



RULES COMMITTEE

MINUTES OF OPEN VIDEOCONFERENCE MEETING

Wednesday, January 7, 2026
12:10 – 1:10 p.m.

Advisory Body Members Present:	Hon. Joan K. Irion (Chair), Hon. Tamara L. Wood (Vice-Chair), Hon. Bunmi O. Awoniyi, Hon. Ryan Davis, Ms. Rachel W. Hill, Mr. Charles Johnson, Mr. Darrel E. Parker, Hon. Michael Rhoads, and Ms. Dena Stone
Advisory Body Members Absent:	Hon. Jeffrey C. Kauffman, Hon. Ricardo R. Ocampo, and Mr. Craig M. Peters
Advisory Body Staff Present:	Kristin Burford, Benita Downs, and Eric Long
Advisory Committee Members and Staff Presenting:	Hon. Jeffrey S. Ross (Chair, Advisory Committee on Criminal Jury Instructions), Sarah Fleischer-Ihn, Sarah Jacobvitz, Stephanie Lacambra, and Kara Portnow
Other JC Staff Present:	James Barolo, Audrey Fancy, Anna Maves, Lollie Roberts, and Marymichael Smrdeli

OPEN MEETING

Call to Order and Roll Call

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

Following roll call, Justice Irion informed the committee that, effective January 1, 2026, Judge Crompton's committee assignments have changed; he is now serving on the Executive and Planning Committee and is no longer a member of the Rules Committee.

Approval of Minutes

The advisory body reviewed and approved the minutes of the December 4, 2025, meeting and the November 20, November 21, and December 19, 2025, actions by email.

DISCUSSION AND ACTION ITEMS (ITEMS 01–03)

CRIMINAL JURY INSTRUCTIONS (CALCRIM)

Judicial Council Report—Recommend Council Action

Item 01

The Rules Committee reviewed a recommendation from the Advisory Committee on Criminal Jury Instructions for approval of new and revised criminal jury instructions prepared by the advisory committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2026 edition of *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

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

CRIMINAL

Judicial Council Report—Recommend Council Action

Item 02

The Rules Committee reviewed a recommendation from Judicial Council staff to revise *Findings and Orders for Pretrial Release or Detention* (form CR-104) and *Retail Crime Restraining Order—Criminal* (form CR-164) to make technical revisions. The revisions are necessary to avoid causing confusion for courts.

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

FAMILY AND JUVENILE LAW

Memorandum—Rules Committee Action Only

Item 03

The Rules Committee reviewed a request from the Family and Juvenile Law Advisory Committee to add two new projects to its 2025–2026 annual agenda.

Action: The committee took final action in approving the request of the Family and Juvenile Law Advisory Committee to add two new projects to its 2025–2026 annual agenda.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

The Rules Committee's next meeting will be held on March 17, 2026.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:47 p.m.

Approved by the advisory body on

DRAFT



RULES COMMITTEE

MINUTES OF ACTION BY EMAIL

Thursday, January 29, 2026

**Advisory Body
Members Present:**

Hon. Joan K. Irion (Chair), Hon. Tamara L. Wood (Vice-Chair), Hon. Ryan Davis, Mr. Charles Johnson, Hon. Jeffrey C. Kauffman, Hon. Ricardo R. Ocampo, Mr. Darrel E. Parker, Mr. Craig M. Peters, Hon. Michael Rhoads, and Ms. Dena Stone

**Advisory Body
Members Absent:**

Hon. Bunmi O. Awoniyi and Ms. Rachel W. Hill

Advisory Body Staff: Kristin Burford, Benita Downs, and Eric Long

ACTION BY EMAIL

As provided in the California Rules of Court, rule 10.75(o)(1)(B), the chair concluded that prompt action was needed. This action by email concerned matters that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted on Monday, January 26, 2026, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

ACTION ITEMS (ITEM 01)

Item 01

Rules and Forms: Technical Form Revisions to Reflect Federal Poverty Guidelines

The committee reviewed a recommendation from Judicial Council staff that the Judicial Council revise four forms, effective March 1, 2026, to reflect the 2026 federal poverty guidelines, ensuring their continued accuracy. Additionally, staff recommended revising a fee waiver information sheet to correct a citation.

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

CLOSURE OF ACTION

The action by email concluded on Thursday, January 29, 2026, at 1:00 p.m.

Approved by the advisory body on

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Recommend JC approval (has circulated for comment)

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

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):
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

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.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) 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.)

Information for JC staff

☒ EGG reviewed on *(date)*: Feb. 2, 2026

☒ Office director (or designee) reviewed on *(date)*: James Barolo by *(name)*: Feb. 13, 2026

Complete the following for all JC reports recommending forms:

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

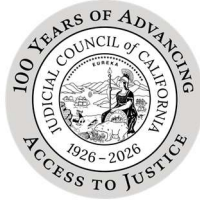
Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☐ Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-069

For business meeting on April 24, 2026

Title

Civil Practice and Procedure: Revise Civil
Case Cover Sheet

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

Revise form CM-010

Date of Report

February 17, 2026

Recommended 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

The Civil and Small Claims Advisory Committee recommends 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 significant increases in the number of Song-Beverly Act motor vehicle case filings. The recommended form revision will allow courts 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.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2026, revise *Civil Case Cover Sheet* (form CM-010) to add a case type for Song-Beverly Act motor vehicle lemon law cases and clarify several items.

The proposed revised form is attached at pages 6–8.

Relevant Previous Council Action

The council adopted *Civil Case Cover Sheet*, then numbered form 982.2, effective July 1, 1996. The form was renumbered to form CM-010 effective July 1, 2003. The form was most recently revised effective January 1, 2026, to add comprehensive groundwater adjudication as a case type and add case categories for both Asbestos and Employment Development Department (EDD).¹

Analysis/Rationale

Song-Beverly Act checkbox

The Civil and Small Claims Advisory Committee recommends 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 consumer goods.² The act's protections for purchasers of new motor vehicles³ are often referred to as California's motor vehicle "lemon law."

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, should they wish to do so, to more easily and effectively collect data about the number of these cases being filed and the court resources they require.

Accordingly, the committee recommends 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. Placing the new case type in the same category should help form users find it.

The committee recommends 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 checkbox on form CM-010 is intended only for use in Song-Beverly Act cases involving lemon law claims for motor vehicles, to allow courts to gather data for specific to those cases.

¹ Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: New Case Categories for Civil Case Cover Sheet* (Oct. 7, 2025), <https://jcc.legistar.com/View.ashx?M=F&ID=14843278&GUID=D8E0FB86-98FA-413C-BF07-70278E362C5F>.

² Civ. Code, §§ 1790–1795.8.

³ *Id.*, §§ 1793.22–1793.26.

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.”

Other revisions

In addition to adding a Song-Beverly Act case type, the committee recommends several revisions to improve the form. On page 1, the committee recommends revising the instruction above item 1 to implement a suggestion from a commenter, explained in more detail below. On page 2, the committee recommends revising the third bullet point in the “Notice” box to state that if the case is a collections case under rule 3.740, a copy of the cover sheet must be served on all other parties.

On page 3, the committee recommends adding introductory text and revising several items on to clarify their meaning:

- In the “Other PI/PD/WD Tort” category, revising the explanatory parenthetical for “Product Liability” to change “toxic/environmental” to “environmental/toxic tort” to match the name of the corresponding case type on the form.
- In the “Non-PI/PD/WD (Other) Tort” category, revising “Fraud” to add “(other than contract)” 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.” 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. However, “medical malpractice” is a separate case type in the “Other PI/PD/WD Tort” category, so it is necessary to explain that “Other Professional Malpractice” does not include medical malpractice.
- 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. However, “fraud” is a separate case type in the “Non-PI/PD/WD (Other) Tort” category, so it is necessary to explain that “Contract/Warranty Breach—Seller Plaintiff” does not include fraud.
- 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. The committee also

recommends 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 is already listed as a separate example under Other Real Property. Eminent domain is listed as a separate case type in the “Real Property” category and thus is not within the “Other Real Property” category. “Landlord-tenant” would be changed to “unlawful detainer” to match the name of the corresponding category.
- In the “Provisionally Complex Civil Litigation” category, adding California Rules of Court, rule 3.404 to the list of rules cited in the heading, to reflect the recent adoption of that rule.
- 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.

Policy implications

The recommended form revisions will help courts more effectively collect data about Song-Beverly Act cases and will clarify several sections of the form for court users. The recommendations are therefore consistent with the *Strategic Plan for California’s Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The proposed revisions to form CM-010 circulated for public comment from December 5, 2025, to January 7, 2026, as part of the regular winter invitation-to-comment cycle. The proposal received four comments: two from superior courts, one from a judicial officer, and one from a bar association. Three commenters agreed with the proposal, and one did not agree. A chart with the full text of the comments received and the committee’s responses is attached beginning at page 9.

The commenter who did not agree with the proposal noted: “If the intent of the Judicial Council is for a user to check the Song-Beverly Act box on page 1 of the form regardless of whether

there are other claims in the case, page 1 of the form should make that explicit. As drafted, the user will not know that they should check the box for ‘Song-Beverly Act: Motor Vehicle Lemon Law’ if the case involves both a Song-Beverly claim and other claims unless the user happens to go to page 3 of the form.” The commenter did not identify any other issues with the proposal.

The committee agrees that the form could be clearer about the need to review the examples and explanations on page 3 before completing page 1. Due to the formatting of the form, it is not possible to add instructions for individual checkboxes on page 1, but the committee recommends revising the instructions at the top of page 1 to explain that there are “examples on page 3.”

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 that wish to collect data about Song-Beverly Act cases involving motor vehicles to more effectively collect that data and allocate resources accordingly. The committee also determined that the revisions clarifying other case types and examples on page 3 of the form would be beneficial to form users. And, as discussed above, the committee’s recommendations took into consideration several alternatives, including those suggested by commenters.

Fiscal and Operational Impacts

The committee anticipates that this proposal will provide an operational benefit because it will allow courts that wish to collect data about Song-Beverly Act cases involving motor vehicles to do so more effectively. For courts that wish to update their case management system (CMS) to include a category for Song-Beverly Act cases, the form revisions may require coordination between the courts and their CMS vendors to ensure that the new case category is correctly mapped in their CMS.⁴ 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.

Attachments and Links

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

⁴ Courts that do not wish to collect this data or update their CMS system are not required to do so.

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 2/13/2026 Not approved by the Judicial Council	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
CIVIL CASE COVER SHEET ☐ Unlimited (Amount demanded exceeds \$35,000)	☐ Limited (Amount demanded is \$35,000 or less)	Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER:
		JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2 and examples on page 3).

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, or a collections case under rule 3.740, you must serve a copy of this cover sheet on all other parties to the action or proceeding. (Cal. Rules of Court, rule 3.220.)
- Unless this is a collections case under rule 3.740 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 causes of action not 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 (*other than contract*) (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice
(*not medical*)
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*)

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

W26-01

Civil Practice and Procedure: Revise Civil Case Cover Sheet (Revise form CM-010)

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

	Commenter	Position	Comment	Committee Response
1.	Hon. Marcella O. McLaughlin Judge of the Superior Court of San Diego County	A	Necessary for Effective Case Tracking and Management of Lemon Law Cases - I wholeheartedly agree with this revision. My colleagues and I have discussed this for some time as potentially, a method to better understand the number Song-Beverly matters our court is handling and perhaps develop effective approaches for calendar management. These matters are heard in our Independent Civil Calendar departments and our heavy caseloads (1200 + cases each judge) demand that we think creatively to best serve litigants and ensure cases are heard expeditiously and efficiently. Being able to track these cases by assigning a cover sheet would be a great assist.	The committee appreciates the response and acknowledges the commenter's agreement with the proposal.
2.	Orange County Bar Association by Shirin Forootan, President	N	The committee requested a specific comment on the following: "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?" If the intent of the Judicial Council is for a user to check the Song-Beverly Act box on page 1 of the form regardless of whether there are other claims in the case, page 1 of the form should make that explicit. As drafted, the user will not know that they should check the box for "Song-Beverly Act: Motor Vehicle Lemon Law" if the case involves both a Song-Beverly claim and other claims unless the user happens to go to page 3 of the form.	The committee agrees that the form could be clearer about the need to review the examples and explanations on page 3 before completing page 1. Due to the formatting of the form, it is not possible to add instructions for individual checkboxes on page 1, but the committee has recommended revising the instructions at the top of page 1 to explain that there are "examples on page 3."
3.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's Invitation to Comment, "W26-01 Civil Practice and Procedure: Revise Civil Case	No response required. The committee appreciates the response and acknowledges the commenter's agreement with the proposal.

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

W26-01**Civil Practice and Procedure: Revise Civil Case Cover Sheet (Revise form CM-010)**

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

	Commenter	Position	Comment	Committee Response
			Cover Sheet,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its stated purpose. The Court concurs that the intended list of case types on page 3 of the form is effectively clarified by the explanatory note for the Song-Beverly Act case type. The change aligns with the Court’s Civil Case Cover Sheet Addendum, as this is currently identified as a case type. The proposal would not provide cost savings. However, the Court does not foresee any additional training or updates to its case management system as it already lists this case type on the Civil Case Cover Sheet Addendum. Two months should be sufficient time for implementation.	The committee appreciates the information. The committee appreciates the information.
4.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: 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? A: Yes. Q: Would the proposal provide cost savings? If so, please quantify. A: No. Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the response. The committee appreciates the response. The committee appreciates the information. The committee appreciates the information.

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

W26-01

Civil Practice and Procedure: Revise Civil Case Cover Sheet (Revise form CM-010)

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

	Commenter	Position	Comment	Committee Response
			A: Updating local packets to include revised form and adding a case type to the case management system. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided the final version of the form is provided at that time. Q: How well would this proposal work in courts of different sizes? A: It appears that the proposal would work for courts of all sizes. No additional Comments.	The committee appreciates the information. The committee appreciates the information.

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

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Recommend JC approval (has circulated for comment)

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

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):
Adopt forms EJ-200, EJ-202, and EJ-205; revise forms EJ-130, EJ-150, WG-005, WG-015/EJ-135, and WG-017/EJ-137

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

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.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) 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.

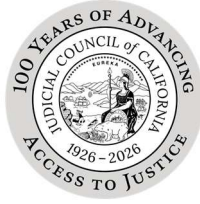
Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC staff

- ☒ EGG reviewed on *(date)*: Jan. 30, 2026
- ☒ Office director (or designee) reviewed on *(date)*: James Barolo by *(name)*: Feb. 11, 2026

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)
Proposal includes forms that: ☒ staff requests be translated, ☐ are required by statute to be translated.
Provide citations to code that mandates translation:
- **Website Content** (check all that apply)
☒ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)
☒ Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-070

For business meeting on April 24, 2026

Title

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

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

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

Date of Report

February 17, 2026

Contact

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

Recommended by

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

Executive Summary

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 recommends adopting three forms and revising five forms to implement AB 774 and improve clarity and readability.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2026:

1. Adopt the following forms to implement the procedure created in AB 774 for reinstating a judgment lien:
 - *Application for Reinstatement of Judgment Lien* (form EJ-200)
 - *Response to Application for Reinstatement of Judgment Lien* (form EJ-202)

- *Certificate of Reinstatement of Judgment Lien* (form EJ-205)
2. Revise the following forms to implement AB 774 and improve the forms' clarity and readability:
- *Writ of Execution* (form EJ-130)
 - *Notice of Levy* (form EJ-150)
 - *Employer's Return* (form WG-005)
 - *Declaration of Address Verification* (form WG-015/EJ-135)
 - *Application to Stay Levy or Garnishment* (form WG-017/EJ-137)

The proposed new and revised forms are attached at pages 13–27.

Relevant Previous Council Action

The council approved form EJ-130 in January 1978 and last revised it effective January 1, 2026, to implement amendments made to Code of Civil Procedure section 684.130 by Assembly Bill 2837 (Stats. 2024, ch. 514)¹ and implement portions of AB 774.²

The council approved form EJ-150 prior to 1985 and last revised it effective September 1, 2020, to implement amendments to Code of Civil Procedure section 703.520(a).

The council adopted form WG-005 effective January 1, 1980, and last revised it effective September 1, 2017, to make minor technical corrections. The council last substantively revised form WG-005 effective January 1, 2012, to implement changes in law regarding earnings withholding orders for elder and dependent adult financial abuse.

The council adopted forms WG-015/EJ-135 and WG-017/EJ-137 effective January 1, 2026, to implement the address verification procedure created by AB 2837 and implement portions of AB 774.

Analysis/Rationale

AB 774 (see Link A) made numerous changes to the laws regarding enforcement of judgment. AB 774 became effective on January 1, 2026, except for the provisions creating a procedure for reinstating a judgment lien, which become effective on July 1, 2026. To complete its implementation of AB 774, the Civil and Small Claims Advisory Committee recommends adopting three forms and revising five forms.

¹ Judicial Council of Cal., Advisory Com. Rep., *Civil Practice and Procedure: Implementation of Assembly Bill 2837* (Oct. 9, 2025), jcc.legistar.com/LegislationDetail.aspx?ID=7648705&GUID=877A6FB7-932B-401C-85CF-A2F598BA7E7E.

² Judicial Council of Cal., Staff Rep., *Civil Practice and Procedure: Judgment Debtor Address Verification and Calculation of Earnings Withholding Period* (Nov. 13, 2025), jcc.legistar.com/LegislationDetail.aspx?ID=7720522&GUID=BDA389F8-F37D-4B76-8722-3F11C31F6504.

Previously approved form revisions

The invitation to comment for this proposal included revisions to forms EJ-130, WG-002, WG-003, WG-004, WG-015/EJ-135, WG-017/EJ-137, WG-022, and WG-030 that the Judicial Council approved effective January 1, 2026, without circulation for public comment.³ The council determined that prompt revision was warranted to ensure the forms did not incorrectly state the law on the date AB 774 became effective.

The revisions to forms EJ-130, WG-003, WG-015/EJ-135, and WG-017/EJ-137 implemented changes to the address verification requirement set forth in Code of Civil Procedure section 684.130. The revisions to forms WG-002, WG-004, WG-022, and WG-030 implemented a change to the start of the earnings withholding period set forth in Code of Civil Procedure section 706.022(a).

The public comments did not identify any issues with the revisions that became effective January 1, 2026, and the Civil and Small Claims Advisory Committee therefore has not recommended further revisions to forms WG-002, WG-003, WG-004, WG-022, and WG-030.

Revisions to form EJ-130

The revisions to *Writ of Execution* (form EJ-130) that were needed to implement AB 774 became effective on January 1, 2026. However, when reviewing the form in connection with those revisions, the committee identified several ways the form could be improved for courts and court users. The committee therefore recommends revising form EJ-130 as follows:

- Expand the form to four pages by moving items 8 through 20 onto page 2.
- Revise item 4 to add a checkbox indicating that the judgment debtor has additional names that are identified on an affidavit of identity. Code of Civil Procedure section 699.520(k) requires the writ of execution to include this information.
- Revise item 4 to add a checkbox indicating that additional judgment debtors are identified in an attachment, and delete item 21, which asked for the names of additional judgment debtors.
- Revise the instructions for item 5 to more clearly indicate that information about the type of judgment is provided in item 21.
- Revise 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, and identifying the applicable renewal period on form EJ-130 may benefit judgment creditors, judgment debtors, and levying officers.

³ See footnote 2.

- Reverse the order of items 7 and 8 and revise the text of new item 7 (regarding joint debtors) to make it clearer when this item should be checked.
- Combine new item 8 and existing item 23 so that all information about the notice of sale is provided in the same item.
- Revise the text of item 9 to make it easier to understand.
- Revise the notice above item 11 to more clearly direct the reader to form MC-013-INFO for information relevant to items 11 through 17.
- Revise the explanatory parentheticals for items 11 through 20 to more clearly provide instructions and citations relevant to completing those items.
- Renumber item 22 to 21, item 24 to 22, and item 25 to 23 to reflect the deletion of existing items 21 and 23.
- Revise and reformat item 22 to more clearly explain what information should be provided in each part and to provide a checkbox indicating that additional joint debtors are identified on an attachment.
- Reformat item 23 to make it clearer when item 23(a)(3) must be completed.
- Correct grammar or citation formats in several other items.

Time to file claim of exemption (form EJ-150)

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.⁴ However, the levying officer may release the funds to the judgment creditor at any time after the 20-day period ends. The committee recommends 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 recommends several revisions to make the form clearer and easier to use:

- Revise item 1 on page 1 and numerous items in the instructions on page 2 to use plain language.
- Add an instruction box on page 1 explaining that if more than one judgment debtor is notified, a separate notice of levy must be used for each judgment debtor.

⁴ Code Civ. Proc., § 703.520(c).

- Revise item 1b to add a checkbox stating that the description of the property to be levied upon is provided in an attachment.
- Revise item 2 to add a checkbox for personal debt. With this revision, the checkboxes for this item will match the checkboxes on the corresponding item (item 21) on form EJ-130.
- Revise items 3b, 3c, and 3d to add statutory citations. Item 3b cites to Government Code sections 26720 and 26721, which determine the fee the sheriff charges for serving or executing any process or notice required by law. Item 3c cites to Government Code 26746, which sets the fee the sheriff charges for disbursement of money under a writ of attachment, execution, possession, or sale. Item 3d cites to Code of Civil Procedure section 685.090, which explains when and how costs are added to the judgment.

Reinstatement of judgment liens (forms EJ-200, EJ-202, and EJ-205)

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.⁵ 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 recommends 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).

Form EJ-200 implements the statutory requirements for the judgment creditor's application. The application must contain:

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

⁵ *Id.*, §§ 697.420, 697.680.

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 under 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).

AB 774 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.⁶ The committee recommends adopting form EJ-202 for this purpose. This declaration must be filed within 15 days of service of the judgment creditor's application. If a declaration is filed, the court must deny the application.⁷

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 recommends adopting form EJ-205 to serve this purpose. Form EJ-205 includes the following statutorily required information: (1) identification of the judgment, parties, and unsatisfied judgment amount; (2) the relevant recording or filing information from the original abstract of judgment, for liens on real property;⁸ and (3) for liens on personal property, the filing number and date of the original notice of judgment lien filed with the Secretary of State.⁹

⁶ *Id.*, §§ 697.420(c)(2), 697.680(c)(2).

⁷ *Id.*, §§ 697.420(c)(3), 697.680(c)(3).

⁸ *Id.*, § 697.420(a)(2).

⁹ *Id.*, § 697.680(a)(2).

Employer's Return (form WG-005)

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.¹⁰ Code of Civil Procedure section 706.126 requires the employer's return to include certain information. AB 774 amends section 706.126 to add to those requirements "the date on which the employer provided the employee a copy of the earnings 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."¹¹

To implement this change in law, the committee recommends 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).

In addition to the revisions to implement AB 774, the committee recommends several revisions to make the form clearer and easier to use:

- Revise the instructions at the top of page 1 to change "You must complete both copies of this form and mail them" to "You must complete this form and mail it," and add a bullet point explaining that the employer should complete or revise the two name and address boxes below if they are incomplete or incorrect. The revision to the reference to "both copies of this form" reflects changes the Judicial Council recently made to other wage garnishment forms.
- Revise the "Attn:" box below the "name and address of employer" box to more clearly explain whose name should be entered in the box.
- Revise items 2a, 5, 6c, and 7 to use plain language and correct grammatical errors.
- Revise item 3 to re-letter 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.
- Revise item 6d to ask for the name of the judgment creditor who secured the existing earnings withholding order, the date the order was issued, and the date the order expires. Code of Civil Procedure section 706.126(b) requires the employer's return to include this information.

¹⁰ *Id.*, § 706.104.

¹¹ *Id.*, § 706.126(b)(7).

Address verification requirement (form WG-015/EJ-135)

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,¹² 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. The judgment creditor must then file the signed declaration with the court.

AB 774 amends section 684.130 to state that the declaration “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 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.”¹³

To implement this change in law, the committee recommends the following revisions to *Declaration of Address Verification* (form WG-015/EJ-135):

- In the instructions at the top of the form, add a bullet point stating that “anyone with adequate knowledge of the verification may complete this form.”
- Add a checkbox in item 1 for the form user to indicate that they are “a person who knows how the verification described in item 4 was completed” and explain their role in the verification.
- Revise the parenthetical in item 2, 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 recommends this revision to make space on the form for the new items.
- In the instructions and in items 2, 3, and 4, change “I” to “the judgment creditor” to reflect that someone other than the judgment creditor might be completing the form.

Revisions to form WG-017/EJ-137

The revisions to *Application to Stay Levy or Garnishment* (form WG-017/EJ-137) that were needed to implement AB 774 became effective on January 1, 2026. The committee recommends one additional revision to the form (in item 1) to implement a suggestion from a commenter, explained in more detail below.

¹² The levying officer is statutorily required to serve certain documents related to enforcement of judgment, including 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).)

¹³ Code Civ. Proc., § 684.130(b)(7).

Policy implications

The recommended form adoptions and revisions will ensure that Judicial Council forms correctly reflect the law. The recommendations are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The proposed form revisions to implement AB 774 circulated for public comment from December 5, 2025, to January 7, 2026. The proposal received 10 comments: three from superior courts, one from a county bar association, two from sheriffs' offices, and four from individuals or organizations specializing in enforcement of judgment or service of process. Four commenters agreed with the proposal, two agreed if modified, and four did not indicate a position. A chart with the full text of the comments received and the committee's responses is attached beginning at page 28.

Form EJ-130

Item 2 on *Writ of Execution* (form EJ-130) explains when a registered process server may serve this form. A commenter suggested revising item 2 to add a citation to Code of Civil Procedure section 706.108. The committee considered this suggestion but does not recommend including a citation to section 706.108 because item 2 is solely concerned with service of the writ of execution, which section 706.108 does not address. Instead, section 706.108 concerns issuance and service of an earnings withholding order. Section 706.108 requires the registered process server to "deposit" the writ of execution with the levying officer but does not address service of the writ of execution on the judgment debtor.

Several commenters suggested moving item 21, which asks what the judgment is for, so that it follows items 5 and 6, which provide information about the judgment. Although the committee agrees that grouping these items might be helpful, it does not recommend moving item 21 because doing so would require significant reformatting of pages 1 and 2 of the form, and these three items can be understood and completed even if they are not grouped together. Additionally, item 5 instructs form users to use item 21 to identify the judgment type.

Several commenters suggested codifying the revisions made to form EJ-130 so that levying officers can require the information in those items (e.g., item 6, regarding renewal of the judgment) to be provided to them. The committee is not recommending Judicial Council action in response to these suggestions. The committee does not recommend making form EJ-130 mandatory due to the complexity of enforcement of judgment and the likelihood that court users will need to draft writs of execution customized to fit their circumstances. The committee acknowledges that some court users who draft their own writs of execution might omit information that is not statutorily required (such as information about renewals of the judgment), but that is a result of the current statutory scheme for enforcement of judgment. Similarly, the committee does not recommend adopting a rule of court regarding the content of the writ of execution.

The committee sought specific comment on whether to expand the form to four pages by moving items 8 through 20 and the clerk's signature and seal onto page 2. Most commenters either agreed with this proposal or did not comment on it, and the three courts that commented on the proposal all responded that expanding the form to four pages would not pose any issues for courts or court users. However, one commenter disagreed with the proposal to move items 8 through 20 to page 2, arguing that "it is extremely important for all the most relevant information to be on the first page, especially the Court's seal. Nefarious persons could attach page 1 to a different page 2."

The committee considered this issue and determined that the benefits of expanding the form to four pages outweigh the potential risks. Although it is true that separating the information about the judgment on page 1 from the amount of the judgment on page 2 might make it easier to create a deceptive version of the form, that risk exists for any multipage form issued by the clerk or signed by a judicial officer. The commenter did not identify a reason why this risk is greater for form EJ-130 than for other Judicial Council forms. As the Superior Court of San Diego County noted, expanding the form "will allow for easier understanding of the form, reduce erroneous omissions, and remove the need to constantly refer to the next page." Expanding the form will also make it easier to clearly and effectively revise the form in the future.

Form EJ-150

Several commenters suggested revising item 2 on *Notice of Levy* (form EJ-150) to add a checkbox for personal debt. This revision was suggested to make the checkboxes in this item match those in item 21 on form EJ-130. The committee recommends making this revision because the personal debt checkbox could help the levying officer determine whether the judgment creditor is required to file *Declaration of Address Verification* (form WG-015/EJ-135) before form EJ-150 can be served.

Form EJ-200

As proposed, item 6 on *Application for Reinstatement of Judgment Lien* (form EJ-200) asked for "the unsatisfied judgment amount" related to the lien being reinstated. Item 6 is included on form EJ-200 because the statutes require the certificate of reinstatement issued by the court to include the "unsatisfied judgment amount,"¹⁴ and the court will need the applicant to provide this information. A commenter suggested revising item 6 to refer to "the unsatisfied principal amount of the judgment" instead of "the unsatisfied judgment amount" to reduce confusion about how to complete this item.

The committee agrees that the meaning of "unsatisfied judgment amount" is unclear and could be confusing. However, the statute does not provide guidance on whether "unsatisfied judgment amount" means the current unsatisfied principal amount of the judgment or something else (e.g., the unsatisfied amount of the judgment at the time the lien was created). It is also unclear whether the statute requires the certificate of reinstatement to include this amount because it will

¹⁴ Code Civ. Proc., §§ 697.420(a)(2), 697.680(a)(2).

aid the judgment debtor and others in identifying the lien being reinstated, or for some other reason.

In considering this issue, the committee reviewed *Notice of Lien* (form AT-180/EJ-185) and noted that it asks for “the amount required to satisfy the judgment creditor’s money judgment.” This language comes from Code of Civil Procedure section 708.420(e), which requires notices of lien to state “the amount required to satisfy the judgment creditor’s money judgment at the time the notice of lien is filed.”

The committee considered whether to recommend using the statutory language, the revision suggested by the commenter, or language similar to that used on *Notice of Lien*. The committee ultimately determined that item 6 should ask for “the amount currently required to satisfy the judgment.” This phrasing should reduce confusion for judgment creditors and judgment debtors and may also be more helpful than the statutory language in identifying the lien being reinstated, as the item will be phrased similarly to the corresponding item on *Notice of Lien*.

In response to the comments, the committee also revised item 5 to add a checkbox to indicate that additional judgment debtors are listed on an attachment, and revised item 10 to begin with “After the release of the lien (or liens) discussed in item 2” instead of “After the lien was released” to make it clearer that this item might refer to more than one lien.

Form EJ-202

A commenter suggested revising *Response to Application for Reinstatement of Judgment Lien* (form EJ-202) to add an item asking when the judgment debtor was served with form EJ-200. The deadline to file form EJ-202 is triggered by the date the judgment debtor is served with form EJ-200, and the commenter suggested adding this item to aid the court in determining whether the judgment debtor timely filed their response.

The committee considered this suggestion but determined that such an item should not be added to form EJ-202. The item could cause judgment debtors to inadvertently waive the defense that they were improperly served with form EJ-200 because they might believe they had to complete the item even if service was improper. Additionally, the judgment creditor will file a proof of service of form EJ-200, and in most cases, the court should be able to use the proof of service to determine if the judgment debtor timely filed form EJ-202.

