contact your county's behavioral health agency or check its website.

County behavioral health agencies offer many services. These include services like counseling, therapy, and medication and can also include programs like full-service partnerships, rehabilitative mental health services, peer support services, intensive case management, crisis services, residential care, substance use disorder treatment, assertive community treatment, and supportive housing. Counties are required to provide services to Medi-Cal beneficiaries who qualify for specialty mental health and substance use disorder services. They are also allowed to provide their services to people who do not receive Medi-Cal, depending on local funding and eligibility standards. These services do not require a court order. Also, you can refer someone to your local behavioral health agency. The agency can investigate and may decide to file a petition itself, but it is not required to do so.

Find out if the person has made an advance health care directive or psychiatric advance directive. These written documents name someone else to make health care decisions for a person when that person cannot. If the person has a directive, you can contact the person named in it to ask for their help. Think about looking into local social services and community-based programs too.



4 How do I complete *Petition to Begin CARE Act Proceedings* (form CARE-100)?

This section walks you through the petition, form CARE-100, item by item.

Item 1: Names and Age

As noted on page 1, you are the *petitioner*, the person asking the court to start CARE Act proceedings for the *respondent*, a person who needs help because of a serious mental disorder. In item 1 of form CARE-100, enter your name, the respondent's name, and the respondent's date of birth (or, if you don't know it, give the respondent's approximate age).

Item 2: What Type of Petitioner Are You?

In item 2, confirm that you are an adult, and check the box next to each petitioner type that applies to you:

- A person who lives with the respondent.
- The respondent's spouse or registered domestic partner, parent, sibling, child, or grandparent.
- A person who has authority to act as the respondent's parent.
- The director of a county behavioral health agency of the county where the respondent lives or is present, or the director's designee.
- A licensed behavioral health professional who is or has been supervising the treatment of or treating the respondent for a mental disorder within the last 30 days, or the professional's designee.
- The director of a public or charitable agency who is or has, within the last 30 days, been providing behavioral health services to the respondent or in whose institution the respondent resides, or the director's designee.
- The director of a hospital in which the respondent is or was recently hospitalized, or the director's designee.
- A California tribal court judge in whose court the respondent has appeared within the previous 30 days, or the judge's designee.
- The director of adult protective services of the county where the respondent lives or is present, or the director's designee.
- The director of a California Indian health services program or tribal behavioral health department that is or has, within the previous 30 days, been providing behavioral health services to the respondent, or the director's designee.
- A first responder who has encountered the respondent multiple times to arrest or involuntarily detain the respondent, engage the respondent in voluntary treatment, or make other efforts to get the respondent professional help.
- The public guardian or public conservator of the county where the respondent lives or is present, or the public officer's designee.
- A conservator or proposed conservator referred from a proceeding under the Lanterman-Petris-Short (LPS) Act.
- The respondent.

Item 3: Your Interaction With the Respondent

Describe your interactions and relationship with the respondent in item 3. For example, describe how you know the respondent, how often you see or talk with them, when (give the date) you last saw them, and what happened when you interacted with the respondent.

Item 4: The Respondent's Contact information

If you know where the respondent lives, enter that address in item 4a. If you do not know the respondent's address or if they do not have one, give the respondent's last known location and any other information, such as a post office box where they get mail or locations where they are frequently found, that might help to locate the respondent. In item 4b, provide the respondent's phone number—including whether they respond to text messages—and their email address, if any. If you are in contact with the respondent, check the box or boxes in item 4c that show all ways you have been able to contact them. Then, if respondent needs any language assistance, check the box in item 4d and identify the respondent's preferred language.



Item 5: The Right Court and County

You can file a petition *only* in a county where the respondent lives, where the respondent is currently located, or where the respondent is involved in a court case. In item 5, check the box or boxes that show why the county where you are filing the petition is the right place to file. If the respondent does not live in the county, state what county they live in, if you know it.

Item 6: Required Supporting Evidence

You must include supporting evidence in or with the petition. That evidence must be one of the following:

- A completed declaration by a licensed behavioral health professional on *Mental Health Declaration—CARE Act Proceedings* (form CARE-101); **OR**
- A statement or documentation that the respondent has been hospitalized at least twice for involuntary treatment, and that the most recent hospitalization ended no more than 60 days before you file the petition.

If you know personally about the respondent's hospitalizations for involuntary treatment, you can describe them in the space provided in item 6a. You can also check item 6b and attach documentation, such as copies of certifications for intensive treatment, declarations from one or more witnesses to the involuntary treatment, or other documents showing that the respondent was hospitalized at least twice for involuntary treatment. At least one piece of evidence in or with the petition should show the beginning and ending (discharge) dates of the most recent treatment period.

Note: For purposes of the CARE Act, “involuntary treatment” includes only a 14-day hold for intensive treatment authorized by Welfare and Institutions Code section 5250. It does *not* refer to treatment authorized by any other statute, including but not limited to a 72-hour hold under Welfare and Institutions Code section 5150 or treatment under Welfare and Institutions Code sections 5260, 5270.15, and 5270.70.

Item 7: The Respondent's Eligibility for the CARE Process

Your petition must state facts and provide information to support your claim that, to the best of your knowledge, the respondent is eligible for the CARE Act process. **All** of the following requirements, which are listed in items 7a–7f on form CARE-100, must be met for a respondent to be eligible. If you are attaching a declaration on form CARE-101 (see item 6a above) containing the information required by this item, then you may check the box at the beginning of item 7 and not fill out the rest of that item. Please note that the situations discussed below are only *examples* of circumstances that **may** qualify. The court decides whether a respondent is eligible based on facts about that respondent.

Requirements	Explanations	Examples
The respondent must be 18 years old or older and must meet each requirement identified below:		
Have a diagnosis as defined in the current <i>Diagnostic and Statistical Manual of Mental Disorders</i> of a schizophrenia spectrum disorder or another psychotic disorder in the same class, or bipolar I disorder with psychotic features, except psychosis related to current intoxication. (item 7a).	Only a person with a schizophrenia spectrum or other psychotic disorder, or bipolar I disorder with psychotic features, is eligible for the CARE Act. A person who does not have one of these diagnoses is not eligible even if they have a different serious mental disorder, such as major depression. Note: The person's diagnosis must not be based on a medical condition, including a physical health condition such as a traumatic brain injury, autism, dementia, or a neurological condition. A person with a current diagnosis of substance use disorder must also have a psychotic disorder and meet all the other criteria in item 7 to be eligible.	Eligible diagnoses include: Schizophrenia, schizophreniform disorder, schizoaffective disorder, delusional disorder, schizotypal personality disorder, bipolar I disorder with psychotic features, except psychosis related to current intoxication, and other psychotic disorders.



Requirements	Explanations	Examples
<p>Be currently experiencing a serious mental disorder that (item 7b):</p> <ul style="list-style-type: none"> • Is severe in degree and persistent in duration, • May cause behavior that interferes substantially with the person’s activities of daily living, and • May lead to an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period. 	<p>Indicate any behaviors, such as delusions, hallucinations, or unusual and ongoing mood changes, that substantially interfere with the respondent’s ability to perform essential and routine tasks needed for work or self-care.</p> <p>Describe why you believe the respondent is unable to live independently, function in the community, and take care of their condition and social relationships without additional help.</p>	<p>If caused by a chronic, prolonged, or recurrent mental disorder:</p> <ul style="list-style-type: none"> • Difficulty with self-care (e.g., bathing, grooming, obtaining and eating food, using the restroom, dressing appropriately for the weather, securing health care, or following medical advice). • Difficulty maintaining a residence, using transportation, or managing money day to day. • Difficulty concentrating or completing tasks as scheduled. • Difficulty functioning socially, creating and maintaining relationships.
<p>Not be clinically stabilized in ongoing voluntary treatment (item 7c). A person is clinically stabilized in ongoing treatment if their condition is stable and not deteriorating, and they are currently engaged in treatment and managing symptoms through medication or other therapeutic interventions.</p>	<p>Describe why you believe the respondent is not being adequately supported in a voluntary treatment program such that their condition and symptoms are stable.</p> <p>Enrollment in treatment alone is not enough to be considered clinically stabilized in ongoing voluntary treatment.</p>	<ul style="list-style-type: none"> • Repeated and ongoing refusal to accept voluntary treatment without reason. • Temporary acceptance of voluntary treatment that is interrupted by failure or refusal to continue the treatment without reason. • Voluntary treatment is accepted, but that treatment is not effective to stabilize the respondent.
<p>At least one of the following must be true (item 7d):</p>		
<p>The respondent is unlikely to survive safely in the community without supervision and the respondent’s condition is substantially deteriorating (item 7d(1)).</p> <p>OR (see next page)</p>	<p>Indicate recent instances where the respondent has needed supervision to survive in the community due to confusion or impaired insight.</p> <p>Describe how the respondent’s ability to think clearly, communicate, or participate in regular activities has been getting worse recently.</p>	<ul style="list-style-type: none"> • Recent or frequent hospitalizations due to symptoms such as delusions, hallucinations, disorganization, impaired insight, impaired judgment. • Recent or frequent arrests due to a mental disorder.



CARE-050-INFO Information for Petitioners—About the CARE Act

Requirements	Explanations	Examples
The respondent needs services and supports to prevent a relapse or deterioration that would likely result in grave disability or serious harm to the respondent or others (item 7d(2)).	Describe how the respondent would become gravely disabled or likely to cause serious harm to themselves or others without services and supports. <ul style="list-style-type: none"> <i>Grave disability</i> includes a person's inability, due to a mental disorder, to provide for their basic personal needs for food, clothing, shelter, safety, or medical care. <i>Serious harm</i> includes injury causing extreme pain, high risk of death, or loss of physical or mental functions. 	<ul style="list-style-type: none"> A person who has immediate access to safe housing but chooses, because of a mental disorder, to live in conditions that could lead to a serious danger to their health. A person who recently attempted suicide because of their mental disorder and continues to express a desire to harm themselves. Self-injuring behavior, such as walking into traffic or harming oneself unknowingly through behavior that puts them at risk for serious injury or death.
The respondent's participation in a CARE plan or CARE agreement must:		
Be the least restrictive alternative necessary to ensure the respondent's recovery and stability (item 7e), and	Explain how participation in a CARE plan or CARE agreement: <ul style="list-style-type: none"> Would effectively meet the respondent's treatment needs while placing as few limits as possible on the respondent's rights and personal freedoms. Is necessary because other less restrictive alternatives would not ensure the respondent's recovery and stability; for example, because other less restrictive alternatives have not been successful. 	Examples of less restrictive alternatives might include: <ul style="list-style-type: none"> Voluntary full-service partnerships, which are collaborative relationships between the county and the individual, and when appropriate the individual's family, through which the county plans for and provides the full spectrum of community services. Supported decisionmaking, which is an individualized process of supporting and accommodating an adult with a disability to enable them to make life decisions without impeding their self-determination. Assertive community treatment, which is a person-centered, recovery-based treatment option that employs low client-to-staff ratios.
Be likely to benefit the respondent (item 7f).	Explain how participating in a CARE plan could help the respondent stabilize and improve their current state and situation.	<ul style="list-style-type: none"> The respondent's prior improvement when participating in similar treatment programs. Medical opinion that the patient would benefit from treatment.

Note: Include in the petition as much information as you have about each item listed above. If you notice you're repeating yourself, you can say that you already gave the information and say where you said it before. You may also attach any documents you have that support one or more of those items.



Item 8: Other Optional Information

In item 8, check any of the boxes that apply to the respondent and provide any requested information that you know. Please find information about specific sections of item 8 below.

Note: If you don't know the information requested in any part of item 8, leave that part blank. The petition will be processed even if you do not complete item 8.

- *Regional Center:* If you know that respondent is served by a regional center, please check item 8b, provide the name and location of the center, and list any services the center provides to the respondent. A list of service centers can be found at www.dds.ca.gov/rc/listings/.
- *Tribal Enrollment or Services From an American Indian Health Care Provider:* If you know that the respondent is a member of a federally recognized Indian tribe or is receiving services from a California Indian health care provider, tribal court, or tribal organization, include that information in item 8d or item 8e.
- *Juvenile Court Information:* If the respondent is within a juvenile court's jurisdiction as a dependent, ward, or nonminor dependent, fill out item 8f. Give the court name, the case number, and contact information for the respondent's juvenile court attorney.
- *Conservator Information:* If the respondent has a conservator, fill out item 8g. Give the court name, the case number, and contact information for the respondent's conservatorship attorney.