Form EJ-205

As proposed, item 5 on *Certificate of Reinstatement of Judgment Lien* (form EJ-205) asked for the “unsatisfied judgment amount.” For the reasons discussed above (regarding the comments on form EJ-200), the committee recommends revising this item to ask for “the amount currently required to satisfy the judgment.” Additionally, in response to the comments, the committee also revised form EJ-205 to (1) add item 2, which asks for the dollar amount of the judgment at the time the judgment was entered; (2) add item 4 to provide information about the filing of a notice of lien on personal property with the Secretary of State; and (3) revise item 6 to add a checkbox to indicate that there are multiple judgment debtors.

Form WG-015/EJ-135

A commenter suggested revising *Declaration of Address Verification* (form WG-015/EJ-135) to clarify that the form is not required if the writ of execution, notice of levy, or other documents are being served by a registered process server rather than a levying officer.

The committee considered this suggestion but determined that adding this instruction could create more confusion than it eliminated. Registered process servers are permitted to serve certain documents, such as writs of execution, only in specific circumstances,¹⁵ and explaining these nuances in a small instruction box would be difficult. Additionally, the potential harm of adding a confusing instruction (judgment creditors failing to file required verifications) outweighs the harm of omitting the instruction (judgment creditors filing declarations of address verification when they are not required to do so).

Form WG-017/EJ-137

A commenter suggested revising item 1 on *Application to Stay Levy or Garnishment* (form WG-017/EJ-137) to add a parenthetical clarifying that “wage garnishment” means “earnings withholding order.” The committee recommends making this revision.

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.

Attachments and Links

1. Forms EJ-130, EJ-150, EJ-200, EJ-202, EJ-205, WG-005, WG-015/EJ-135, and WG-017/EJ-137, at pages 13–27
2. Chart of comments, at pages 28–54
3. Link A: Assem. Bill 774 (Stats. 2025, ch. 708),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB774

¹⁵ See, e.g., Code Civ. Proc., §§ 699.080, 715.040.

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):*

- ☐ The judgment debtor has additional names that are identified on an affidavit of identity (Code Civ. Proc., § 680.135).
- ☐ *Check here if there is more than one judgment debtor. List the additional judgment debtors and their last known addresses on an attached sheet of paper labeled "Attachment 4."*

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 under Code of Civil Procedure sections 989 to 994. (If item 7 is checked, give information about the joint debtor in item 22.)

Judicial Council of California, courts.ca.gov
Rev. July 1, 2026, Optional Form
Code Civ. Proc., §§ 699.520, 712.010, 715.010;
Gov. Code, § 6103.5

Writ of Execution



Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:

8. Notice of sale under this writ:

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

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: For more information on the amount recoverable by a judgment creditor, claiming costs after judgment, and calculating accrued interest, read *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO).

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 (Code Civ. Proc., §§ 685.040–685.090) \$
13. Subtotal (add items 11 and 12) \$ _____
14. Credits to principal (payments apply to interest first, per Code of Civil Procedure section 695.220) \$
15. Principal remaining due (subtract item 14 from item 13) \$ _____
16. Accrued interest remaining due after applying any payments \$
(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:

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. ☐ A joint debtor was declared bound by the judgment under Code of Civil Procedure sections 989 through 994.

- a. The joint debtor is (specify the name, type of legal entity if not a natural person, and last known address of joint debtor):

- b. The joint debtor was declared bound by the judgment on (date):

☐ Check here if you need more space to identify joint debtors or itemize costs against joint debtors. List the additional joint debtors or itemized costs on an attached sheet of paper labeled "Attachment 22."

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):

(1) The Prejudgment Claim of Right to Possession (form CP10.5) (check one):

- (a) ☐ 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.
- (b) ☐ was NOT served in compliance with Code of Civil Procedure section 415.46.

- (2) ☐ 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).)

(3) (You must complete this item if you checked 23a(1)(b) or 23a(2)):

- (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.

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 (named in item 1a) and use it to pay off (satisfy) a judgment as follows:

a. Judgment debtor (name):

b. The property to be levied upon is described (check one):

☐ in the attached writ of possession or writ of sale.

☐ on an attached sheet of paper labeled "Attachment 1."

☐ as follows:

2. The judgment is for (check one):

☐ wages owed ☐ child/spousal support ☐ personal debt ☐ other (specify):

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 (Gov. Code, §§ 26720, 26721) \$

c. Sheriff's disbursement fee (Gov. Code, § 26746) \$

d. Recoverable costs (Code Civ. Proc., § 685.090) \$

e. Total (a through d) \$

f. Daily interest from line 19a of writ (form EJ-130) \$

4. You are notified as (check one):

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.)

Type or Print Name _____

▶

Signature

☐ Levying officer ☐ Registered process server

Plaintiff/Petitioner:	CASE NUMBER:
Defendant/Respondent:	

IF YOU ARE THE JUDGMENT DEBTOR:

- The levying officer is required to take the property described in item 1 if you have it, control it, or the title is in your name.
- 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 of Levy*. 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) and mail or deliver it to the levying officer within 10 days after you are served with this *Notice of Levy*.
- 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 02/13/2026 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 (*check one*): ☐ original judgment creditor ☐ assignee of record ☐ attorney for judgment creditor or assignee

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*):

☐ *Check here if there are additional judgment debtors and give their names and last known addresses on an attached sheet of paper labeled "Attachment 5."*



PLAINTIFF/PETITIONER:
DEFENDANT/RESPONDENT:

CASE NUMBER:

6. The amount currently required to satisfy the judgment is (*specify*): \$
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. Other information (*provide other information, if there is any, that will help identify the released lien*):
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 release of the lien (or liens) discussed in item 2, 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.
 - This application is proper because (*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 10c 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 01/20/2026 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:

- My name is:
I am the judgment debtor identified in *Application for Reinstatement of Judgment Lien* (form EJ-200) filed in this court on (date): _____ by the judgment creditor (name): _____
- In *Application for Reinstatement of Judgment Lien*, 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.
- 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 of Attorney or Non-Represented Party

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 02/13/2026 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):
 - e. Dollar amount 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. ☐ A notice of lien on personal property was filed with the Secretary of State as follows:
 - a. Filing number (specify):
 - b. Filing date (specify):
 - ☐ Additional notices of lien are listed on Attachment 4.

5. The amount currently required to satisfy the judgment is (specify): \$

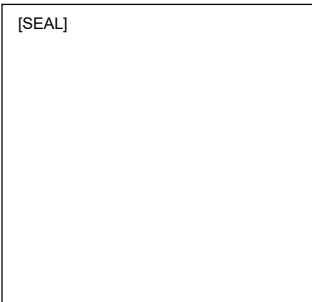


PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

6. The name and last known address of the judgment debtor are *(specify)*:

☐ *Additional judgment debtors and their last known addresses are listed on Attachment 6.*

7. The liens discussed in item 1 are reinstated with the same priority they held at the time they were released.



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):	LEVYING OFFICER (name and address): DRAFT 01/20/2026 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	COURT CASE NUMBER:
EMPLOYER'S RETURN (Wage Garnishment)	LEVYING OFFICER FILE NUMBER:
Instructions to the employer for completing this form: - 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. - Give your name and address, the name of the person to whom notices should be directed, the name and address of the employee, and information about where to find the employee's Social Security number in the boxes below. If that information has already been provided, please correct any errors.	

Name and address of employer 	Name and address of employee
Send notices to (name):	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 7 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:

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:
- ☐ The other order was received first. The other order was received on (date):
 - ☐ This order does not have higher priority.
 - ☐ A copy of the other order is attached. (Keep the original for your records. If a copy is not attached, complete item d.)
 - ☐ A copy of the other order is NOT attached. Describe the other order by providing the following information:
 - Court name, address, and case number:

(2) Name of the judgment creditor who secured the order:

(3) Date the order was issued:

(4) Date the order expires:

(5) Levying officer name, address, and file number:

(6) 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:

Type or Print Name

Signature of Declarant

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 02/13/2026 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 1 of these 4 boxes)**: ☐ 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 **(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 receiving a return receipt signed by the judgment debtor.
 - c. ☐ Using a commercial address verification service, including skip-tracing, or using a public records database, and then sending a letter or legal pleading to the verified address via first-class mail on (date): _____. 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: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 01/09/2026 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.:

- Judgment debtor (name):
asks the court to stay (pause) a wage garnishment (an "earnings withholding order"), bank account levy, or other levy.
- The judgment debtor received (check all that apply; to list more documents, check here ☐ and attach a page labeled Attachment 2):
 - ☐ Notice of Levy (form EJ-150) issued on (date):
 - ☐ Earnings Withholding Order (form WG-002) issued on (date):
- 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.))
- The judgment debtor asks the court to (check one):
 - ☐ 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):
 - ☐ Give the levying officer a completed Declaration of Address Verification (form WG-015/EJ-135).
 - ☐ 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.
 - ☐ 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:
 - Notice of Hearing on Claim of Exemption was filed on (date):
 - 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)

W26-02

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

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

	Commenter	Position	Comment	Committee Response
1.	Gabriella Ambriz, Civil Processes Professional	AM	Comments on Revisions to form EJ-130 • The form EJ-130 is an optional form. The changes made to this form should be codified to allow us to require this information to be provided to us. The affected Civil Codes of Procedure are 699.520 and 712.020.	The committee notes that several comments were made regarding codification of requirements for form EJ-130. The committee is not recommending Judicial Council action in response to these suggestions. The council cannot codify requirements in the Code of Civil Procedure because that is the purview of the Legislature. To the extent the commenters are suggesting that the Judicial Council should make form EJ-130 mandatory, the committee does not recommend doing so. Under California Rules of Court, rule 1.31(a), mandatory forms “[w]herever applicable . . . must be used by all parties.” Due to the complexity of enforcement of judgment, form EJ-130 is optional so that court users may draft writs of execution customized to fit their circumstances. The committee acknowledges that some court users who draft their own writs of execution might omit information that is not statutorily required (such as information about renewals of the judgment), but that is a result of the current statutory scheme for enforcement of judgment. Similarly, the committee does not recommend adopting a rule of court regarding the content of the writ of execution.

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

W26-02

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

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

	Commenter	Position	Comment	Committee Response
			• The newly added item # 22C on the EJ-130 (Judgment is for Personal Debt) does not transfer to item #2 on the EJ-150 Notice of Levy. All options on item # 22 of the Writ EJ-130 should be included on the Notice of Levy EJ-150 form. • Would it make sense to move the information on item #21 (This judgment is for) to the area next to items #5/6 on the Writ EJ-130, as that area all refers to judgment entry details?	The committee agrees and has recommended revising item 2 on form EJ-150 to include a checkbox for personal debt. The committee considered this suggestion and although grouping items 5, 6, and 21 might be helpful, it has not recommended moving item 21 because doing so would require significant reformatting of pages 1 and 2 of the form. Additionally, item 5 instructs form users to provide the judgment type in item 21.
2.	Ali Ammar, Chief Investigator, California Detective Agency	NI	Writ of Execution (EJ-130) As for the top of the form: There is no requirement to specify if a party is the original judgment creditor or the assignee of record. “Judgment Creditor” is a universal term that covers both. See CCP 680.240: “Judgment creditor” means the person in whose favor a judgment is rendered or, if there is an assignee of record, means the assignee of record. This is the only Judicial Council form in this Invitation to Comment that parses out judgment creditor/assignee, while they are one and the same. Item 3: This item is wholly unnecessary and duplicative, as the judgment creditor’s name and capacity are already shown at the top of the form.	The committee is not recommending revisions in response to this suggestion because the checkboxes in the header of form EJ-130 are provided for the benefit of court clerks. Removing these checkboxes could complicate court processes. The committee is not recommending revisions in response to this suggestion. Information in the caption box, such as the party’s name, is also sought in the body of many Judicial Council forms for purposes of clarity.

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W26-02

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

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Commenter	Position	Comment	Committee Response
		Item 6(b): There is no requirement for the writ to specify the renewal timeframe of 5 or 10 years. Item 21: There is no purpose for the writ to specify a detailed description for “other” types of judgments. There is no other Judicial Council form that requires a litigant to describe the type of judgment, which will lead to rejections and conflicts among litigants, court clerks, and levying officers over the “type” of judgment. CCP 699.520(c) only requires that the Writ specify “Whether the judgment is for wages owed, child support, or spousal support”, with no mention of Personal Debt, and no mention of “Other” types of judgments. Item 7 & 22: I have worked on over 2,500 judgments and have never used this section. I recommend removing Item 22. Item 7 may reference an Attachment page in the rare event that this item is used. This is in the same fashion as “Attachment 20” and “Attachment 23e”.	The Judicial Council has discretion to determine how to implement the law in its forms. The council is not required to have explicit statutory authorization to add or revise specific items on forms, so long as the forms do not conflict with the law. The committee has determined that its proposed revisions to form EJ-130 do not conflict with AB 774 or previously existing law. Item 6(b) was added in response to public comments on a previous proposal, which explained that providing information about the renewal period for the judgment may be helpful to the parties and the levying officer. Please see the previous response regarding the process for revising Judicial Council forms. The committee is not recommending revisions in response to this suggestion. These items may be needed in some circumstances.

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W26-02

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

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Commenter	Position	Comment	Committee Response
		Notice of Levy (EJ-150) Item 1(b): For nearly 100% of my levies, we are including an attachment page to make the levied property language clear and visible. The “as follows:” comment box is always too small to fit our desired language. Please consider adding additional space for us to add the property description. Item 2: This is rendered duplicative, as the type of judgment is now specified on the writ. Item 3: We need a line item to reflect payments received by the levying officer since the writ was issued. Since a writ is valid for 180 days, multiple levies may be issued, each collecting amounts less than the Total Due. Item 3(d): Specify that “Recoverable Costs” is a reference to CCP 685.095 (“When a writ is served by a levying officer or registered process server, the costs for that service, as determined pursuant to Section 1033.5, shall be added to and become part of the judgment.”)	The committee has recommended revising item 1 on form EJ-150 to add a checkbox indicating that the information is provided on an attachment. The committee is not recommending revisions in response to this suggestion. Including information about the type of judgment on form EJ-150 may be beneficial to parties and levying officers in determining whether all relevant statutory requirements have been met. This suggestion is beyond the scope of the proposal. The committee will consider it as time and resources permit. The committee received several comments regarding this item and has recommended revising item 3d to add a citation to Code of Civil Procedure section 685.090, which explains when and how costs are added to the judgment. Section 685.090 cites to section 685.095.

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W26-02

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

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Commenter	Position	Comment	Committee Response
		Earnings Withholding Order (WG-002) Item 2: Lists “The total amount due” which usually the judgment amount alone is sufficient. However, we have received several rejections because the Sheriff has asked for the below type of format. We established that the Sheriff is correct in requesting this, but the form should specify the fee breakdown similar to a Notice of Levy. <i>\$127,875.06 judgment total amount due + \$45.00 Sheriff’s garnishment fee + \$15.00 Sheriff disbursement fee + \$20.75 daily interest from the date writ was issued = \$128,557.56</i> Without specifying the larger sum due, a wage garnishment might be entered into an employer’s payroll system at a much smaller amount than would be required to satisfy the judgment. Another example is some Sheriffs specify “Contact the Sheriff’s Department to receive an updated payoff prior to ending this garnishment”. You can find a similar breakdown on the Notice of Levy (EJ150). Item 3: Line 1 (judgment entry date) is unnecessary and not required by statute. Line 2 (judgment creditor, if different from the plaintiff) is duplicative, as the creditor is listed at the top of the form. Also unnecessary and not required by statute.	This suggestion is beyond the scope of the proposal. The committee will consider it as time and resources permit.
		Employer’s Return (WG-005) Please specify that the Employer is to fill in the Name and Address of Employer and Name and Address of Employee. CCP 706.126(b) mandates that the employer is obligated to supply all information in the subsection.	Please see previous responses regarding the process for revising Judicial Council forms and the need to duplicate information from the caption in the body of the form. The committee has recommended revising the instructions at the top of form WG-005 to more clearly explain that the employer must provide these names and addresses if they are not already provided.

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W26-02

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

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	Commenter	Position	Comment	Committee Response
			Item 6d: Pursuant to CCP 706.126(b)(4), additional information is required if an earlier order has priority. Only two of these statutory requirements are met on the form; the remaining three underlined requirements are not met. 1. <u>the name of the judgment creditor who secured the earlier order</u> 2. the levying officer who served such order (already included in Item 6(d)(2)) 3. <u>the date it was issued</u> 4. the date it was served (already included in Item 6a) 5. <u>the expiration date of such order</u>	The committee has recommended revising item 6d on form WG-005 to ask for the name of the judgment creditor who secured the order, the date the order was issued, and the date the order expires.
3.	California Association of Judgment Professionals by Gretchen D. Lichtenberger, Legislative Chairperson	NI	On behalf of the California Association of Judgment Professionals, we would like to submit our comments regarding this Invitation regarding new forms and changes to existing forms as needed for the implementation of Assembly Bill 774. Throughout, our suggested wording changes will be: 1) inserted words will be in green text; 2) deleted words will be red text with strike-through; and 3) side comments, which are only clarifications but not for inclusion in the forms, will be in blue text and italicized. <u>Comments for Writ of Execution Form, EJ-130:</u> The changes you are proposing appear to be an effort to provide clarity and to make the form easier to understand. First and foremost, we suggest this form, which is titled “<i>Writ of Execution</i>”, be revised to be exclusively for “Execution” and that the Judicial Council <u>create a second form</u> titled “<i>Writ of Possession or Sale</i>”; similar to what the Council did with the EJ-125 and EJ-141 Examination forms. This would be a huge step in making both forms easier to understand. Having the information about Possession or Sale on this	Please see the committee’s responses below regarding specific elements of the proposal. This suggestion is beyond the scope of the proposal. The committee will consider it as time and resources permit.

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W26-02

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

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Commenter	Position	Comment	Committee Response
		Writ causes lots of confusion with the public. We have seen many times where Attorney have tried to claim “possession” of all money in a Debtor’s bank by filling out the “possession” part of the Writ and mailing it directly to the Debtor thinking that gave them the right to that money. We have attached a copy of the current blank Writ on which we have highlighted in orange all the portions that could be moved to a separate “<i>Writ of Possession or Sale</i>” form, thereby leaving just “Execution” items on the EJ-130. Regarding your <i>Request for Specific Comments</i> issue of moving items 8-20 to the second page, we respectfully do not agree with that proposal. <u>It is extremely important for all the most relevant information to be on the first page, especially the Court’s seal.</u> Nefarious persons could attach a page 1 to a different page 2. A vast majority of judgments are against <i>just one person</i>, so putting the additional debtors on the first page would, most times, be a waste of space. We do though, see <i>some</i> merit in putting items 11-20 onto another page so they can span the width of the page with all your inserted tips, however, why not instead, create an “EJ-130-INFO” form where you can explain everything, like you did with the MC-012. In item 2, you wrote out completely “<i>Code of Civil Procedure</i>”, as you did in item 14, however, elsewhere on the form you use the abbreviation “<i>Code Civ. Proc.</i>”, to include the lower left corner. Consistency is important so it should be uniform throughout the form. We believe “<i>Code Civ. Proc.</i>” is sufficient for an understanding of what statute it is and provides more clarity than “CCP” to persons not familiar with legal acronyms.	In light of all the comments on this issue, the committee determined that the benefits of expanding the form to four pages outweigh the potential risks. Although it is true that separating the information about the judgment on page 1 from the amount of the judgment on page 2 might make it easier to create a deceptive version of the form, that risk exists for any multi-page form issued by the clerk or signed by a judicial officer. Additionally, it is easier for court users to use forms when instructions are provided directly on the form, rather than an information sheet. Current practice for Judicial Council forms is to follow the California Style Manual for citations to California statutes. When cited in narrative text, citations use unabbreviated code names and spell out “section.” When provided in citation parentheticals, citations abbreviate the code names and use the section symbol.

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W26-02

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

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

	Commenter	Position	Comment	Committee Response
			In item 2, we suggest you add Section 706.108 because process servers can also use the Writ for Earnings Withholding Order.	The committee considered this suggestion but has not recommended including a citation to section 706.108 because item 2 is solely concerned with service of the writ of execution, which section 706.108 does not address. Instead, section 706.108 concerns issuance and service of an earnings withholding order. Section 706.108 requires the registered process server to “deposit” the writ of execution with the levying officer but does not address service of the writ of execution on the judgment debtor.
			In item 4, we suggest you leave just the first Judgment Debtor only on page 1, and keep the other debtors on page 2. We also suggest just under the boxes for “Additional judgment debtors” (formerly item 21), you add small check box for yet more debtors. Some judgments have more than three (3) Judgment Debtors.	The committee has recommended revising item 4 to delete the boxes for additional judgment debtors and add a checkbox indicating that additional judgment debtors are listed in an attachment. The committee determined that this solution was preferable to having two separate items on the form identifying judgment debtors.
			Under item 4, we suggest you add a small check box with the words “<i>additional name(s) of judgment debtor per Affidavit of Identity (Code of Civ. Proc. §680.135)</i>” because CCP §699.520(k) <u>mandates</u> this be on the Writ.	The committee has recommended revising item 4 to add a checkbox indicating that that the judgment debtor has additional names that are identified on an affidavit of identity.

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W26-02

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

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Commenter	Position	Comment	Committee Response
		In Item 7, you moved part of the language from the current item 24 to the proposed item 7, however, we suggest you also put the applicable statutes of “ <i>Code Civ. Proc. §§989-994</i> ”, here, rather than in the proposed item 22, and add “ <i>in a separate case</i> ” because most people do not understand the difference between “joint debtor” and “additional judgment debtor”. Thus, item 7 should read “ <i>A joint debtor was declared bound by the judgment in a separate case (Code Civ. Proc. §§989-994) (If ~~item 7 is~~ checked, give information about the joint debtor in item 22)</i> ”	The committee has recommended revising item 7 to state: “A judgment debtor was declared bound by the judgment under Code of Civil Procedure sections 989 to 994.” The committee has not recommended adding “in a separate case” because this language might be confusing, and the statutory citations should be sufficient to explain when this item applies.
		We believe items 8 and 9 belong on the second page, regardless because it is difficult having the form’s usage scattered all over different places on the form. Item 10 could possibly be moved to back to page 1 because it relates to “Execution”, depending on how you rearrange everything.	Please see the previous response regarding the committee’s recommendation to move items 8 through 20 to page 2.
		<u>Regarding the box between items 10 and 11 on page 2</u> , we strongly disagree with this new language. Declaring accrued post-judgment interest to be added on a Writ <u>may be accomplished in one of two ways</u> : 1) by use of the MC-012 form, which acts as an affidavit under CCP §2015.5; or 2) by use of a pleading Affidavit or Declaration stating the amount of interest, which when signed under penalty of perjury <u>also acts as an affidavit under CCP §2015.5</u> . The <u>Legislature has not mandated the MC-012 form be the exclusive way to declare accrued interest</u> . Had they wanted to do so, they surely knew how to require a Judicial Council form for a certain procedure. [see CCP §§ 116.320(b), 431.40(c), 489.230(a), 683.160(a), 706.120, 765.020, 1141.20, 1710.30(a), 1775.9(a), 2029.300(b)(1), etc.]	The committee has recommended revising the note above item 11 to read: “For more information on the amount recoverable by a judgment creditor, claiming costs after judgment, and calculating accrued interest, read <i>Information Sheet for Calculating Interest and Amount Owed on a Judgment</i> (form MC-013-INFO).”

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W26-02

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

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Commenter	Position	Comment	Committee Response
		<u>CCP §685.050</u> clearly states: <i>(a) If a writ is issued pursuant to this title to enforce a judgment, the costs and interest to be satisfied in a levy under the writ are the following:</i> <i>(1) The statutory fee for issuance of the writ.</i> <i>(2) The amount of interest that has accrued from the date of entry or renewal of the judgment to the date of issuance of the writ, as adjusted for partial satisfactions, <u>if the judgment creditor has filed an affidavit with the court clerk stating such amount.</u></i> {emphasis added} Thus, the only “costs” that may be satisfied in a levy under the Writ are those already added to the judgment pursuant to CCP §685.090 and the fee for issuance of the writ. Newly claimed “costs” <i>cannot</i> be included on a Writ unless and until the time has expired for the filing of a motion to tax properly claimed statutory “costs”. [CCP §685.090(a)(2)] We oppose you adding this misleading and incorrect language in that box: <i>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.</i> Yes, it is true that Creditors can add “statutory” costs to the enforceable amount owed and are required do so via the MC-012 form under CCP §685.070, however, Creditors also have the option to add costs via a motion under CCP §685.080. By putting this language directly above item 11, many people will think they can just insert their “costs” on line 12 and then later do the MC-012, which will lead to lots of rejected Writs.	

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W26-02

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

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		<u>There is no statutory requirement</u> to “serve” a judgment debtor with an affidavit declaring accrued interest only. There is no due process violation for not doing so. Interest accrues post-judgment by statute. [CCP §§685.010; 685.020] There can be no dispute as to properly calculated interest. <u>There is no statutory procedure</u> for a debtor to challenge the accrual of interest. If the judgment debtor is not served with an affidavit declaring interest, his due process rights afford him the opportunity to file a motion to quash the writ to then challenge any of the amounts stated therein. <u>There is, however, a statutory procedure</u> for the judgment debtor to challenge newly claimed statutory costs, which is why the MC-012 must be served upon the judgment debtor prior to those costs being included on a Writ. [CCP §685.070(c)] These two processes are distinct and independent under the law, which is why we suggested years ago that the check boxes be added before items 1, 2 and 3 on the MC-012 form, which the Judicial Council agreed with and implemented. Said form is multipurpose, encompassing a variety of post judgment statutory procedures, and may be used for just one of those procedures or more than one. Your current language in the box between items 10 and 11 alludes that if the Creditor had no costs to add but did have interest to add, the Creditor must claim that interest on a MC-012 only and serve it on the Debtor. The problem is, if that is done, how long does the Clerk of the Court wait after the Debtor is served to issue the Writ? There is no statutory timing for service of an “interest only” Affidavit. CCP §685.020(a)(2), as shown above, demonstrates the Clerk can issue a Writ upon the “filing” of the Affidavit. Compare that to CCP §685.070(c) & (f), which outlines the timeline for adding the costs claimed on a MC-012 for to the judgment.	

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Commenter	Position	Comment	Committee Response
		We suggest you change that verbiage to read: “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). Costs cannot be added to a Writ until the judgment creditor follows certain procedures. Accrued interest for line 16 is added by Affidavit. Read Information Sheet for Calculating Interest and Amount Owed on a Judgment (form MC-013-INFO) for more information.~~ {as a side note, we have suggestions for revisions to the MC-013INFO form that we will submit under different cover}	
		In item 12, we see that you removed the statutory reference, as compared to the current Writ, and we believe it should remain, and also be clarified to read: “Costs after judgment, <i>already added to principal (Code Civ. Proc. §685.090)</i>” In item 14, we suggest the following language: “Credits to principal (~~applied after payments to interest~~ <i>payments apply to interest first, per Code of Civil Procedure Code of Civ. Proc. section 695.220</i>)” In item 16, we suggest the following language: “Accrued interest remaining due, <i>after applying any payments</i>”	The committee has recommended revising item 12 to add a citation to Code of Civil Procedure sections 685.040 through 685.090. The committee agrees and has recommended revising item 14 to say, “payments apply to interest first” instead of “applied after payments to interest.” The committee agrees and has recommended revising item 16 as suggested by the commenter.
		Comments for Notice of Levy Form, EJ-150 In item 1, we suggest the following additional language: “The judgment creditor seeks to take (levy upon) property that belongs to, or is partially	The committee has recommended revising

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W26-02

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Commenter	Position	Comment	Committee Response
		owned by, you as the judgment debtor and use it to pay off (satisfy) a judgment as follows:" In item 1a, we suggest some clarity be added here. Frequently, Creditors with put the name of two judgment debtors on this form, notwithstanding that the form uses the word "name" in the singular. A Notice of Levy must be executed separately for each judgment debtor in order for the garnishee to properly respond. Therefore, we suggest you add some clarifying instructions, like you have done throughout the forms in this Invitation to Comment, to the effect: "(name – <i>each debtor must be named on a separate notice</i>):" In item 3b, it would be helpful to add the statutory citation so it reads: "Levy Fee (<i>Gov. Code §§26720.9, 26721</i>)" In item 3c, it would be helpful to add the statutory citation so it reads: "Sheriff's disbursement fee (<i>Gov. Code §26746</i>)" In item 3d, it would be helpful to add the statutory citation so it reads: "Recoverable Costs (<i>Code of Civ. Proc. §685.090(c)(2)</i>)" On page 2, at the very top, it would be helpful if this was formatted like the Writ of Execution so the Plaintiff, Defendant, Case Number, and for	item 1 to say, "the judgment debtor (named in item 1a)." The committee has recommended adding a notice to the top of the form explaining that a separate notice of levy must be used for each judgment debtor. The committee has recommended revising item 3b as suggested by the commenter. The committee has recommended revising item 3c as suggested by the commenter. The committee has recommended revising item 3d to cite Code of Civil Procedure section 685.090. The committee chose this citation instead of section 685.090(c)(2) because several commenters suggested adding a citation to this item but disagreed about the specific citation that should be added. The citation to section 685.090 is broad enough to encompass both commenters' suggestions. The committee agrees and has recommended revising the header on page

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W26-02

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Commenter	Position	Comment	Committee Response
		this form, the Levying Officer number entered on page 1 automatically fill in on page 2 when entered on page 1 On page 2, in item 1 at the top, we suggest you slightly alter the wording by: “The levying officer is required to take possession of the property described in item 1 if you have it or control it or the property is titled in your name.” On page 2, in item 3 under “<i>If you are not the Judgment Debtor</i>.”, we suggest you add “and promptly mail it to the levying officer.”	2 of form EJ-150 to match the header on pages 2 through 4 of form EJ-130. The committee has recommended revising this item to add “or the title is in your name” at the end of the sentence. The committee has not recommended changing “take” to “take possession of” because the former is plain language and will be easier for self-represented litigants to understand. The committee has recommended revising this item (regarding form EJ-152, <i>Memorandum of Garnishee</i>) to explain that the form must be mailed or delivered to the levying officer within 10 days after the person is served with form EJ-150.
		<u>Comments for Application for Reinstatement of Judgment Lien, Form EJ-200:</u> In the title of the document, we suggest you add the option for more than one lien: “APPLICATION FOR REINSTATEMENT OF JUDGMENT LIEN(S)” In item 1, we suggest you format it like item 1 on the <i>Declaration of Address Verification</i>, Form WG-015/EJ-135, where the attorney check box is last, rather than first, as currently showing.	The committee is not recommending revisions in response to this suggestion because Judicial Council practice is to use either the singular or the plural rather than appending “(s)” to the end of words. The committee agrees and has reformatted item 1 to match the formatting of item 1 on form WG-015/EJ-135.

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W26-02

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Commenter	Position	Comment	Committee Response
		In item 5, we suggest it should accommodate multiple judgment debtors somehow. Perhaps a check box, like in item 4, with the following language: <i>“Check here if there are additional judgment debtors and specify their name and last known address on an attached sheet of paper labeled “Attachment 5.”</i> In item 6, we suggest clarity be added to state just the unsatisfied principal amount of the judgment, as opposed to the unsatisfied amount of the judgment on the date of executing this form. Thus, it should read: “The unsatisfied principal amount of the judgment ~~amount~~ is (specify): \$” In item 10, we suggest a small correction: “After the lien or liens shown above was or were 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.”	The committee agrees and has revised item 5 to add a checkbox indicating that additional judgment debtors are identified in an attachment. The committee agrees that the phrase “unsatisfied judgment amount” is vague and might be confusing. The committee considered the revision suggested by the commenter but ultimately determined that this item should ask for “the amount currently required to satisfy the judgment” because <i>Notice of Lien</i> (form AT-180/EJ-185) uses similar language. The committee has revised item 10 to say, “After the release of the lien (or liens) discussed in item 2”
		<u>Comments for Response to Application for Reinstatement of Judgment Lien, Form EJ-202:</u> In the title of the document, we suggest you add the option for more than one lien: “RESPONSE TO APPLICATION FOR REINSTATEMENT OF JUDGMENT LIEN(S)” In item 1, we suggest it be combined with item 2 and 3 to read “My name is: _____. I am the judgment debtor identified in the Application for Reinstatement of Judgment Lien (form	Please see the committee’s response regarding the title of form EJ-200. The committee agrees and has revised item 1 as suggested by the commenter.

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W26-02

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

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Commenter	Position	Comment	Committee Response
		<i>EJ-200</i> filed in this court on (date): _____ by the judgment creditor (name): _____ “ In item 2, we suggest item read: “I was served with the <i>Application for Reinstatement of Judgment Lien</i> (form EJ-200) on (date): _____ “ The Court needs to be able to determine if the Judgment Debtor timely filed this form and it has no way to determine that based on the current information. CCP §697.420(c)(1) only provides that the Creditor shall serve the Debtor, but it fails to provide “when” that must occur. It cannot be presumed service by mail happened the same date as the filing of said form. In item 3, you could delete the first sentence because it was added to item 1, and leave the rest of that language.	The committee considered revising form EJ-202 to add an item asking for the date on which the judgment debtor was served with form EJ-200, but determined that such an item should not be added because it could cause judgment debtors to inadvertently waive the defense that they were improperly served with form EJ-200 if they believed they had to complete the item even if service was improper. The judgment creditor will file a proof of service of form EJ-200, and in most cases, the court should be able to use the proof of service to determine if the judgment debtor timely filed form EJ-202. The committee agrees and has revised the form accordingly.
		<u>Comments for Certificate of Reinstatement of Judgment Lien, Form EJ-205:</u> In the title of the document, we suggest you add the option for more than one lien: “CERTIFICATE OF REINSTATEMENT OF JUDGMENT LIEN(S)” This form is missing the information regarding identifying the filing of personal property liens as shown in item 7 of the <i>Application</i> and it should be added somewhere.	Please see the committee’s response regarding the title of form EJ-200. The committee has revised the form to add item 7, which asks for information

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Commenter	Position	Comment	Committee Response
		In item 4, we suggest clarity be added to state just the unsatisfied principal amount of the judgment, as opposed to the unsatisfied amount of the judgment on the date of executing this form. Thus, it should read: “The unsatisfied principal amount of the judgment ~~amount~~ is (<i>specify</i>): \$” In item 5, we suggest it should accommodate multiple judgment debtors somehow. Perhaps a check box with the following language: “<i>Check here if there are additional judgment debtors and specify their name and last known address on an attached sheet of paper labeled “Attachment 5.”</i>” In item 6, referencing “item 1” is not proper because it fails to identify the actual recorded or filed lien(s). Instead, it should specifically relate to the lien(s) identified in item 3 and the new item you add regarding the JL-1 lien(s) filed with the Secretary of State, as we suggested above.	regarding the filing of a personal property lien with the Secretary of State. Please see the committee’s response regarding item 6 on form EJ-200. The committee agrees and has revised item 5 to add a checkbox indicating that additional judgment debtors are identified in an attachment. The committee has revised item 7 to state the liens are “discussed in item 1” instead of “identified in item 1.” Item 1 is the first item that mentions the reinstated liens and saying that the liens are “discussed” is more accurate than saying they are “identified” in item 1.

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Commenter	Position	Comment	Committee Response
		<u>Comments for Earnings Withholding Order Form, WG-002:</u> No comments at this time. <u>Comments for Employee Instructions Form, WG-003:</u> No comments at this time. <u>Comments for Earnings Withholding Order for Support Form, WG-004:</u> No comments at this time. <u>Comments for Employer's Return, Form WG-005:</u> No comments at this time.	No response required.
		<u>Comments for Declaration of Address Verification, Form WG-015/EJ-135:</u> In item 1, we suggest you add the word “or” at the end of the first line to add clarity that one of the first three boxes do not have to be checked if the box on the next line is checked. Item 1 says “(check one)” and people may be misled to think it refers to one of the boxes on the first line only. Alternatively, in item 1 you could amend it to read: “I am (check one of <i>these 4 boxes</i>): In item 2, we suggest adding a small additional word for clarity and a correction for consistency throughout the forms, plus an exclusion for RPSs: “The judgment creditor is asking the levying officer to serve a <i>Writ of Execution</i> (form EJ-130), <i>Notice of Levy</i> (form EJ-150), or other documents related to enforcement of a judgment for personal debt. (Personal debt is defined in Code of ~~Civil Procedure~~ <i>Civ. Proc. §683.110(d).</i>) <i>This form is not applicable when the documents are being served by a Registered Process Server.</i>”	The committee agrees that item 1 on form WG-015/EJ-135 is confusing and has recommended revising the explanatory parenthetical to state: “check 1 of these 4 boxes.” Judicial Council practice is to omit definite and indefinite articles before the names of forms. The committee considered the suggestion to note on the form that it is not required when documents are being served by a registered process server, but determined that adding this instruction could create

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			As we suggested in our comments to the SPR25-06 Invitation to Comment, we suggest this form have a “Proof of Compliance and Proof of Service” page. As we shared with the Author and Sponsors of AB 2837 in 2024, <u>how is the JD going to know if the JC complied with CCP §684.130(b)(2) and/or (b)(6)?</u> We do not want unnecessary motions to stay filed, which would waste judicial resources. Therefore, we suggest you add a page 2 “Proof of Compliance and Proof of Service”. It could look like the proof of service that is page 2 for the MC-012 form. The top portion could be “Proof of Compliance”, with an affirmation like “By the filing of this Declaration of Address Verification, I affirm on (date), I provided this executed form to the Levying Officer stated on this form and am timely filing it with the Court, as well as serving a copy upon the judgment debtor stated herein”. Then, the <i>Proof of Service</i> portion would be below that and a person not a party to the legal action could serve it and sign the <i>Proof</i>. Without this, how will the Court be able to determine if the <i>Declaration</i> was TIMELY filed within	more confusion than it eliminated. Registered process servers are permitted to serve certain documents, such as writs of execution, only in specific circumstances, and explaining these nuances in a small instruction box would be difficult. Additionally, the potential harm of adding a confusing instruction (judgment creditors failing to file required verifications) outweighs the harm of omitting the instruction (judgment creditors filing declarations of address verification when they are not required to do so). This suggestion is beyond the scope of the proposal. The committee will consider it as time and resources permit.

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W26-02

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Commenter	Position	Comment	Committee Response
		10 business days. Maybe the affirmation can fit onto page 1 before the signature.	
		<u>Comments for Application to Stay Levy or Garnishment, Form WG-017/EJ-137:</u> In item 2b, we suggest you add clarity that an “Earnings Withholding Order is a garnishment of wages, because the form uses the word garnishment throughout without defining that word. Thus, we suggest item 2b read something to the effect: “<i>Earnings Withholding Order</i> (form WG-002) issued on (date): <i>{this is a wage garnishment}</i>”	The committee agrees that it would be helpful for the form to explain that the term “wage garnishment” refers to an earnings withholding order. The committee has recommended revising item 1 to add a parenthetical providing this information.
		<u>Comments for Earnings Withholding Order for Taxes, Form WG-022:</u> No comments at this time. <u>Comments for Earnings Withholding Order for Elder or Dependent Adult Financial Abuse, Form WG-030:</u> No comments at this time.	No response required.
		We strive to acquire consistency throughout California in the implementation of Title 9 of the Code of Civil Procedure, the Enforcement of Judgments Law. Our goal is to alleviate any burden on the Courts by streamlining all possible processes and eliminating the calendaring of unnecessary hearings. We also have the goal of making the forms as easy to understand as possible for all litigants.	No response required.

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	Commenter	Position	Comment	Committee Response
4.	Fresno County Sheriff's Office Civil Unit by Tara Hawthorne, Supervising Program Technician	AM	Members of the Judicial Council Civil and Small Claims Advisory Committee: Fresno County Sheriff Civil Unit would like to submit areas of concern and see clarification/modifications to the instruction form, writ, and notice of levy and the civil codes of procedure associated with each form. Instructions: Since the Sheriff has to rely on the judgment creditors written instructions: CCP 687.010 ; CCP 706.121; 706.121(c) (date judgment entered) requirements for instructions should include personal debt, renewal dates, current enforceability periods, and interest rate. We would like to see this on the WG-001 Application of Earnings Withholding order as well. The Sheriff's Office must review documents to match information that is included on the instruction form with the writ of execution. The information is important for us to know in order to calculate ongoing levies accurately. ****i.e. judgment entered 12/1/2015; judgment renewed 10/1/2025; enforced for 5 years at 5%.**** Civil Code of Procedure: Will the changes to the writ reflect in the code requirements? Specifically, CCP 699.520(e);712.020(d). If the information is not codified, then the information may not be disclosed since the EJ-130 is not a mandatory form. Will "judgment is for" become a requirement for the notice of levy? Currently it is not a code requirement, but it is on the "optional" form (EJ-150) CCP 699.540.	Please see the committee's responses below regarding specific elements of the proposal. This suggestion is beyond the scope of the proposal. The committee will consider it as time and resources permit. The committee notes that several comments were made regarding codification of requirements for form EJ-130. The committee is not recommending Judicial Council action in response to these suggestions. The council cannot codify requirements in the Code of Civil Procedure because that is the purview of the Legislature. To the extent the commenters are suggesting that the Judicial Council should make form EJ-130 mandatory, the committee does not recommend doing so. Under California Rules of Court, rule 1.31(a), mandatory

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	Commenter	Position	Comment	Committee Response
				forms “[w]herever applicable . . . must be used by all parties.” Due to the complexity of enforcement of judgment, form EJ-130 is optional so that court users may draft writs of execution customized to fit their circumstances. The committee acknowledges that some court users who draft their own writs of execution might omit information that is not statutorily required (such as information about renewals of the judgment), but that is a result of the current statutory scheme for enforcement of judgment. Similarly, the committee does not recommend adopting a rule of court regarding the content of the writ of execution.
			Uniformity: Since Personal debt is now on the SER-001A, we would like to see it on the WG-001 Application for Earnings Withholding Order as we do receive requests to serve employers for judgments other than personal debt.	This suggestion is beyond the scope of the proposal. The committee will consider it as time and resources permit.
			The personal debt box (from EJ-130) does not transfer over to the “optional” Notice of Levy form (EJ-150) like “wages owed”; “child/spousal support”; “other”. Will the box be required for the EJ-150 or will we just continue to use the “optional” box?	The committee has recommended revising item 2 on form EJ-150 to include a checkbox for personal debt.
5.	Orange County Bar Association by Shirin Forootan, President	A	We believe the proposal appropriately addresses the stated purpose. <i>If the 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?</i>	The committee appreciates the response.

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	Commenter	Position	Comment	Committee Response
			It does not appear that expanding to 4 pages and moving items 8 through 20 to page 2 will create any apparent problems for the users of this form.	The committee appreciates the response.
6.	Brett Peters, Director of Service Operations Janney and Janney Attorney Service, Inc	A	Agree with proposed changes.	The committee appreciates the response and notes the commenter's agreement with the proposal.
7.	San Francisco Sheriff Civil Section by David Caimotto	NI	Members of the Judicial Council Civil and Small Claims Advisory Committee: Our main areas of concern are as follows: New areas of the EJ-130 must be codified so the levying officer can require this information be completed. Affected Civil Codes of Procedure are 699.520 and 712.020.	The committee notes that several comments were made regarding codification of requirements for form EJ-130. The committee is not recommending Judicial Council action in response to these suggestions. The council cannot codify requirements in the Code of Civil Procedure because that is the purview of the Legislature. To the extent the commenters are suggesting that the Judicial Council should make form EJ-130 mandatory, the committee does not recommend doing so. Under California Rules of Court, rule 1.31(a), mandatory forms "[w]herever applicable . . . must be used by all parties." Due to the complexity of enforcement of judgment, form EJ-130 is optional so that court users may draft writs of execution customized to fit their

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

W26-02

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

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

	Commenter	Position	Comment	Committee Response
				circumstances. The committee acknowledges that some court users who draft their own writs of execution might omit information that is not statutorily required (such as information about renewals of the judgment), but that is a result of the current statutory scheme for enforcement of judgment. Similarly, the committee does not recommend adopting a rule of court regarding the content of the writ of execution.
			Item #22c on the EJ-130 does not transfer over to the Item #2 on the EJ-150.	The committee has recommended revising item 2 on form EJ-150 to include a checkbox for personal debt.
			Any changes to the writ should reflect on the SER-001A and WG-001, which include renewal enforceability updates, interest to be charged, and enforcement of personal debt. The forms should allow the requestor to give judgment dates, renewal dates and the most recent renewal extended period of enforceability. It should also allow for the interest rate of 5 or 10 percent for accurate calculations of ongoing levies. (For example judgment entered 12/1/2015; judgment renewed 10/1/2025; enforced for 5 years at 5%.)	This suggestion is beyond the scope of the proposal. The committee will consider it as time and resources permit.
8.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's Invitation to Comment, "W26-02 Civil Practice and Procedure: Revisions to Enforcement of Judgment and Wage Garnishment Forms to Implement	The committee appreciates the response and notes the commenter's agreement with the proposal.

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

W26-02

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

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

	Commenter	Position	Comment	Committee Response
			Assembly Bill 774 Civil Practice and Procedure: Revise Civil Case Cover Sheet,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its 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, then the Court will need time to make changes to its case management system. The form is currently issued by the Court via eCourt (civil case management system). Otherwise, there should be no other issues. The proposal would not provide cost savings. For implementation, configuration of the forms in the case management system is required and staff (supervisors and court services assistants) will need to be informed of the changes. Three months would be ideal for implementation to ensure the Court can train and update its case management system.	The committee appreciates the information. The committee appreciates the information.
9.	Superior Court of Orange County by Katie Tobias, Operations Analyst	NI	<u>Does the proposal appropriately address the stated purpose?</u> Yes, the proposal appropriately addresses the stated purpose. <u>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?</u> No, expanding the form and moving the items should not create problems for users. In fact, it will allow for easier understanding of the form, reduces erroneous omissions, and remove the need to constantly refer to next page. <u>Would the proposal provide cost savings? If so, please quantify.</u> No, the proposal does not appear to provide cost savings.	The committee appreciates the response. The committee appreciates the response. The committee appreciates the response.

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

W26-02

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

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

	Commenter	Position	Comment	Committee Response
			<u>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</u> Implementation will require providing communication to judicial officers and court staff, revising current procedures, conducting court staff training (approximately 1 hour), and updating the case management system.	The committee appreciates the information.
			<u>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> No, Orange County would need at least three months for implementation to allow for adequate planning and execution.	The committee appreciates the information.
			<u>How well would this proposal work in courts of different sizes?</u> Our court is a large court, and this could work for Orange County.	The committee appreciates the response.
10.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: 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? A: No. Q: Would the proposal provide cost savings? If so, please quantify. A: No. Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the response. The committee appreciates the response. The committee appreciates the response. The committee appreciates the information.

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

W26-02

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

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

	Commenter	Position	Comment	Committee Response
			A: Adding new filings in the case management system and updating local procedures. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes. Q: How well would this proposal work in courts of different sizes? A: It appears that the proposal would work for courts of all sizes.	 The committee appreciates the response. The committee appreciates the response.

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

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Recommend JC approval (has circulated for comment)

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

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

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

Annual agenda approved by Rules Committee on *(date)*: October 16, 2025

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.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) SB 59 requires the Judicial Council to, as necessary, develop rules and forms to implement the legislation 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.)

Information for JC staff

☒ EGG reviewed on *(date)*: February 5, 2026

☒ Office director (or designee) reviewed on *(date)*: February 24, 2026 by *(name)*: James Barolo

Complete the following for all JC reports recommending forms:

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

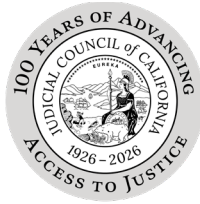
Proposal includes forms that: ☒ staff requests be translated, ☐ are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☒ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☒ Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-068

For business meeting on April 24, 2026

Title

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

Report Type

Action Required

Effective Date

July 1, 2026

Date of Report

February 27, 2026

Contact

Maddie Joyner, 916-643-8068

maddie.joyner@jud.ca.gov

Rules, Forms, Standards, or Statutes Affected

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

Recommended by

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

Executive Summary

The Civil and Small Claims Advisory Committee recommends adopting, approving, revising, and revoking various Judicial Council forms that individuals use to request a change of name and recognition of a change of gender or sex identifier. The committee also recommends amending two related rules of court. Changes are needed to implement Assembly Bill 1084 (Stats. 2025, ch. 723) and Senate Bill 59 (Stats. 2025, ch. 738), as well as to update the rules and forms to better serve participants in the Secretary of State's address confidentiality program, make various technical or clarifying changes, and respond to feedback from members of the public regarding clarity and ease of use.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2026:

1. Amend California Rules of Court, rules 2.575 and 2.577.
2. Adopt the following forms for mandatory use:
 - *Petition for Change of Name to Conform to Gender Identity* (form NC-200);
 - *Supplemental Attachment to Petition for Change of Name to Conform to Gender Identity* (form NC-210G);
 - *Proof of Service of Order to Show Cause* (form NC-221/NC-321/NC-521);
 - *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-225);
 - *Decree Changing Name (200 Series)* (form NC-230); and
 - *Decree Changing Name of Minor (200 Series) (By Guardian)* (form NC-230G).
3. Approve the following forms for optional use:
 - *Ex Parte Request to Make Records Confidential* (form NC-015);
 - *Order to Make Records Confidential* (form NC-030);
 - *Instructions for Filing a Petition for Change of Name to Conform to Gender Identity* (form NC-200-INFO); and
 - *Notice of Hearing on Petition* (form NC-250/NC-350/NC-550).
4. Revise the following forms:
 - *Petition for Change of Name* (form NC-100);
 - *Instructions for Filing a Petition for Change of Name* (form NC-100-INFO);
 - *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110);
 - *Decree Changing Name* (form NC-130);
 - *Birth Certificate for Child of Petitioner—Attachment* (form NC-311);
 - *Marriage License and Certificate—Attachment* (form NC-312);
 - *Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325);
 - *Confidential Cover Sheet—Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-400);
 - *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO);
 - *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);
 - *Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier* (form NC-500-INFO);
 - *Declaration of Guardian or Juvenile Attorney* (form NC-510G);

- *Order to Show Cause—Recognition of Minor’s Change of Gender and Issuance of New Birth Certificate* (form NC-520); and
- *Order Recognizing Minor’s Change of Gender and Sex Identifier and for Issuance of New Birth Certificate* (form NC-530).

5. Revise and retitle the following forms to add the word “Adult’s” to the titles:

- *Petition for Recognition of Adult’s Change of Gender and Sex Identifier, Name Change, and Issuance of New Certificates* (form NC-300);
- *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); and
- *Order Recognizing Adult’s Change of Gender and Sex Identifier, for Name Change, and for Issuance of New Certificates* (form NC-330); and

6. Revoke *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125) and *Notice of Hearing on Petition* (form NC-150).

The text of the amended rules and the new, revised, and revoked forms are attached at pages 16–59.

Relevant Previous Council Action

The council first adopted name change forms effective January 2001 to standardize procedures used for name change proceedings throughout the state. These forms have received various modifications since then. For example, effective January 2010, the council adopted and approved new forms to implement confidential name changes as part of the Secretary of State’s address confidentiality program (Safe at Home). Additionally, in 2022, the council revoked the NC-200 form series to implement Assembly Bill 218 (Stats. 2021, ch. 577).¹

Analysis/Rationale

AB 1084 (see Link A) streamlines the process associated with a change of name and recognition of a change of gender and sex identifier by eliminating the order to show cause (OSC) requirement in certain circumstances.² The legislation requires certain OSC forms to state that if

¹ Prior to AB 218, the council adopted two sets of forms for petitions by adults: one set for petitions seeking only recognition of gender change (the NC-300 series) and another set for those seeking both recognition of gender change and name change at the same time (the NC-200 series). Under AB 218, however, combined petitions could include requests to have various administrative records reflect the petitioner’s changed name and gender, each with different requirements. The council consequently determined that a single petition that includes all possible requests should be used, and thus revoked the NC-200 form series.

² Prior to AB 1084, an OSC was required for petitions requesting a change of name to conform to one’s gender identity. AB 1084 eliminates the OSC requirement for (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 sign the petition. Additionally, Code of Civil Procedure section 1277.5(a)

no objection is filed, the court must enter the order granting the change after the completion of six weeks.³ The legislation also eliminates a previous requirement that the petitioner file the judgment with the Secretary of State, State Registrar, or county clerk “within 30 days.”⁴

SB 59 (see Link B) requires the court 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”⁵ confidential. This includes the index, register of actions, and any other case information available through court systems used to provide the public with electronic access to court records.⁶
- Limit access to these records, with distinctions between who can access these records depending on whether the court has ordered the change and whether the petition was brought on behalf of a minor.⁷

The confidentiality requirements and limitations on access described above automatically 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.⁸ SB 59 also allows petitioners to request these protections in certain circumstances.

The recommended forms and rule amendments are described generally below.

Forms NC-015 and NC-030

SB 59 allows a petitioner in a proceeding filed before July 1, 2026, to file a request to keep the records in the proceeding confidential.⁹ Additionally, if a petitioner discovers that their court records are not being kept confidential, the legislation allows a petitioner to apply for an order

and (b) requires the court, without a hearing and within six weeks of the petition’s filing, to enter the order granting the name change, except as provided.

Pursuant to Code of Civil Procedure section 1277.5(b), an OSC continues to be required for a change of name to conform to a minor petitioner’s gender identity where not all living parents sign the petition.

³ Code Civ. Proc., § 1277.5(b)(2)(B); Health & Saf. Code, § 103430(e).

⁴ Health & Saf. Code, §§ 103431, 103435.

⁵ “Change of name or gender and sex identifier, or both” 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.”

⁶ Health & Saf. Code, § 103437(b)(1).

⁷ Health & Saf. Code, § 103437(b)(2)–(3).

⁸ Health & Saf. Code, § 103437(c)(1), (3).

⁹ Health & Saf. Code, § 103437(c)(2).

making the records confidential.¹⁰ The committee recommends approving two new optional-use forms for these purposes, forms NC-015 and NC-030.

NC-100 form series (name change forms)

The existing Judicial Council forms for name change petitions (forms NC-100 through NC-150) currently address all varieties of name changes. Under SB 59, court records relating to name changes to conform to gender identity are confidential. Therefore, the committee recommends splitting the existing content of the 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 gender identity, which are not confidential, and (2) creating a new series of confidential forms in the currently unused NC-200 form series for name changes to conform to gender identity.

The committee recommends revisions to indicate that the NC-100 form series is no longer used for name changes to conform to gender identity¹¹ and to assist court users in determining which NC form series (NC-100, NC-200, NC-300, or NC-500) is most appropriate.¹² The committee also recommends revisions to eliminate duplicative fields¹³ and communicate additional information regarding the Safe at Home program.¹⁴

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

To implement SB 59, the committee recommends a new series of confidential forms starting at form NC-200 for name changes to conform to gender identity. The committee recommends that the council adopt six mandatory forms and approve two optional forms in the NC-200 form series for this purpose. Except for an information sheet (form NC-200-INFO), the committee

¹⁰ Health & Saf. Code, § 103437(d).

¹¹ The committee recommends removing mentions of a name change to conform to gender identity from items 6, 7, 8, and 10 of current form NC-100-INFO and deleting item 6 of current form NC-100 and. On form NC-100-INFO, the committee also recommends various revisions to item 4 to help distinguish between name changes to conform to gender identity, name changes that are unrelated to gender identity, and recognition of a change of gender and sex identifier. On form NC-110, the committee also recommends deleting forms NC-300 and NC-500 as forms to which form NC-110 may attach because, as described below, the committee recommends incorporating the relevant portions of form NC-110 into forms NC-300 and NC-500 directly. The committee further recommends revoking forms NC-125 and NC-150, which describe gender-related changes, in light of the proposed restructuring of the NC-100 form series to change a person's name for reasons unrelated to their gender identity.

¹² See the instructions recommended for addition on the top of page 1 of form NC-100 and item 4 of form NC-100-INFO.

¹³ To prevent duplication within a form, the committee recommends deleting the prompts to insert one's name in item 5 of form NC-100 because the petitioner's name is already listed in item 1. The committee also recommends deleting information regarding the preparation of an original *Civil Case Cover Sheet* (form CM-010) from item 5 of current form NC-100-INFO, as similar information is already included in item 4.

¹⁴ The committee recommends adding instructions at the top of page 1 of form NC-100 to direct form users interested in the Safe at Home program to form NC-400-INFO. The committee also recommends revisions to item 3 of form NC-100-INFO to indicate that a Safe at Home program participant should not file anything with the court until Safe at Home has confirmed a person's active participation in the program. Finally, the committee recommends revisions to the top of form NC-130 to explain how to complete the form if the person whose name is being changed is a participant in the Safe at Home program.

recommends that all forms in the new NC-200 series include a “CONFIDENTIAL” banner at the top of each page.

The proposed new forms largely mirror the 10 existing forms in the NC-100 form series, except that the relevant content of form NC-110 is built into other new forms and form NC-120 would not be replicated.¹⁵ Finally, pursuant to AB 1084, the committee recommends including information in item 4 of form NC-200 and at the top of form NC-225 indicating that an OSC is proper if the petition is being filed on the behalf of a minor and the petition does not include the signatures of all the minor’s living parents.

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

Forms NC-300 through NC-330 are the existing Judicial Council forms associated with petitions to recognize an adult’s change of gender. These forms also facilitate combined petitions to change an adult petitioner’s name and to recognize their change of gender,¹⁶ and to authorize the issuance of new certificates.¹⁷

To implement SB 59, the committee recommends revising the NC-300 form series to include a “CONFIDENTIAL” banner at the top of each page, except for the information sheet (form NC-300-INFO). The committee recommends adding “Adult’s” to the title of forms NC-300, NC-300-INFO, and NC-330 to further distinguish between these forms and the forms used for minors.

The committee recommends various form revisions to reorganize form NC-300 and incorporate the relevant items from form NC-110 directly into the petition.¹⁸ These include, among other things, revisions to distinguish between the signatures required by all petitioners and the signatures required only by petitioners requesting a name change. In response to feedback from a member of the public, the committee also recommends revising item 6 of form NC-330 to refer to the date on which a marriage license or certificate was issued. Currently, the form lacks clarity by using “marriage on *(date)*.”

To implement AB 1084, the committee recommends revisions that eliminate the OSC requirement for adult petitioners seeking a change of name to conform to their gender identity¹⁹

¹⁵ Specifically, instead of creating a separate attachment form similar to form NC-110, the committee recommends incorporating the relevant portions of form NC-110 directly into new form NC-200. Additionally, only *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125) is needed in the new NC-200 form series (new form NC-225), which will be used exclusively for changes of name that are to conform to gender identity.

¹⁶ Health & Saf. Code, § 103435(a).

¹⁷ Health & Saf. Code, § 103425.

¹⁸ Not all items from form NC-110 are relevant in the context of form NC-300. For example, form NC-300 only addresses adult petitioners and form NC-110 contains content for persons under 18 years of age. The committee recommends revising form NC-300-INFO to delete references to form NC-110.

¹⁹ Code Civ. Proc., § 1277.5(a).

while retaining the OSC requirement if a person whose gender is to be changed requests the issuance of a new marriage license and certificate but their spouse does not sign the petition.²⁰ The committee also recommends adding new statutory language to item 3 of the OSC form (form NC-325) and removing from the order (form NC-330) references to the 30-day time period for filing a copy of the order with certain state and local officials.²¹

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

The Safe at Home program is a confidential address program administered by the California Secretary of State's office that offers a substitute mailing address for program participants. Form NC-400 is a confidential cover sheet for name change petitions under the program. The Secretary of State's office expressed concerns that, if the petition is filed with the court before confirming that the program has the intended name change on file, the petitioner will not be able to complete the forms correctly. To highlight the requirements of the program, the committee recommends adding information to the top of form NC-400 explaining (1) when the form should be used, (2) that a letter confirming that the person is an active participant in Safe at Home must predate the petition, and (3) what information is provided on form NC-400-INFO.²² Additionally, the committee recommends revising item 3 of form NC-400-INFO to state: "Do not file anything with the court until you are an active participant in the Safe at Home program."²³ The committee further recommends adding information about the court keeping the current legal name of the petitioner confidential if the petitioner is a participant in the Safe at Home program.²⁴

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

Forms NC-500 through NC-530 are the existing Judicial Council forms associated with recognition of 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 and authorize the issuance of a new birth certificate reflecting those changes.

The committee recommends adding a "CONFIDENTIAL" banner at the top of each page, except for the information sheet (form NC-500-INFO). Like form NC-300, the committee recommends various form revisions to reorganize form NC-500 and incorporate the relevant items from form

²⁰ This includes (1) deleting all references to *Order to Show Cause—Change of Name to Conform to Gender Identity* (form NC-125), as a separate order to show cause already exists (*Order to Show Cause—Issuance of New Marriage License and Certificate* (form NC-325)); (2) revising form NC-325 to add "after the completion of the six weeks" as required by Health and Safety Code section 103430(e)(3); (3) revising item 7 of form NC-300-INFO to reflect that a hearing date will be set if a non-signing spouse files a timely objection; and (4) deleting item 4b from existing form NC-300 because the only order to show cause remaining is requested on item 3d of *Marriage License and Certificate—Attachment* (form NC-312).

²¹ Health & Saf. Code, § 103430(e)(3).

²² The committee also recommends reformatting the instruction box to be easier to read and revising the first and fourth bullet points to use simpler language.

²³ The committee recommends revising much of the form to use plain language and to use the second person, in keeping with current practices for information sheets.

²⁴ Code Civ. Proc., § 1277(b)(3).

NC-110 directly into the petition.²⁵ To implement AB 1084, the committee recommends various revisions to indicate that, if a change of name is requested, an OSC must issue if not all living parents sign the petition.²⁶ The committee also recommends removing references to the 30-day time period for filing a copy of the order with certain state and local officials. Finally, the committee recommends revising form NC-520 to add new statutory language to the OSC.²⁷

Miscellaneous form revisions

Throughout the forms, the committee recommends changing “judge” to “judicial officer,” which will eliminate the need for commissioners to strike out “judge” when signing these forms. To clarify which name should be used where, the committee further recommends revisions throughout these forms to use “current legal name” and “proposed legal name,” or in the case of the decree forms, “legal name when petition was filed” and “new legal name.” The committee also recommends revisions to clarify, where appropriate, that the typed or printed name near the signature line should use the person’s current legal name. Finally, the committee recommends making various technical or clarifying changes.