Item 9: Court Referral

If you are filing a petition in response to a referral from another court proceeding, fill out item 9. Give the name of the referring court and the case number, department, and type of case, if you know it. If you have a copy of the referral order, label it "Attachment 9" and attach it to the petition.

Item 10: Attachments

In item 10, list the total number of pages attached to the petition.

Signature: You must write the date, print your name, and *sign the petition under penalty of perjury*. That means that if you have stated anything that you know is not true on the form, you may be criminally liable. If you have an attorney helping you, they will sign as well.

5 Am I required to give or send the petition to the respondent or anyone else?

No. To begin CARE Act proceedings, you must file the petition with the court. You do not need to give or send a copy of the petition to the respondent or anyone else.

6 What will happen after I file the petition?

After you file the petition, the court will review it and the supporting documents filed with it. The court will decide if the documents show that the respondent meets or may meet the CARE Act eligibility requirements. Then the court will either:

- a. **Dismiss the petition** if it finds (1) that the petition does not show that the respondent meets or may meet the CARE Act eligibility requirements **or** (2) that the respondent is voluntarily working with the county agency, their engagement is effective, and the respondent has enrolled or is likely to enroll in voluntary treatment through the county or another provider. **OR**
- b. **Order a report** if it finds that the petition shows that the respondent meets or may meet the CARE Act eligibility requirements. The court order will require a county agency to engage the respondent and file a written report with the court as soon as practicable, but within 30 court days. If the court orders a report, the county agency will notify you and the respondent.

Note: The procedures are different if the county behavioral health agency is the petitioner.



7 The initial appearance

If the court finds that the county agency's report supports the petition's showing that the respondent meets or may meet the CARE Act eligibility requirements and the county's engagement with the respondent was not effective, the court will set an *initial appearance*. The court will also order the county to give notice of the initial appearance to you, as well as to the respondent, the respondent's appointed counsel, and the county behavioral health agency.

You, the petitioner, must be present at the initial appearance, or the court may dismiss the petition. You will receive a notice in the mail of the date, time, and place of the initial appearance.

Note: At the initial appearance, the director of the county behavioral health agency, or the director's designee, will replace you as the petitioner.

8 Do petitioners have any rights?

You have the right to go to the hearing on the merits and make a statement. And if the respondent agrees, the court may also allow you to participate in the rest of the CARE Act proceedings. If you live with the respondent; are the spouse, parent, sibling, child, or grandparent of the respondent; or are someone who has authority to act as a parent, the court will provide ongoing notice to you throughout the CARE Act proceedings, including notice of when a court proceeding is postponed or when the case is dismissed. However, the court will not provide this notice if the court decides that giving notice to you would not be in the best interest of the respondent or their treatment.

If the petition is dismissed and later the respondent's situation changes, you may file a new petition with the court.

9 What is a vexatious litigant?

A *vexatious litigant* is a person whom a court has found to have used the court process to harm or annoy other people by repeatedly suing them or filing other papers against them without a good reason.

A CARE Act court may find that a person is a vexatious litigant if that person files more than one CARE Act petition that is not true or is intended to disturb, harm, or annoy the respondent. Once declared a vexatious litigant, a person may be placed on a vexatious litigants list kept by the Judicial Council. The court may enter an order that prevents a vexatious litigant from filing any new litigation, including other types of cases (not just CARE Act petitions), without first getting permission from the trial court presiding judge. If such an order is issued, the court may fine a person who does not follow the order or send them to jail for contempt of court.

10 What if I don't speak English?

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

11 What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use *Disability Accommodation* (form [MC-410](#)) to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form [MC-410-INFO](#)) or go to <https://selfhelp.courts.ca.gov/jcc-form/MC-410>.

This information sheet provides information about the CARE Act and CARE Act proceedings.

1 Why am I being given these documents?

Someone has filed a petition with a court to start a CARE Act case for you. In the case, you are called the *respondent*. The CARE Act applies only to specific people. The petition asks a court to decide if you are one of them. The court has found that you might be. It is asking for more information to help it decide if you are.

Important information for you:

- You have been appointed an attorney, free of charge.
- Your court-appointed attorney will try to contact you about this case using the last known address or location on file for you.
- You may also contact your attorney at any time. Your attorney's contact information is listed in item 5 of *Order for Care Act Report* (form CARE-105) and item 4 of *Notice of Initial Appearance—CARE Act Proceedings* (form CARE-110). You should have received one of those forms when you got this form.
- You should make sure that your attorney knows how to get in touch with you. Give them your contact information and let them know if it changes.
- You may also choose an attorney to represent you instead of the appointed attorney. If you choose your own attorney, you are responsible for their fees.
- You have the right to an interpreter, free of charge, at every CARE Act court hearing.

2 What is the CARE Act?

CARE stands for Community Assistance, Recovery, and Empowerment. The CARE process is a way to get court-ordered treatment, services, support, and a housing plan for adults with schizophrenia spectrum disorders, bipolar I disorder with psychotic features, or other similar psychotic disorders.

The CARE process uses outreach, meetings, and court hearings. The court will decide if you meet the eligibility requirements. One or more county agencies will be part of the process. If you are eligible, they will work with you to identify services and supports you might need.

If you are eligible for the CARE Act, the court will ask you to work with the county behavioral health agency to make a CARE agreement for services and supports. If you do not reach an agreement with the county agency, the court will order a clinical evaluation of your mental health. After reviewing the evaluation, the court will decide if you are still eligible. If you are, the court will order you and the county agency to develop a CARE plan.

3 What is CARE eligibility?

To be eligible for the CARE process, you need to be at least 18 years old and have a schizophrenia spectrum disorder, bipolar I disorder with psychotic features, or another psychotic disorder. The disorder you have must be serious. That means it has lasted for a long time, it can make you do things that interfere with your life, and it can make it impossible for you to live on your own for very long without treatment, support, and rehabilitation.

You are not eligible if you are stabilized in a voluntary treatment program. In addition, *either* it must be unlikely that you will survive safely in the community without somebody watching over you and your condition is getting a lot worse, *or* you must need services and supports to keep your symptoms from coming back or getting bad enough that you would probably become severely disabled or would seriously hurt yourself or somebody else. Finally, it must be likely that going through the CARE process will help you and that nothing less restrictive than the CARE process will make sure that you recover and stabilize.

4 What is a CARE agreement or CARE plan?

A CARE agreement and CARE plan are written documents that contain services designed to support you. They must be approved by court order. They may include clinical behavioral health care; counseling; specialized psychotherapy, programs, and treatment; stabilization medications; a housing plan; and other supports and services, provided directly or indirectly by local government. These documents cannot give anyone the right to use force to medicate you.



4 What is a CARE agreement or CARE plan?

A CARE agreement is a voluntary agreement between you and the county behavioral health agency. If you are eligible for the CARE program, the court will order you and the county agency to try to reach a CARE agreement. The court can change the agreement before approving it. After the court approves the CARE agreement, it can still be changed if you and the county agency agree to change it.

If you cannot reach a CARE agreement, the court may ask you to work with the county to create a CARE plan. A CARE plan is an individualized range of community-based supports and services. It can include the same services and supports as a CARE agreement. You and the county agency will propose one or more CARE plans to the court. The court will order the final CARE plan and can also change it later.

5 Who is the petitioner?

The petitioner is the person who is asking the court to start CARE Act proceedings for you.

6 Who is the respondent?

The respondent is you, the person who the court is being asked to start CARE Act proceedings for.

7 What happens after the petition has been filed?

The court reviews the petition and decides if you might be eligible for the CARE process. If it thinks you might be, the court may order a county agency to try to contact you, talk with you, and file a written report. The county agency must file the report with the court as soon as practicable, but within 30 court days, unless the court gives it more time. The county will let you and the petitioner know if the court orders a report.

What happens if the county agency contacts me?

The county agency will ask you about your mental and physical health. It will also ask how your mental health affects your life and what services and treatment you think would be helpful. It will ask if you are willing to work with the county to get connected to those services and treatment options.

What will the report include?

The county agency will file a report even if it is not able to contact you. The report will include:

- The agency's opinion about whether you meet, or are likely to meet, the CARE eligibility requirements. These include your mental health diagnosis and current condition, whether you need additional services, and whether there are other services that would help you but be less restrictive than a CARE agreement or plan.
- The county's efforts to get you to participate voluntarily in services and whether the county thinks you can participate voluntarily in services.

What happens after the court receives the report?

After the court receives the report, it will either:

- **Dismiss the proceedings:** If the court finds, based on the petition and the county's report, that you are not eligible for the CARE process or that you are working willingly and effectively with the county agency and have enrolled or are likely to enroll in behavioral health treatment, the court will dismiss the case; or
- **Set an initial appearance (court hearing):** If the court finds that the county's report shows that you may be eligible for the CARE process and the county's contacts with you were not able to connect you with voluntary services and treatment, the court will set an initial appearance.

Note: The court has appointed an attorney for you. The attorney will contact you at the beginning of the CARE Act process. If the court sets an initial appearance, the county will give you notice of the date, time, and place of the hearing along with additional information.



8 What happens at the initial appearance and the hearing on the merits?

At the initial appearance:

- You may replace your court-appointed attorney with an attorney that you choose.
Note: If you choose your own attorney, you are responsible for their fees, if any.
- You have the right to appear in person. You can choose to give up your right to attend personally, and your attorney can appear on your behalf.
- If you do not tell the court, either by yourself or through your attorney, that you are choosing not to attend and you do not appear, the court may have a hearing without you. To do that, the court needs to find that reasonable attempts to encourage you to appear have failed and that having a hearing without you would be in your best interests.
- The petitioner must be present at the initial appearance, or the court may dismiss the petition.
- A representative from the county behavioral health agency will be present.
- If the original petitioner is not the director of a county behavioral health agency, the court will replace the original petitioner with the director of the county behavioral health agency or their designee, who will then take over as the petitioner.
- If you are enrolled in a federally recognized Indian tribe or receiving services from an Indian health care provider, a tribal court, or a tribal organization, the law allows a representative from the program, the tribe, or the tribal court to be present if you consent. The county must give notice of the initial appearance to the tribal representative.
- The court will set a hearing on the merits of the petition.
- The hearing on the merits of the petition may happen at the same time as the initial appearance but only if you (the respondent), the petitioner, and the court all agree.

At the hearing on the merits:

The court will decide if you meet the CARE Act requirements. The court will consider the petition, the report from the county agency, and all evidence properly presented to it, including evidence that you provide.

- **If the court finds that you *do not* meet the CARE Act requirements:** The court will dismiss the petition. The original petitioner may be able to file a new petition if something changes unless the court finds that the original petition was not filed in good faith.
- **If the court finds that you *do* meet the CARE Act requirements:** The court will order the county behavioral health agency to work with you, your attorney, and your supporter, if you have one, to connect you with behavioral health treatment. You all will need to decide if you and the behavioral health agency can reach a CARE agreement. The court will set a case management hearing.

Note: If you are enrolled in a federally recognized Indian tribe and you want a tribal representative to attend the case management hearing, the county behavioral health agency will let the tribe know the date, time, and place of the hearing.

9 What rights do petitioners have?

The original petitioner has the right to go to the hearing on the merits and make a statement. If the original petitioner lives with you; is your spouse, parent, sibling, child, or grandparent; or is someone who has authority to act as your parent, the court will continue to give them notice about the case, unless the court decides that notice would be harmful to you. In addition, if you agree, the court may allow that person to participate in your CARE Act process.

If the original petitioner is not someone listed above, the court will not give them additional rights.



10 What rights do respondents have?

You have the right to be informed of what is happening in your case. You have the right to participate in your case. You have the right to an attorney and a supporter at all stages of the process. You have the right to an interpreter if you need one. You have the right to keep confidential all CARE evaluations, reports, documents, and filings. You also have other rights that are described in *Notice of Respondent's Rights* (form CARE-113). You will get a copy of that form when you get notice of any court hearing in the CARE Act process.

11 What if I disagree with a court order?

You have the right to ask a higher court to review a court order in the CARE process. This is called an *appeal*. Talk with your attorney if you think you want to appeal a court order. To get more information, read *Information on Appeal Procedures for Unlimited Civil Cases* (form [APP-001-INFO](#)).

12 What is a "supporter"?

You have the right to choose a person to support you throughout the CARE Act process. The CARE Act calls that person a *supporter*. The supporter helps you understand, communicate, make decisions, and express your preferences. You can choose to have your supporter with you at meetings, appointments, or court hearings.