Rules 2.575 and 2.577

The committee recommends rule amendments and a new advisory committee comment to highlight the differences between sealing related to the Safe at Home program, sealing in other contexts, and statutorily required confidentiality. The committee recommends amending rule 2.575 to follow the language of Code of Civil Procedure section 1277(b). The committee also recommends 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 amendment more clearly narrows subdivision (a) of rule 2.577 to address only the procedure for sealing records in name change proceedings under the Safe at Home program. The committee also recommends adding an advisory committee comment to explain that rule 2.577 is not intended to abrogate or limit any duty of the court to keep records confidential and to clarify the scope of subdivision (a).

Policy implications

The revised forms in this proposal implement new laws enacted by the Legislature, and the amended rules are intended to prevent confusion between the Safe at Home program and the protections enacted by SB 59. Accordingly, the key policy implications for this proposal are to

²⁵ Not all items from form NC-110 are relevant in the context of form NC-500. For example, form NC-500 only addresses name changes for minors, and form NC-110 contains content for persons over 18 years of age. The committee further recommends revising form NC-500-INFO to delete references to form NC-110 and to reflect the petition’s revised content. Additionally, existing item 9 of form NC-500 has been deleted and its relevant subitems incorporated directly into new item 10; a new subheading, “Request for Issuance of New California Certificate,” has been inserted before item 8.

²⁶ Pursuant to Code of Civil Procedure section 1277.5(b), the committee recommends adding language at item 10 of form NC-500 indicating that a request to issue an OSC should only be made if the petition does not include the signatures of all living parents. The committee also recommends deleting language from items 3 and 6 of form NC-500-INFO indicating that an OSC is required for any petition that seeks a decree changing a minor’s name.

²⁷ Code Civ. Proc., § 1277.5(b)(2)(A).

ensure that council forms reflect the law correctly and are not misleading to parties. These recommendations also help implement Goal I, “Access, Fairness, Diversity, and Inclusion,” of the judicial branch’s strategic plan by helping meet the needs of self-represented litigants through more accessible forms.

Comments

This proposal was circulated for public comment from December 5, 2025, through January 7, 2026, as part of the regular winter invitation-to-comment cycle. The proposal received eight comments, including comments from three courts, two advocacy organizations, one bar association, one attorney, and one anonymous commenter.²⁸ Three commenters agreed with the proposal, two agreed if modified, and three did not indicate a position; no commenters disagreed with the proposal.

The more significant comments and changes made in response are summarized below. The committee thanks commenters for taking the time to respond to this proposal. The full text of the comments and the committee’s responses are provided in the attached chart of comments at pages 60–102.

Forms NC-015 and NC-030

The committee received several comments on proposed forms NC-015 and NC-030. On form NC-015, Equality California asked to include “ex parte” in the form’s title and indicate that requests made on form NC-015 are not subject to filing fees. The committee recommends including “ex parte” in the title of form NC-015 and further recommends adding information about ex parte filing and filing fees to a new instruction box at the top of form NC-015.

Equality California also suggested that an item on form NC-015 soliciting the reason the court records should be made confidential was too complex and that simply requesting confidentiality was sufficient. The committee recommends simplifying this item (now renumbered as item 5) to remove an explanation of how the records were previously made confidential, such as by a previous statute or order. However, the committee recommends retaining the two broad categories outlined in statute, that the petition was filed before July 1, 2026 (Health and Safety Code section 103437(c)(2)) and that court records are erroneously not being kept confidential (Health and Safety Code section 103437(d)). The committee recommends retaining these distinctions because having petitioners identify that court records are not being kept confidential may help courts identify system or process errors. The committee further recommends making conforming changes to form NC-030.

Additionally, both Equality California and the anonymous commenter suggested that proposed form NC-015 did not provide sufficient guidance to parents. Based on these comments, the committee recognized that persons other than a parent or parents can sign these petitions on behalf of minors and recommends revising form NC-015 to ask whether the person filling out the

²⁸ As reflected in the chart of comments, both advocacy organization comments were submitted with multiple supporting commenters.

form is the “parent, guardian, near relative, or friend who signed the petition listed in item 2, which was brought by, or on the behalf of, a minor.”²⁹ To prevent confusion regarding whether the forms are soliciting the name of the minor or the name of an adult acting on their behalf, the committee recommends soliciting both names. Additionally, the committee recommends including a signature instruction to clarify who can sign form NC-015.

Finally, Equality California provided suggested language for the court’s orders denying the request on form NC-030 by reducing the denial rationale to two options: (1) the application was incomplete or (2) the case was not for a change of name or gender and sex identifier, or both. The committee instead recommends that the reasons for denial reflect whether the application was incomplete and an “other” option because a request may be denied for other reasons.³⁰

Recognizing more than two parents

On forms NC-100 and NC-200, Equality California suggested changing “two parents” to “all parents” because “California will occasionally recognize more than two legal parents, and the point is to show that all parents are in support of the request.”³¹ The Superior Court of San Diego County similarly asked whether there should be an additional space for a third parent’s name and address on form NC-200 and cited to Family Code section 7612(c).

The committee does not recommend changes to reflect more than two parents because this situation seems rare enough that changing the petition would be confusing for most people. The committee does, however, recommend adding information to the information sheets (forms NC-100-INFO, NC-200-INFO, and NC-500-INFO) indicating that if the child has more than two legal parents, *Attachment to Judicial Council Form* (form MC-025) should be attached to the petition to provide additional information.

Sex as stated on original birth certificate

Forms NC-110, NC-200, NC-300, and NC-500 request one’s sex as stated on their original birth certificate. Both Equality California and the American Civil Liberties Union urged the committee to remove this information. The committee does not recommend removing this item from these forms. Code of Civil Procedure section 1279.5 requires courts to use the California Law Enforcement Telecommunications System (CLETS) and Criminal Justice Information System (CJIS) to determine whether an applicant for a name change is required to register as a sex offender. The federal database for this purpose requires a sex identifier to conduct a search

²⁹ The committee notes that persons other than a parent or parents can sign petitions on the behalf of minors. See Health and Safety Code section 103430(b)(1). The committee also recommends listing the name of the person whose name or gender or sex identifier, or both, was sought to be changed.

³⁰ There may be other circumstances that arise that could lead to a denial, such as when a person believes that the court erred in not keeping their records confidential but filed their petition before July 1, 2026, and never requested confidentiality.

³¹ The committee notes that the related statutory language in some instances uses binary language like “both parents,” while in other circumstances uses more expansive language like “all of the minor’s living parents.” Compare Code of Civil Procedure sections 1277.5(b) and 1278.5.

and only recognizes binary options (male or female). Thus, the forms need to collect this information. However, the committee recommends deleting “original” before “birth certificate” to account for the possibility of previously amended birth certificates. Given the limitations posed federally, the fact that a person may have already amended their California birth certificate to reflect a nonbinary option is not a problem that the committee can resolve at this time.

Venue

As circulated for comment, forms NC-100, NC-200, and NC-300 each had an item asking whether the petitioner resides in this county or does not live in California. Equality California commented that the item should instead refer to the person whose name is being changed, as indicated by Code of Civil Procedure section 1276(a) and (g). The committee recommends revising the existing item on these forms to refer to the person whose name is to be changed rather than the petitioner. Because existing form NC-100 can be used to change the name of more than one person, the committee also recommends that item 2 on form NC-100 account for the possibility of different answers to the venue item among different people.

Decree forms

Equality California noted that the proposed titles (as circulated for comment) of forms NC-230 (*Decree Changing Name to Conform to Gender Identity*) and NC-230G (*Decree Changing Name of Minor to Conform to Gender Identity (by Guardian)*) will, in practice, force an individual to disclose a change of gender identity (commonly known as “outing”) every time a person must use one of these decrees to update other records. To avoid outing persons who need to use these decree forms, the committee recommends omitting from the title “to Conform to Gender Identity.” This will result in a more generic title for these two decree forms to instead contain “(200 Series).” Unlike the decree forms, the committee believes that continuing to include “Gender Identity” in the other form titles will assist self-represented litigants in selecting the correct forms.

Signature lines on forms NC-300 and NC-500

To provide additional clarity to form users, the committee recommends various revisions to the signature lines on form NC-300. First, the committee recommends adding an instruction before the signature lines that reads, “All petitioners must sign all items on this page. Petitioners requesting a change of name (item 5) must additionally sign on page 3.” These revisions are intended to simplify the signature instructions by referring to both changes of name and the item where a request for a change of name is made. Second, the committee recommends making the declaration under penalty of perjury required for all petitioners, not just petitioners requesting a change of name.

For similar reasons, the committee also recommends various revisions to the signature lines that appear on form NC-500.³² The committee recommends revisions to require all petitioners, not just name change petitioners, to sign the declaration under penalty of perjury. This would

³² The committee also recommends confirming revisions to the step-by-step instructions in item 4 of form NC-500-INFO.

standardize the approach taken on form NC-500 with the approach recommended above for form NC-300. Because there would no longer be distinctions between what all petitioners must sign versus what only change-of-name petitioners must sign on form NC-500, the committee's recommended approach would reduce confusion for form users regarding who should sign where.³³ The committee's recommendation is consistent with Equality California's comment on form NC-500 that requiring a signature under penalty of perjury for all request types "is not prohibited and will simplify the process."³⁴

Correcting an error on form NC-200-INFO

As circulated for comment, item 6 of form NC-200-INFO erroneously implied that a person must request a hearing date if a petition is being filed on behalf of a minor and not all of the minor's living parents sign. Instead, Code of Civil Procedure section 1277.5(b)(2)(D) prohibits a hearing date from being set unless an objection is timely filed and that objection shows good cause. The committee recommends revising item 6 of form NC-200-INFO to account for that distinction.

Requests for specific comment

The committee proposed cross-numbering two forms, form NC-221/NC-321/NC-521 and form NC-250/NC-350/NC-550. The committee requested specific comment on the proposed cross-numbering. The committee received comments from the Superior Court of Orange County, Family Law and Juvenile Divisions, and the Superior Court of San Diego County indicating that the proposed cross-numbering of forms NC-221/NC-321/NC-521 and NC-250/NC-350/NC-550 would not create any difficulties for courts. The committee therefore recommends that these forms be cross-numbered.

The committee also requested specific comment as to whether any additional objections should be listed on item 1 of form NC-250/NC-350/NC-550 and whether an ambiguity on item 6 of existing form NC-330, which uses the phrase "marriage on *(date)*," should be resolved by using the more specific "date of issuance." The committee does not recommend adding additional objections to form NC-250/NC-350/NC-550.³⁵ Finally, the majority of commenters supported referring to the date of issuance on form NC-330, and the committee agrees with that approach.

Alternatives considered

The committee did not consider the alternative of taking no action because the new forms and revisions are required to implement statutory changes and to bring the forms into conformity

³³ Consequently, the committee recommends removing the two instructional text boxes on page 3 of form NC-500 as included on the form when it circulated for comment.

³⁴ To conform the signature lines on form NC-500 with form NC-300, the committee further recommends adding instructional text indicating that if the petitioner is represented by an attorney, the attorney's signature should follow to prevent the inference that having an attorney is required.

³⁵ The Orange County Bar Association suggested the possibility of a catch-all or "other" objection, but did not offer reasons why the current objections listed on the form were insufficient. The Superior Court of San Diego County suggested adding objections to a decree changing name, however, the committee does not recommend that approach because there are differences regarding how these objections are received and how hearings are requested. See item 6 on form NC-100-INFO.

with other aspects of the law. The committee discussed not making the declaration under penalty of perjury mandatory for all petitioners on forms NC-300 and NC-500. However, changing the information relating to one's identity is closely connected to the potential for fraud and identity theft. Even if not legislatively mandated, including this statement is intended to stem fraudulent uses of these forms. Requiring all form users to sign this statement is also consistent with past practice on form NC-300 and is supported by at least one commenter on form NC-500.

The committee also considered how to best distinguish between forms NC-130 and NC-230, as well as forms NC-130G and NC-230G, given comments that the titles of the decree forms in the 200 form series should not include "Gender Identity." The committee discussed not including anything in the titles of the decree forms in the NC-200 form series to distinguish those forms from similar forms in the NC-100 form series, but ultimately determined that adding "(200 Series)" to the title of forms NC-230 and NC-230G would assist judicial officers in selecting the correct decree form.

Fiscal and Operational Impacts

The committee anticipates that this proposal will require courts to train court staff and judicial officers on the new forms content. Courts will also incur costs to incorporate the new and revised forms into paper or electronic processes, particularly given that Health and Safety Code section 103437(b) contemplates different categories of people maintaining access to these court records over time. SB 59 requires the council to develop rules and forms, as necessary, for this purpose by July 1, 2026. The impacts arising from this new law—including the education of judicial officers and court staff—are largely a result of the changes in statute, not the forms proposal, and therefore cannot be avoided.

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. Chart of comments, at pages 60–102
4. Link A: Assem. Bill 1084 (Stats. 2025, ch. 723),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1084
5. Link B: Sen. Bill 59 (Stats. 2025, ch. 738),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB59

Rules 2.575 and 2.577 of the California Rules of Court are amended, effective July 1, 2026, to read:

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

(a) * * *

(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) * * *

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

(a) Court approval required

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

(b)–(h) * * *

Advisory Committee Comment

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

1
2 **Subdivision (a).** This subdivision describes procedures for filing records under seal in a name
3 change proceeding brought by a confidential name change petitioner (a participant in the Safe at
4 Home address confidentiality program). (See rule 2.575(a)(1).)

CONFIDENTIAL

NC-015

PETITION OF *(name)*:

CASE NUMBER:

(If you checked item 3b and the person listed in item 2c is still a minor, the parent, guardian, near relative, or friend who signed the petition should sign immediately below. If you checked item 3a, you should also sign immediately below.)

Date:

Type or Print Name

▶ _____
Signature of Requestor

Date:

Type or Print Name

▶ _____
Signature of Requestor

(If the requestor is represented by an attorney, attorney's signature follows.)

Date:

Type or Print Name of Requestor's Attorney

▶ _____
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 2026-02-19 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):			
ORDER TO MAKE RECORDS CONFIDENTIAL (Health & Saf. Code, § 103437)		CASE NUMBER:	

Note to clerk: If the court grants this request, a person's access to the court records will depend on whether the court has ordered the change (see item 3) and may also depend on whether the petition was brought on behalf of a minor (see item 2). Read Health and Safety Code section 103437(b) for more information.

1. On (date): _____, a petition was filed to (check one):
 - a. ☐ Change a person's name and recognize a change of gender and sex identifier.
 - b. ☐ Recognize person's change of gender and sex identifier.
 - c. ☐ Change a person's name to conform to their gender identity.
2. The petition:
 - a. Was filed in the Superior Court of California, County of (specify): _____.
 - b. Was assigned the following case number (specify): _____.
 - c. Sought to change the name or gender and sex identifier, or both, of the following person (current name): _____.
 - d. ☐ Was made by, or on behalf of, a minor.
3. The court has (check one):
 - a. ☐ Ordered the change described in item 1.
 - b. ☐ Not ordered the change described in item 1.
4. The court was asked to make the petition listed in item 2, and all records associated with the petition, confidential because (check one):
 - a. ☐ The petition listed in item 2 was filed before July 1, 2026.
 - b. ☐ The petition listed in item 2 and other records in that proceeding were previously made confidential, but they are not being kept confidential by the court.
5. The court, having reviewed this request, makes the following ruling:
 - a. ☐ This request is granted. This order, the request for this order, the petition listed in item 2, and all records associated with the petition must be kept confidential and 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 request is denied because (check all that apply):
 - (1) ☐ The request was incomplete.
 - (2) ☐ 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 2026-02-05 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 *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 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. The petitioner is *(current legal name)*:
2. The person, or all persons, listed in item 3 *(check a or b)*:
 - a. ☐ reside in this county.
 - b. ☐ do not live in California and *(check 1 or 2)*:
 - (1) ☐ want a name change on a marriage license, and **were** married in this county.
 - (2) ☐ want a name change on their or their child's birth certificate, which was issued in this county.
 - ☐ Continued *(If multiple people are listed in item 3 and the answer to this question is different for those people, you must attach answers to this question for each individual as Attachment 2.)*
3. Petitioner requests that the court decree the following name changes *(list every name that you are seeking to change)*:

<u>Current legal name</u>		<u>Proposed legal name</u>
a.	changed to	
b.	changed to	
c.	changed to	
☐ Continued <i>(If you are seeking to change additional names, you must prepare a list and attach it to this petition as Attachment 3.)</i>		
4. 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 3 should not be granted.
5. The number of persons under 18 years of age whose names are to be changed is *(specify)*:
6. 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)*:
7. For each person whose name is to be changed *(see item 3)*, petitioner **attaches** *Name and Information About the Person Whose Name Is to Be Changed* (form NC-110).
8. 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 *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 behalf of a minor.

5. Filing and Filing Fee

If you are filing in person or by mail, file the original versions (not copies) of the forms listed above with the clerk of the court and obtain two file-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—Change of Name* 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 a nonconsenting parent. Service must be made **at least 30 days prior to the hearing**. Service must be in person or, if out of state, by mail, in the manner described in Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.
- If a nonconsenting parent resides in California, the order or notice must be personally served on a nonconsenting parent. You, as the person filing this case, cannot personally serve this document.
- If a 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. Service must be made in person or, if out of state, by mail, in the manner described in 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. If the child has more than two legal parents, please attach form MC-025 to the petition and explain.

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 California 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 is 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 (name of petitioner or petitioners): FOR CHANGE OF NAME	CASE NUMBER:

**NAME AND INFORMATION ABOUT THE PERSON
WHOSE NAME IS TO BE CHANGED**

Attachment _____ of _____

Attachment to *Petition* (form NC-100)

(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 birth certificate):

☐ Male☐ Female

(6) Current residence address (street):

City:

County:

State:

Zip:

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> FOR CHANGE OF NAME	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> ☐ 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 <i>(check one)</i> ☐ I am not ☐ 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 (Use Current Legal Name)	▶ _____ Signature of Person Whose Name Is to Be Changed

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

Date: _____	
_____ Type or Print Name of Petitioner's Attorney	▶ _____ Signature of Attorney

(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: _____	
_____ Type or Print Name	▶ _____ Signature of Petitioner

Date: _____	
_____ Type or Print Name	▶ _____ Signature of Petitioner

☐ Add Additional Signature Lines for Additional Petitioners	☐ Signature of Petitioners Follows Last Attachment

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITION OF (name of each petitioner): FOR CHANGE OF NAME		
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>		<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 (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	DRAFT 2026-02-06 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		
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 in item 3, 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 **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.
- 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: _____

Judicial Officer
☐ 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: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	<i>FOR COURT USE ONLY</i> DRAFT 2026-02-24 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. The petitioner is (current legal name):

2. The person whose name is proposed to be changed (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.

3. If this petition requests the change of name of any person under 18 years of age, 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):

4. ☐ 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 5a should not be granted. (Check the box for this item only 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.)

5. 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-210G) 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 birth certificate): ☐ Male ☐ Female
 - (6) Current residence address (street):
City: County: State: Zip:



CONFIDENTIAL

NC-200

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

5. 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) ☐ Self (4) ☐ Guardian ad litem or attorney for minor appointed by juvenile court
(2) ☐ Parent (5) ☐ Near relative *(indicate relationship)*:
(3) ☐ Guardian (6) ☐ Other *(specify)*:

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

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

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 Person Whose Name Is to Be Changed
(Use Current Legal Name)

Signature of Person Whose Name Is to Be Changed

(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: _____

Type or Print Name

Signature of Petitioner

Date: _____

Type or Print Name

Signature of Petitioner

☐ Add additional signature lines for additional petitioners

☐ Signature of petitioners follows last attachment

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

Date: _____

Type or Print Name

Signature of Attorney

DRAFT 2026-02-06 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).

3. What Forms Are Required

If you are requesting a change of name to conform to 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 (200 Series)* (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 *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 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 behalf of a minor.

4. Filing and Filing Fee

If you are filing in person or by mail, file the original versions (not copies) of the forms listed above with the clerk of the court and obtain two file-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).)

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

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, fill out *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. A hearing will not be set unless objections are timely filed and the objections show good cause.

6. Publishing the Order to Show Cause

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

7. 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 a nonconsenting parent. Service must be made **within 4 weeks of the date the order is made by the court**. Service must be in person or, if out of state, by mail, in the manner described in Code of Civil Procedure section 413.10, 414.10, 415.10, or 415.40.
- b. If a nonconsenting parent resides in California, the order must be personally served on a nonconsenting parent. You, as the person filing this case, cannot personally serve this document.



7. c. If a nonconsenting parent resides outside California, that parent may be served by sending a copy of the order 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/NC-321/NC-521) with the court before the hearing. If the child has more than two legal parents, please attach form MC-025 to the petition and explain.

8. 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.

9. Court Hearing

If you filed a petition for name change to conform to gender identity, the order must 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.

10. 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).

11. 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 and the times when petitions are heard.

CONFIDENTIAL

NC-210G

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

DRAFT
2026-02-06
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 ☐ PERSONAL DELIVERY ☐ 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

CONFIDENTIAL

NC-225

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY DRAFT 2026-01-20 Not approved by the Judicial Council
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):			
FOR CHANGE OF NAME TO CONFORM TO GENDER IDENTITY			
ORDER TO SHOW CAUSE—CHANGE OF NAME TO CONFORM TO GENDER IDENTITY			CASE NUMBER:

NOTE: This form 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 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): filed a petition with this court
for a decree changing name as follows:

Current legal name

to

Proposed legal name
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(b).)

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):	DRAFT 2026-01-20 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 (200 SERIES)	
DECREE CHANGING NAME (200 SERIES)	
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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	DRAFT 2026-02-06 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> : FOR CHANGE OF NAME (200 SERIES) (BY GUARDIAN)	
DECREE CHANGING NAME OF MINOR (200 SERIES) (BY GUARDIAN)	CASE NUMBER:

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 the minor's 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 ☐ Form NC-200 ☐ Form NC-300 ☐ 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:

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

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 2026-02-24 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):	
PETITION FOR RECOGNITION OF ADULT'S CHANGE OF GENDER AND SEX IDENTIFIER ☐ AND CHANGE OF NAME ☐ AND ISSUANCE OF NEW CERTIFICATES	CASE NUMBER:

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, indicate the request in item 4 and skip item 5.)

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:

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 birth certificate): ☐ Male ☐ Female
- (6) Current residence address (street):

City: County: State: Zip:

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 sign all items on this page.
Petitioners requesting a change of name (item 5) must additionally sign 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

(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

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

Date: _____

 Type or Print Name of Petitioner's Attorney

 Signature of Attorney



PETITION OF (*name*):

CASE NUMBER:

Complete the following declaration and sign below only if requesting a change of name (item 5).**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

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 (see *Proof of Service of Order to Show Cause* (form NC-221/NC-321/NC-521)).



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. 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

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

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 2026-02-09 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 RECOGNITION OF ADULT'S CHANGE OF GENDER AND SEX IDENTIFIER, NAME CHANGE, AND ISSUANCE OF NEW CERTIFICATES			
ORDER TO SHOW CAUSE—ISSUANCE OF NEW MARRIAGE LICENSE AND CERTIFICATE			CASE NUMBER:

TO ALL INTERESTED PERSONS:

- 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
 - changing petitioner's designation on the license and certificate to (check one):
 - ☐ bride
 - ☐ groom
 - ☐ neither bride nor groom
 - ☐ and changing name to (proposed legal name): _____
- 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**.
- 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(b); Health & Saf. Code, § 103430(h).)

Date: _____

Judicial Officer

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.:	<i>FOR COURT USE ONLY</i> DRAFT 2026-02-09 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 RECOGNIZING ADULT'S CHANGE OF GENDER AND SEX IDENTIFIER ☐ AND FOR NAME CHANGE ☐ AND FOR ISSUANCE OF NEW CERTIFICATES	CASE NUMBER:

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:

6. ☐ 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 2026-01-21 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): [CONFIDENTIAL]	
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 Name Change* (form NC-110)
3. ☐ *Order to Show Cause—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 Address 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, stalking, or sexual assault 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—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 do not have to publish the 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.

You should request a date for the hearing on the 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.

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, stalking, or sexual assault 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.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT 2026-02-10 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 ☐ 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 <i>Instructions for Filing Petition for Recognition of Minor's Change of Gender and Sex Identifier</i> (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 <i>Declaration of Guardian or Juvenile Attorney</i> (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:

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 birth certificate)*: ☐ Male ☐ Female
- (6) Current residence address *(street)*: _____
City: _____ County: _____ State: _____ Zip: _____

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

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

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:

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 <i>(Use Current Legal Name)</i>	▶	Signature of Minor

(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 of Petitioning Adult	▶	Signature of Petitioning Adult

Date: _____

Type or Print Name of Petitioning Adult	▶	Signature of Petitioning Adult

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

Date: _____

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

☐ 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

If the child has more than two legal parents, please attach form MC-025 to the petition and explain.

2. Where to File

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 to 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 birth certificate, and current address.
- In item 10b, check the box indicating the relationship of the petitioner to the minor.
- 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 that appears in the text box. 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.

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 *Civil Case 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/NC-321/NC-521** 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: cdph.ca.gov**

10. Self-Help Guide

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

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: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<i>FOR COURT USE ONLY</i> DRAFT 2026-02-10 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 ☐ 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.**
- c. **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(b).)**

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.**
- c. **Objections based solely on the minor's actual gender identity or gender assigned at birth do not constitute good cause. (See Health & Saf. Code, § 103430(h).)**

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 2026-02-10 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 RECOGNIZING MINOR'S CHANGE OF GENDER AND SEX IDENTIFIER AND FOR ISSUANCE OF NEW BIRTH CERTIFICATE ☐ and DECREE CHANGING NAME	CASE NUMBER:

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:

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

W26-03

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

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	Commenter	Position	Comment	Committee Response
1.	ACLU California Action by Symphoni Barbee, Legislative Advocate ACLU of Northern California by Yoel Haile, Director of the Criminal Law and Immigration Project ACLU of Southern California by Amanda Goad, Director of the Gender, Sexuality, & Reproductive Justice Project ACLU of San Diego & Imperial Counties by Branden C. Sigua, Senior Policy Advocate	NI	ACLU California Action and the ACLU Foundations of Northern and Southern California and San Diego & Imperial Counties write to offer comments in response to the above Invitation. We appreciate the opportunity to offer feedback on the proposed new and updated Rules of Court and court forms relating to petitions and orders recognizing changes of name and/or gender. ACLU California Action and the ACLU Foundations of Northern California, Southern California, and San Diego and Imperial Counties (collectively “ACLU”) are affiliates of the national American Civil Liberties Union. For more than 100 years, the ACLU has advanced civil rights in California through, among other things, extensive impact litigation rooted in Constitutional and statutory guarantees of equality and liberty, and sponsorship or support of numerous pieces of legislation aimed at preventing and eradicating discrimination. Today, the ACLU’s work focuses on protecting civil rights and civil liberties, advancing equity, justice, and freedom, and dismantling systems rooted in oppression and discrimination. The ACLU has a long history of working to advance civil rights and lived equality for transgender, nonbinary, and intersex (TNI) people in California through litigation, legislative and policy advocacy, and community engagement. Some of this work has specifically sought to protect and promote the rights, safety, and dignity of incarcerated people who are also TNI, including our cosponsorship of SB 132 of 2020 (the “Transgender Respect, Agency, and Dignity Act” addressing treatment of TNI people in state prison custody), our prosecution of class actions to challenge unfair and unsafe treatment of TNI, gay, and bisexual people in county jails (<i>Robertson v. Block</i> in Los Angeles	See the committee’s responses to the ACLU’s substantive comments below. The committee acknowledges the ACLU’s general support for the adoption of new and revised forms.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			County and McKibben v. McMahon in San Bernardino County), and our current involvement in Chandler v. CDCR (a challenge to SB 132's constitutionality, in which we represent individual incarcerated transgender women and the TGI Justice Project as defendant-intervenors). The ACLU also has a long history of litigation and other advocacy work to protect individual privacy rights in various contexts. The ACLU supported SB 59 of 2025, and accordingly supports the adoption of new and updated court forms and instructions to implement the additional confidentiality protections SB 59 afforded to TNI petitioners. However, we suggest two substantive changes to the proposed name and gender change forms to better align them with practical realities and underlying statutes. In addition, it is our understanding that a group of legal services attorneys who frequently assist TNI petitioners with the name and gender change process and other LGBTQ+ advocates are planning to submit more detailed comments on the forms, and we encourage the Council to seriously consider their input as well.	
			<u>"Original Birth Certificate"</u> At Item 1(a)(5) of Form NC-110, Item 4(a)(5) of Form NC-200, Item 5(a)(5) of Form NC-300, Item 10(a)(5) of Form NC-500, and corresponding sections of the forms' instructions (e.g. Item 4 of NC-500-INFO), petitioners are instructed to provide the "sex as indicated on [the] original birth certificate" of the person seeking a name change. We ask the Council to revisit this aspect of the forms and instructions because of the potential privacy and safety issues associated with disclosing original birth certificate information.	The committee does not recommend omitting this information from the forms. Code of Civil Procedure section 1279.5 requires courts to use the California Law Enforcement Telecommunications System (CLETS) and Criminal Justice Information System (CJIS) to determine whether an applicant for a name change is required to register as a sex offender. The federal database for this purpose requires a binary sex identifier (M or

W26-03

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

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			California law requires the State Registrar to “issue a new birth certificate reflecting a change of gender and sex identifier to female, male, or nonbinary without a court order for any person who has a birth certificate issued by this state” and who submits a request for the change accompanied by the required attestation and fee. Health and Safety Code § 103426. By issuing <i>new</i> birth certificates to TNI individuals who make such requests, California avoids the privacy and safety issues and constitutional violations that have resulted from other jurisdictions’ practices of issuing visibly amended birth certificates. <i>See, e.g.,</i> Settlement Agreement in <i>Hersom et al. v. Crouch et al.</i> (S.D.W.V. No. 2:21-cv-00450, Oct. 26, 2022) (available at https://www.acluww.org/press-releases/aclu-settles-lawsuit-after-west-virginia-officials-reveal-new-process-amending-names/) (confirming that West Virginia stopped issuing amended birth certificates to transgender people that revealed sensitive information from before their gender transitions, after the ACLU challenged this practice on due process, equal protection, and First Amendment grounds). Compelling name and gender change petitioners to disclose the gender marker shown on their <i>original</i> birth certificates means requiring them to disclose information that California has long recognized is private and sensitive; indeed, the need to keep records of gender transition as private as possible motivated the passage of SB 59 last year (which in turn prompted the currently proposed form updates). While the proposed update calls for forms NC-200, NC-300, and NC-500 to be filed as confidential and this will mitigate privacy and safety issues associated with disclosure of original birth certificate information, form NC-110 will <i>not</i> be filed as confidential. Thus, the requirement to disclose one’s original birth certificate sex marker will have the effect	F) to run a search and thus the forms need to collect the information. However, the committee recommends the deletion of “original” in “original birth certificate” to account for subsequently amended birth certificates.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			of “outing” TNI individuals who previously completed a legal name change to conform to their gender identity (or were comfortable maintaining their original legal name through the process of gender transition) and who subsequently pursue another name change for unrelated reasons. Many members of California’s TNI community are very anxious about being “outed” because of the present federal administration’s attacks on TNI people and identities, and the very real risk that information about the sex appearing on an original birth certificate will be weaponized against a TNI individual, resulting not only in exposure to stigma and/or violence as a result of unauthorized disclosure of the information but also in grave governmental consequences like denial of a gender-appropriate passport, expulsion from military service, loss of access to gender-appropriate restrooms on federal property, and so forth. In order to better fulfill the confidentiality-protecting stated purpose of this package of form updates, we ask the Council to omit the “sex as indicated on original birth certificate” language from all court forms where it currently appears. If that is not possible, at a minimum we suggest omitting the item from Form NC-110 and clarifying the purpose of asking for this information on the other, confidential forms where the request appears.	
			<u>Name and Gender Changes While Incarcerated</u> Forms NC-100-INFO at Item 9, NC-200-INFO at Item 9, and NC-300-INFO at Item 6 all provide instructions specifically for petitioners who are pursuing name and/or gender changes while incarcerated in county jail or state prison. The instructions on all three informational forms direct petitioners to check with the sheriff’s department detaining them or the office of the warden of the state prison where they are housed to	This comment is beyond the scope of the current proposal. The committee will consider this comment as time and resources permit.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			find out how they should provide a copy of their petition to those agencies. This language accords[fn 1] with Code of Civil Procedure Section 1279.5(e), which requires each incarcerated petitioner to provide a copy of their petition to the applicable incarcerating agency “in a manner prescribed by the department.” From our work with TNI people in the custody of state prisons and various counties’ jails, as well as our communications with fellow advocates, it is our understanding that most of the relevant agencies direct incarcerated individuals pursuing legal name changes to provide copies of their petition directly to specified staff members, often accompanied by an “inmate request form” or similar document that assists with routing and processing of the submission.[fn. 2] However, the NC-100-INFO, NC-200-INFO, and NC-300-INFO instructions go on to instruct incarcerated petitioners to “file a copy of the completed <i>Proof of Service By First-Class Mail-Civil</i> (form POS-030) with the court.” Form POS-030 is a declaration under penalty of perjury that the signer sent the documents in question, or arranged for them to be sent, via the U.S. Postal Service, and thus does not fit the circumstances of an incarcerated petitioner who provides a copy of their petition and supporting papers directly to jail or prison staff without involving the Postal Service.[fn 3] Moreover, both form POS-030 and form POS-020 (<i>Proof of Personal Service-Civil</i>) specify that an individual who is <i>not</i> a party to the action must perform and attest to service, which also does not fit the circumstances of an incarcerated petitioner pursuing a name change (typically without benefit of counsel) who personally provides a copy of their court filing to the agency detaining them pursuant to the statutory provision governing name changes while incarcerated.	