Your supporter must:

- Respect your values and beliefs and support your preferences as well as they can.
- Communicate with you to help you understand and make informed decisions.

Your supporter must not:

- Act independently from you.
- Make decisions for you or on your behalf unless necessary to keep someone from immediately getting hurt.
- Sign documents for you.

You have a right to have a supporter throughout the CARE Act process.

13 What if I don't speak English?

You have the right to an interpreter at all CARE Act court hearings. Let your attorney know that you will need an interpreter for court hearings. When you go to court, tell the judge you need an interpreter if you or your attorney haven't already asked for one. You can also use *Request for Interpreter (Civil)* (form [INT-300](#)) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

14 What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use *Disability Accommodation Request* (form [MC-410](#)) to make your request.

You can also ask the Americans with Disabilities Act coordinator in your court for help. For more information, see *How to Request a Disability Accommodation for Court* (form [MC-410-INFO](#)) or go to <https://selfhelp.courts.ca.gov/jcc-form/MC-410-INFO>.

CARE ACT PROCEEDINGS FOR (name):	CASE NUMBER:
RESPONDENT	

4. a. The respondent lives or was last found at *(give the respondent's address if they have one and you know it, including a post office box where they get mail; otherwise, describe where the respondent lives, the last location where they were staying, or locations where they are frequently found)*:
- b. The respondent's other contact information is:
(telephone number, if any): The respondent ☐ does ☐ does not respond to text messages.
(email address, if any):
- c. I believe that the best ways to contact the respondent are *(check all that apply)*:
- (1) ☐ by visiting them in person
 (2) ☐ by calling them on the phone
 (3) ☐ by sending them text messages
 (4) ☐ by sending them email
 (5) ☐ by sending them mail
 (6) ☐ other *(describe)*:
- d. ☐ The respondent needs assistance ☐ reading ☐ hearing or understanding ☐ speaking English.
 The respondent's preferred language is *(specify one or more language(s))*:
5. The respondent *(check a or b; if you check b, you must also check either (1) or (2))*:
- a. ☐ Is a resident of the county in which this petition is filed.
- b. ☐ Is not a resident of the county in which this petition is filed.
 The respondent's county of residence is *(if you know it)*:
- (1) ☐ The respondent is located in the county in which this petition is filed.
- (2) ☐ The respondent is a defendant or respondent in a criminal or civil proceeding pending in the superior court of the county in which this is filed.
6. Evidence supporting this petition includes *(you must check and provide at least one of the following)*:
- a. ☐ The declaration of a licensed behavioral health professional (form [CARE-101](#)), attached and labeled as Attachment 6a.
- b. ☐ A statement or documents showing that the respondent has been hospitalized two or more times for involuntary treatment and that the most recent involuntary hospital stay ended less than 60 days ago.
- Note:** As used in this form, "involuntary treatment" refers only to a 14-day hold authorized by Welfare and Institutions Code section 5250. It does **not** refer to treatment authorized by any other statutes, including but not limited to Welfare and Institutions Code sections 5150, 5260, 5270.15, and 5270.70.
- (If you checked 6b above, please check (1) and provide the information below, or check (2) and attach the documents, or do both.)*
- (1) ☐ I know personally that the respondent was hospitalized for involuntary treatment. *(Describe what happened each time, and explain how you know about it.)*
- (2) ☐ I have attached documents showing that the respondent was hospitalized two or more times for involuntary treatment and labeled the documents Attachment 6b1, 6b2, 6b3, etc. *(Include, for example, your own signed declaration (only if you have personal knowledge of the respondent's involuntary treatment), copies of certifications for intensive treatment, signed declarations by persons who witnessed the respondent's involuntary treatment, or other records.)*



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CARE-100

CARE ACT PROCEEDINGS FOR <i>(name)</i> :	CASE NUMBER:
RESPONDENT	

7. d. (2) ☐ The respondent needs services and supports to prevent a relapse or deterioration that would be likely to lead to grave disability or serious harm to the respondent or others. *(Describe the services and supports needed by the respondent, and explain why the respondent would become gravely disabled or present a risk of harm to self or others without them):*
- e. Participation in a CARE plan or CARE agreement would be the *least restrictive alternative* necessary to ensure the respondent's recovery and stability. *(Explain why no other less restrictive treatment plan would work as well for the respondent):*
- f. The respondent is likely to benefit from participation in a CARE plan or CARE agreement because *(explain below)*:
8. **OPTIONAL: Other information** *(if applicable, check any of the following statements that are true, and give the requested information if you know it):*
- a. ☐ The respondent needs interpreter services or an accommodation for a disability. *(If you know, describe what they need):*
- b. ☐ The respondent is served by a regional center. *(If you know, give the center's name and the services it provides to them):*
- c. ☐ The respondent is or was a member of the state or federal armed services or reserves. *(If you know, give branch name):*
- d. ☐ The respondent is an enrolled member of a federally recognized Indian tribe. *(If you know, give the tribe's name and mailing address):*
- e. ☐ The respondent is receiving services from a California Indian health services program, a California tribal behavioral health department, or a California tribal court. *(If you know, give the name and mailing address of the program, department, or court):*

CARE ACT PROCEEDINGS FOR <i>(name)</i> :	CASE NUMBER:
RESPONDENT	

8. f. ☐ The respondent is within a juvenile court's dependency, delinquency, or transition jurisdiction. *(If you know, provide the following):*
- (1) Court:
 - (2) Case number:
 - (3) The respondent's attorney in the juvenile court proceeding *(name)*:
(mailing address):
(telephone number): *(email address)*:
- g. ☐ The respondent has a court-appointed conservator. *(If you know, provide the following):*
- (1) Court:
 - (2) Case number:
 - (3) The respondent's attorney in the conservatorship proceeding *(name)*:
(mailing address):
(telephone number): *(email address)*:
9. **Court referral** *(complete this item only if it applies; if you don't know some of the requested information, leave that part blank):*
- ☐ This petition is filed in response to a referral of the respondent from another court proceeding.
- a. Court, department, and judicial officer:
 - b. Case number:
 - c. Type of proceeding from which the respondent was referred *(check one)*:
 - (1) ☐ Mental competence proceeding arising from a criminal prosecution (Pen. Code, §§ 1370, 1370.01)
 - (2) ☐ Assisted outpatient treatment (Welf. & Inst. Code, §§ 5346–5348)
 - (3) ☐ Lanterman-Petris-Short Act conservatorship (Welf. & Inst. Code, §§ 5350–5372)
 - d. ☐ The referral order is attached and labeled as Attachment 9 *(optional)*.
 - e. The respondent's attorney in the referring proceeding *(name)*:
(mailing address):
(telephone number): *(email address)*:

10. Number of pages attached: _____

Date:

(Type or Print Name of Attorney, if Any)		(Signature of Attorney, if Any)
--	--	---------------------------------

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

Date:

(Type or Print Name of Petitioner)		(Signature of Petitioner)
------------------------------------	--	---------------------------

CARE ACT PROCEEDINGS FOR (name):	CASE NUMBER:
RESPONDENT	

EXAMINATION OR ATTEMPTS MADE AT EXAMINATION OF RESPONDENT

5. Complete one of the following (*both a and b must be within 60 days of the filling of the CARE Act petition*):
- a. ☐ I examined the respondent on (date): _____ (proceed to item 7).
 - b. ☐ On the following dates: _____ I attempted to examine respondent but was unsuccessful due to respondent's lack of cooperation in submitting to an examination.
6. (*Answer only if item 5b is checked.*) Explain in detail when, how many attempts, and the types of attempts that were made to examine respondent. Also explain respondent's response to those attempts and the outcome of each attempt.

7. Based on the following information, I have reason to believe respondent meets the diagnostic criteria for CARE Act proceedings (*each of the following requirements **must** be met for respondent to qualify for CARE Act proceedings*):
- a. Respondent has a diagnosis as defined in the current *Diagnostic and Statistical Manual of Mental Disorders* of a schizophrenia spectrum disorder or another psychotic disorder in the same class, or bipolar I disorder with psychotic features, except psychosis related to current intoxication (*indicate the specific disorder*):

Note: Under Welfare and Institutions Code section 5972, a qualifying psychotic disorder must be primarily psychiatric in nature and not due to a medical condition such as a traumatic brain injury, autism, dementia, or a neurological condition. A person who has a current diagnosis of substance use disorder without also meeting the other statutory criteria, including a psychotic disorder, does not qualify.

- b. Respondent is experiencing a serious mental disorder that (***all of the following must be completed***):
 - (1) Is severe in degree and persistent in duration (*explain in detail*):



CARE ACT PROCEEDINGS FOR (name):	CASE NUMBER:
RESPONDENT	

7. b. (2) May cause behavior that interferes substantially with the primary activities of daily living (*explain in detail*):

(3) May result in an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period (*explain in detail*):

c. Respondent is not clinically stabilized in ongoing voluntary treatment. A respondent is clinically stabilized in ongoing treatment if both of the following are true:

- (1) The respondent's condition is stable and not deteriorating; and
- (2) The respondent is currently engaged in treatment and managing symptoms through medication or other therapeutic interventions.

(*explain in detail*):

d. At least one of these is true (*complete one or both of the following*):

(1) ☐ Respondent is unlikely to survive safely in the community without supervision **and** respondent's condition is substantially deteriorating (*explain in detail*):

(2) ☐ Respondent needs services and supports to prevent a relapse or deterioration that would likely result in grave disability or serious harm to respondent or others (*explain in detail*):



CONFIDENTIAL

CARE-101

CARE ACT PROCEEDINGS FOR <i>(name)</i> :	CASE NUMBER:
RESPONDENT	

7. e. Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure respondent's recovery and stability (*explain in detail*):

- f. Respondent is likely to benefit from participation in a CARE plan or CARE agreement (*explain in detail*):

8. ☐ Additional information regarding my examination of respondent is ☐ as follows ☐ on Attachment 8.

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 Declarant's Name)

(Signature of Declarant)

ATTORNEY OR PETITIONER 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 111425 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS FOR (name):	RESPONDENT
PETITION TO BEGIN CARE ACT PROCEEDINGS BY LICENSED BEHAVIORAL HEALTH PROFESSIONAL ONLY	CASE NUMBER:
To the petitioner: If you complete and file this form, you do not need to file <i>Petition to Begin CARE Act Proceedings</i> (form CARE-100) or <i>Mental Health Declaration—CARE Act Proceedings</i> (form CARE-101). (See Cal. Rules of Court, rule 7.2221(a), (b)(1).)	

1. **I (enter your name here):** am 18 years of age or older and a licensed behavioral health professional who is, or has been, within the past 30 days, treating or supervising the treatment of the respondent (enter the respondent's name here). The respondent was born on (date of birth, if you know it): or I do not know the respondent's date of birth, but the respondent is (approximate age, in years): years old. For the reasons described in this petition, including any attachments, I am asking the court to begin CARE Act proceedings for the respondent.
2. a. ☐ I am a licensed behavioral health professional as defined by the CARE Act (Welf. and Inst. Code, § 5971(m)) as a (check one):
 - (1) ☐ physician.
 - (2) ☐ psychologist.
 - (3) ☐ clinical social worker.
 - (4) ☐ marriage and family therapist.
 - (5) ☐ professional clinical counselor.
- b. ☐ I have been granted a waiver of licensure by the State Department of Health Care Services under Welfare and Institutions Code section 5751.2 because (if applicable, check the box and explain):
- c. My license number is (if applicable):
3. ☐ I have interacted with the respondent as follows (describe when (give the date) you last interacted with them, and what happened when you interacted with the respondent):
4. a. The respondent lives or was last found at (give the respondent's address if they have one and you know it, including a post office box where they get mail; otherwise, describe where the respondent lives, the last locations where they were staying, or locations where they are frequently found):
- b. The respondent's other contact information is:
 (telephone number, if any): The respondent ☐ does ☐ does not respond to text messages.
 (email address, if any):
- c. I believe that the best ways to contact the respondent are (check all that apply):
 - (1) ☐ by visiting them in person
 - (2) ☐ by calling them on the phone
 - (3) ☐ by sending them text messages
 - (4) ☐ by sending them email
 - (5) ☐ by sending them mail
 - (6) ☐ other (describe):
- d. ☐ The respondent needs assistance ☐ reading ☐ hearing or understanding ☐ speaking English.
 The respondent's preferred language is (specify one or more language(s)):



CARE-102

9. c. The respondent is not clinically stabilized in ongoing voluntary treatment. A person is clinically stabilized in ongoing voluntary treatment if both of the following are true:

- (1) The respondent's condition is stable and not deteriorating; and
- (2) The respondent is currently engaged in treatment and managing symptoms through medication or other therapeutic interventions.