W26-03

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

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			We encourage the Council to consider creating a separate form for incarcerated[fn. 4] petitioners that would allow them to attest under penalty of perjury to having provided a copy of their petition and supporting documents to their incarcerating agency in the manner prescribed by that agency. This would be far more efficient than the current system that appears to require service by mail despite the lack of such a requirement in statute, the logistical challenges of effecting service by mail while incarcerated, and the policies and procedures in effect in most jurisdictions that call for other forms of communication about name change proceedings.	
			<u>Conclusion</u> We appreciate the Council’s affording stakeholders an opportunity to comment on the forms and instructions. [fn 1. The instructions provided on Forms NC-100-INFO and NC-200-INFO on this point are slightly different from those provided on Form NC-300-INFO. The latter indicates that a petitioner in state prison must provide a copy of their petition to the “warden” of the facility housing them, while the statute merely requires providing it to the Department of Corrections and Rehabilitation in a manner prescribed by the Department. Attempting to correspond directly with a facility warden about this issue will not be efficient or productive for many incarcerated petitioners. We suggest amending the NC-300-INFO instructions to align with those provided on Forms NC-100-INFO and NC-200-INFO and with the underlying statutory provision. fn 2. At least one large county jail system has adopted a policy stating that incarcerated name change petitioners are <i>not</i> expected to submit a	The committee appreciates the comments provided.

W26-03

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

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			copy of their petition at the time of filing – in other words, the manner of service prescribed by the sheriff’s department in that county is “none.” fn 3. The current and proposed forms’ indication that service by first-class mail is required not only departs from the underlying statutory provision, but also poses problems for incarcerated petitioners who typically have limited access to postage (see Form POS-030 Item 4(a)), limited information about appropriate names and addresses to use when attempting service by mail (particularly when mail is not the manner of notification prescribed by the relevant agency)(Item 5), and no ability to attest to that agency’s procedures for prompt processing of outgoing mail (Item 4b). fn 4. This form could potentially also be appropriate for use by petitioners on parole, since the instructions also call for such individuals to provide copies to the office of the applicable regional parole administrator, although that requirement does not appear in Code of Civil Procedure Section 1279.5.]	
2.	Anonymous	AM	Thank you for the new forms to request the confidentiality of gender/name change petitions. My feedback is for Proposed Form NC-015: it would be helpful if there was a way to account for parent petitioners who filed petitions on behalf of their minor child. My spouse was the petitioner for our trans child, and as this form is written, there is no way for my spouse to account for that fact.	In response to this comment and similar comments from Equality California and its co-commenters, the committee recommends including a question on form NC-015 to ask whether the person filling out the form is the “parent, guardian, near relative, or friend who signed the petition listed in item 2, which was brought by, or on the behalf of, a minor.” To solicit

W26-03

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

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	Commenter	Position	Comment	Committee Response
				information on who is petitioning and on whose behalf, the committee also recommends that form NC-015 contain separate fields asking for (1) the name of the person whose name or gender identifier was sought to be changed, and (2) the name of the person filling out the form. The committee also recommends adding instructions before the signature lines on form NC-015 to clarify who can sign form NC-015.
3.	Equality California, All Family Legal, PC, Alliance for TransYouth Rights, California LGBTQ Health and Human Services Network, California Rural Legal Assistance, Inc., California Women's Law Center, CalPride Valle Central, East Bay Community Law Center, Gender Affirming Professionals, Lambda Legal, Legal Aid Association of California, Racial & Ethnic Mental	NI	On behalf of leading LGBTQ+, legal, and civil rights organizations, we appreciate the opportunity to comment on the Civil and Small Claims Advisory Committee's proposed revisions and additions to the Judicial Council rules and forms governing name change and gender and sex identifier recognition proceedings. We worked closely with the Judicial Council, the Legislature, and impacted individuals to draft Assembly Bill 1084 (Stats. 2025, ch. 723) and Senate Bill 59 (Stats. 2025, ch. 738). These new laws are critical to ensuring that transgender and nonbinary Californians can obtain accurate, affirming identity documents through a streamlined process while protecting the confidentiality of sensitive court records. We strongly support the overall intent of the proposed revisions and commend the Judicial Council and Advisory Committee for their efforts to implement AB 1084 and SB 59 as intended. At the same time, based on our direct experience assisting hundreds of individuals who rely on these procedures, we believe there are important revisions needed to	See the committee's responses to Equality California and its co-commenters' substantive comments below.

W26-03

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

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	Health Disparities Coalition, Rainbow Families Action, Sacramento LGBT Community Center, San Diego Pride, Somos Familia Valle, The LGBTQ Center Long Beach, Trans Can Work, TransFamily Support Services, Transgender Resource Advocacy & Network Service (T.R.A.N.S.), and University of San Diego School of Law Name and Gender Marker Change Clinic by Craig Pulsipher, Legislative Director of Equality California		fully realize the Legislature’s intent and to ensure clarity, consistency, and ease of use for both court users and court staff. Our comments below are organized by form, with priority revisions highlighted for your careful consideration. We welcome the opportunity to discuss our feedback further and to continue working with the Judicial Council to support effective implementation.	
			Form NC-015 • [PRIORITY] NC-015 needs to be as streamlined and simplified as much as possible, since this form is likely to be used repeatedly by self-represented petitioners who will not have legal understanding or expertise. Please see FL-395 for a sample form that could be used as a model. Most of our comments flow from the goal of simplicity and clarity.	The committee appreciates the response. SB 59 allows petitioners to request confidentiality retroactively and indefinitely. Because of this and to give clerks sufficient information to locate the underlying proceeding and associated records, the committee recommends including more information than form FL-395. However, the committee also recommends changes to simplify and streamline form NC-015.
			• [PRIORITY] The courts need clear instructions that there cannot be a filing fee charged with the form, as we are still seeing most courts charging fees. In the box with instructions at the top, we suggest adding a line at the bottom of the box that says: “Pursuant to Health and Safety Code section 103437, the petitioner may make this request ex parte and without paying a filing fee.	The committee recommends adding an instruction similar to the one described by the commenter to the top of form NC-015.
			• [PRIORITY] This form as written will be confusing for parents filing on behalf of minor children. While minor children’s records should be confidential automatically, that was not the case for children whose petitions were filed prior to 2024. For example, under item 1, current	The committee recommends refining form NC-015 to ask whether the person filling out the form is the “parent, guardian, near relative, or friend who signed the petition listed in

W26-03

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

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		legal name, should that be listing the name of the parent or the child? A simpler format may be as follows: - o 1. Name of petitioner/declarant: - o ... - o 1c. I am the ☐ petitioner who filed the petition listed in item 1a ☐ parent of the child who filed the petition listed in item 1 a ☐ attorney for the petitioner	item 2, which was brought by, or on the behalf of, a minor.” See Health and Safety Code section 103430(b)(1).
		• [PRIORITY] Item 2 is unnecessarily complex and confusing for petitioners, particularly those who are not familiar with legal terminology, and provides no added benefit. By the time that this form is issued, all name changes to conform with gender identity, gender changes, and combined applications will be required to be made confidential, either automatically upon filing or by request for prior cases. The reasoning behind the request is not relevant, as the confidentiality must be granted. Per the language of the statute, there is no judicial discretion so long as the case fits into one of those three case types. Item 2 can be as simple as to say: “I am asking the court to make the petition listed in item 1, and all records associated with the petition, confidential.” with no additional reasoning required.	The committee recommends simplifying this item (now numbered as item 5) by removing the rationales that went out for comment explaining how the records were previously made confidential. However, the committee recommends retaining the two broad categories outlined in statute: that the petition was filed before July 1, 2026 (Health and Safety Code section 103437(c)(2)) or that court records are not being kept confidential in error (Health and Safety Code section 103437(d)). The committee recommends retaining these distinctions because having petitioners identify that court records are not being kept confidential may help courts identify system- or process-based errors.

W26-03

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

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		[PRIORITY] For the signature instructions, it can still be confusing in cases where the change was for a minor. We suggest the following language: “If the petitioner is the person whose name was changed, use the petitioner's current legal name. If the petitioner is currently a minor child or if the petitioner was a minor child at the time that the petition was granted, the petitioner's parent may sign the parent's name on the petitioner line on behalf of the child.”	The committee recommends adding instructions before the signature lines on form NC-015 to clarify that the parent, guardian, near relative, or friend who signed the petition should sign form NC-015 if the petition sought to change the name or gender and sex identifier, or both, of a minor and that person is still a minor.
		The form itself should be titled an Ex Parte Request to Make Records Confidential, as this is allowed by statute to be done ex parte and it should be handled on an expedited basis when filed. In the alternative, there could be an item with a checkbox stating, “I am filing this request ex parte.”	Because Health and Safety Code section 103437(c)(2) and (d) authorize petitioners to apply ex parte for these orders, the committee recommends revising the title of form NC-015 to include “Ex Parte.” This is consistent with other Judicial Council forms, including, for example, form FL-395.
		Item 1a could be made easier for the reader by putting option 3 first. Many people do not read carefully or stop reading after they believe they have found what they need. For people who completed a combined petition, they are likely to check one of the first two boxes without reading through to the third option.	To reduce user error and for simplicity, the committee recommends rephrasing this item so that the combined petition option is listed first.
		Item 1b is not necessary, as the same information will be inserted into the top of the form where the court county and case number must be listed. Clerks will generally reject filings without complete information in the top section.	The committee does not recommend omitting the county and case number from form NC-015. SB 59 allows petitioners to request confidentiality retroactively and indefinitely. Among other things, this field enables clerks to confirm whether the request is being

W26-03

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

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				made in the county possessing the underlying records.
			If necessary to flag for the court that this is a request upon finding that the court records are not being kept confidential, in violation of the law (see 103437(d)), there could be a separate form that explains that the case is not being kept confidential by the court, per the requirements of Health and Safety Code section 103437(c) and then goes into the subsections and the reasonings. For example, it was filed after July 1, 2026 or the court already granted the request and it's not being followed.	The committee does not recommend a new form for this purpose. Instead, the committee recommends streamlining this item further to remove the rationales that went out for comment explaining how the records were previously made confidential.
			On the Signature of Attorney line, you could add "(if any)" to make it clear that an attorney is not required to request confidentiality.	The committee recommends adding an instruction before the lines requesting an attorney's signature that read, " <i>(If the petitioner is represented by an attorney, attorney's signature follows.)</i> " to emphasize that an attorney is not required.
			Form NC-030 [PRIORITY] Item 2 is overly complex and confusing with no added benefit. By the time that this form is issued, all name changes to conform with gender identity, gender changes, and combined applications will be required to be made confidential, either automatically upon filing or by request for prior cases. The reasoning behind the order is not relevant, as the confidentiality must be granted. Per the language of the statute, there is no judicial discretion so long as the case fits into one of those three case types. Item 2 can be as simple as to say: "The petitioner asked the court for an order making the petition listed in item 1, and all records associated with the petition, confidential." with no additional reasoning required.	The committee recommends simplifying this item on form NC-030 in a similar manner to what is recommended for form NC-015.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			[PRIORITY] Item 3. Court clerks will be the ones implementing these orders, so having more language and clarity around the confidentiality will be helpful to the clerks, as they are unlikely to look up the language of the codes cited. We suggest the following updates: () The application is granted. The court shall limit access to the court records in the proceeding, including this order, the application for this order, the petition listed in item 1, and all records associated with the petition, the index, register of actions, and any other case information available through court systems used to provide the public with electronic access to court records. Upon the court ordering a change of name or gender and sex identifier, or both, the court shall limit access to the petitioner, a minor who received a change of name or gender and sex identifier, or both (if applicable), an adult who signed the petition, any attorney representing those individuals, and any agents acting pursuant to written authorization from those individuals or their attorneys. () (If the petition has not yet been granted:) i. (For adult petitioners:) Until the court orders a change of name or gender and sex identifier, or both, the court shall not provide access to anyone other than the petitioner, any other person who signed the petition, an individual who is subject to service of an order to show cause related to the petition, any attorney representing those individuals, and any agents acting pursuant to written authorization from those individuals or their attorneys. ii. (For cases in which the petition was brought on behalf of a minor:) The court shall limit access prior to an order changing the minor's name	The committee does not recommend the approach suggested by the commenter because, among other things, who maintains access to these court records can change over time (see Health and Safety Code section 103437(b)). However, this comment raises the importance of clerks being able to clearly identify whether the petition has been granted and whether the petition was brought on the behalf of a minor, as these variables impact who maintains access to the court records under Health and Safety Code section 103437(b). For these reasons, the committee recommends requesting information on form NC-015 as to whether the underlying petition has been granted and whether it was brought on the behalf of a minor. The committee further recommends reiterating that same information on form NC-030. Finally, the committee recommends adding instructions to clerks at the top of form NC-030 about factors that govern access to these court records.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			or gender and sex identifier, or both, to the minor subject of the petition, the minor's parents, guardians, and guardians ad litem, an individual subject to service of an order to show cause related to the petition, any attorney representing those individuals, and any agents acting pursuant to written authorization from those individuals or their attorneys.	
			Item 1a could be made easier for the reader by putting option 3 first. Many people do not read carefully or stop reading after they believe they have found what they need. For people who completed a combined petition, they are likely to check one of the first two boxes without reading through to the third option.	The committee recommends rewording this item so that the combined petition option is listed first to reduce user error.
			Item 1b is not necessary, as the same information will be inserted into the top of the form where the court county and case number must be listed. The court will generally ensure that this information is included at the top of the form.	The committee does not recommend omitting the county and case number from form NC-030. SB 59 allows petitioners to request confidentiality retroactively and indefinitely. Among other things, this field enables clerks to confirm whether the request is being made in the county possessing the underlying records.
			Item 3b. Because it will be the court's burden to choose the correct denial option, we're less worried about the complexity. However, the only reason that the court would not be allowed to grant the request is if they don't have the information they need, or the case does not fall under the case type that is confidential. It may be simpler to reduce to: b. The application is denied because (check all that apply): (1) The application was incomplete. (2) This case was not a proceeding for a change of gender and sex identifier, for a combined change of the petitioner's name and	The committee recommends that the reasons for denial reflect whether the application was incomplete and an "other" option. There may be other circumstances that arise that could lead to a denial beyond those identified by the commenter, such as where a person believes that the court is not keeping their records confidential in error, but the person filed their petition before

W26-03

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

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			recognition of the change to the petitioner's gender and sex identifier, or for a change of name to conform the petitioner's name to the petitioner's gender identity.	July 1, 2026, and never requested confidentiality.
			If left in its current form, Health and Safety Code Section 103437 is incorrectly cited as “section 103734” at Items 3(b)(2) and 3(b)(3) of Form NC-030.	This committee has corrected the typographical error on form NC-030.
			Form NC-100 Item 5(a) should be changed to “all parents” instead of “two parents,” since California will occasionally recognize more than two legal parents, and the point is to show that all parents are in support of the request.	The committee does not recommend adding this information to form NC-100 because this situation seems rare enough that changing the petition could be confusing for most people. The committee does, however, recommend adding information to the relevant information sheets (forms NC-100-INFO, NC-200-INFO, and NC-500-INFO) indicating that if a child has more than two legal parents, form MC-025 should be attached to the petition to provide additional information. The committee also recommends revisions to item 8 of forms NC-100-INFO and NC-200-INFO to refer to “a nonconsenting parent” instead of “the nonconsenting parent.”
			NC-100-INFO Item 5. “File the original versions (not copies) of the forms listed above,” may be confusing for e-filers, which are becoming increasingly	The committee recommends making this change to form NC-100-INFO and to similar language on form NC-200-INFO to clarify the differences

W26-03

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

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			common. You may consider adding, “If you are filing in person or by mail, file the original versions (not copies) of the forms listed above...”	between filing in-person, filing by mail, and e-filing.
			Item 8b, “You cannot personally serve this document.” This may be confusing, as the reader is told to serve it, and then the next sentence could be read and understood to mean that the document cannot be served. We suggest amending to “You, as the person filing this case, cannot be the person who personally serves this document.”	The committee recommends making this change to form NC-100-INFO and to similar language on form NC-200-INFO to clarify that the person filing the case cannot personally serve the documents themselves, but must nevertheless ensure that the documents are served.
			Item 9 currently instructs incarcerated petitioners to “file a copy of the completed Proof of Service By First-Class Mail-Civil (form POS-030) with the court”, which needs revision to accord with the actual practices of state prisons and county jails. Code of Civil Procedure Section 1279.5(e), which requires each incarcerated petitioner to provide a copy of their petition to the applicable incarcerating agency “in a manner prescribed by the department.” It is our understanding that the Department of Corrections and Rehabilitation and many Sheriff’s Departments direct incarcerated individuals pursuing legal name changes to provide a copy of their petition directly to specified staff members, not to mail it. Although this is arguably a form of personal service, current form POS-020 is also not a good fit for this situation because it requires a non-party to the action to perform and attest to service when incarcerated petitioners are typically expected to hand over copies to jail or prison staff themselves. We encourage the Committee to create a separate service form for incarcerated petitioners that would allow them to attest under penalty of perjury to having provided a copy of their petition and supporting documents to their incarcerating agency in the manner prescribed by that agency. This	This comment is beyond the scope of the current proposal. The committee will consider this comment as time and resources permit.

W26-03

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

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			would reduce confusion among incarcerated petitioners, improve efficiency for incarcerating agencies, and better accord with the language and intent of the underlying statute.	
			Form NC-110 [PRIORITY] Item 1(a)(5) “Sex (as stated on original birth certificate):” could potentially out transgender petitioners who have already updated their gender and are requesting a name change not to conform to gender identity (for example, to change their surname to a name that is not associated with a family who may have rejected them). Outing transgender petitioners in this way would contradict the intent of SB 59, and of the Gender Recognition Act of 2017 (which instructs the State Registrar to issue a new birth certificate, not visibly amended, to individuals who update the listed sex), and pose serious privacy and safety concerns. We suggest cutting this item, as the date of birth and place of birth should provide enough information to identify the petitioner with specificity.	Please see the committee’s response to a similar comment from the ACLU and its co-commenters.
			Form NC-120 Item 3a requires that the petitioner specify which newspaper the publication will be made in. This information does not appear necessary and can become a problem if such newspaper is no longer available for publication purposes, since once it is stamped, it becomes a court order. We suggest removing any requirement to specify the newspaper on that form and allowing petitioners to choose the newspaper for publication after filing, if more convenient.	This comment addresses a form that is beyond the scope of the current proposal. The committee will consider this comment as time and resources permit.
			Form NC-200 [PRIORITY] Item 1. Petitioner is the person filing the request, but the basis for jurisdiction and venue is the person whose name is being changed. We suggest adding to the line between 1 and a “The person whose name is being requested to be changed (check a or b):”	Code of Civil Procedure section 1276 is the statutory authority for the venue items on forms NC-100 and NC-200. Section 1276 references the residence of the person whose name is to be

W26-03

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

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				changed. The committee therefore recommends revisions to forms NC-100 and NC-200 to ask about the person whose name is to be changed rather than the petitioner. On form NC-100, the committee also recommends providing additional instructions regarding how to complete the item if multiple name changes are requested and the answer differs among those persons.
			[PRIORITY] Item 4. The form states that “if the petitioner is a guardian of a minor, a declaration of guardian (form NC-220G) must also be completed and attached.” This appears to be an error, as Form NC-220G does not exist. We believe this reference should instead be to Form NC-210G, which is the applicable guardianship form. We recommend correcting this citation to avoid confusion and prevent filing delays.	The committee has corrected this typographical error.
			Item 2(a) should be changed to “all parents” instead of “two parents,” since California will occasionally recognize more than two legal parents, and the point is to show that all the parents are in support of the request.	Please see the committee’s response to a similar comment from this commenter on form NC-100.
			Item 4(a)(5) should not ask for “sex (as stated on original birth certificate),” for the reasons discussed above under Form NC-110.	Please see the committee’s response to a similar comment from the ACLU and its co-commenters.
			Form NC-200-INFO Item 8b, “You cannot personally serve this document.” May be confusing, as the reader is told to serve it, and then the next sentence could be read and understood to mean that the document cannot be	The committee recommends making this change to form NC-200-INFO and to similar language on form NC-100-INFO to clarify that the person filing

W26-03

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

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			served. We suggest amending to “You, as the person filing this case, cannot be the person who personally serves this document.”	the case cannot personally serve the documents themselves, but must nevertheless ensure that the documents are served.
			Item 9, instructing incarcerated petitioners to provide proof of service by mail, needs revision as discussed under Form NC-100-INFO.	This comment is beyond the scope of the current proposal. The committee will consider this comment as time and resources permit.
			Forms NC-230 and NC-230G [HIGH PRIORITY] The purpose of making these records confidential is to prevent unnecessary and involuntary disclosure that would effectively out petitioners. By labeling these forms as a “Decree Changing Name to Conform to Gender Identity,” the court order itself will out the petitioner every time they have to use the document to update a record. We suggest removing any mention of gender identity anywhere on the form. If the form must have a difference from the NC-130 or NC130G other than the confidential denomination at the top, the title of the form could be “Confidential Decree Changing Name.” In the alternative, NC-130 could be renamed as the NC-130/230, and NC-130G could be renamed as the NC-130G/230G and an item with a checkbox could be added that states, “All records in this proceeding, including the index, register of actions, and any other case information available through court systems used to provide the public with electronic access to court records are confidential.”	The committee appreciates the response. The committee discussed the possibility of combining forms NC-130/NC-230 and forms NC-130G/NC-230G, but ultimately determined that it would be confusing for court users to combine nonconfidential forms (NC-130/NC-130G) and confidential forms (NC-230/NC-230G). However, these decree forms may need to be shown to DMV clerks, passport agents, and others, and including the phrase “to Conform to Gender Identity” in the title of forms NC-230 and NC-230G may unnecessarily cause a person’s gender identity to be revealed when they are only changing their name. Therefore, the committee recommends striking “to Conform to Gender Identity” from the titles of these two decree forms and instead recommends

W26-03

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

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				including “(200 Series)” in the titles. However, the committee still recommends retaining “to Conform to Gender Identity” outside of the decree forms to assist self-represented litigants in determining which forms they should fill out.
			[HIGH PRIORITY] Under AB 1084, section 1277.5(a) states, “If a proceeding for a change of name to conform an adult petitioner’s name to their gender identity is commenced by the filing of a petition, the court shall, without hearing and within six weeks of the petition’s filing, enter an order that the change of name is granted, except as provided in Section 1279.5.” We are concerned if there is no other signal to courts, they may not know to implement section 1277.5(a), leaving petitioners in limbo while they wait for their order. To ensure awareness and compliance of the 6-week timeline, we propose: In a box right under the title of the form, “Note: if the decree is for an adult or for a child and all of the child’s parents signed the petition, per Code of Civil Procedure Section 1277.5(a) the court shall without hearing and within six weeks of the petition’s filing, enter an order that the change of name is granted, except as provided in Section 1279.5.”	The committee does not recommend adding the instruction suggested by the commenter to the decree form. Among other things, the information suggested by the commenter would be unusual on a decree form and may not be helpful in warning judicial officers about the six-week time period unless the court reviews the decree form within that window.
			Form NC-300 For the box at the top of page 3, it would probably be clearer to state “Complete the following declarations and sign in the box below only if you are requesting a change of name in this petition.” This would both clarify that all petitioners must sign on the final signature lines at the end of the petition and make it clear that the declaration is related to name changes rather than an item number.	To provide additional clarity to form users, the committee recommends various changes to the signature lines on form NC-300. First, the committee recommends adding an instruction before the signature lines that reads, “All petitioners must sign all items on this page. Petitioners requesting a

W26-03

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

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				change of name (item 5) must additionally sign on page 3.” These changes are intended to simplify these instructions by referring to both changes of name and item 5, the item where a request for a change of name is made. To enhance clarity, the committee also recommends revising the signature instructions on page 3 of form NC-300 to similarly refer to both requesting a name change and to item 5. Second, the committee recommends making the declaration under penalty of perjury required for all petitioners, not just petitioners requesting a change of name. This was required on form NC-300 until 2018. The committee believes that this language was inadvertently removed in 2018 and therefore recommends restoring that item so that all petitioners, not just name change petitioners, must sign it. The committee also recommends this revision because including a penalty of perjury statement is intended to stem fraudulent uses of these forms. The committee further notes that comments provided on form NC-500 endorse the approach of requiring all petitioners,

W26-03

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

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Commenter	Position	Comment	Committee Response
			not just name change petitioners, to sign this statement.
		Item 5(a)(5) should not ask for “sex (as stated on original birth certificate),” for the reasons discussed above under Form NC-110.	Please see the committee’s response to a similar comment from the ACLU and its co-commenters.
		It would appear more logical to have the attorney sign at the end of the form, rather than in the middle, similarly to how the current version of the form is structured.	To maintain consistency with what is reflected on current form NC-300, the committee recommends reordering the signatures on form NC-300 so that an attorney, if any, signs last.
		Form NC-300-INFO Item 9, instructing incarcerated petitioners to provide proof of service by mail, needs revision as discussed under Form NC-100-INFO.	This comment is beyond the scope of the current proposal. The committee will consider this comment as time and resources permit.
		Form NC-311 This form can be streamlined and simplified. Items 1 and 2(d) can be cut entirely, as they are redundant. Also, forms are best when they ask for a date of birth, rather than an age, as the age may change between the time of signing and filing or between filing and court signatures. This is a common issue that courts will then require that forms be re-signed and filed, especially in courts that have large backlogs and long wait times between filing and granting orders.	These suggestions would likely benefit from public comment. Moreover, age in years exists on a number of other NC forms, including on form NC-110. The committee will consider this comment as time and resources permit.
		NC-311 and NC-330 [PRIORITY] For simplicity and consistency, it would be better to request the date of marriage throughout the forms, rather than the date of issuance of the license. Most individuals do not know the date that their marriage license was issued, nor do they know where to find that information on the certificate. On the other hand, when asked for a date of marriage, most people know that date from memory, and most would	The committee appreciates the response. Most commenters recommend referring to the date of issuance and accordingly the committee recommends that approach.

W26-03

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

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		assume that they are being asked for their marriage date, even if the form says “date of issuance.” (1) NC-[312], Item 2a – date of issuance of a marriage license should be changed to date of marriage. (2) NC-330, Item 6 should not be changed as proposed and rather should be left as is. (3) NC-330, Item 13 should be changed from “issued on (date):” to “date of marriage:”	
		NC-330 Under AB 1084, Health and Safety Code section 103430(g) states, “If no service is required on any party pursuant this section, the court shall grant the petition without a hearing if no written objection is timely filed within six weeks of the filing of the petition.” We are concerned if there is no other signal to courts, they may not know to implement section 103430(g), leaving petitioners in limbo while they wait for their order. To ensure awareness and compliance of the 6-week timeline, we propose: In a box right under the title of the form, “Note: Per Health and Safety Code section 103430(g), if no service is required on any party, the court shall grant the petition without a hearing if no written objection is timely filed within six weeks of the filing of the petition.”	The committee does not recommend adding the instruction suggested by the commenter to the decree form. Among other things, the information suggested by the commenter may not be helpful in warning judicial officers about the six-week time period unless the court reviews the decree form within that window.
		Form NC-400/400-INFO Though not our area of expertise, according to the NC-400-INFO instructions, the petitioner’s name is not supposed to be included on the NC-400. It may be helpful to also put the [CONFIDENTIAL] designation on the name line between the attorney name and firm name line at the top to avoid mistakes. Similarly, if the petitioner’s address should not be included at the top of the forms, or if it should be the Safe at Home PO Box, it may be helpful to include that instruction as well.	The committee does not recommend adding [CONFIDENTIAL] because the top of existing form NC-400 already indicates “(leave blank if no attorney).”

W26-03

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

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	Commenter	Position	Comment	Committee Response
			Item 8 on the NC-400-INFO may want to provide suggested language to add to box 3(b) on the NC-120, like, “Pursuant to CCP 1277(b)(3), this order shall not be published.”	The committee does not recommend this addition because similar information is already included on the information sheet.
			Form NC-500 • [PRIORITY] The additional signatures at the end are confusing, especially because the signatures directly above specify the petitioning adult, and the signatures below do not specify. It’s not clear who is supposed to be signing on the other lines. It would be helpful to move the following language “(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.” up to the area just below the declaration box and above all the signature lines. Signing under penalty of perjury without a name change request is not prohibited and will simplify the process. We would then suggest adding a signature line for the minor child as well in the signatures section for minors 12 and older, so that the third page would appear as follows: Minors ages 12 and older must complete the following declaration, and minors under age 12 may complete the following declaration or may have the declaration signed by an adult petitioning on their behalf. DECLARATION (Minor's current legal name): _____ declares 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 the minor’s gender identity and is not for any fraudulent purpose.	To provide additional clarity, the committee recommends various changes to the signature lines on form NC-500. The committee also recommends revisions to require all petitioners, not just name change petitioners, to sign the declaration under penalty of perjury. This would standardize the approach taken on form NC-500 with the approach recommended for form NC-300. Additionally, including a penalty of perjury statement is intended to stem fraudulent uses of these forms and, as noted by the commenter, this change “is not prohibited and will simplify the process.” Because there would no longer be distinctions between what all petitioners must sign versus what only change of name petitioners must sign, the committee recommends removing the two instruction textboxes that went out for comment near the signature lines on form NC-500. To standardize the signature lines on form NC-500

W26-03

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

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	Commenter	Position	Comment	Committee Response
			Date: Type or Print Name of Minor (Use Current Legal Name) or for Minors Under 12 Petitioning Adult and Relationship to Minor Signature of Minor (Use Current Legal Name) or for Minors Under 12 Petitioning Adult (Each petitioner and the minor if over the age of 12 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 Minor (Use Current Legal Name) Signature of Minor (Use Current Legal Name) 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:	with form NC-300, the committee further recommends adding instructional text indicating that if the petitioner is represented by an attorney, the attorney's signature should follow to prevent the inference that having an attorney is required. The committee does not recommend distinguishing between minors under and over the age of 12 at this time. Health and Safety Code section 103430(b) simply states that this language "may be signed by a minor." Finally, the committee recommends revising the signature lines on form NC-500 to reflect only two petitioning adults or parents.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			Type or Print Name of Petitioner's Attorney (if any) Signature of Petitioner's Attorney ☐ Add additional signature lines for additional petitioners ☐ Signature of petitioners follows last attachment	
			Alternatively, to help streamline, "and Relationship to Minor" could be left out, since the relationship is listed in item 10(b). If this is updated, then the bottom of page 2 on the NC-500-INFO should be updated accordingly.	The committee recommends omitting "and Relationship to Minor" from the signature lines because that information is now solicited above in form NC-500 due to the incorporation of form NC-110.
			• Item 10(a)(5) should not ask for "sex (as stated on original birth certificate)," for the reasons discussed above under Form NC-110.	Please see the committee's response to a similar comment from the ACLU and its co-commenters.
			Advisory Committee Comment In the Advisory Committee Comment to Sections 2.575 and 2.577 of the California Rules of Court (PDF packet page 15, line 23), a "(" is missing before the period.	The committee has corrected this typographical error.
			Thank you for your careful consideration of these comments. We appreciate the opportunity to provide feedback and look forward to continued collaboration with the Judicial Council to ensure these rules and forms are implemented in a manner that is clear, workable, and fully consistent with legislative intent.	The committee appreciates the comments provided.
4.	Steven A. Friday Attorney, Director of Legal Services, The LGBTQ Center of Long Beach	AM	I am a California attorney and have worked for several years providing legal services to LGBTQ+ Californians, including by representing many transgender and nonbinary individuals with name and/or gender marker change petitions and by providing hundreds more with prepared documents for filing petitions in pro per. I submit these additional comments in my individual capacity.	The committee acknowledges the commenter's concurrence with the comments submitted by Equality California and its co-commenters. See the committee's responses to specific comments below.

W26-03

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

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Commenter	Position	Comment	Committee Response
		I concur with forthcoming comments from a coalition of leading California LGBTQ+, legal, and civil rights organizations and commend the Council’s work in simplifying and streamlining what, for many petitioners, can feel like confusing, bureaucratic process. I write here to raise additional suggestions for modification.	
		I note that the proposed forms have amended form language to include the phrase “legal name” when distinguishing between current and proposed names (or name at filing and new name). The citing rationale suggests that this change aims to clarify which name petitioners should use in various parts of the forms. I would like to raise that the inclusion of the word “legal” in these revisions contributes no clarification since the word is added to both names. It therefore does not assist in distinguishing which name to use in any particular area. I posit that unnecessary use of the term “legal name” is ill-advised because it undermines the settled principle that common law name changes—those pursued outside of the statutory process assigned to the Superior Courts—are also “legal” and create “legal names.” See Code Civ. Proc., § 1279.5 (“[T]his title does not abrogate the common law right of a person to change his or her name.”); <i>In re Ross</i> (1937) 8 Cal.2d 608, 609 (“The common law recognizes the right to change one's personal name without the necessity of legal proceedings, and the purpose of the statutory procedure is simply to have, wherever possible, a record of the change.”) Viewed in another light, the addition of the word “legal” in these instances is simply redundant. The “legal” quality of the present and proposed names is implied in the (legal) proceeding itself. The Court is presumably only handling legal matters; it need not	The committee does not recommend deleting “legal” as indicated by the commenter because the intent of this addition is to prevent confusion for someone who is already using a different name socially or otherwise.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			be specifically stated here. This idea is underscored in the fact that the relevant statutes generally refer simply to “change of name,” “petitioner’s name,” “prior name,” and “proposed name.” See Code of Civ. Proc., Part 3, Title 8 (§ 1275 et seq.) and Health & Saf. Code, Div. 102, Part 1, Ch. 11, Art. 7 (§ 103425 et seq.). I would urge the Council to include revisions that clearly distinguish “current”/“at filing” name from “proposed”/“new” name without including the unnecessary term “legal” with each reference to a “name.” As an additional suggestion, while I agree with the council’s effort to clarify what name should be used as the printed or signed name throughout the petition, I believe the proposed amendments may create confusion in some instances and quite possibly, may be improper. As the case law suggests, petitioners may sometimes change their names legally but still require a court order “simply to have...a record of the change.” Ross 8 Cal.2d 609. As an example, many recent petitioners seeking a Real ID have some identity documents with their correct name but require a court order to correct one document that does not exactly match, for whatever reason. In these cases, they would be correct to petition the court using their “current legal name” which is not the “present name” for purposes of the petition; in these cases the “proposed name” is also their “current legal name,” and there would be confusion in directing the petitioner to proceed, and sign, using a name currently on one particular identity document but that is not what would be considered their “current legal name” in any other context. In these situations, forms would almost certainly be rejected unless a petitioner agreed to proceed under, and sign using, a name that may not be their own.	For the reasons raised by the commenter, the committee recommends deleting references to a “legal name” from the signature line but recommends retaining that distinction for one’s printed or typed name.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			In the case of requiring use of a specific name outside of the “present” and “proposed” names which the petitioner is requesting to be changed will likely have the unintended consequence of easing confusion in some cases but creating confusion in others. Additionally, there is no legal requirement that the petitioner proceed under what, here, may be considered their “current legal name” for purposes of the petition only.” The law does not appear to require that a person proceed using the same name they are requesting be changed. See <i>Weathers v. Superior Court</i> (1976) 54 Cal.App.3d 286, 289 (allowing a married litigant to “maintain an action in court using the name by which she was known prior to marriage” under the reasoning in <i>Ross</i>, 8 Cal.2d 609, that under common law a person may adopt any name they choose and file under the same.) Even where the Judicial Council decides it should still indicate the name a petitioner should use, I strongly urge that the forms should not dictate how a petitioner’s signature should appear. A signature’s validity does not depend on including specific text and can be any mark made in token of approval. In <i>re Manchester's Estate</i> (1917) 174 Cal. 417, 421. Thus, the forms should eliminate any direction of what mark a signer must use as their signature, even if it directs the associated (printed/typed) name to be used.	
			Thank you for considering these comments. I would gladly provide any additional comments or clarification if needed.	The committee appreciates the comments provided.
5.	Orange County Bar Association	A	The proposal appropriately meets the stated purpose.	The committee appreciates the response.

W26-03

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

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	Commenter	Position	Comment	Committee Response
	by Shirin Forootan, President		Date of issuance seems appropriate and leaves little room for ambiguity.	The committee agrees with the majority of commenters that the date of issuance is most appropriate for form NC-330.
			We recommend including an “other” box for catch-all objections.	The committee does not recommend a catch-all objection on item 1 of form NC-250/NC-350/NC-550. No other possible objections have been identified by the commenters.
6.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee.	The committee appreciates the response.
			In response to the Judicial Council of California’s Invitation to Comment, “W26-03 Civil Practice and Procedure: Name Change and Gender Change Rules and Forms,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and has no objections to the list of forms being adopted/approved/revised/revoked. The updated forms and rules will make the process easier for judicial officers and for lay persons to understand.	
			The Court does not believe there are other objections that would be helpful to list on item 1 of form NC-250/NC-350/NC-550.	The committee agrees with the commenter and does not recommend including additional objections.
			There are potential cost savings from the proposal. When automation is implemented on July 1, 2026, as ex parte requests will no longer be necessary and therefore, less judicial and staff resources will be used. Two months is sufficient time for implementation.	The committee appreciates the response.
7.		NI	One recurring issue is that petitioners are filing Form NC-100 under the mistaken belief that it is automatically confidential when seeking a	To reflect that the NC-100 form series is not automatically confidential, the

W26-03

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

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	Commenter	Position	Comment	Committee Response
	Superior Court of Orange County, Family Law and Juvenile Divisions by Katie Tobias, Operations Analyst		name change to align with their gender identity. Additionally, self-represented litigants may not review the instructions closely and therefore fail to recognize that requests to change an adult's gender and sex identifier, along with a name change, require a different form.	proposed NC-100 form series does not contain a confidential banner. However, because the proposed new NC-200 form series would be automatically confidential on and after July 1, 2026, a confidential banner is included on that form series. Additionally, form NC-100 includes additional information about selecting the correct petition form. Therefore, the committee does not recommend further changes in light of this comment.
			In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following: <i>Does the proposal appropriately address the stated purpose?</i> Yes, the proposal appropriately addresses the stated purpose; however, there are inconsistencies across the forms in the terminology used. Some forms refer to "current legal name" and "proposed legal name," while others use "legal name when petition was filed" and "new legal name," which may be confusing when completing the forms, in addition to just stating "name."	The committee does not recommend standardizing the terminology used as suggested by the commenter. The phrasing differences that appear between the order on the decree itself ("legal name when petition was filed" and "new legal name") and other uses ("current legal name" and "proposed legal name") are important to emphasize the fact that the decree is no longer proposing a new name but is instead ordering a new legal name.
			<i>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</i>	The committee appreciates the response. Most commenters recommend referring to the date of

W26-03

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

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Commenter	Position	Comment	Committee Response
		<i>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?</i> Item 6 of Form NC-330 should reflect the date of issuance, as this approach would be more practical and help avoid potential disputes.	issuance and accordingly the committee recommends that approach.
		<i>Are there any other objections that would be helpful to list on item 1 of form NC-250/NC-350/NC-550?</i> The listed objections appear to be sufficient.	The committee agrees with the commenter and does not recommend including additional objections.
		The advisory committee also seeks comments from courts on the following cost and implementation matters: • <i>Would the proposal provide cost savings? If so, please quantify.</i> No, the proposal does not appear to provide cost savings.	The committee appreciates the response.
		<i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> Implementation will require providing communication to judicial officers and court staff, revising current procedures, conducting court staff training (approximately 1 hour), and updating the case management system.	The committee appreciates the response.
		<i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> No, Orange County would need at least three months for implementation to allow for adequate planning and execution.	The committee appreciates the difficulties with implementing this proposal on the timeline given. However, SB 59 requires the council to develop rules and forms, as necessary, by July 1, 2026.
		<i>How well would this proposal work in courts of different sizes?</i> Our court is a large court, and this could work for Orange County.	The committee appreciates the response.

W26-03

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

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	Commenter	Position	Comment	Committee Response
			<i>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?</i> No, the cross-numbering does not appear to present any administrative difficulties for courts; however, it may be beneficial to Self Help to identify which forms each proposed form goes to.	The committee appreciates the response. Additionally, committee staff have reached out to staff in the council's Center for Families, Children, and the Courts to discuss potential outreach to Self Help Centers regarding this proposal.
8.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates the responses provided.
			Q: 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? A: No. The proposed change seems appropriate.	The committee agrees with the majority of commenters that the date of issuance is most appropriate for form NC-330.
			Q: Are there any other objections that would be helpful to list on item 1 of form NC-250/NC-350/NC-550? A: Yes, recommend adding objections to a decree changing name.	The committee does not recommend adding objections to a decree changing name to form NC-250/NC-350/NC-550. There are differences between changes of name and changes of name related to gender identity for how objections are received and how

W26-03

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

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	Commenter	Position	Comment	Committee Response
				hearings are scheduled. Thus, adding such an objection would not be appropriate on this form.
			Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the response.
			Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Updating internal procedures, local packets, and updating filings in the court's case management system.	The committee appreciates the response.
			Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes, provided final versions of the forms are provided at that time.	The committee appreciates the response and notes that SB 59 requires the council to develop rules and forms, as appropriate, by July 1, 2026.
			Q: How well would this proposal work in courts of different sizes? A: It appears that the proposal would work for courts of all sizes.	The committee appreciates the response.

W26-03

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

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Commenter	Position	Comment	Committee Response
		Q: 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? A: No, the cross-numbering will not create any difficulties.	The committee appreciates the response.
		General Query re Forms: Should instructions on how to serve papers describe the requirements instead of simply citing CCP 413.10, 414.10, 415.10, or 415.40 – e.g., “by personal service, first-class mail, postage prepaid, return receipt requested ...”? NC-030: Page 1, items 3.b.(2) & (3): Change “103734(c)(1)” to “103437(c)(1)” and change “103734(c)(2)” to “103437(c)(2)” NC-100-INFO: Page 1, item 5, last sentence: After “There is no filing fee for minors in the State’s address confidentiality program (Safe at Home), add: “or for minors and nonminor dependents under the jurisdiction of the juvenile court.” Page 2, item 9: Change “are” to “is”: “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 is only for purposes of determining if service of the petition is required.”	The committee recommends adding descriptions of these code sections to forms NC-100-INFO and NC-200-INFO, to read: “such as in person, or if the person to be served is out of state, by first-class mail, postage prepaid, return receipt requested.” The committee has corrected the typographical errors on form NC-030. The committee appreciates the response. The committee does not recommend making revisions involving these minors and nonminor dependents at this time, pending further investigation into other court practices. The committee will consider this comment as time and resources permit.

W26-03

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

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Commenter	Position	Comment	Committee Response
			Finally, the committee appreciates the response and has corrected the typographical error.
		NC-120: Should there be a proof of service form for a petitioner to file with the court after serving the form NC-120, <i>Order to Show Cause—Change of Name</i> (e.g., on a nonconsenting parent when the person whose name to be changed is a child)?	The committee notes that form NC-121, entitled <i>Proof of Service of Order to Show Cause</i> , would continue to exist within the proposed NC-100 form series.
		NC-150: <i>Comment:</i> The reason given for revoking this form is “the objections listed are no longer relevant to a form series dedicated to name changes that are unrelated to one’s gender identity.” This justification ignores the fact that objections may be submitted to petitions for name change <i>for children</i> that are unrelated to one’s gender identity. (CCP § 1277(a)(4) [nonconsenting parent may object].) As a result, it is still possible a court might need to set a hearing for a CCP § 1277 petition. If form NC-150 is revoked, nonconsenting parents who object to the petition will need to be noticed of the hearing in some way. If form NC-150 is <i>not</i> revoked, the reasons in item 1 (a. through d.) should be deleted.	The committee continues to recommend revoking form NC-150. The committee notes that when the council first adopted form NC-150, the form’s scope was understood to be limited to “use for providing notice of a hearing to petitioners and objectors, should a hearing be needed on a <i>petition for change of name to conform to gender</i> ” (emphasis added). This is because no hearing is set at the time of the filing of the petition and the court only sets a hearing if timely objections are received. See Code of Civil Procedure section 1277.5(b)(2)(D). For additional differences between hearings in the proposed NC-100 form series and hearings in the proposed NC-200 form series, compare item 6 of form NC-100-INFO to item 6 of form NC-200-INFO.

W26-03

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

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

	Commenter	Position	Comment	Committee Response
			NC-200: Left footer: Query – Should citation be changed from CCP § 1275 to CCP § 1277.5? Item 4: Change NC-220G to NC-210G. Item 4.b.(4): Add “or nonminor dependent” after “for minor” (see CCP §§ 1276(e), 1277(c) [nonminor dependents of the juvenile court are 18 to 21 years of age]). Item 4.c.: Query – Should there be an additional space for a third parent’s name and address? (See Fam. Code, § 7612(c).) If yes, the new line (4) should read, “(Only if neither no parent is living).”	The committee does not recommend limiting the cross-reference to Section 1277.5 because Section 1276 applies to all applications for changes of name. The committee instead recommends citing to Sections 1276 et seq. in the footer of both form NC-200 and the accompanying information sheet. The committee has corrected the typographical error noted. Regarding nonminor dependents, the committee appreciates the response and notes that an “other” option exists at item 4b(4) of proposed form NC-200. Regarding the issue of a third parent, the committee recommends including information regarding this scenario on the accompanying information sheet.
			NC-200-INFO: Item 4: Delete “your” before “gender identity” so that the information also applies to adults filing petitions on behalf of their child(ren). Item 5: Query –The NC-100-INFO section on Filing and Filing Fee includes the text, “There is no filing fee for minors in the State’s address confidentiality program (Safe at Home).” Should this sentence be added to form NC-300-INFO? If so, add: “or for minors and nonminor dependents under the jurisdiction of the juvenile court.”	The committee recommends deleting “your” as suggested by the commenter from both form NC-200-INFO and from the proposed instructional text that went out for comment on form NC-100 for the reasons suggested by the commenter. The committee does not recommend adding information regarding the Safe at Home program to form NC-300 because form NC-400 does not list that form. The committee

W26-03

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

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

	Commenter	Position	Comment	Committee Response
			Item 7: Delete “your” before “gender identity” so that the information also applies to adults filing petitions on behalf of their child(ren). Item 8: The instructions in item 8.a. state “a copy of the petition and the Order to Show Cause” must be served on the nonconsenting parent, but items 8.b. & 8.c. state “the order or notice” must be served, which implies that only one document needs to be served. Page 2, boxed text at bottom of page: Remove reference to newspapers that may be used to publish the Order to Show Cause (see CCP § 1277.5(b) [publication of OSC not required]).	does not recommend adding information regarding filing fees and minors and nonminor dependents under the jurisdiction of the juvenile court at this time, as explained in the committee’s response to comments from this commenter on form NC-100-INFO. At items 8b and 8c, the committee recommends striking “or notice,” as automatic service of the notice of hearing applies in the NC-100 form series and not in the proposed, new NC-200 form series. See Code of Civil Procedure section 1277(a)(4). The committee also recommends deleting the reference to newspapers on form NC-200-INFO, as publication is not required for changes of name to conform to gender identity.
			NC-210G: Item 1: Query – Should there be space for a second petitioner? (Note: The upper left box implies there can be more than one petitioner.)	To maintain consistency with current form NC-110G, the committee does not recommend revisions to form NC-210G.
			NC-230: Left footer (section 1279 has been repealed): Code Civ. Proc., §§ <u>1277.5</u>, 1278, <u>1278.5</u>, 1279<u>.5</u>	As explained in response to a similar comment on page 96 of the comment chart, the committee recommends revising the footer to instead refer to Code of Civil Procedure section 1276 et seq.

W26-03

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

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

Commenter	Position	Comment	Committee Response
		NC-230G: Item 2e: Change “his or her” to “the minor’s” to avoid binary pronouns. Left footer (section 1279 has been repealed): Code Civ. Proc., §§ <u>1277.5</u>, 1278, <u>1278.5</u>, 1279.<u>5</u>	As explained in response to a similar comment on page 96 of the comment chart, the committee recommends revising the footer to instead refer to Code of Civil Procedure section 1276 et seq. The committee also recommends the revision suggested by the commenter to promote gender-neutral form language.
		NC-300: Item 5b(2)(i): Should “name” be deleted because the change requested is for the designation of the petitioner as bride, groom, or no box checked? Or revise to “change of designation”?	The committee does not recommend deleting “name” from this item, as the word “name” is used in statute. See Code of Civil Procedure section 1276(g)(1)(C).
		NC-300-INFO: Page 1, item 4, last sentence: Add “or you are a nonminor dependent of the juvenile court.” Page 1, item 5, at end of paragraph, add: “<u>Form NC-221/NC-321/NC-521 may be used.</u>”	The committee does not recommend adding information regarding fee waivers and nonminor dependents, as explained on pages 94-95 of the comment chart. Regarding form NC-221/NC-321/NC-521, the committee recommends including a parenthetical to form NC-300-INFO in the location indicated by the commenter.
		NC-325: Caption, third box down on left: Change “FOR CHANGE OF NAME” to “FOR <u>RECOGNITION OF ADULT’S CHANGE OF GENDER AND SEX IDENTIFIER, NAME CHANGE, AND ISSUANCE OF NEW CERTIFICATES</u>”	The committee recommends the changes suggested by the commenter and notes that existing form NC-325 facilitates both a change of gender and sex identifier (change to bride, groom,

W26-03

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

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

Commenter	Position	Comment	Committee Response
			or neither), a change of name, and the issuance of new certificates.
		NC-330: Item 5: Query – Should “(check one)” be changed to “(check all that apply)”? It may happen rarely, but there could be a request for more than one adult child where both boxes should be checked.	The committee does not recommend this change because the options are mutually exclusive. Item 5a states that each request for a new birth certificate contains the signature of the adult child, while item 5b states that the following adult child or children did not sign.
		NC-400: Item 2: Delete “the” to conform to title of form NC-110. Item 3: Replace “for” with an em dash: <i>Order to Show Cause ~~for~~ Change of Name</i> (form NC-120). Item 7: Insert “Address” before “Confidentiality” to conform to title of form NC-420. Boxed text at bottom of page 1: Item 2 should be amended to add “sexual assault, or human trafficking” and citation to CCP § 1277(b)(2)(D).	The committee recommends deleting “the” from the title of form NC-110, replacing “for” with an em dash in the title of form NC-120, and inserting “Address” before “Confidentiality” in the title of form NC-420 to conform to the actual titles of these forms. In the text box at the bottom of page 1, the committee recommends adding “sexual assault” to conform to the language of Code of Civil Procedure section 1277(b)(2)(D).
		NC-400-INFO: Propose that the first paragraph under item 8 regarding what “most people” must do be removed. Since the intent of this form is to provide information for individuals seeking a name change under Safe at Home, the proposed language may cause confusion.	The committee does not recommend removing this language because the proposed language also points to form NC-100-INFO for additional information. However, the committee recommends moving the paragraph

W26-03

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

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

Commenter	Position	Comment	Committee Response
		Page 2, item 10c: Insert period at end of sentence. Page 2, item 10, last paragraph, instructs “Attach Confidential Cover Sheet (form NC-400) to the application. However, the instructions on form NC-400 instruct, “This Confidential Cover Sheet must be attached to the first page of the petition and to any other documents filed in this proceeding.” Query: Should the NC-400 be on top of the documents inside the sealed envelope or on top of (and outside) the sealed envelope? Does a completed NC-400 need to be attached on top of each document inside the envelope? Page 2, item 11b: Add “sexual assault” and “human trafficking” (see CCP § 1277(b)(2)).	regarding publication and Safe at Home in closer proximity to the text regarding what “most people” must do to prevent confusion. The committee also recommends adding a period as indicated by the commenter. Rule 2.575(d) describes the general requirements surrounding this cover sheet, however, the rule does not specify whether form NC-400 should exist inside or on top of the sealed envelope. The existing rule does, however, specify that the cover sheet should be attached “to the front of the petition for name change and every other document filed in the proceedings.” The committee will consider whether this rule needs further amendments as time and resources permit. Finally, the committee recommends adding “sexual assault” but not “human trafficking” to item 11b of form NC-400-INFO (see Code of Civil Procedure section 1278(b)).
		NC-500: Page 1, item 5: Add “(s)” – Petitioner(s) request a decree ...	The committee does not recommend the revision suggested by the commenter. Judicial Council forms

W26-03

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

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

Commenter	Position	Comment	Committee Response
		NC-500-INFO: Page 2, item 4, 6th bullet point: “In item 9, check the box to request that the court order that a new birth certificate be issued ...” Page 2, item 5: Query – Isn’t the confidential cover sheet only for use by petitioners in the Safe at Home program?... 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 the petitioner qualifies for a fee waiver or is under the jurisdiction of the juvenile court. If you want to apply for a fee waiver, see <i>Request to Waive Court Fees</i> (form FW-001) and <i>Information Sheet on Waiver of Superior Court Fees and Costs</i> (form FW-001-INFO). Page 3, item 6: (Form NC-221/NC-321/NC-521 may be used.)	avoid use of parentheticals (e.g., petitioner(s)) and similar constructions to present a singular/plural option. The committee recommends inserting “to” to correct this grammatical error. The committee also recommends correcting an error on the form that circulated for comment by replacing “confidential cover sheet” with “<i>Civil Case Cover Sheet</i>.” The committee does not recommend changing “you qualify” to “the petitioner qualifies” (see similar phrasing at form NC-100-INFO) and, as explained in the committee’s response to comments from this commenter on form NC-100-INFO, does not recommend adding information about fee waivers and persons under the jurisdiction of juvenile court. The committee does, however, recommend changes to item 6 on page 4 of the form to correctly reflect proposed form NC-221/NC-321/NC-521.

W26-03

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

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

	Commenter	Position	Comment	Committee Response
			NC-510G: Page 1, box at top of page: For consistency with NC-520 and NC-530: FOR CHANGE OF GENDER (Minor). Page 1, left footer: Change “§ 103430.5” to “§ 103430”	The committee proposes adding (Minor) as indicated by the commenter to maintain consistency with forms NC-520 and NC-530. The committee has corrected the Code section citation to “103430.”
			NC-520: Page 1, items 1b & 2b: Query – Should the following sentence be added to these paragraphs? “ <u>Objections based solely on concerns over the minor’s actual gender identity or gender assigned at birth shall not constitute good cause.</u> ” No additional Comments.	The committee recommends adding language to form NC-520 that describes the objections that do not constitute good cause under Code of Civil Procedure section 1277.5(b) and Health and Safety Code section 103430(h). This is consistent with the approach taken on existing form NC-125.

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Recommend JC approval (has circulated for comment)

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

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

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

Annual agenda approved by Rules Committee on *(date)*: N/A

Project description from annual agenda: Annual agenda approved by Executive & Planning Committee on November 18, 2025: The committee will continue to update the Standards of Judicial Administration, standard 4.10 (Guidelines for diversion drug court programs), to fulfill the requirements of Senate Bill 910 (Stats. 2024, ch. 641). SB 910 requires the Judicial Council to amend the Standards of Judicial Administration to reflect state and nationally recognized best practices and guidelines for adult collaborative treatment court programs. This project was started as part of the 2024 annual agenda prior to the introduction of SB 910. It continues in progress to incorporate the statutory requirements specified in the bill.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) By law, the 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 Section 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 remain partially unresolved, 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.)

Information for JC staff

☒ EGG reviewed on *(date)*: 02/10/2026

☒ Office director (or designee) reviewed on *(date)*: 02/05/2026 by *(name)*: Francine Byrne

Complete the following for all JC reports recommending forms:

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

Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☐ Changes or additions to self-help website are needed.



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-072

For business meeting on April 24, 2026

Title

Collaborative Justice: Guidelines for Adult
Collaborative Treatment Courts

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Stds. Jud. Admin., std. 4.10

Date of Report

February 20, 2026

Recommended by

Collaborative Justice Courts Advisory
Committee
Hon. Charles A. Smiley III, Chair

Contact

Deanna Adams, 916-263-1378
deanna.adams@jud.ca.gov

Executive Summary

Senate Bill 910 (Stats. 2024, ch. 641) amended Health and Safety Code section 11972 to require counties and courts with treatment court programs to design and operate these programs in accordance with specified state and national best practices and guidelines. Health and Safety Code section 11972(b), as amended, also requires the Judicial Council to revise standards of judicial administration to reflect the specified best practices and guidelines. To fulfill this statutory requirement, the Collaborative Justice Courts Advisory Committee recommends 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.

Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective July 1, 2026, amend California Standards of Judicial Administration, standard 4.10 to reflect state and national best practices and guidelines for adult collaborative treatment courts.

The recommended amendments are attached at pages 7–11.

Relevant Previous Council Action

The council adopted section 36, effective January 1, 1998, as criteria to evaluate a former pre-plea drug diversion grant program under Penal Code section 1000.5. In 2007, that provision was amended and renumbered as standard 4.10. The pre-plea drug diversion grant program under Penal Code section 1000.5 was permanently eliminated as part of the 2013–2014 State Budget. There have been no substantive changes to the standard since its adoption.

Analysis/Rationale

Effective January 1, 2025, Senate Bill 910 amended Health and Safety Code section 11972 in three important ways.¹ 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* developed by All Rise (formerly the National Association of Drug Court Professionals). (§ 11972(a).) Second, the statutory amendments updated the list of key components for “criminal adult treatment court programs.” (§ 11972(a)(1)–(11).) Finally, the bill added subdivision (b) to require the Judicial Council to revise the standards of judicial administration by January 1, 2026, to reflect these updated guidelines for “collaborative programs.”

The committee initially undertook work to revise the standard by January 1, 2026, as specified in section 11972(b). However, the committee postponed the work due to recent and pending changes in the law that appeared likely to affect the scope of this work.² Meanwhile, in February 2025, All Rise temporarily withdrew its standards to revise and align them with the policy priorities of the federal executive branch.³ Despite the ongoing issues, the committee recommends amending rule 4.10 to fulfill the statutory requirement of section 11972(b). The committee will continue to monitor new developments, including the All Rise standards, to determine if future revisions to standard 4.10 will be helpful or necessary.

Recommended standard amendments

The committee recommends expanding the application of standard 4.10 to adult collaborative treatment court programs. This expansion is consistent with the treatment court models covered by the *Adult Treatment Court Best Practice Standards* and *Family Treatment Court Best*

¹ All further statutory references are to the Health and Safety Code unless otherwise specified.

² In November 2024, voters passed Proposition 36, which included the Treatment-Mandated Felony Act. (§ 11395.) This law specifies certain required program components for drug treatment. (§ 11395(d).) In December 2024, Senate Bill 28 was introduced, which 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); this bill remains pending.

³ The *Family Treatment Court Best Practice Standards* remain unavailable with no anticipated release date. Recently, in January 2026, All Rise re-released the *Adult Treatment Court Best Practice Standards* with updated guidance. This document, which is over 200 pages, will require considerable time to review and analyze in order to better understand how these revised standards could assist courts.

Practice Standards developed by All Rise,⁴ and consistent with the focus on “criminal adult treatment court programs” as specified in section 11972(a). The recommended amendments also remove program requirements specific to the former grant program while retaining elements that apply to adult collaborative treatment court models. Finally, by expanding the scope of the standard, these amendments will allow for greater adaptability across adult collaborative treatment court models.