(Describe the respondent's current condition and any ongoing treatment below):

d. At least one of the following is true (complete (1) or (2) or both):

- (1) ☐ The respondent is unlikely to survive safely in the community without supervision **and** the respondent's condition is substantially deteriorating. (Explain why the respondent is unlikely to survive safely in the community, describe the type of supervision the respondent would need to survive safely, and describe how the respondent's physical or mental condition has recently grown worse):
- (2) ☐ The respondent needs services and supports to prevent a relapse or deterioration that would be likely to lead to grave disability or serious harm to the respondent or others. (Describe the services and supports needed by the respondent and explain why the respondent would become gravely disabled or present a risk of harm to self or others without them):

e. Participation in a CARE plan or CARE agreement would be the *least restrictive alternative* necessary to ensure the respondent's recovery and stability. (Explain why no other less restrictive treatment plan would work as well for the respondent):

f. The respondent is likely to benefit from participation in a CARE plan or CARE agreement because (explain below):

a. ☐ The respondent needs interpreter services or an accommodation for a disability. *(If you know, describe what they need):*

b. ☐ The respondent is served by a regional center. *(If you know, give the center's name and the services it provides to them):*

c. ☐ The respondent is or was a member of the state or federal armed services or reserves. *(If you know, give branch name):*

CARE-10235

Referring court division information: SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY DRAFT 112025 Not approved by the Judicial Council
Receiving court division information (if different from referring court): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS FOR <i>(name)</i> :	
COURT REFERRAL TO THE CARE ACT COURT	
CASE NUMBER: REFERRING COURT: CARE ACT COURT <i>(if applicable)</i> :	

1. I am referring *(name of referred individual)* from another court proceeding to the CARE Act court.

2. **Referring court information:**
 - a. Court, department, and judicial officer:

 - b. Case number:

 - c. Type of proceeding from which the individual is referred *(check one)*:
 - (1) ☐ Mental competence proceeding arising from a criminal prosecution (Pen. Code, §§ 1370, 1370.01)
 - (2) ☐ Assisted outpatient treatment (Welf. & Inst. Code, §§ 5346–5347)
 - (3) ☐ Lanterman-Petris-Short Act conservatorship (Welf. & Inst. Code, §§ 5350–5372)

If (3) is checked, the referred individual's conservator or proposed conservator is:
 - d. The individual's attorney in the referring proceeding *(name)*:
(mailing address):
(telephone number): *(email address)*:

3. ☐ There is reason to believe that the individual in item 1 is a person described in Welfare and Institutions Code section 5972 based on the following:
(If you need more space for item 3, attach additional page(s) as Attachment 3.)



CARE-125

4. ☐ This referral contains all of the information required to be included in a petition under Welfare and Institutions Code section 5975 based on the following:

(If you need more space for item 4, attach additional page(s) as Attachment 4.)

- Date:

37

Referring court division information: SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT 112025 Not approved by the Judicial Council
Receiving court division information (if different than referring court): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CARE ACT PROCEEDINGS FOR <i>(name)</i> :	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="checkbox"/> RULING OR <input type="checkbox"/> ORDER ON COURT REFERRAL TO CARE ACT COURT </div> <div style="width: 35%; font-size: small;"> CASE NUMBER: REFERRING COURT: CARE ACT COURT <i>(if applicable)</i>: </div> </div>	

The court has read and reviewed the written referral from a court as provides for in Welfare and Institutions Code section 5978. Based on the information contained in the written referral, the court finds as follows *(check 1 or 2)*:

1. ☐ The court accepts the referral as a petition. The referral contains all of the information required by Welfare and Institutions Code section 5975 to be included in a CARE process petition, and the information included in the referral makes a prima facie showing that the respondent is, or may be, a person described in Welfare and Institutions Code section 5972. The court will:
 - a. Notify the referring court that the referral has been accepted as a petition for CARE Act proceedings.
 - b. Complete *Order for CARE Act Report* (form CARE-105) for these CARE Act proceedings.

2. ☐ The court does not accept the referral as a petition. The court orders *(name)*: _____, the appropriate petitioner candidate identified in Welfare and Institutions Code section 5978(f)), to do the following within 14 court days:
 - a. Complete an investigation to determine whether to file a petition on behalf of the referred individual.
 - b. Notify the referring court whether it intends to file a CARE Act petition on behalf of the referred individual.

Date: _____

JUDICIAL OFFICER

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: December 4, 2025

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

Circulate for comment (July 1 cycle)

Title of proposal: Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires
(Implementation of Assembly Bill 1899)

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

Amend Cal. Rules of Court, rules 2.1002, 2.1006, and 2.1008; revise forms JURY-001 and JURY-002; adopt Cal. Stds. Jud. Admin., standard 10.22; amend standards 3.25 and 4.30

Committee or other entity submitting the proposal:

Advisory Committee on Providing Access and Fairness

Staff contact (name, phone and email): Kristin Burford, 916-263-2989, kristin.burford@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): n/a

Project description from annual agenda: Agenda approved by Executive and Planning Committee June 10, 2025. Develop Standard of Judicial Administration and Rules and Forms Revisions to Implement Assembly Bill 1899 (Stats. 2024, Ch. 812) (Juror Questionnaires).

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

Proposal is urgently needed to conform to the law. Code of Civil Procedure section 205 (as added by Stats. 2024, ch. 812, section 12) directs Judicial Council to adopt a standard of judicial administration.

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.)

The Advisory Committee on Providing Access and Fairness consulted with the Civil and Small Claims Advisory Committee and the Criminal Law Advisory Committee when developing this proposal to get input on the proposed revisions and identify additional minor clarifications to make in the materials for civil and criminal matters (forms JURY-001 and JURY-002, standards 3.25 and 4.30).

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) September 10, 2025

☒ approved by Office Director (or Designee) (name) Anna Maves & James Barolo
on (date) October 8, 2025 & October 23, 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

<https://courts.ca.gov/policy-administration/invitations-comment>

INVITATION TO COMMENT

W26-09

Title

Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires (Implementation of Assembly Bill 1899)

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 2.1002, 2.1006, and 2.1008; revise forms JURY-001 and JURY-002; adopt Cal. Stds. Jud. Admin., standard 10.22; amend standards 3.25 and 4.30

Proposed by

Advisory Committee on Providing Access and Fairness

Hon. Kevin C. Brazile, Cochair

Hon. Victor A. Rodriguez, Cochair

Action Requested

Review and submit comments by January 7, 2026

Proposed Effective Date

July 1, 2026

Contact

Kristin Burford, 916-263-2989

kristin.burford@jud.ca.gov

Cristina Resendiz-Johnson, 415-865-4318

cristina.resendiz-johnson@jud.ca.gov

Executive Summary and Origin

The Advisory Committee on Providing Access and Fairness proposes a new standard of judicial administration to ensure gender inclusivity of juror identification and juror questionnaires, consistent with the directive in Assembly Bill 1899 (Cervantes; Stats. 2024, ch. 812). In line with AB 1899's directive and the proposed new standard, the committee proposes amending two standards and three rules and revising two forms, all of which use language for jurors that is not inclusive of all genders. In addition, the committee proposes minor changes to conform to style guidelines and to improve accuracy, consistency, clarity, and usability of the materials. Since this proposal includes revisions to materials for use in civil and criminal matters, the Advisory Committee on Providing Access and Fairness consulted with the Civil and Small Claims Advisory Committee and the Criminal Law Advisory Committee when developing this proposal to get input on the proposed revisions and identify additional minor clarifications to make in the materials.

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

Background

AB 1899 added subdivision (e) to Code of Civil Procedure section 205. That subdivision states:

The Judicial Council shall adopt a standard of judicial administration to ensure that juror identification and any juror questionnaire is inclusive, including allowing a juror the ability to express their gender identity or gender expression, if applicable.

Gender identity and expression in California law and Judicial Council materials

Changes in recent years to California law reflect a growing recognition of different gender identities and expressions. California's broad antidiscrimination protections expressly prohibit discrimination based on gender identity and gender expression.¹ As of 2017, California law provides for a nonbinary gender marker on state identification documents (the Gender Recognition Act).² In 2018 the Legislature adopted a resolution to direct state agencies to use gender-neutral drafting in their materials.³

In response to the 2017 Gender Recognition Act, Judicial Council staff reviewed the forms to identify those containing gender identity questions or gender-specific terms (e.g., personal pronouns, like his/her, and honorifics, like Mr./Ms.). The advisory committees within the Judicial Council have been identifying forms and making recommendations to the Judicial Council for revisions to remove gender identity questions or to make the language more inclusive when the information is required.⁴

Proposal

New standard of judicial administration

First, this proposal would adopt a new standard of judicial administration consistent with the directive of AB 1899. As proposed, the new standard, 10.22, would be located near existing standards on preventing bias (10.20) and nondiscrimination in appointments (10.21). New

¹ See, e.g., Civ. Code, § 51(e)(6) (Unruh Civil Rights Act defines “sex” to include a person’s gender, which is defined to include “a person’s gender identity and gender expression”); Gov. Code, § 12926(r) (California Fair Employment and Housing Act defines “sex” similarly to Civ. Code, § 51).

² See, e.g., Health & Saf. Code, § 103425 (originally enacted in Sen. Bill 179 (Atkins; Stats. 2017, ch. 853), leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB179).

³ Assem. Con. Res. No. 260 (Low; Stats. 2018, res. ch. 190), leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180ACR260.

⁴ For example, the Appellate Advisory Committee recommended an omnibus proposal. See Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Technical Revisions to Forms to Use Gender-Neutral Language* (Apr. 1, 2020), jcc.legistar.com/View.ashx?M=F&ID=8265087&GUID=20EB59C4-44BC-406A-AF18-70385172C795; Judicial Council of Cal., mins. (May 15, 2020), item 20-126, pp. 2, 5, 6, jcc.legistar.com/View.ashx?M=M&ID=711580&GUID=BC840A3B-4EF6-404F-B8F0-AFED7EA2365F.

Work is ongoing to revise forms and other Judicial Council materials. See, e.g., Ongoing Project #8 on the Annual Agenda of the Civil and Small Claims Advisory Committee (2025–2026) courts.ca.gov/system/files/file/cscac-annual-agenda-2025-2026_0.pdf; Ongoing Project #11 on the Annual Agenda for the Family and Juvenile Law Advisory Committee (2025–2026), courts.ca.gov/system/files/file/famjuv-annual_0.pdf.

standard 10.22 would be named “Gender-inclusive practices for juror identification and juror questionnaires.”

The new standard would have two subdivisions—the first stating the purpose and the second specifying recommended practices. In short, those practices are:

- Use gender-neutral language in general materials and communications to jurors.
- Avoid assuming gender of a juror by using honorifics or pronouns to refer to a juror who has not indicated the honorific or pronouns that the juror uses.
- Unless information about gender is necessary or relevant to a court’s administrative or adjudicatory functions, do not seek information about gender from jurors.
- If information about gender is necessary or relevant, provide jurors the option to indicate their gender identity or gender expression (as applicable). A question about gender should indicate whether the question is optional and, where answer options are provided, expressly permit the selection of multiple options and provide appropriate lead-in text for any fill-in-the-blank option.

Changes to existing Judicial Council materials for consistency with new standard

This proposal would also update existing Judicial Council materials to ensure that those materials are consistent with this new standard. Specifically, this proposal would:

- Amend rules 2.1002, 2.1006, and 2.1008 to replace gender-specific language used to refer to jurors with gender-neutral language;
- Revise forms JURY-001 and JURY-002 to replace gender-specific language with gender-neutral language in (optional) voir dire questionnaires directed to prospective jurors; and
- Amend standards 3.25 and 4.30 to use gender-neutral language in a sample script for a judge to use in voir dire questioning of prospective jurors.

The proposed changes to those materials are described in more detail below.

Rules

Rule 2.1002(c) identifies situations in which a person has fulfilled their jury service. The rule uses the phrase “his or her jury service obligation.” This proposal would amend the rule to replace this language with “a person’s jury service obligation.”

Rule 2.1006 provides for deferral of jury service due to breastfeeding. The proposal would amend the rule to use gender-neutral language.