The committee recommends the following changes to standard 4.10:

- Expand the scope of the standard to apply to adult collaborative treatment court programs. This change includes replacing references to diversion drug court programs with references to adult collaborative treatment courts and identifying treatment court models that will be covered by the standard. The revisions to implement this change include:
 - Amending the title of standard 4.10;
 - Amending subdivision (a) to expand the scope of the standard;
 - Adding new paragraph (a)(2) to identify the adult collaborative treatment court models that may be under the standard, based on treatment court models specified by All Rise; and
 - Removing provisions in paragraph (c)(1)–(2) relevant to pre-plea drug diversion that do not apply to adult collaborative treatment court programs.⁵
- Amend language to reflect the key components for treatment court programs identified in section 11972(a)(1)–(11) by:
 - Amending subdivision (b) to describe the target population that may be eligible to participate in adult collaborative treatment court programs, as specified in section 11972(a)(3);

⁴ Treatment courts covered within the scope of the All Rise standards include adult drug courts, family treatment courts, impaired driving treatment courts, and veterans treatment courts. See All Rise, “Treatment Court Models,” <https://allrise.org/about/treatment-courts>.

⁵ 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.

- Amending subdivision (f) to specify guidance for administering sanctions and incentives and for ordering service adjustments, consistent with section 11972(a)(6);
- Adding new subdivision (g) to identify guidance for complying with section 11972(a)(11), which directs adult collaborative treatment court programs to “ensure equitable access, services, and outcomes for all sociodemographic and sociocultural groups;”⁶ and
- Adding a new advisory committee comment to specify that section 11972(a) provides additional design and operational requirements for 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 Target Population: C. High-Risk and High-Need Participants;⁷
 - Amending existing paragraphs (c)(3) and (4), which will be renumbered as paragraphs (c)(1) and (2), to provide guidance for establishing a treatment and social service phase structure, consistent with the All Rise standard Incentives, Sanctions, and Service Adjustments: I. Phase Advancements;⁸
 - Amending subdivision (d) to provide guidance for the frequency of monitoring and testing for the use of controlled substances, consistent with the All Rise standard Drug and Alcohol Testing: C. Frequency of Testing;⁹
 - Amending subdivision (e) to provide guidance for the frequency of judicial supervision, consistent with the All Rise standard Roles and Responsibilities of the Judge: D. Status Hearings;¹⁰

⁶ Minor changes were made to refine the standard language. Those changes were brought to the attention of the committee after the rest of the proposal had already circulated. A recommendation for a nonsubstantive technical changes unlikely to create controversy may be adopted without circulation for comment. Cal. Rules of Court, rule 10.22(d).

⁷ See Link B, p. 2.

⁸ *Id.* at p. 145.

⁹ *Id.* at p. 185.

¹⁰ *Id.* at p. 26.

- Replacing paragraph (f)(2) with new language to provide guidance for ordering service adjustments, consistent with the All Rise standard Incentives, Sanctions, and Service Adjustments;¹¹
- Replacing paragraph (f)(3) with new language to provide guidance on establishing additional responses, consistent with the All Rise standard Complementary Services and Recovery Capital;¹² and
- Amending paragraph (f)(4) to provide guidance on hearings to determine possible unsuccessful program discharge, consistent with the All Rise standard Incentives, Sanctions, and Service Adjustments: J. Program Discharge.¹³

Policy implications

The proposal fulfills a statutory requirement. Accordingly, the policy implication is ensuring that the Standards of Judicial Administration are revised as required by law. These revisions are consistent with *The Strategic Plan for California's Judicial Branch* goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

The proposal circulated for comment from December 5, 2025, to January 7, 2026. Two comments were received. The Orange County Bar Association agreed with the proposal. The Superior Court of Los Angeles County also agreed with the proposal but expressed concern about the length of time for implementation. The committee recognizes the proposal will require significant implementation but concluded that the standard revisions should not be delayed, as those revisions are required by law. The committee appreciates the time taken by the commenters to respond to this proposal. All comments received, and the committee's responses, are provided in the attached chart of comments at pages 11–12.

Alternatives considered

Section 11972(b) requires the Judicial Council to revise the standards of judicial administration to reflect specified best practices and guidelines for collaborative programs. As a result, the committee did not consider the alternative of not revising the standard.

Prior to the public comment period, the committee discussed whether to propose revisions that would expand beyond the scope of SB 910. Specifically, the committee considered proposing revisions that would impact alternatives to incarceration that are not operated through collaborative treatment courts and thus not covered under SB 910 or the All Rise standards, such as judicial diversion and deferred entry of judgment. However, the committee rejected this

¹¹ *Id.* at p. 141. The existing paragraph (f)(2) will be deleted.

¹² *Id.* at p. 104. The existing paragraph (f)(3) will be deleted.

¹³ *Id.* at p. 146.

alternative because the statutes for those judicial alternatives to incarceration provide sufficient details to inform program design and operation.

Fiscal and Operational Impacts

The fiscal and operational impacts of this proposal are attributable to the legislation that mandated this work. Expected costs include training of court staff. Through the Budget Act of 2025, the Judicial Council is receiving ongoing funding to implement training for collaborative treatment court teams on the guidelines of SB 910. This funding allocation is anticipated to offset the costs of training court staff.

Attachments and Links

1. Cal. Stds. Jud. Admin., std. 4.10, at pages 7–11
2. Chart of comments, at pages 12–13
3. 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)
4. Link B: All Rise, Adult Treatment Court Best Practice Standards (Jan. 2026 ed.),
allrise.org/publications/standards
5. Link C: Proposition 36, Homelessness, Drug Addiction, and Theft Reduction Act (passed by voters Nov. 5, 2024), <https://vig.cdn.sos.ca.gov/2024/general/pdf/prop36-text-proposed-laws.pdf>
6. Link D: Sen. Bill 28 (2025–2026 Reg. Sess.),
https://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:

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, postadjudication 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

~~Eligible participants should be identified early and enter into a supervision and treatment 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.~~

(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 should be identified early. Those determined eligible for participation should be accepted and placed into an adult collaborative treatment court promptly.

(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
2 (1) ~~The county drug program administrator should specify and certify~~
3 ~~appropriate drug treatment programs under Penal Code section 1211.~~
4
5 (2) ~~The certified treatment programs should provide a minimum of two levels of~~
6 ~~treatment services to match participants to programs according to their needs~~
7 ~~for treatment, recognizing that some divertees may be at the stage of~~
8 ~~experimenting with illicit drugs while others may be further along in the~~
9 ~~addiction's progression.~~
10
11 (3) ~~Each Treatment levels~~ should be divided into phases in order a phase
12 structure to provide periodic reviews of treatment progress and address
13 participant needs in an effective sequence. Each phase may vary in length. It
14 should be recognized that a participant is expected to progress in treatment
15 but may relapse. ~~Most participants, however, should be able to successfully~~
16 ~~complete the treatment program within 12 months.~~
17
18 (4)(2) ~~Each pre-plea diversion drug court program~~ Adult collaborative
19 treatment courts should have an assessment component to ensure that
20 participants are initially screened and then periodically assessed ~~by treatment~~
21 ~~personnel~~ to ensure that appropriate treatment and social services are
22 provided and to monitor the participants' progress ~~through the phases.~~
23
24 (5) ~~Treatment services should include educational and group outpatient~~
25 ~~treatment. Individual counseling, however, should be made available in~~
26 ~~special circumstances if an assessment based on acceptable professional~~
27 ~~standards indicates that individual counseling is the only appropriate form of~~
28 ~~treatment. Referrals should be made for educational and vocational~~
29 ~~counseling if it is determined to be appropriate by the judge.~~
30

31 (d) **Monitoring**
32

33 ~~Abstinence from and use of drugs should be monitored by frequent drug testing.~~
34 Abstinence from and use of controlled substances should be monitored and tested
35 at the frequency determined necessary by the adult collaborative treatment court
36 based on each participant's behavior and needs.
37

- 38 (1) ~~Alcohol and other drug (AOD) testing is essential and should be mandatory~~
39 ~~in each pre-plea diversion drug court program to monitor participant~~
40 ~~compliance.~~
41

- (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.
- (3) The probation officer and court should be immediately notified when a participant has tested positive, has failed to submit to AOD testing, or has submitted an adulterated sample. In such cases, an interim hearing should be calendared and required as outlined in (e)(4).
- (4) Participants should not be considered to have successfully completed the treatment program unless they have consistently had negative test results for a period of four months.

(e) Judicial supervision

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

- (1) Each participant should appear in court before a specifically assigned diversion drug court judge within 30 days after the first court appearance. At this time the participant should provide proof of registration, proof of completion of assessment, proof of entry into a specific treatment program, and initial drug test results.
- (2) The second drug court appearance should be held no later than 30 days after the first drug court appearance. The third drug court appearance should be held no later than 60 days after the second drug court appearance.
- (3) A final drug court appearance should be required no sooner than 12 months from entry into treatment unless continued treatment is found to be appropriate and necessary.
- (4) Interim drug court appearances should be required within one week of the following: positive drug test results, failure to test, adulterated test, or failure to appear or participate in treatment.
- (5) At each drug court appearance, the judge should receive a report of the participant's progress in treatment and drug test results and should review, monitor, and impose rewards and sanctions based on the participant's progress or lack of progress.

1 (f) **Sanctions, and incentives, and service adjustments**

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

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

10
11 (2) ~~The suggested range of incentives should be as follows:~~

12
13 (A) ~~Encouragement;~~

14
15 (B) ~~Advancement to next treatment phase;~~

16
17 (C) ~~Reduction in diversion program fees (other than state-mandated fees);~~

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

21
22 (E) ~~Other incentives the court may deem necessary or appropriate.~~

23
24 (3) ~~The suggested range of sanctions should be as follows:~~

25
26 (A) ~~Demotion to earlier treatment phase;~~

27
28 (B) ~~Increased frequency of testing, supervision, or treatment requirements;~~

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

33
34 (D) ~~Reinstatement of criminal proceedings.~~

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

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

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

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

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

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

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

(g) National standards

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

Diversity, equity, and inclusion

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

(2) Adult collaborative treatment court staff and service providers are encouraged to reflect the sociodemographic characteristics or sociocultural identities of adult collaborative treatment court candidates and participants.

Advisory Committee Comment

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

W26-04

Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts (Amend Cal. Stds. Jud. Admin., std. 4.10)

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

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Shirin Forootan, President	A	The proposal appropriately addresses the stated purpose.	The committee appreciates the comment.
2.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's Invitation to Comment, "W26-04 Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts," the Superior Court of California, County of Los Angeles (Court), agrees with the proposal. However, the Court would like to note that significant time will be needed to implement the proposal.	No response required.
			The proposal would not provide cost savings for the Court. The proposal will require the Court to review and update its collaborative courts and make modifications to be consistent with the best practices outlined in the proposal. Additionally, this will most likely lead to more frequent monitoring and testing, resulting in more judicial supervision. This increase would mean an increase in workload for the Court. Increased judicial assistant workload will prompt analysis of whether additional courtroom support is necessary. To implement, the Court will need to train staff, including judicial assistants and managers, to reflect the best practice model. Additionally, the Court may need to update or enhance its case management system to create codes that reflect	The committee is aware that the proposed changes to the standard may increase court workload and that full implementation will likely require additional time beyond two months. However, the revision to the standard is required by statute and, as explained in the report, the proposal has already been delayed six months due to extenuating circumstances. The committee encourages courts to implement this proposed revised standard consistent with California Rules of Court, rule 1.5(c), "Standards are guidelines or goals recommended by the Judicial Council. The nonbinding nature of standards is indicated by the use of "should" in the standards instead of the mandatory "must" used in the rules."

W26-04

Collaborative Justice: Guidelines for Adult Collaborative Treatment Courts (Amend Cal. Stds. Jud. Admin., std. 4.10)

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

	Commenter	Position	Comment	Committee Response
			our adherence to best practices. Operationally, the Court will have to revisit the best and most effective way to adhere to the best practices suggested. Two months will not be enough time to implement the proposal. The Court will need a significant amount of time to revisit its current collaborative courts and make adjustments or modifications to ensure best practices. Additionally, the Court will need time to implement anticipated case management codes and schedule time for training. As the largest trial court in the state, this proposal will have significant impacts	

Rules Committee Action Request Form

Rules Committee Meeting Date: 3/17/2026

Action requested: Recommend JC approval (has circulated for comment)

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

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

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

Annual agenda approved by Rules Committee on *(date)*: 10/16/2025

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.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) 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.)

Information for JC staff

☒ EGG reviewed on *(date)*: 2/11/2026

☒ Office director (or designee) reviewed on *(date)*: 2/5/2026, 2/25/2026 by *(name)*: Francine Byrne/Kara Portnow; James Barolo

Complete the following for all JC reports recommending forms:

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

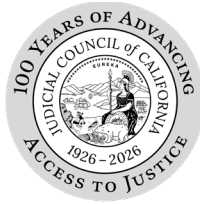
Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☐ Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-074

For business meeting on April 24, 2026

Title

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

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

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

Date of Report

March 3, 2026

Recommended by

Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Contact

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

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

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

Executive Summary

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 that are used to make a claim under the act, the Appellate Advisory Committee and the Criminal Law Advisory Committee recommend amending two rules of court and revising three forms.

Recommendation

The Appellate Advisory Committee and the Criminal Law Advisory Committee recommend that the Judicial Council, effective July 1, 2026:

1. Amend California Rules of Court, rules 4.551 and 8.385, to implement legislation clarifying court procedures related to the Racial Justice Act (Assem. Bill 1071);

2. Revise *Petition for Writ of Habeas Corpus* (form HC-001) to implement Senate Bill 734, which requires service of specified Racial Justice Act claims on law enforcement agencies, improve the presentation of Racial Justice Act claims, and make clarifying and technical changes;
3. Revise *Motion to Vacate Conviction or Sentence* (form CR-187) to implement Assembly Bill 1071 and Senate Bill 734, add an option stating that the party will request discovery after appointment of counsel, add a case citation, and make clarifying and technical changes; and
4. Revise *Order on Motion to Vacate Conviction or Sentence* (form CR-188) to make clarifying and technical changes.

The proposed amended rules and revised forms are attached at pages 14–36.

Relevant Previous Council Action

California Rules of Court, rules 4.551 and 8.385, and forms HC-001, CR-187, and CR-188 were most recently revised effective September 1, 2024, to implement the Racial Justice Act of 2020¹ and subsequent related legislation.²

Analysis/Rationale

Effective January 1, 2026, Assembly Bill 1071 (Stats. 2025, ch. 721)³ clarifies the legislative intent regarding court procedures to effectuate 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 Penal Code section 1473(e)(2) or a motion to vacate a conviction under Penal Code section 1473.7(a)(3);⁴
- The definitions in section 745(h) apply to Racial Justice Act claims in petitions for writ of habeas corpus and motions to vacate convictions;⁵

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

² Assem. Bill 256 (Stats. 2022, ch. 739); Assem. Bill 1118 (Stats. 2023, ch. 464).

³ See Link A. AB 1071 was double-jointed with Senate Bill 734 (Stats. 2025, ch. 784), as both bills amended sections 745, 1473, and 1473.7. Double-jointing occurs when two or more bills amend the same code section in different ways and the Legislature approves both. It makes effective all changes proposed by the bills. (See Sen. Com. on Local Gov. consultant Peter Detwiler, letter to committee staff colleagues, July 21, 2009, <https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/DOUBLEJOINTING.pdf>).

⁴ Pen. Code, § 745(d). All further references are to the Penal Code unless otherwise specified.

⁵ § 745(h).

- 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;⁶
- Counsel must be appointed in a habeas proceeding if a petitioner “pleads a plausible allegation” of a violation of the Racial Justice Act;⁷ and
- 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.⁸

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) 110 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),⁹ 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.¹⁰

In addition to these legislative changes, the committees considered feedback from courts on the presentation and processing of Racial Justice Act claims in habeas proceedings. Courts reported that petitioners without Racial Justice Act claims were filling in the Racial Justice Act portions of the petition, and that there was insufficient space for a petitioner to explain the basis of a Racial Justice Act claim.

To reflect each committee’s respective subject matter expertise, the Criminal Law Advisory Committee led the development of the recommended amendments to rule 4.551 and revisions to forms CR-187 and CR-188, as they primarily impact the trial courts. The Appellate Advisory Committee led the development of the recommended amendments to rule 8.385 on petitions for writ of habeas corpus in the appellate courts. Both committees jointly developed the recommended revisions to form HC-001.

⁶ § 745(e)(1).

⁷ § 1473(e)(5).

⁸ § 1473(e)(7)(A).

⁹ See Link B.

¹⁰ §§ 745(c)(3), 1473(e)(6), 1473.7(a)(3)(B).

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 recommend the following amendments to reflect changes under AB 1071:

- Amend subdivision (b), Informal response, to add petitioner's counsel as a party to be served with the informal response and related filings.
- 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 paragraph (1), followed by appointment of counsel for all other claims in paragraph (3).
- Amend subdivision (d)(1)(B) to state that in Racial Justice Act claims, counsel must be appointed if the petition pleads a plausible allegation of a Racial Justice Act violation and the inquiry must be limited to the facial sufficiency of the allegations of the petition alone.
- Revise the advisory committee comment stating that counsel must be appointed on the issuance of an order to show cause to state the exception for Racial Justice Act claims, which are addressed in subdivision (d)(1).
- 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).
- 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 section 745(a), the court may request an informal response from the state, and should consider simultaneously appointing counsel for an unrepresented petitioner under the standards of section 1473(e)(5).
- Add an advisory committee comment stating that the standard set out in subdivision (d)(1)(B) is to be construed as a minimal pleading requirement consistent with the Legislature's statement of intent in Assembly Bill 1071 (Stats. 2025, ch. 721).

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 recommend 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 in Racial Justice Act claims, counsel must be appointed if the petition pleads a plausible allegation of a Racial Justice Act violation and that this determination must be limited to the facial sufficiency of the allegations of the petition alone.
- 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 section 745(a), the court may request an informal response by the state, and should consider simultaneously appointing counsel for an unrepresented petitioner under the standards of section 1473(e)(5).
- Add an advisory committee comment stating that the standard set out in subdivision (g)(2)(B) is to be construed as a minimal pleading requirement consistent with the Legislature's statement of intent in Assembly Bill 1071 (Stats. 2025, ch. 721).

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.¹¹ 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. For Racial Justice Act claims, the form may also be used for a court to consider appointment of counsel and discovery requests.

The committees recommend the following changes to form HC-001 to implement legislation and address feedback from courts and commenters:

- Reorganize the form into three separate parts (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 16.¹²
 - Part B is for all claims except for those under the Racial Justice Act. Part B contains items 6 and 10 from the current version of the form, which have been renumbered 1, 2, and 3 (item 6 is now two separate items).

¹¹ 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.

¹² Item 3 from the current version of the form is divided into two separate items in the proposed form.

- Part C is for Racial Justice Act claims. Part C contains item 18 from the current version of the form, which has been renumbered 1 through 7.
- Add an instruction to incorporate the service requirements of SB 734: an attorney filing this petition on behalf of a petitioner, based on a claim under 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.
- Add an instruction stating that the form is intended for use by petitioners filing for relief in habeas corpus proceedings and who have not been sentenced to death.

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 recommend 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 on or after January 1, 2025, or 2026, and replace with a checkbox indicating that judgment was for a felony conviction.¹³
- 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; revise to allow the petitioner to indicate that at this time, they do not need discovery, have previously received discovery, or may request discovery after counsel is appointed; and add a reference to section 745(d).
- Renumber item 18g as item 7 and add a question about whether the claim is being raised again due to a change in law.

Motion to Vacate Conviction or Sentence (form CR-187) and Order on Motion to Vacate Conviction or Sentence (form CR-188)

A petitioner may use *Motion to Vacate a Conviction or Sentence* (form CR-187) to file a motion for relief under sections 1016.5 and 1473.7(a)(1)–(3). A court uses *Order on Motion to Vacate Conviction or Sentence* (form CR-188) to grant or deny the requested relief.

¹³ 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 recommend the following revisions to form CR-187:

- Add an instruction to incorporate the service requirements of SB 734: an attorney filing this motion on behalf of a moving party, based on a claim under 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.
- Replace references to section 745(a) with “the Racial Justice Act” in items 5a and 5f to use plain language and align with form HC-001.
- Replace items 5a(3) and 5a(4) with a single checkbox indicating that the judgment is for a felony conviction.¹⁴
- Revise item 5f to replace “disclosure” with “discovery,” add a cite to section 745(d), and to use plain language and align with form HC-001.
- Add new item 5f(3) to allow a moving party to indicate that at this time, they do not need discovery, have previously obtained discovery, or may request discovery after counsel is appointed.
- Add a citation to *People v. Gutierrez* (2025) 113 Cal.App.5th 906¹⁵ to item 6 on requesting counsel.

The committees recommend the following revisions to form CR-188:

- Remove item 5b, which allows the court to dismiss a prematurely filed motion under the time frames in 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 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.

Policy implications

The rule amendments and form revisions recommended by the committees will implement legislative changes and make the requirements clearer for petitioners seeking to present Racial

¹⁴ 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.

¹⁵ 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.

Justice Act claims. Accordingly, the key policy implications are ensuring that council rules and forms correctly reflect the law and increase access to justice.

These revisions are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV). This recommendation also implements Goal I, Access, Fairness, Diversity, and Inclusion, by making forms easier for self-represented litigants to complete and understand.

Comments

The proposal circulated for comment from December 5, 2025, to January 7, 2026. Fourteen comments were received. Four commenters agreed with the proposal, one agreed if modified, four disagreed, and five did not indicate a position. The committees appreciate the time taken by commenters to respond to this proposal. Below is a summary of substantive issues that were raised in the comments. All comments received, and the committees' responses, are provided in the attached chart of comments at pages 37–89.

Discovery requests on forms HC-001 and CR-187

Multiple commenters noted that the discovery statutes available to petitioners seeking relief under the Racial Justice Act do not require the filing of a legal claim,¹⁶ and that part C, items 6–8 on the circulated version of form HC-001, could mislead petitioners by creating an impression that claims must be pled prior to requesting discovery. There were also concerns that a petitioner could preclude potential future relief by filing the petition with the intent to request discovery when a separate pre-petition discovery motion would be appropriate.

The commenters suggested various solutions, including creating a separate discovery form for Racial Justice Act claims. The committees intend to consider this suggestion in the future, as time and resources allow. In a comment suggesting a separate discovery form, the Office of the State Public Defender recommended, at the very least, adding a new instruction to form HC-001 stating that a petitioner may file a standalone discovery request before filing the petition. The committees declined this suggestion but propose modifying part C, item 6, to reference previously obtained discovery.

The committees agree with comments recommending the form adopt the approach taken in *Request for Relief Under the Racial Justice Act—Juvenile Adjudication* (form JV-720). Item 5b on form JV-720 allows the applicant to state that they will request disclosure of evidence after an attorney is appointed to represent them. The committees recommend modifying item 6a of form HC-001 in a similar manner and added new item 5f(3) of form CR-187.

¹⁶ AB 1071 amended Penal Code sections 1473(e)(2) and 1473.7(e) to state that a petitioner or defendant may file a motion for evidence in preparation to file a Racial Justice Act habeas petition or motion to vacate. Additionally, section 1054.9(a) requires a court to order a defendant be provided reasonable access to specified discovery materials in preparation to file a postconviction writ of habeas corpus or a motion to vacate a judgment.

Deleting items 7 and 8 on previous requests for discovery (form HC-001)

In the invitation to comment, the committees proposed adding items 7 and 8 to part C of form HC-001 to assist courts when considering requests for discovery and evaluating claims. Item 7 asked if the petitioner had tried before to obtain evidence to support their claims, with yes and no checkboxes. If the petitioner checked yes, they were prompted to attach any information or documents they found to support the claim. Item 8 asked if before filing this petition, whether the petitioner asked a court for discovery, with yes and no checkboxes. If the petitioner checked yes, they were prompted to provide the result and attach any information or court order received.

The California Appellate Project and Habeas Corpus Resource Center expressed concern that these items were confusing, as previous requests for discovery are required under section 1054.9(a)¹⁷ but not under sections 745(d) and 1473(e)(2). The commenters also noted that asking petitioners to describe discovery they previously requested and received could cause issues with future litigation, such as revealing information that may not be known to opposing counsel. The commenters recommended removing both items.

To balance court and petitioner interests, the committees recommend deleting part C, items 7 and 8, and adding language in part C, item 2, directing the petitioner to attach any previously received documents in discovery or other documents supporting their claim, such as transcripts, declarations, or other relevant records.

Whether to incorporate section 1054.9 discovery requests into the proposal

The invitation to comment asked for specific comments about whether to incorporate discovery requests under section 1054.9 into the Racial Justice Act forms. Effective January 1, 2026, Assembly Bill 1036 (Stats. 2025, ch. 444)¹⁸ amends section 1054.9 to expand access to discovery in a postconviction proceeding to defendants convicted of felonies resulting in incarceration in state prison; it is not specific to Racial Justice Act proceedings.¹⁹ AB 1036 also broadens the definition of discovery materials for purposes of the statute.

Four commenters recommended including a request for discovery under section 1054.9 in the forms, and four commenters recommended against it. The committees do not recommend incorporating discovery requests under section 1054.9 into the forms at this time but will consider it as part of the proposal for a separate Racial Justice Act discovery form in the future, as time and resources allow.

¹⁷ Under Penal Code section 1054.9(a), a defendant filing a postconviction habeas petition or motion to vacate a judgment must show “that good faith efforts to obtain discovery materials from trial counsel were made and were unsuccessful” before the court orders reasonable access to specified discovery materials.

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.

Incorporating updated statutory and legislative intent language on the threshold showing for appointment of counsel in a habeas proceeding

AB 1071 included 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) 110 Cal.App.5th 33, and should be construed as a minimal pleading requirement. Section 1473(e) was also amended to require appointment of counsel if the petition “pleads a plausible allegation” of a Racial Justice Act violation, replacing previous language about “alleges facts that would establish” a Racial Justice Act violation.

The committees recommend amending rules 4.551(d)(1)(B) and 8.385(g)(2)(B) to read as follows:

The petition pleads a plausible allegation of a violation of section 745(a). This inquiry is limited to the facial sufficiency of the allegations of the petition alone.

Prior to circulation, the committees discussed replacing the former statutory language (“the petition alleges facts that would establish” a Racial Justice Act violation) with the updated statutory language (“the petition pleads a plausible allegation” of a Racial Justice Act violation). However, the committees decided to retain the former statutory language in the proposal when it circulated for comment due to concerns that by echoing the “plausible allegation” language of AB 1071, the rule would be taken as an invitation to weigh credibility at a preliminary stage, contrary to AB 1071’s legislative intent. In addition, the committees added the second clause to further emphasize the holding in *McIntosh*.

Several commenters requested that the rules of court reflect the new statutory language, noting that the new language reflects the minimal pleading requirement and that retaining the former language would make the rules misaligned with statute. The committees agree with the recommendation.

Indigency determination for purposes of appointment of counsel

On form HC-001, the committees proposed new item 4c in part C, asking if the petitioner was represented by appointed counsel in this case at the trial court and/or on appeal, to assist courts with indigency determinations.

The University of San Francisco Racial Justice Clinic and the Ella Baker Center for Human Rights, in a joint comment, stated that the structure and phrasing of item 4 could be confusing for petitioners, and recommended clarifying language for items 4a and 4b. In addition, these commenters and the Los Angeles County Public Defender recommended removing item 4c, which states that an inquiry into prior appointed counsel serves no purpose as an indicator of present financial capacity. To retain the item but avoid confusion, the committees recommend clarifying the language used in item 4 and reordering the item so that item 4c is renumbered as item 4a, item 4a as item 4b, and item 4b as item 4c.

Subsequent Racial Justice Act claim

The Office of the State Public Defender recommended modifying part C, item 9 to include a change in law as a justification for filing a subsequent Racial Justice Act claim. The committees agree and recommend adding this item (now numbered item 7b(1)) to the form.

Adding instruction to form HC-001 for capitally sentenced petitioners

In a joint comment, the California Appellate Project and Habeas Corpus Resource Center expressed concern that form HC-001 invites capitally sentenced petitioners to complete all parts without counsel, including non-Racial Justice Act claims. For capitally sentenced petitioners who have not yet been appointed habeas counsel, inclusion of non-Racial Justice Act claims could result in forfeiture of habeas claims not included, if a successor or timeliness bar is imposed. As such, the commenters requested an instruction be added to form HC-001: “Under the rules of court, form HC-001 must be used by self-represented petitioners filing for relief in noncapital habeas corpus proceedings (Cal. Rules of Court, rules 4.551(a)(1), 8.830(a)) but **this form is not intended for use by self-represented petitioners with a judgment of death**. Death penalty-related habeas proceedings are governed by different statutes and rules of court.”

Considering these concerns, the committees recommend adding the following instruction at the top of form HC-001: “This form is intended for use by petitioners filing for relief in habeas corpus proceedings and who are not sentenced to death (Cal. Rules of Court, rules 4.551(a)(1), 8.830(a)).” While rules 4.551(a)(1) and 8.830(a) generally require the use of form HC-001, the form is an optional one—not mandatory. Given this, including the instruction that “form HC-001 must be used by self-represented petitioners” could be considered legal advice. Similarly, the portion of the requested instruction that the form is not intended for use by petitioners with a judgment of death and death penalty-related habeas proceedings are governed by different statutes and rules of court could be considered legal advice. Simply instructing that the form is intended for use by noncapital habeas petitioners should be sufficient to address this concern while not providing legal advice.

New separate form for Racial Justice Act–related claims for capitally sentenced petitioners

In a joint comment, the California Appellate Project and Habeas Corpus Resource Center requested a new separate form solely for capitally sentenced people to present their Racial Justice Act–related claims. *People v. Wilson* (2024) 16 Cal.5th 874, 944 provides that capitally sentenced petitioners who have not yet been appointed habeas counsel may file Racial Justice Act–only habeas petitions. These petitioners need not await appointment of Proposition 66 counsel to pursue relief under the Racial Justice Act, and a standalone Racial Justice Act petition will not bar later habeas claims developed by appointed counsel.

Adopting a new separate form is outside the scope of this proposal, but the committees may consider this suggestion in the future as time and resources allow.

Providing copies of the informal response to counsel

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 requested specific comments on whether including a reference to petitioner's counsel in rule 4.551(b)(2) would be helpful. Five commenters responded that adding a reference to counsel would be helpful. In response, the committees recommend modifying the rule to require notice and service of the informal response on petitioner's counsel, if represented, similar to rule 8.385(b) on informal responses in habeas proceedings in appellate court.

Additional comments on informal responses

The San Francisco Public Defender requested that if an unrepresented petitioner has requested counsel and the court requests an informal response, rule 4.551(b) should specify that the court should appoint counsel at that time; that rule 4.551(d)(1) should state, "A court that requests informal briefing under subdivision (b)(1) of this Rule should consider simultaneous appointment of counsel;" and that similar language should be added to the existing advisory committee comment on rule 4.551(b).

The committee recommends adding language to the advisory committee comment on subdivision (b) to guide courts to consider appointing counsel when requesting an informal response:

Subdivision (b). 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. In addition, the court should consider simultaneously appointing counsel for an unrepresented petitioner under the standards of section 1473(e)(5).