Rule 2.1008(d)(3)(D) describes one consideration for courts to evaluate when assessing whether a prospective juror’s service would impose an extreme financial burden (making that juror

eligible to be excused on the ground of undue hardship). That consideration is whether service “can reasonably be expected to compromise the prospective juror's ability to support himself or herself or his or her dependents.” The proposal would amend this language to instead refer to the prospective juror’s ability to support “the prospective juror or any dependents.”

Forms

Forms JURY-001 and JURY-002 ask the prospective juror to specify the sex of each of the juror’s children and use gender-specific terms to refer to individuals related to the juror. Both forms would be revised to remove the question asking the juror to specify the sex of their children. Individual changes would be made to each form to revise and remove gender-specific language on that form. Specifically, form JURY-001 would be revised to use broader, gender-neutral terms to refer to a juror’s parents or guardians, and form JURY-002 would be revised to use gender-neutral phrasing to refer to the juror’s spouse or other person with whom the juror has a significant personal relationship.

In addition, the cited statutory authority on the forms would be updated (to include language added by AB 1899).

Standards

Standards 3.25 and 4.30 relate to voir dire. Each standard contains a lengthy script of questions for a judge to ask of prospective jurors in the courtroom. In both standards, the scripts use gender-specific pronouns or honorifics to refer to jurors. The proposal would amend the standards to replace that language with gender-neutral phrasing.

Additional revisions

In the course of this work, the committee identified other language in the materials that would benefit from updates, minor revisions, or corrections. Those additional changes have been incorporated into the proposal and are described below.

Updated bias question

Standards 3.25 and 4.30 each include an optional question about bias to ask prospective jurors during voir dire. The committee found the existing language of that bias question outdated and underinclusive (notably, gender was not on the list of characteristics). The committee proposes expanding the list of characteristics that might be subject to bias and putting that list in brackets (to indicate that a judge can tailor the question to suit the circumstances of the case, as needed).

Gender-neutral language

The committee proposes changes to remove and replace gender-specific language referring to someone other than the juror in the Judicial Council materials included in this proposal. These changes are predominantly found in standards 3.25 and 4.30.

Minor updates to improve consistency, reflect drafting practices, and conform references

The committee also proposes assorted minor updates to improve consistency between the materials,⁵ replace or remove potentially confusing language,⁶ reflect current drafting practices,⁷ ensure references are up to date,⁸ and make corrections.⁹

Alternatives Considered

The committee did not consider the alternative of not adopting a new standard of judicial administration, as the adoption of the standard is directed by AB 1899. The committee considered not making conforming changes to the existing Judicial Council materials that might otherwise be inconsistent with the new standard; however, the committee concluded that Judicial Council materials should reflect the best practices recommended for the courts in the proposed new standard.

The committee considered different approaches for updating the existing Judicial Council materials. In crafting the proposed updates and revisions, the committee strove for accuracy, simplicity, and consistency.

Fiscal and Operational Impacts

The committee anticipates that this proposal will have minor initial fiscal and operational impacts to ensure court personnel are aware of the new standard and to adjust any local practices and materials accordingly.

⁵ For example, the committee proposes changing the language of standard 3.25(c)(20) to make clear that judges have the option to have jurors identify themselves by name or by juror identification number (as in standard 4.30(b)(22)).

⁶ For example, the committee proposes replacing the defined term “telephone standby” in rule 2.1002 with “standby,” as the existing rule does not require a specific means of communication to notify jurors of the need to report for service.

⁷ For example, the committee proposes removing use of “as to” in standard 4.30(b)(27)(B) and proposes changing the text from all capitals to sentence case and updating the form footers on forms JURY-001 and JURY-002.

⁸ For example, the committee proposes correcting the CALCRIM citation in item 1.35 on form JURY-002.

⁹ For example, the committee proposes minor corrections to the language in standard 3.25(f) that describes the circumstances under which jurors may be asked certain types of questions.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

Attachments and Links

1. Cal. Rules of Court, rules 2.1002, 2.1006, and 2.1008, at pages 7–8
2. Forms JURY-001 and JURY-002, at pages 9–31
3. Cal. Standards of Judicial Administration, standards 3.25, 4.30, and 10.22, at pages 32–41
4. Link A: Assem. Bill 1899 (Stats. 2024, ch. 812),
[leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1899](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1899)

Rules 2.1002, 2.1006, and 2.1008 of the California Rules of Court would be amended, effective July 1, 2026, to read:

Rule 2.1002. Length of juror service

(a) * * *

(b) Definitions

As used in this rule:

(1)–(4) * * *

(5) ~~“Telephone standby”~~ “Standby” means all previous-day notice procedures used to inform prospective jurors of their date to report for service.

(c) One-day/one-trial

Each trial court system must implement a juror management program under which a ~~person has fulfilled his or her~~ person’s jury service obligation is fulfilled when the person has:

(1)–(4) * * *

(5) Served ~~no more than five court days on telephone standby.~~ standby for no more than five court days.

(d) * * *

Rule 2.1006. Deferral of jury service

~~A mother~~ prospective juror who is breastfeeding a child may request that jury service be deferred for up to one year, and may renew that request as long as ~~she~~ the prospective juror is breastfeeding. If the request is made in writing, under penalty of perjury, the jury commissioner must grant it without requiring the prospective juror to appear at court.

Rule 2.1008. Excuses from jury service

(a)–(c) * * *

(d) Reasons for excusing a juror because of undue hardship

An excuse on the ground of undue hardship may be granted for any of the following reasons:

1
2 (1)–(2) * * *

3
4 (3) The prospective juror will bear an extreme financial burden. In determining
5 whether to excuse the prospective juror for this reason, consideration must be
6 given to:

7
8 (A)–(C) * * *

9
10 (D) Whether service can reasonably be expected to compromise the
11 prospective juror's ability to support ~~himself or herself or his or her~~ the
12 prospective juror or any dependents, or so disrupt the economic
13 stability of any individual as to be against the interests of justice.

14
15 (4)–(7) * * *

16
17 **(e) Excuse based on previous jury service**

18
19 A prospective juror who has served on a grand or trial jury or was summoned and
20 appeared for jury service in any state or federal court during the previous 12
21 months must be excused from service on request. ~~The~~ At the jury commissioner's
22 discretion, the jury commissioner, in his or her discretion, may establish a longer
23 period of repose.

JUROR QUESTIONNAIRE FOR CIVIL CASES

Code of Civil Procedure ~~section 205(c)-(e)~~

Sec. 1. Statutory Authority

This Juror Questionnaire has been drafted under the authority of Code of Civil Procedure section 205(c)-(e) and is intended to expedite jury selection. It is not intended to alter statutes or rules governing the authority of the court or the role of counsel during voir dire.

Sec. 2. Use Notes for Courts

A. General

This Juror Questionnaire is intended for use in the court's discretion in appropriate civil cases. Its use in cases of brief duration may not be appropriate. Particular kinds of cases may require that this questionnaire be altered or augmented. The Personal Injury Supplement is intended to be used along with the General Questions in personal injury actions. Judges, in their own discretion, must determine what additional kinds of inquiry are appropriate in any given case.

B. Pre-Voir Dire Conference

The court should confer with counsel about voir dire before a jury panel is called. At this conference, the court may establish (1) guidelines for the use of the Juror Questionnaire, (2) any supplemental questions to be propounded to the panel by questionnaire, (3) the extent of the court's oral inquiry of the panel, and (4) the extent of oral questioning by counsel. Proposed supplemental questions drafted by counsel should be filed and served at least three court days before the pre-voir dire conference. Arrangements for duplication of completed questionnaires should be confirmed. The parties should share the cost of duplication.

C. Introduction of Questionnaire to Prospective Jurors

It is suggested that the Juror Questionnaire be used after the court has given its customary introductory remarks and any additional instructions that the court deems appropriate. The court also may wish to tell the panel members that a questionnaire will be used, encourage complete answers, and remind them that their answers will be given under penalty of perjury. In introducing the questionnaire, the court should instruct prospective jurors how to proceed if they have difficulty reading or filling out the form.

The court could direct that the Juror Questionnaire be given to prospective jurors by the jury commissioner in the jury assembly room. However, this procedure ordinarily will mean that jurors are not given complete instructions about the type of case they will hear or the identity of participants and witnesses. In addition, jurors who fill out the form before appearing in the trial court may not clearly understand that their answers are given under penalty of perjury. For these reasons, and to avoid the need to have jurors fill out supplemental questionnaires once they have been sent to the trial court, it is strongly recommended that the Juror Questionnaire be used in the trial court setting.



JUROR QUESTIONNAIRE FOR CIVIL CASES

JURY-001

Introduction and Instructions

Thank you for coming to court as a potential juror. Before the case can start, a jury must be selected. The judge and the people involved in the case need to know something about you in order to select jurors who can be fair to both sides.

Everyone has attitudes and opinions that are shaped by their life experiences. Sometimes these experiences can make it difficult to look at a certain issue in an unbiased and unemotional way. As a juror, you must return a verdict based on the law and on the facts proved in court, not on emotion or on other views not supported by the evidence. The judge will give you instructions on the law and on how you should go about deciding the case. You must listen to and follow the judge's instructions.

The questions on this form are designed to help the court and the lawyers learn something about your background and your views on issues that may be related to this case. The questions are asked not to invade your privacy but to make sure that you can be a fair and impartial juror. If there is any reason why you might not be able to give both sides a fair trial in this case, it is important that you say so.

The judge has decided to use this form to save time and to give you a chance to tell the court and the lawyers about yourself.

In portions of this form, you will see the term "significant personal relationship." That term means a **current or** former spouse, domestic partner, life partner, or anyone with whom you have an influential or intimate relationship that you would characterize as important.

If there is anything you do not want to talk about in open court, please circle the question number. After you have finished the questionnaire, let the clerk know that you have circled one or more question numbers.

Do not write on the back of any page. Use an additional sheet of paper.

If you are called to the jury box, your answers to this questionnaire become a matter of public record, just as if you had answered the questions aloud in the courtroom.

If you have trouble reading, understanding, or filling out this form, please let the court clerk know.

PLEASE REMEMBER THAT YOU ARE ANSWERING THESE QUESTIONS UNDER PENALTY OF PERJURY. YOUR ANSWERS MUST BE TRUE AND COMPLETE. THANK YOU FOR YOUR HELP IN SELECTING A FAIR JURY.



JUROR QUESTIONNAIRE FOR CIVIL CASES

JURY-001

General Questions

PLEASE PRINT ALL ANSWERS LEGIBLY

Full Name: _____

1.1 Date and place of birth: _____

1.2 Area, neighborhood, or community in this county where you currently live (do not give your address):

☐ House ☐ Apartment ☐ Own ☐ Rent

1.3 Area, neighborhood, or community where you have lived in the past 10 years (and dates):

1.4 What is the highest level of education you completed?

☐ Grade school or less

☐ Some high school

☐ High school graduate

☐ Other (*please explain*):

☐ Some college

(Major): _____

☐ College graduate

(Major): _____

☐ Postgraduate study

(Field): _____

☐ Technical or vocational school

(Field): _____

1.5 If you plan to attend or are currently attending school, describe:

1.6 If you have taken any courses or had any training in medicine or another health care field, describe:



1.7 If you have taken any courses or had any training in law or a related subject, describe:

1.8 Educational background of any other adult who lives in your home, including any degrees or certificates earned:

1.9 Your present employment status (*check all that apply*):

- ☐ Employed full-time
 ☐ Retired
 ☐ Unemployed, looking for work
☐ Employed part-time
 ☐ Student
 ☐ Unemployed, not looking for work
☐ Other (*specify*):

1.10 Your current or most recent occupation:

1.11 Name of your current or most recent employer or, if a student, your school:

1.12 Describe your specific duties and responsibilities in your current or most recent job:

1.13 Does your current job involve supervising other people? ☐ Yes ☐ No

If yes, approximately how many? _____

1.14 Are you involved in the hiring or firing of other employees? ☐ Yes ☐ No

1.15 Are you involved in evaluating the job performance of other employees? ☐ Yes ☐ No

1.16 All other employment you have had (and for how long):

1.17 All full-time employment of your spouse or any person with whom you have a significant personal relationship (and for how long):

1.18 What are/were the occupations of your parents/guardians? (If retired, what did they do before?)

Parent/Guardian 1: _____

Parent/Guardian 2: _____

Additional Parent(s)/Guardian(s), if applicable: _____



1.19 If you have children, please list (including any children who do not currently live with you):

Age	Does the child live with you?	Education	Occupation
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

1.20 If you or your current spouse or person with whom you have a significant personal relationship has ever served in the military, please list for each the branch of service and dates of service:

1.21 What social, civic, professional, trade, or other organizations are you affiliated with?

1.22 Describe any offices you have held in organizations listed above:

1.23 Do you know anyone on this jury panel?

1.24 On how many cases have you served on a jury? _____

Where did you serve on a jury? _____

What kinds of cases did you hear while serving on a jury?

In how many of those cases did the jury reach a verdict? _____

In how many of those cases did you serve as the jury foreperson? _____

Was your jury service a positive or negative experience? _____

1.25 If you have ever been to court for any other reason (excluding divorce), explain:



1.26 If you personally know any judges or attorneys or court personnel, what are their names and relationship to you?

1.27 Describe any problems (vision, hearing, or other medical problems) that may affect your jury service:

1.28 If you or anyone close to you has ever made any type of claim for damages, explain:

1.29 If a claim for money damages has ever been made against you or anyone close to you, explain the circumstances:

1.30 If you or anyone close to you has ever sued or been sued in any type of lawsuit, explain:

1.31 Do you feel that money damages awarded in lawsuits are (*check one*):

- | | | |
|--|---|--|
| <input type="checkbox"/> Excessive | <input type="checkbox"/> Occasionally too low | <input type="checkbox"/> Other (<i>specify</i>): _____ |
| <input type="checkbox"/> Often too large | <input type="checkbox"/> Often too low | |
| <input type="checkbox"/> About right | <input type="checkbox"/> I have no opinion | |

1.32 If you have any ethical, religious, political, or other beliefs that may prevent you from serving as a juror, explain:

1.33 If there is any matter not covered by this questionnaire that could affect your ability to be a fair and impartial juror, explain:



JUROR QUESTIONNAIRE FOR CIVIL CASES

Personal Injury Supplement

JURY-001

Full Name: _____

2.1 If you or anyone close to you has ever been involved in an accident in which someone was injured, explain:

2.2 Place a check mark on the appropriate line(s) if you or anyone close to you has ever been employed in any capacity by any of the following types of businesses:

Yourself	Other Person	
<input type="checkbox"/>	<input type="checkbox"/>	Any court in the state of California
<input type="checkbox"/>	<input type="checkbox"/>	Attorney, law firm, or law office
<input type="checkbox"/>	<input type="checkbox"/>	Claims adjustment, evaluation, review, settlement, or investigation
<input type="checkbox"/>	<input type="checkbox"/>	Accident investigation or law enforcement
<input type="checkbox"/>	<input type="checkbox"/>	Disability, health, life, casualty, or accidental injury benefits or programs
<input type="checkbox"/>	<input type="checkbox"/>	Economics, actuarial, or investments
<input type="checkbox"/>	<input type="checkbox"/>	Health care doctor, nursing, hospital, dental, physical therapy, pharmacy, or any related field

2.3 If you checked any **box under Other Person** in **the** previous question (2.2), please state the relationship of that person to you, the type and details of that employment, and the years of that employment:

2.4 Do you have any beliefs against awarding damages for personal injury, pain, or suffering?

☐ Yes ☐ No

If yes, explain:

2.5 Do you or any members of your immediate family or household see a doctor or other medical practitioner regularly for any continuing medical problem?

☐ Yes ☐ No

If yes, explain:



JUROR QUESTIONNAIRE FOR CIVIL CASES

JURY-001

Verification

I, _____, declare under penalty of perjury under the laws of the State
(Type or Print Name)
of California that the foregoing responses I have given on this juror questionnaire, and on any attached sheets, are true
and correct to the best of my knowledge and belief.

Date:



(Signature)

JUROR QUESTIONNAIRE FOR CRIMINAL CASES

Form JURY-002 (Optional Form) Code of Civil Procedure section 205(c)–(e)

Sec. 1. Statutory Authority

This Juror Questionnaire has been drafted under the authority of Code of Civil Procedure section 205(c)–(e) and is intended to expedite jury selection. It is not intended to alter statutes or rules governing the authority of the court or the role of counsel during voir dire.

Sec. 2. Use Notes for Courts

A. General

This Juror Questionnaire is an **optional form** and is **NOT** intended to constitute the complete examination of prospective jurors. **The utility and appropriateness of this questionnaire to a particular case is at the discretion of the judge.** Particular kinds of cases may require that this questionnaire be altered or augmented with the participation of counsel.

B. Pre-Voir Dire Conference

Rule of court 4.200 requires that the court confer with counsel about voir dire before a jury panel is called. At this conference, the court may establish (1) guidelines for the use of the Juror Questionnaire, (2) any supplemental questions to be propounded to the panel by questionnaire, (3) the extent of the court's oral inquiry of the panel, and (4) the extent of oral questioning by counsel. Arrangements for duplication of completed questionnaires should be confirmed.

C. Introduction of Questionnaire to Prospective Jurors

It is suggested that the Juror Questionnaire be used after the court has given its customary introductory remarks and any additional instructions that the court deems appropriate. The court also may wish to tell the panel members that a questionnaire will be used, encourage complete answers, and remind them that their answers will be given under penalty of perjury. In introducing the questionnaire, the court should instruct prospective jurors how to proceed if they have difficulty reading or filling out the form.

It is not recommended that the court direct the jury commissioner to give the Juror Questionnaire to prospective jurors in the jury assembly room. This procedure ordinarily will mean that jurors are not given complete instructions about the type of case they will hear or the identity of participants and witnesses. In addition, jurors who fill out the form before appearing in the trial court may not clearly understand that their answers are given under penalty of perjury. For these reasons, and to avoid the need to have jurors fill out supplemental questionnaires once they have been sent to the trial court, it is strongly recommended that the Juror Questionnaire be used in the trial court setting.



JUROR QUESTIONNAIRE FOR CRIMINAL CASES

Introduction and Instructions

JURY-002

Thank you for coming to court as a potential juror. Before the case can start, a jury must be selected. The judge and the parties need to know information about you and people you know in order to select jurors who can be fair to both sides.

Everyone has attitudes and opinions that are shaped by their life experiences. Sometimes these experiences can make it difficult to look at a certain issue in an unbiased and unemotional way. As a juror, you must return a verdict based on the law and on the facts proved in court. The judge will give you instructions on the law and on how you should go about deciding the case. You must listen to and follow the judge's instructions.

The questions on this form are designed to help the court and the lawyers learn something about your background and your views on issues that may be related to this case. The questions are asked not to invade your privacy but to make sure that you can be a fair and impartial juror.

In portions of this form, you will see the term “person with whom you share a significant personal relationship.” That term means a **current or** former spouse, domestic partner, life partner, or anyone with whom you have an influential or intimate relationship that you would characterize as important.

As you answer the questions that follow, please keep in mind that there are no “right” or “wrong” answers. The only right answer is one that reflects how you honestly feel. Please make sure your answers are as complete as possible. Complete answers are far more helpful and may help shorten the time it takes to select a jury. If you have trouble reading, understanding, or filling out this form, please let the court staff know. If a question does not apply to you, please write in “NA” for “not applicable” rather than leave the question blank.

The information you provide will become part of the court record in this case and will be a public document that is accessible to anyone. Some of the questions may require information that is personal and sensitive to you, and you may be reluctant to talk about this information with the other prospective jurors and the public present. If this is so, write “private” next to the question and the court **may** then give you an opportunity to share your information on the record with only the judge, counsel, the defendant, and the court reporter present. The answers you provide will, under most circumstances, be included as part of the public record, but you may not have to share the information in open court.

PLEASE PUT THE LAST FOUR DIGITS OF YOUR JUROR IDENTIFICATION NUMBER FOUND ON YOUR JUROR BADGE ON THE TOP OF EACH PAGE.

REMEMBER THAT YOU ARE ANSWERING THESE QUESTIONS UNDER PENALTY OF PERJURY. YOUR ANSWERS MUST BE TRUE AND COMPLETE. THANK YOU FOR YOUR HELP IN SELECTING A FAIR JURY.



Juror ID number _____

Case number _____

JUROR QUESTIONNAIRE FOR CRIMINAL CASES

General Questions

PLEASE PRINT ALL ANSWERS LEGIBLY

1.1 Age: _____

1.2 This (these) crime(s) allegedly took place (*specify location of crime(s)*):

Do you reside in the vicinity of this location, or do you frequent this location?

☐

Yes

☐

No

If yes, please explain:

1.3 Describe any difficulties (vision, hearing, or medical problems) that may affect your jury service:

1.4 If you have any ethical, religious, political, or other beliefs that may prevent you from serving as a juror, explain:



Juror ID number _____

Case number _____

1.5 What is the highest level of education you completed?☐ Grade school or less☐ Some high school☐ High school graduate☐ Other (*please explain*):

_____☐ Some college

(Major): _____

☐ College graduate

(Major): _____

☐ Postgraduate study

(Field): _____

☐ Technical or vocational school

(Field): _____

1.6 If you plan to attend or are currently attending school, describe:

1.7 If you, your spouse, any person with whom you have a significant personal relationship, or a relative have taken any courses or had any training in law or a related subject, describe:

1.8 Educational background of any other adult who lives in your home, including any degrees or certificates earned:

1.9 Your present employment status (*check all that apply*):☐ Employed full-time☐ Retired☐ Unemployed, looking for work☐ Employed part-time☐ Student☐ Unemployed, not looking for work☐ Other (*specify*): _____**1.10 Your current or most recent occupation (and for how long):**



Juror ID number _____

Case number _____

1.11 Name of your current or most recent employer or, if a student, your school:

1.12 Describe your specific duties and responsibilities in your current or most recent job:

1.13 Does your current job involve supervising other people?

☐ Yes

☐ No

If yes, approximately how many? _____

1.14 Are you involved in the hiring or firing of other employees?

☐ Yes

☐ No

1.15 Are you involved in evaluating the job performance of other employees?

☐ Yes

☐ No

1.16 All other employment you have had in the past 10 years (and for how long):

1.17 The present employment status of your spouse or any person with whom you have a significant personal relationship (check all that apply):

☐ Employed full-time

☐ Retired

☐ Unemployed, looking for work

☐ Employed part-time

☐ Student

☐ Unemployed, not looking for work

☐ Other (specify): _____

1.18 The current or most recent occupation of your spouse or any person with whom you have a significant personal relationship (and for how long):

1.19 The name of the current or most recent employer of your spouse or any other person with whom you have a significant personal relationship or, if a student, name of the school:



Juror ID number _____

Case number _____

- 1.20 Describe the specific duties and responsibilities for the current or most recent job of your spouse or any person with whom you have a significant personal relationship:

- 1.21 If you, your spouse, a person with whom you have a significant personal relationship, or a relative are currently working or have ever worked in law enforcement, please list the agency, position, and the person's relationship to you:

- 1.22 If you have children, please list (including any children who do not currently live with you):

Age	Does the child live with you?	Education	Occupation
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 1.23 If you, your spouse, or a person with whom you have a significant personal relationship has ever served in the military, please list for each the branch of service and dates of service:

- 1.24 If you, your spouse, or a person with whom you have a significant personal relationship ever had involvement with the military police or the military justice system, please describe:

- 1.25 Social, civic, professional, trade, or other organizations with which you are affiliated:



Juror ID number _____

Case number _____

1.26 Describe any offices you have held in organizations listed above:

1.27 Do you know anyone on this jury panel?

☐ Yes

☐ No

1.28 If you personally know any judges or attorneys or court personnel, what are their names and relationships to you?

1.29 Have you previously served on a criminal or civil trial jury?

☐ Yes

☐ No

On how many cases did you serve? _____

Approximate year(s)? _____

Where did you serve on a jury? _____

Were you a juror or an alternate? _____

What kinds of cases did you hear while serving on a jury? _____

Was there anything about your jury service that would make you question your ability to be fair and impartial in this case? If so, please explain:

1.30 Have you ever served on a grand jury panel?

☐ Yes

☐ No

Criminal or civil grand jury? _____

Approximate year(s)? _____

Where did you serve on a grand jury? _____

How long did you serve on a grand jury? _____

What kind of matter did you hear while serving on a grand jury? _____

Was there anything about your jury service that would make you question your ability to be fair and impartial in this case? If so, please explain:



Juror ID number _____

Case number _____

1.31 Have you, your spouse, any person with whom you have a significant personal relationship, or a relative ever been a victim of a crime?☐ Yes☐ No

If yes, who? _____

What crime(s)? _____

When? _____

What happened?

Was anyone arrested?

☐ Yes☐ No

Was there a trial?

☐ Yes☐ No

If yes, did you attend the trial?

☐ Yes☐ No

Did the person who is the subject of this question testify?

☐ Yes☐ No

Did the police interview the person who is the subject of this question?

☐ Yes☐ No

Did anyone working for the defendant interview the person who is the subject of this question?

☐ Yes☐ NoAs a result of that experience, is there anything that would make you question your ability to be fair and impartial in this case? If so, please explain:

_____**1.32 Have you, your spouse, any person with whom you have a significant personal relationship, or a relative ever been a witness to a crime?**☐ Yes☐ No

If yes, who? _____

What crime(s)? _____

When? _____

What happened?

Was anyone arrested?

☐ Yes☐ No

Was there a trial?

☐ Yes☐ No

If yes, did you attend the trial?

☐ Yes☐ No

Did the person who is the subject of this question testify?

☐ Yes☐ No

Juror ID number _____

Case number _____

Did the police interview the person who is the subject of this question?

☐ Yes☐ No

Did anyone working for the defendant interview the person who is the subject of this question?

☐ Yes☐ No

As a result of that experience, is there anything that would make you question your ability to be fair and impartial in this case? If so, please explain:

1.33 Have you, your spouse, any person with whom you have a significant personal relationship, or a relative ever had any contact with law enforcement, including but not limited to being: (a) stopped by the police; (b) accused of misconduct, whether or not it was a crime; (c) investigated as a suspect in a criminal case; (d) charged with a crime; or (e) a criminal defendant?

☐ Yes☐ No

If yes, who?

What crime(s)?

When?

What happened?

Was anyone arrested?

☐ Yes☐ No

Was there a trial?

☐ Yes☐ No

If yes, did you attend the trial?

☐ Yes☐ No

Did the person who is the subject of this question testify?

☐ Yes☐ No

Did the police interview the person who is the subject of this question?

☐ Yes☐ No

Did anyone working for the defendant interview the person who is the subject of this question?

☐ Yes☐ No

As a result of that experience, is there anything that would make you question your ability to be fair and impartial in this case? If so, please explain:



Juror ID number _____

Case number _____

1.34 Have you ever been to court for any other reason? Explain:

1.35 The following is a principle of law that applies to all criminal cases:

A defendant in a criminal action is presumed to be innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. Whenever the judge tells you the People must prove something, the judge means they must prove it beyond a reasonable doubt [unless the judge specifically tells you otherwise].

Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt.

In deciding whether the People have proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendant guilty beyond a reasonable doubt, the defendant is entitled to an acquittal and you must find the defendant not guilty. (CALCRIM No. 103.)

Do you understand this principle of law?

☐ Yes☐ No

Do you agree with this principle of law?

☐ Yes☐ No

Will you follow this principle of law?

☐ Yes☐ No

If you answered no to any question, please explain:

1.36 In general, what are your opinions, if any, about law enforcement officers?

1.37 Have you, your spouse, any person with whom you have a significant personal relationship, or a relative ever had a particularly pleasant or unpleasant experience with law enforcement or the district attorney's office?☐ Yes☐ No

If yes, please explain:

1.38 Would the fact that a witness is a member of law enforcement cause you to automatically believe or disbelieve the testimony of that witness?☐ Yes☐ No

If yes, please explain:



Juror ID number _____

Case number _____

JUROR QUESTIONNAIRE FOR CRIMINAL CASES

Capital Case Supplement

By asking the following questions regarding your feelings or opinions about capital punishment, the court is not suggesting in any way that you will ever need to decide this question. The court does not know in advance what the evidence in this case will be or whether you will find a defendant guilty or not guilty of any charge at all. The court is asking the following questions because *if* a defendant is found guilty of murder in the first degree as well as what we call "special circumstances" that have been charged, the possible sentences to be decided in a separate penalty trial are the sentence of death or the sentence of life imprisonment without the possibility of parole. A defendant may also be acquitted or found guilty of lesser charges, which means there never will be a penalty trial. Since we do not know in advance what your decisions may be, the court must know whether you could be fair to all sides on the issue of punishment if and only if a penalty trial is necessary.

To clarify, you will only make a sentence decision between life without the possibility of parole and death in a separate penalty trial if you find a defendant guilty of murder in the first degree beyond a reasonable doubt and you find a "special circumstance" (to be defined for you later) true.

If the penalty trial is necessary, you will first hear evidence and arguments from counsel. The law also provides very specific guidelines as to what a jury can consider in deciding the sentence in this separate penalty trial. These guidelines are called "aggravating factors" and "mitigating factors" and are explained in *Judicial Council of California Criminal Jury Instructions* number 763:

In reaching your decision, you must consider and weigh the aggravating and mitigating circumstances or factors shown by the evidence.

An aggravating circumstance or factor is any fact, condition, or event relating to the commission of a crime, above and beyond the elements of the crime itself, that increases the wrongfulness of the defendant's conduct, the enormity of the offense, or the harmful impact of the crime. An aggravating circumstance may support a decision to impose the death penalty.

A mitigating circumstance or factor is any fact, condition, or event that makes the death penalty less appropriate as a punishment, even though it does not legally justify or excuse the crime. A mitigating circumstance is something that reduces the defendant's blameworthiness or otherwise supports a less severe punishment. A mitigating circumstance may support a decision not to impose the death penalty.



Juror ID number _____

Case number _____

2.1 Which do you think is the more severe punishment?☐ The death penalty☐ Life in prison without parole

Why?

2.2 Which would you say accurately states your general belief regarding the death penalty?☐ Strongly in favor☐ Strongly opposed☐ Neutral☐ Moderately in favor☐ Moderately opposed**Please explain in more detail your beliefs about the sentence of death:**

2.3 Which would you say accurately states your general belief regarding life without the possibility of parole?☐ Strongly in favor☐ Strongly opposed☐ Neutral☐ Moderately in favor☐ Moderately opposed**Please explain in more detail your beliefs about the sentence of life in prison without the possibility of parole:**

2.4 What purposes, if any, do you believe that life imprisonment without the possibility of parole serves?



Juror ID number _____

Case number _____

2.5 What purposes, if any, do you believe the death penalty serves?

2.6 Do you believe the death penalty is imposed:

- ☐ Too often
 ☐ Enough
 ☐ Do not know
- ☐ Not enough
 ☐ Randomly

2.7 Have your views about the death penalty changed substantially in either intensity or nature in the last few years?
☐ Yes
 ☐ No

If yes, how have your views about the death penalty changed?

2.8 Can you set aside any opinions you may have about the death penalty, and make a decision in this case based on the evidence and the law as it is given by the judge?
☐ Yes
 ☐ No

If no, why not?

2.9 Do you have any religious or personal beliefs that may influence you in your determination of whether to vote to impose either the penalty of death or life in prison without the possibility of parole?
☐ Yes
 ☐ No

If yes, please explain:



Juror ID number _____

Case number _____

2.10 Are you a member of, or have you contributed to or otherwise supported a church, religious organization, political or social advocacy group, or any other organization that takes a position for or against the imposition of the penalty of death?

☐ Yes☐ No

a. If yes, what group(s)?

b. What is the group's position?

c. Do you feel obligated to accept this position?

☐ Yes☐ No

If yes, please explain why:

2.11 Even if you believed the prosecutor had proved guilt beyond a reasonable doubt, would you, because of any views you may have regarding the death penalty, refuse to find the defendant(s) guilty or find a special circumstance to be true in order to avoid having to decide whether to impose the death penalty?

☐ Yes☐ No

2.12 If you find the defendant(s) guilty of the crime, would you automatically in all cases vote for a sentence of life without the possibility of parole regardless of the evidence concerning aggravating and mitigating factors?

☐ Yes☐ No

2.13 If you find the defendant(s) guilty of the crime, would you automatically in all cases vote for a sentence of death regardless of the evidence concerning aggravating and mitigating factors?

☐ Yes☐ No

Juror ID number _____

Case number _____

JUROR QUESTIONNAIRE FOR CRIMINAL CASES

Verification

I, _____, declare under penalty of perjury under the laws of the State
(Type or Print Name)
of California that the foregoing responses I have given on this juror questionnaire, and on any attached sheets, are true
and correct to the best of my knowledge and belief.

Date:



(Signature)

Standard 10.22 of the California Standards of Judicial Administration would be adopted and standards 3.25 and 4.30 would be amended, effective July 1, 2026, to read:

Standard 3.25. Examination of prospective jurors in civil cases

(a) In general

(1) Methods and scope of examination

The examination of prospective jurors in a civil case may be oral, by written questionnaire, or by both methods, and should include all questions necessary to ensure the selection of a fair and impartial jury. ~~The Juror Questionnaire for Civil Cases~~ (form ~~MC-001~~ JURY-001) may be used. During any supplemental examination conducted by counsel for the parties, the trial judge should permit liberal and probing examination calculated to discover possible bias or prejudice with regard to the circumstances of the particular case.

(2) Examination by counsel

When counsel requests to be allowed to conduct a supplemental voir dire examination, the trial judge should permit counsel to conduct such examination without requiring prior submission of the questions to the judge unless a particular counsel has demonstrated unwillingness to avoid the type of examination proscribed in (f). In exercising ~~his or her~~ sound discretion ~~as to~~ regarding the form and subject matter of voir dire questions, the trial judge should consider, among other criteria: (1) any unique or complex elements, legal or factual, in the case, and (2) the individual responses or conduct of jurors that may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case. Questions regarding personal relationships of jurors should be relevant to the subject matter of the case.

(b) Pre-voir dire conference

Before the examination the trial judge should, outside the prospective jurors' hearing and with a court reporter present, confer with counsel, at which time specific questions or areas of inquiry may be proposed that the judge in ~~his or her~~ their discretion may inquire of the jurors. Thereafter, the judge should advise counsel of the questions or areas to be inquired into during the examination and voir dire procedure. The judge should also obtain from counsel the names of the witnesses whom counsel then plan to call at trial and a brief outline of the nature of the case, including any alleged injuries or damages and, in an eminent domain action, the respective contentions of the parties concerning the value of the property taken and any alleged severance damages and special benefits.

1 (c) Examination of jurors
2

3 Except as otherwise provided in (d), the trial judge's examination of prospective
4 jurors should include the following areas of inquiry and any other matters affecting
5 their qualifications to serve as jurors in the case:
6

7 (1) *To the entire jury panel after it has been sworn and seated:*
8

9 I am now going to question the prospective jurors who are seated in the jury
10 box concerning their qualifications to serve as jurors in this case. All
11 members of this jury panel, however, should pay close attention to my
12 questions, making note of the answers you would give if these questions were
13 put to you personally. If and when any other member of this panel is called to
14 the jury box, the member will be asked to ~~give his or her answers to~~ answer
15 these questions.
16

17 (2)–(10) * * *
18

19 (11) Have any of you served as a juror in any other case? (If so, was it a civil or
20 criminal case?) You must understand that there is a basic difference between
21 a civil case and a criminal case. In a criminal case a defendant must be found
22 guilty beyond a reasonable doubt; in a civil case such as this, you need only
23 find that the evidence you accept as the basis of your decision is more
24 convincing, and thus has the greater probability of truth, than the contrary
25 evidence.
26

27 In the following questions I will be using the terms “family,” “close friend,”
28 and “anyone with whom you have a significant personal relationship.” The
29 term “anyone with whom you have a significant personal relationship” means
30 a current or former spouse, domestic partner, life partner, ~~former spouse~~, or
31 anyone with whom you have an influential or intimate relationship that you
32 would characterize as important.
33

34 (12)–(15) * * *
35

36 (16) *When appropriate:*
37

38 ~~It may appear that~~ The background or experiences of one or more of the
39 parties, witnesses, or attorneys ~~come from a particular national, racial, or~~
40 ~~religious group (or may have a lifestyle different than your own).~~ may appear
41 to be different from yours related to their [ethnicity, religion, age, gender,
42 gender expression, gender identity, national origin, disability, race, sexual
43 orientation, socioeconomic status, or other personal characteristic]. Would

1 this in any way affect your judgment or the weight and credibility you would
2 give to their testimony or ~~to their contentions?~~ arguments?
3

4 (17)–(19) * * *

5
6 (20) Each of you should now state your:

7
8 (A) Name; (or Juror ID number);
9

10 (B) Children's ages and the number of children, if any;
11

12 (C) Occupation;
13

14 (D) Occupational history; and
15

16 (E) Present employer;
17

18 And for your spouse or anyone with whom you have a significant personal
19 relationship, their:
20

21 ~~(F)~~ Names;
22

23 ~~(G)~~ (F) Occupations;
24

25 ~~(H)~~ (G) Occupational histories; and
26

27 ~~(I)~~ (H) Present employers.
28

29 Please begin with juror number one.
30

31 (21) * * *
32

33 **(d) Examination of jurors in eminent domain cases**

34 In eminent domain cases, the trial judge's examination of prospective jurors should
35 include, in the areas of inquiry in (c)(1) through (c)(12), the following matters, and
36 any other matters affecting their qualifications to serve as jurors in the case:
37

38 (1)–(6) * * *
39

40 (7) *When appropriate:*
41

42 ~~It may appear that~~ The background or experiences of one or more of the
43 parties, witnesses, or attorneys come from a particular national, racial, or
44 religious group (or may have a lifestyle different from your own). may appear

1 to be different from yours related to their [ethnicity, religion, age, gender,
2 gender expression, gender identity, national origin, disability, race, sexual
3 orientation, socioeconomic status, or other personal characteristic]. Would
4 this in any way affect your judgment or the weight and credibility you would
5 give to their testimony or ~~contentions~~? arguments?
6

7 (8)–(12) * * *

8
9 (13) The Constitution of this state requires that a property owner be paid just
10 compensation for the taking (or damaging) of ~~his or her~~ the owner's property
11 for public use. It will be the duty of the jury ultimately selected in this case to
12 determine the just compensation to be paid.
13

14 (14)–(25) * * *

15
16 (26) In a condemnation case the property owner produces ~~all of his or her~~
17 evidence of value first, then the government calls its witnesses. Having this in
18 mind, will you keep your mind open throughout all the case and not
19 determine the matter in your mind until all of the evidence is in?
20

21 (27) * * *

22
23 (28) Each of you should now state your:
24

25 (A) ~~Name;~~ (or Juror ID number);
26

27 (B) Children's ages and number of children, if any;
28

29 (C) Occupation;
30

31 (D) Occupational history; and
32

33 (E) Present employer;
34

35 And for your spouse or anyone with whom you have a significant personal
36 relationship, their:
37

38 ~~(F)~~ Names;
39

40 ~~(G)~~ (F) Occupations;
41

42 ~~(H)~~ (G) Occupational histories; and
43

44 ~~(I)~~ (H) Present employers.

Please begin with juror number one.

(29)–(30) * * *

(e) * * *

(f) **Improper questions**

When any counsel examines the prospective jurors, the trial judge should not permit counsel to attempt to precondition the prospective jurors to a particular result or allow counsel to comment on the personal lives and families of the parties or their attorneys. Nor should the trial judge allow counsel to question the jurors concerning the pleadings, the applicable law, the meaning of particular words and phrases, or the comfort of the jurors, except in unusual circumstances, ~~where,~~ when, in the trial judge's sound discretion, such questions ~~become~~ are necessary to ~~insure~~ ensure the selection of a fair and impartial jury.

Standard 4.30. Examination of prospective jurors in criminal cases

(a) **In general**

(1) * * *

(2) The examination of prospective jurors in a criminal case should include all questions necessary to ~~insure~~ ensure the selection of a fair and impartial jury.

(3) * * *

(b) **Examination of jurors**

The trial judge's examination of prospective jurors in criminal cases should include the areas of inquiry listed below and any other matters affecting their qualifications to serve as jurors in the case. The trial judge may want to use the *Juror Questionnaire for Criminal Cases* (form JURY-002) to assist in the examination of prospective jurors. Form JURY-002 is an optional form and is not intended to constitute the complete examination of prospective jurors. Form JURY-002 is a tool for trial judges to use to make the initial examination of prospective jurors more efficient. If the court chooses to use form JURY-002, its use and any supplemental questions submitted by counsel must be discussed at the pre-voir dire conference required by rule 4.200. Excusing jurors based on questionnaire answers alone is generally not advisable.

(1)–(2) * * *

- 1
2 (3) *At this point the court may wish to submit any juror questionnaire that has*
3 *been developed to assist in voir dire. The court should remind panel members*
4 *that their answers on the questionnaire are given under penalty of perjury. In*
5 *addition, if a questionnaire is used, the court and counsel may wish to*
6 *question individual prospective jurors further based on their responses to*
7 *particular questions, and a procedure for doing so should be established at*
8 *the pre-voir dire conference. Therefore, it may not be necessary to ask all of*
9 *the prospective jurors questions 5 through 25 that follow, although the text*
10 *may assist the court with following up with individual jurors about answers*
11 *given on the questionnaire.*

12
13 *To the entire jury panel:*

14
15 I am now going to question the prospective jurors who are seated in the jury
16 box concerning their qualifications to serve as jurors in this case. All the
17 remaining members of this jury panel, however, should pay close attention to
18 my questions, making note of the answers you would give if these questions
19 were put to you personally. If and when any other member of this panel is
20 called to the jury box, ~~he or she~~ the member will be asked to answer these
21 questions.
22

23 (4)-(5) * * *

- 24
25 (6) ~~Ladies and gentlemen~~ Members of the jury: This is a criminal case entitled
26 The People of the State of California v. _____. The (defendant
27 is)(defendants are) seated _____.
28

29 (A) ~~(Mr.)(Ms.)~~ (Name of defendant), please stand and face the prospective
30 jurors in the jury box and in the audience seats. *(Defendant complies.)*
31 Is there any member of the jury panel who is acquainted with the
32 defendant or who may have heard ~~(his)(her)~~ the name (name of
33 defendant) before today? If your answer is yes, please raise your hand.
34
35

36 (B) The defendant, _____, is represented by ~~(his)(her)~~ an attorney,
37 _____, who is seated _____. ~~(Mr.)(Ms.)~~ (Name of defense
38 attorney), would you please stand? Is there any member of the jury
39 panel who knows or who has seen ~~(Mr.)(Ms.)~~ _____ (name of
40 defense attorney) before today?
41

42 (C) *(If there is more than one defendant, repeat (a) and (b) for each*
43 *codefendant.)*

1
2 (7) The People are represented by _____, Deputy District Attorney, who is
3 seated _____. ~~(Mr.)(Ms.)~~ (Name of district attorney), would you please
4 stand? Is there any member of the jury panel who knows or who has seen
5 ~~(Mr.)(Ms.)~~ _____ (name of district attorney) before today?
6

7 (8) The defendant is charged by an (information)(indictment) filed by the district
8 attorney with having committed the crime of _____, in violation of
9 section _____ of the _____ Code, _____ Code section _____, it being
10 alleged that on or about _____ in the County of _____, the defendant
11 did *(describe the offense)*. To (this charge)(these charges) the defendant has
12 pleaded not guilty, and the jury will have to decide whether the defendant's
13 guilt has been proved beyond a reasonable doubt. Having heard the charge(s)
14 that (has)(have) been filed against the defendant, is there any member of the
15 jury panel who feels ~~that he or she cannot~~ unable to give this defendant a fair
16 trial because of the nature of the charge(s) ~~against (him)(her)~~?
17

18 (9)–(12) * * *

19
20 (13) How many of you have served previously as jurors in a criminal case?
21

22 *To each person whose hand is raised:*

23
24 (A) ~~(Mr.)(Ms.)~~ _____ ~~(or Juror (Name or Juror ID number))~~, you
25 indicated you have been a juror in a criminal case. What were the
26 charges in that case? *(Response.)*
27

28 (B) Do you feel you can put aside whatever you heard in that case and
29 decide this case on the evidence to be presented and the law as I will
30 state it to you? *(Response.)*
31

32 (14) May I see the hands of those jurors who have served on civil cases, but who
33 have never served on a criminal case? *(Response.)* You must understand that
34 there are substantial differences in the rules applicable to the trial of criminal
35 cases from those applicable to the trial of civil cases. This is particularly true
36 respecting the burden of proof that is placed on the People. In a civil case we
37 say that the plaintiff must prove ~~(his)(her)~~ the case by a preponderance of the
38 evidence. In a criminal case, the defendant is presumed to be innocent, and
39 ~~before (he)(she) may be found guilty for the jury to make a finding of guilt,~~
40 the People must prove ~~(his)(her)~~ the defendant's guilt beyond a reasonable
41 doubt. If the jury has a reasonable doubt, the defendant must be acquitted.
42 Will each of you be able to set aside the instructions that you received in your
43 previous cases and try this case on the instructions given by me in this case?

1
2 (15) The fact that the defendant is in court for trial, or ~~that charges have been~~
3 ~~made against (him)(her)~~ has been charged, is no evidence ~~whatever~~
4 whatsoever of ~~(his)(her)~~ guilt. The jurors are to consider only evidence
5 properly received in the courtroom in determining whether the defendant's
6 guilt has been proved beyond a reasonable doubt. The defendant has entered
7 a plea of "not guilty," which is a complete denial, making it necessary for the
8 People, acting through the district attorney, to prove beyond a reasonable
9 doubt the case against the defendant. If the evidence does not convince you
10 of the truth of the charges beyond a reasonable doubt, the defendant is
11 entitled to a verdict of not guilty.
12

13 In the following questions I will be using the terms "relative," "close friend,"
14 and "anyone with whom you have a significant personal relationship." The
15 term "anyone with whom you have a significant personal relationship" means
16 a current or former spouse, domestic partner, life partner, ~~former spouse~~, or
17 anyone with whom you have an influential or intimate relationship that you
18 would characterize as important.
19

20 (16)–(19) * * *

21
22 (20) *When appropriate:*

23
24 ~~It may appear that~~ The background or experiences of one or more of the
25 parties, attorneys, or witnesses come from a particular national, racial, or
26 religious group (or may have a lifestyle different from your own). may appear
27 to be different from yours related to their [ethnicity, religion, age, gender,
28 gender expression, gender identity, national origin, disability, race, sexual
29 orientation, socioeconomic status, or other personal characteristic]. Would
30 this in any way affect your judgment or the weight and credibility you would
31 give to their testimony? or arguments?
32

33 (21)–(26) * * *

34
35 (27) *If a new prospective juror is seated, the court should ask ~~him or her:~~ that*
36 *juror:*
37

38 (A) Have you heard my questions to the other prospective jurors?

39
40 (B) Have any of the questions I have asked raised any doubt in your mind
41 ~~as to~~ whether you could be a fair and impartial juror in this case?
42

(C) Can you think of any other reason why you might not be able to try this case fairly and impartially to both the prosecution and defendant, or why you should not be on this jury?

(D) Give us the personal information requested concerning your occupation, that of your spouse or anyone with whom you have a significant personal relationship, that of your adult children, and your prior jury experience.

(Thereupon, ~~as to~~ for each new juror seated, the court must permit counsel to ask supplemental questions; and proceed with challenges as above.)

(c) * * *

Standard 10.22. Gender-inclusive practices for juror identification and juror questionnaires

(a) Statement of purpose

Consistent with the court’s duty to prevent bias, as described in standard 10.20, and to ensure the inclusivity of juror identification and any juror questionnaire under Code of Civil Procedure section 205(e), the court, its judicial officers, and its employees should use gender-inclusive language on juror questionnaires and in written and oral communications directed to jurors. For the purpose of this standard, “juror” includes a prospective juror.

(b) Recommended practices

- (1) The court, its judicial officers, and its employees should use gender-neutral language in general materials and communications directed to jurors whenever applicable.
- (2) To avoid making assumptions about gender, the court, its judicial officers, and its employees should not use gendered honorifics or pronouns to identify or refer to a juror who has not indicated the honorific or pronouns that the juror uses.
- (3) The court, its judicial officers, and its employees should avoid seeking information about the gender of a juror or a relevant individual associated with the juror (a family member, friend, or person with whom the juror has a significant personal relationship) when such information is not necessary or relevant to the proper exercise of the court’s adjudicatory or administrative functions.

1
2 (4) When the court seeks information about the gender of a juror or an associated
3 individual to properly carry out its adjudicatory or administrative functions,
4 the court should allow the juror to indicate their gender identity or gender
5 expression, as applicable. To assist a juror who has privacy concerns with
6 disclosing such information, the court should, whenever possible, either
7 specify that responding to a question about gender is optional or provide a
8 “decline to state” option.
9

10 (A) When a question about gender provides multiple responses to choose
11 from, the question should allow for multiple options to be selected
12 (e.g., “select all that apply”).
13

14 (B) When a question about gender provides multiple options to choose
15 from (e.g., man, nonbinary, woman), including a write-in response
16 option, the accompanying text for the write-in option, if included,
17 should use phrases like “prefer to self-identify” or “identify as” and
18 avoid phrases like “other” or “none of the above.”