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 recommended 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.

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 recommend keeping all claims on form HC-001 but more clearly differentiating between Racial Justice Act and other claims by dividing the form into three separate parts.

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. The Superior Courts of Los Angeles, Orange, and San Diego Counties stated that this proposal would provide minimal or no cost savings. The Superior Court of Orange County noted that the proposal would improve document processing and reduce the number of unnecessary hearings, which would result in cost savings.

Attachments and Links

1. Cal. Rules of Court, rules 4.551 and 8.385, at pages 14–17
2. Forms HC-001, CR-187, and CR-188, at pages 18–36
3. Chart of comments, at pages 37–89
4. Link A: Assembly Bill 1071,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1071
5. Link B: Senate Bill 734,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB734
6. 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 are 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 or, if represented, petitioner's counsel.
- (3) ~~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 the petitioner is not represented by counsel in the habeas corpus proceeding, the informal response must be served on the petitioner. If the petitioner is represented by counsel in the habeas corpus proceeding, the informal response must be served on the petitioner's counsel. If any informal response is filed, the court must notify the petitioner that ~~he or she may a reply to the informal response may be filed~~ within 15 days from the date of service of the response on the petitioner or counsel. 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 or counsel.
- (34) 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 745(a) has occurred. A prima facie determination must be based on the petitioner's showing and the record.

(3) An order to show cause is a determination that the petitioner has made a showing that they may be entitled to relief. It does not grant the relief sought in the petition.

(d) Appointment of counsel

(1) ~~On issuing an order to show cause, the court must appoint counsel for any unrepresented petitioner who desires but cannot afford counsel.~~

(2) When a petition raises a claim under Penal Code section 745(a) and requests appointment of counsel, the court must appoint counsel if the petitioner cannot afford counsel and either: ~~the petition alleges facts that would establish a violation of section 745(a) or~~

(A) ~~†The State Public Defender requests that counsel be appointed; or Newly appointed counsel may amend a petition filed before their appointment.~~

(B) The petition pleads a plausible allegation of a violation of section 745(a). This inquiry is limited to the facial sufficiency of the allegations of the petition alone.

(2) Newly appointed counsel may amend a petition filed before their appointment.

(3) On issuing an order to show cause, the court must appoint counsel for any unrepresented petitioner who desires but cannot afford counsel.

(e)–(i) * * *

Advisory Committee Comment

Except for claims raising a violation of Penal Code section 745(a) that are addressed in subdivision (d)(1), the court must appoint counsel on the issuance of an order to show cause. (In

1 *re Clark* (1993) 5 Cal.4th 750, 780 and *People v. Shipman* (1965) 62 Cal.2d 226, 231–232.) The
2 Court of Appeal has held that under Penal Code section 987.2, counties bear the expense of
3 appointed counsel in a habeas corpus proceeding challenging the underlying conviction.
4 (*Charlton v. Superior Court* (1979) 93 Cal.App.3d 858, 862.) Penal Code section 987.2
5 authorizes appointment of the public defender, or private counsel if there is no public defender
6 available, for indigents in criminal proceedings.

7
8 ~~The issue of whether the prima facie showing for a petition for writ of habeas corpus under~~
9 ~~section 1473(e) is the same as in section 745(h)(2) or defined in subdivision (e)(1) of this rule~~
10 ~~(see *In re Marquez* (2007) 153 Cal.App.4th 1, 11) is unresolved.~~

11
12 **Subdivision (a)(4) and (7).** * * *

13
14 **Subdivision (b).** As in other cases, when considering a petition raising a claim under Penal Code
15 section 745(a), the court may request an informal response from the state. In addition, for claims
16 under Penal Code section 745(a), the court should consider simultaneously appointing counsel for
17 an unrepresented petitioner under the standards of section 1473(e)(5).

18
19 **Subdivision (d).** The standard set out in paragraph (1)(B) is to be construed as a minimal
20 pleading requirement consistent with the Legislature’s statement of intent in Assembly Bill 1071
21 (Stats. 2025, ch. 721).

22
23
24 **Rule 8.385. Proceedings after the petition is filed**

25
26 **(a)–(c)** * * *

27
28 **(d) Order to show cause**

29
30 (1) Except as provided in (2), if the petitioner has made the required prima facie
31 showing that he or she is entitled to relief, the court must issue an order to
32 show cause. In doing so, the court takes petitioner’s factual allegations as true
33 and makes a preliminary assessment regarding whether the petitioner would
34 be entitled to relief if the petitioner’s factual allegations were proved. If so,
35 the court must issue an order to show cause.

36
37 (2) When a petition raises a claim under section 745(a), the court must issue an
38 order to show cause if the petitioner has made a prima facie showing, which
39 means that the defendant has produced facts that, if true, establish that there
40 is a substantial likelihood that a violation of section 745(a) occurred. A prima
41 facie determination must be based on the petitioner’s showing and the record.

42
43 (3) An order to show cause does not grant the relief sought in the petition.

1
2 (e)–(f) * * *

3
4 (g) **Appointment of counsel**
5

6 (1) Except as provided in (2), if the return is ordered to be filed in the Supreme
7 Court or the Court of Appeal, the court in which the return is ordered filed
8 must appoint counsel for any unrepresented petitioner who desires but cannot
9 afford counsel.
10

11 (2) When a petition raises a claim under Penal Code section 745(a) and requests
12 appointment of counsel, the court must appoint counsel if the petitioner
13 cannot afford counsel and either ~~the petition alleges facts that would establish~~
14 ~~a violation of section 745(a) or;~~
15

16 (A) The State Public Defender requests that counsel be appointed; or
17

18 (B) The petition pleads a plausible allegation of a violation of section
19 745(a). This inquiry is limited to the facial sufficiency of the
20 allegations of the petition alone.
21

22 (3) Newly appointed counsel may amend a petition filed before their
23 appointment.
24

25 **Advisory Committee Comment**
26

27 **Subdivision (a).** * * *
28

29 **Subdivision (b).** As in other cases, when considering a petition raising a claim under Penal Code
30 section 745(a), the court may request an informal written response from the state. In addition, for
31 claims under Penal Code section 745(a), the court should consider simultaneously appointing
32 counsel for an unrepresented petitioner under the standards of section 1473(e)(5).
33

34 **Subdivision (c).** * * *
35

36 **Subdivision (d).** * * *
37

38 **Subdivision (g).** The standard set out in paragraph (2)(B) is to be construed as a minimal
39 pleading requirement consistent with the Legislature’s statement of intent in Assembly Bill 1071
40 (Stats. 2025, ch. 721).
41
42

Name: _____
 Address: _____

DRAFT
 Not approved by the
 Judicial Council
 02/26/2026

CDCR or ID Number: _____

(Court)

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner _____
 v. _____
 Respondent _____

No. _____
 (To be supplied by the Clerk of the Court)

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.
 - This form is intended for use by petitioners filing for relief in habeas corpus proceedings and who have not been sentenced to death (Cal. Rules of Court, rules 4.551(a)(1), 8.380(a)).
- 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):

☐ A conviction	☐ Parole	☐ 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.)
☐ A sentence	☐ Credits	
☐ Jail or prison conditions	☐ Prison discipline	
☐ 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	Parts A and B only
Yes, I only have a Racial Justice Act claim.	Parts 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 blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

[illegible][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. If you have previously received documents in discovery or have other documents supporting your claim (such as transcripts, declarations, or any other relevant records), attach them to this form.

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. Were you represented by appointed counsel in this case (at the trial court and/or on appeal)?

- ☐ Yes
☐ No

b. Do you want appointed counsel at no cost to you?

- ☐ Yes
☐ No

c. Can you afford to hire and pay for your own attorney?

- ☐ 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?

- ☐ No; at this time, I do not need discovery, have previously obtained discovery, or may request discovery after counsel is appointed to represent me.
☐ Yes, under Pen. Code, § 745(d). (If yes, complete 6a and b)

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. Are you raising this claim for the first time?

- a. ☐ Yes (Skip to the declaration at the bottom of this page.)
b. ☐ No (Complete the following questions.)

Why are you raising this claim again? (Complete (1), (2), and (3).)

(1) ☐ Change in law (provide the cases or statutes):

(2) ☐ Change of facts

Could the new evidence have been previously known to you?

- ☐ Yes ☐ No

Explain:

(3) ☐ Other: _____

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 03/03/2026 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** (Pen. Code, § 745(d).) (*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:**

- (3) ☐ **At this time, I do not need discovery, have previously obtained discovery, or may request discovery after counsel is appointed to represent me.**



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:	CASE NUMBER:
ORDER ON MOTION TO VACATE CONVICTION OR SENTENCE ☐ Pen. Code, § 1016.5 ☐ Pen. Code, § 1473.7(a)(2) ☐ Pen. Code, § 1473.7(a)(1) ☐ 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:

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:

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

W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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

	Commenter	Position	Comment	Committee Response
1.	California Appellate Project and Habeas Corpus Resource Center by Joseph Schlesinger, Executive Director, California Appellate Project; Nisha Shah, Interim Executive Director, Habeas Corpus Resource Center	NI	The California Appellate Project-San Francisco (CAP-SF), joined by the Habeas Corpus Resource Center (HCRC), submits the following comments to Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188. CAP-SF was established in 1983 by the State Bar of California, at the request of the Supreme Court of California, to assist counsel appointed to represent people who have been sentenced to death in California at all stages of the state post-conviction legal proceedings including on Racial Justice Act (RJA) matters. At the end of the past fiscal year CAP was providing assistance in more than 260 ongoing postconviction matters and to more than 360 unrepresented people. Over the past four decades of our existence, we have been involved in countless others. HCRC was created as part of the judicial branch, effective January 1, 1998, by Senate Bill 513. (Stats 1997, ch. 869.) The HCRC's mission is to provide legal representation to people sentenced to death in California in their postconviction proceedings, and to serve as a resource center for attorneys appointed in capital cases. (See Gov. Code, §§ 68660-68664.) Because capital petitioners may press claims related to the RJA, HCRC raises the following comments for consideration ahead of the promulgation of the proposed rules and forms.	The committees appreciate the comments.
			I. INTRODUCTION CAP-SF and HCRC offer the following comments to respond to specific questions posed by the Judicial Council regarding proposed changes to HC-001 and California Rules of Court, Rules 4.551 and 8.385, based on the Racial Justice Act and recent amendments to that law. Because we believe the proposed amendments will impact capital sentenced petitioners in ways that are significantly different from their impact on non-capital petitioners, we offer an overview of the current state of capital habeas litigation to provide context for our comments.	Please see the committees' responses to specific suggestions below.

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

W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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

	Commenter	Position	Comment	Committee Response
			Of roughly 563 condemned people in the state, approximately 346 are awaiting appointment of Proposition 66 counsel — many for decades, and many of whom may never receive counsel at all. Of those 346, over 140 have had their death judgments affirmed on appeal and currently have single-issue placeholder <i>Morgan</i> petitions (<i>In re Morgan</i> (2010) 50 Cal.4th 932) pending in the California Supreme Court. <i>Morgan</i> petitions are filed with the expectation that if counsel is ever appointed, the petition will be transferred to the superior court and amended with additional claims developed with the benefit of investigation and expert funding. The sole purpose of a <i>Morgan</i> petition is to toll the federal habeas statute of limitations. By contrast, of the roughly 200 capital sentenced people who do have habeas counsel, some have cases pending in the superior court or courts of appeal, while many are already in federal court, often after one or more completed rounds of state habeas litigation. It is an extremely heterogeneous population, and for many purposes — particularly under the existing rules and proposed forms — a one-size-fits-all approach is simply unworkable. While Assembly Bill 1071, the primary driver of the proposed amendments under consideration, says nothing about the availability of RJA claims for capital petitioners, the California Supreme Court recently issued an opinion that significantly impacts how capital sentenced people might access the RJA. In <i>People v. Wilson</i> (2024) 16 Cal.5th 874, 944, the California Supreme Court held that capital sentenced people who have not yet been appointed habeas counsel are permitted to file RJA-only habeas petitions without being bound by Proposition 66's rules regarding appointment of habeas counsel, providing the nearly 350 people awaiting Proposition 66 counsel with an alternative path for presenting RJA claims. The Court held that because the RJA includes a funding mechanism for counsel, capital sentenced people need not	

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

W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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

	Commenter	Position	Comment	Committee Response
			await appointment of Proposition 66 counsel to pursue RJA relief, and that a standalone RJA petition will not bar later habeas claims developed by appointed counsel, should counsel ever be obtained. What <i>Wilson</i> does not address — indeed, is silent on— is whether a petition that includes both RJA and non-RJA habeas claims would or would not trigger the restrictions on later petitions once Proposition 66 counsel is appointed. The <i>Wilson</i> procedure does not allow courts to impose the successor or timeliness petition bars when a capital sentenced person who still awaits their Proposition 66 counsel files a petition with both RJA and non-RJA habeas claims. The entire structure of Proposition 66’s restrictions on second and successive petitions presupposes that the petitioner has already had the benefit of qualified counsel and access to defense services. That said, the issue is unresolved. Some of our comments and suggestions below are founded on the concern that a capital habeas petition containing both RJA and non-RJA claims — if presented by a pro per petitioner — will incorrectly be subjected to a successor petition and / or timeliness bar. In addition, the proposed amendments do not address <i>Wilson</i>, its procedures or the implications of those procedures for capital sentenced people. In light of that gap, while we are offering comments on the proposed amendments, we also offer a counterproposal: That the committees include language in boldface type in the instructions to HC-001 indicating that the form is not meant to be used by capital sentenced people (a position that the committees explicitly took two years ago during the last amendments to HC-001, see Appellate Advisory Com., <i>Criminal Procedure: Racial Justice Act</i> (SPR24-028, at https://jcc.legistar.com/View.ashx?M=F&ID=12870891&GUID=E9B6569C-6089-48C2-B898-6A9FA49A83D4, last visited on January 6, 2026, at page 12) [“SPR24-028 Comments”]) and that they create a separate RJA habeas form for capital sentenced petitioners whose instructions	

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W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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			indicate in boldface type that it is not meant to be used by non-capitally sentenced petitioners. With this background in mind, CAP-SF and HCRC offer the following comments on the proposed amendments.	
			Does the proposal appropriately address the stated purpose? Yes and no. See specific comments below.	The committees appreciate the comment and provide specific responses below.
			A. Proposed changes to Form HC-001 Certainly, the proposal takes steps toward incorporating changes to the Racial Justice Act as mandated by Assembly Bill 1071 and implemented in Penal Code sections 745 and 1473. And to the extent that the RJA section of the proposed form HC-001 adds questions directing pro per petitioners to the specific allegations they must make to begin RJA habeas litigation — see page 8 of proposed Form HC-001 — the new form is more useful than the previous form. At the same time, the new form HC-001 inadvertently creates a number of problems, specifically for death-sentenced individuals, and may confuse pro per litigants.	Please see responses below regarding specific suggestions related to this comment.
			i. The form inadvertently invites everyone who has a valid RJA claim to include non-RJA claims in the petition. a. By including non-RJA and RJA habeas claims in the same form (Part B for non-RJA habeas, pages 5-7; Part C for RJA habeas, pages 8-9), the form will unintentionally invite pro per RJA petitioners — many of whom have limited education and nearly all of whom have no legal education— to include non-RJA habeas claims, even if those claims have not been fully investigated and/or lack merit at the time the petitioner files the petition. The improvident premature presentation of a non-RJA	The committees appreciate the comment.

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W26-05

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			claim (for example, a prosecutorial misconduct claim or a new evidence claim) has serious consequences for habeas petitioners.	
			b. Most concerning is the death-sentenced petitioner, proceeding without counsel, who elects to include non-RJA claims with RJA claims pursuant to this form.¹ Eventually, this could lead to the imposition of unnecessary successor or timeliness bars when the petitioner obtains counsel who files a fully developed petition. For such a petition, the state may argue that any non-RJA claims filed subsequent to the first petition are procedurally barred as successive or untimely because all non-RJA claims should have been included in the first instance. (See <i>In re Clark</i> (1993) 5 Cal.4th 750, 767-774 [describing habeas procedural bars, including successor petition bar as prohibiting the piecemeal presentation of claims].) Capitally sentenced petitioners have a statutory right to habeas counsel, and forfeiture of habeas claims if a successor or timeliness bar is imposed can jeopardize a federal court’s plenary review and ultimately lead to the petitioner’s execution. ¹ The proposed HC-001 form invites this scenario. There is a substantial delay for the appointment of counsel for individuals sentenced to death in California. <i>People v. Wilson</i> (2024) 16 Cal.5th 874, 957. The proposed form, which allows for a petitioner to include non-RJA and RJA claims in one form, is an attractive vehicle to seek relief for individuals who have waited years, if not decades, for appointment of counsel. Critically, <i>Wilson</i> allows death-sentenced petitioners to file RJA-only claims separate from non-RJA claims and to seek the appointment of counsel for that specific purpose. While <i>Wilson</i> is clear that the two types of claims should be filed separately in cases involving a death judgment if the petitioner is still awaiting the appointment of “full-scope habeas corpus counsel,” the form, contrary to <i>Wilson</i>, invites inclusion of RJA and non-RJA claims. (See <i>Wilson, supra</i>, 16 Cal.5th at p. 962.) It is also the only	Please see responses below regarding specific suggestions related to this comment.

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W26-05

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			form available to a capital sentenced person to request the appointment of counsel pursuant to <i>Wilson</i> .	
			c. We urge the Judicial Council to conspicuously note in the instructions that this form is not meant to be used by death-sentenced individuals. HC-001 is clearly designed for non-capital petitioners, for example, by including instructions suggesting that a petitioner could file an original habeas corpus petition in the superior, appellate courts and Supreme Court, whereas even under <i>Wilson</i>, capital habeas petitioners may only file their original petition in the superior court. Although the form is not designed for capital petitioners, the instructions do not make this limitation explicit, creating the risk of confusion and additional burdens on all California courts. The Appellate Advisory Committee and Criminal Law Advisory Committee previously declined to advise capital petitioners not to use form HC-001 on the grounds that such language might constitute legal advice. The Committees also noted that “[d]eath penalty-related habeas proceedings are governed by different statutes and rules of court,” and assumed that “petitioners are generally represented by counsel in these matters.” (See SPR24-028 Comments, <i>supra</i>, p. 12.) The Committees therefore appear to assume that counsel will file petitions for capital sentenced people and advise their clients not to use HC-001. But 346 capital sentenced people²— well over half of the state’s death row — are awaiting the appointment of habeas corpus counsel, and those individuals may use this form to press their cases forward. ² See Habeas Corpus Resource Center, 4.561 Compliance: Persons Under Sentence of Death in California (last revised Nov. 14, 2025), < https://www.hcrc.ca.gov/4.561/HCRC_4.561-list.pdf >, p. 1.	Please see the response below.
			d. Thus, the form should include the following language in the instructions with the bold type for emphasis:	The committees agree that the form should include an instruction at the top

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			“Under the rules of court, form HC-001 must be used by self-represented petitioners filing for relief in noncapital habeas corpus proceedings (Cal. Rules of Court, rules 4.551(a)(1), 8.830(a)) but this form is not intended for use by self-represented petitioners with a judgment of death. Death penalty-related habeas proceedings are governed by different statutes and rules of court.”	of form HC-001 stating that it is intended for use by petitioners in noncapital habeas corpus proceedings. Because the form is not mandatory, the instruction “form HC-001 must be used” is inaccurate, and the committees decline to include that instruction.
			ii. The proposed forms add sections in which the petitioner can request discovery, but these sections are confusing. a. None of the three potential discovery statutes available to post-conviction petitioners/litigants — Penal Code sections 745(d), 1054.9, and 1473(e)(2) — require a petitioner to have a pending petition to request discovery. (See, e.g., 2025 amendments to section 1473(e)(2), adding “or in preparation to file a petition”; <i>In re Steele</i> (2004) 32 Cal.4th 682, 691 [section 1054.9 permits discovery without a pending petition].) By including a section on discovery (Part C, questions 6-8, page 9), the proposed form HC-001 creates a misimpression to pro per petitioners that in order to seek discovery they must plead habeas corpus claims. Including questions 6 through 8 in proposed form HC-001 may induce or otherwise suggest to pro per petitioners that they should improvidently plead claims that are still undeveloped to access discovery. Because a petitioner can access discovery without the filing of any legal claims, the inclusion of these questions suggests otherwise (that legal claims are necessary before a petitioner accesses discovery). We urge the Judicial Council to delete questions that inquire about a petitioner’s efforts to request discovery.	The committees agree in part, and will remove items 7 and 8, but will include instructions for the petitioner to attach documents in support of their claim, including any previous discovery, in item 2. In response to other comments, the committees will modify item 6 so that a petitioner may indicate that if they are not requesting discovery through the petition, they may request it after counsel is appointed if necessary. Additionally, the committees may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
			b. The discovery section, questions 6-8 in Part C, creates additional problems:	

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			1) The questions do not indicate whether they are meant to address discovery requests under sections 745(d) and 1473(e)(2) [RJA] or section 1054.9 [general habeas, which can include RJA]. The legal standards for each statute are different.	The committees will modify item 6 of HC-001 and item 5f of CR-187 to state that the discovery request is being made under Penal Code section 745(d).
			2) It is not clear whether checking “yes” on question 6 on page 9 in Part C means the petitioner is filing a motion for disclosure of data and records under section 745(d).	The committees will modify item 6 of HC-001 and item 5f of CR-187 to state that the discovery request is being made under Penal Code section 745(d).
			c. Questions 7 and 8 in Part C ask petitioners if they have made previous requests for discovery, which may be legally relevant under section 1054.9 but is not legally relevant or required under sections 745(d) and 1473(e)(2). Under section 1054.9(a), a petitioner must seek information from trial counsel first, but sections 745 and 1473(e)(2) contain no such requirement. This may create confusion for both petitioners and the courts about which discovery tool the petitioner is trying to invoke.	The committees agree in part, and will remove items 7 and 8, but will include instructions for the petitioner to attach documents in support of their claim, including any previous discovery, in item 2.
			d. By asking petitioners to describe previous discovery they have requested and received, question 7, the form may violate the work product privilege to the extent it suggests petitioners must describe the content of that discovery in any detail. To the extent a pro per petitioner details their efforts to request previous discovery, this also invites an adversarial position that a petitioner was dilatory or somehow delayed the presentation of claims if later assisted by counsel who raises new or additional claims in a subsequently filed habeas petition. This information – whether and to what extent a petitioner previously sought certain discovery – may not have otherwise been known to opposing counsel.	The committees agree in part, and will remove items 7 and 8, but will include instructions for the petitioner to attach documents in support of their claim, including any previous discovery, in item 2.
			e. Pro per petitioners may not know what “discovery” means. If the committees determine that any discovery questions are appropriate (and they may be appropriate if included in a separate form, see page 12 of	The committees decline to make the suggested change. The forms provide sufficient prompts for the petitioner to

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			this comment, <i>post</i>), the form should use plain, non-legal, English to explain the purpose of the questions. For example, the form HC-001 could ask whether the petitioner wants to ask either the prosecutor or the court to give them information or facts that would help them investigate and describe their claims. This explanation can offer examples of the types of information a petitioner may request, such as charging and sentencing information that includes the race of defendants and victims, police reports from their case, or court transcripts.	describe what they are seeking, and why.
			f. For these reasons, we urge the Judicial Council to delete questions that inquire about a petitioner's efforts to request discovery.	The committees will remove items 7 and 8 but will include instructions for the petitioner to attach documents in support of their claim, including any previous discovery, in item 2. The committees will modify item 6 so that a petitioner may indicate that if they are not requesting discovery through the petition, they may request it after counsel is appointed if necessary.
			iii. The proposed form HC-001 asks petitioners to explain whether they are asking to amend a pending habeas petition at page 8, question 5, but this question also may sow confusion. a. This question may sow considerable confusion and cause problems for death-sentenced petitioners especially. Many people with death sentences have pending habeas petitions filed pursuant to <i>In re Morgan</i> (2010) 50 Cal.4th 932 to toll the federal habeas corpus statute of limitations after their automatic appeals are complete. The <i>Morgan</i> petition is not meant to be amended unless and until the death sentenced person receives their statutorily mandated capital habeas counsel and have received the benefit of a full capital habeas investigation. (<i>Morgan</i> , supra, 50 Cal.4th at p. 942.)	The question reflects Penal Code section 1473(e)(4), which states that if the petitioner has a habeas corpus petition pending in state court that has not yet been decided, they may amend the existing petition with a Racial Justice Act claim. In response to this comment, the committees will add to the instructions page that form HC-001 is

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				intended for petitioners in noncapital habeas proceedings.
			b. The California Supreme Court held in <i>Wilson</i> that capitally sentenced petitioners are permitted to file stand-alone RJA habeas petitions without risking a successor or timeliness bar. This question could lead courts to erroneously consider a pro per RJA-only petition as an amendment to the <i>Morgan</i> petition, putting their future non-RJA habeas claims at risk. Worse, if a petitioner checks this box and includes RJA and non-RJA claims as the form encourages, a petitioner potentially invites successor and / or timeliness bar litigation against subsequent non-RJA claims raised after appointment of counsel.	The committees may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
			c. This question again highlights the disconnect between habeas litigation for capital and non-capital defendants and supports our request for (1) language indicating the form is not meant to be used by capitally sentenced clients and (2) a separate RJA habeas form for capital clients.	Please see response above.
			d. Question 10 on page 3, asking about other previous post-conviction litigation and citing to successor bar case law, raises the same concern. As explained above, some capitally sentenced petitioners have filed placeholder petitions under <i>In re Morgan</i> , supra, but that fact will be irrelevant because a <i>Morgan</i> petition should not affect the availability of RJA habeas relief to a capitally sentenced person. This question creates another point of confusion for any capitally sentenced person who might attempt to use the form.	In response to this comment, the committees will add to the instructions page that form HC-001 is intended for petitioners in habeas proceedings who have not been sentenced to death.
			B. Proposed changes to Rule 4.551 As noted below, at page 15, some of the changes to Rule 4.551 do not adequately incorporate amendments to the RJA enacted by AB 1071, particularly regarding the appointment of counsel.	

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			In addition, the amendments to Rule 4.551 do not address the fact that capital sentenced petitioners are entitled to file limited RJA petitions under <i>People v. Wilson, supra</i>, 16 Cal.5th 874, 944. <i>Wilson</i> made clear that at least for limited RJA petitions filed in the superior court, capital sentenced petitioners would not be bound by the capital habeas procedure included at Rule 4.560 et seq. Although <i>Wilson</i> did not delineate which court rules would apply to RJA-only petitions in capital cases, its holding implies that Rule 4.551 would govern such petitions. We suggest instead that the committees amend Rule 4.551 to add the following language: “A capital habeas petitioner seeking the appointment of counsel for purposes of a petition filed under the Racial Justice Act as provided in <i>People v. Wilson</i> (2024) 16 Cal.5th 874, may file a brief pleading stating only: 1. If the petitioner requests appointment of counsel 2. If the petitioner cannot afford counsel 3. The petition pleads a plausible allegation of a violation of subdivision (a) of Section 745.”	Because this is beyond the scope of the proposal, the committees may consider the proposed rule amendment in the future as time and resources allow.

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			2. 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? We see no harm in this addition. We also suggest that the committees, in conjunction with the superior courts, devise a system by which the state’s capital post-conviction agencies, including CAP, HCRC and the Office of the State Public Defender, are notified when a capitally sentenced petitioner files an RJA petition.	The committees will modify rule 4.551(b)(2) to refer to petitioner’s counsel. The committees may consider the request for notification to capital postconviction agencies in the future as time and resources allow.
			3. Should the forms incorporate Penal Code section 1054.9’s provisions on certain discovery materials sought by certain petitioners and moving parties? No. Although we believe that RJA habeas petitioners should be permitted to use Penal Code sections 745(d), 1473(e)(2) and 1054.9 to seek discovery to support their RJA claims – and there is no case law to the contrary – sections 745 and 1054.9 have different legal standards that would require explanation before both avenues of discovery requests are included in Form HC-001. Furthermore, both statutes contemplate pre-petition discovery. Including discovery requests in Form HC-001 incorrectly suggests that a petitioner must have developed at least one habeas claim before seeking discovery. Conversely, including pre-petition discovery requests in a habeas form may lead inexperienced pro per petitioners to prematurely plead a habeas claim that may be meritless at the time of pleading, but that could have merit after full discovery. If the petition with that claim is denied before the petitioner finishes their investigation, that denial could lead to a successor petition bar.	The committees appreciate the comment.

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			A more appropriate vehicle would be a separate form for requesting pre-petition discovery. Such a form would be appropriate because: (1) neither statute requires a petitioner to have a pending petition to request and receive discovery; (2) a separate form for requesting discovery would not create the risk of prematurely filing an undeveloped or underdeveloped habeas claim; and (3) a separate form would make it easier to separate out 745(d) requests from those made under 1054.9 and to clearly delineate the different legal requirements.	The committees may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
			4. 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? No. The standard for appointment of counsel in RJA matters is lower than it is for non-RJA habeas proceedings and does not require issuance of an order to show cause. Under the amendments to section 1473(e)(5), the court must appoint counsel if the defendant pleads a plausible allegation of a violation of section 745(a). The uncodified legislative findings to Assembly Bill 1071 demonstrate that this change was made because courts have been holding petitioners to too high of a standard before appointing counsel: “The RJA’s threshold to secure counsel is extremely low, and yet courts have denied counsel to litigants raising RJA claims far more than they have appointed counsel. This bill clarifies that the court shall appoint counsel to all indigent postconviction litigants who allege a plausible claim of an RJA violation, and whenever the State Public Defender requests. The Legislature reaffirms that the threshold showing for appointment of counsel does not require a prima facie showing, as correctly held by <i>McIntosh v. Superior Court</i> (2025) 110 Cal.App.5th 33, and should be construed as a minimal pleading requirement.” (CA LEGIS 721 (2025), 2025 Cal. Legis. Serv. Ch. 721 (A.B. 1071) (WEST).)	The committees agree and will not modify the rules.

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			III. REQUEST FOR A SEPARATE DISCOVERY FORM As noted in our comments to Form HC-001, two current statutes permit post-conviction petitioners to seek discovery to support habeas petitions, Penal Code sections 1473(e)(2) (which incorporates section 745(d)) and 1054.9. Neither one requires the petitioner to have a pending habeas petition to seek discovery. Under section 1473(e)(2), as amended effective January 1, 2026, a defendant may seek RJA discovery “upon the prosecution of a petition [for writ of habeas corpus], <i>or in preparation to file a petition.</i> ” (Pen. Code, § 1473, subd. (e)(2), bold and italics added). Under section 1054.9(a), a defendant may seek discovery “in preparation to file” a motion to vacate a judgment or a petition for writ of habeas corpus. (See also <i>Box v. Superior Court</i> (2022) 87 Cal.App.5th 60, 74 [no pending state habeas required for post-conviction discovery, and discovery may be sought to support a pending federal habeas petition].) As noted <i>ante</i> , we urge the committees to consider creating a separate form to request post-conviction discovery, both for RJA-specific claims and non-RJA claims, to avoid the possibility that a pro per petitioner will attempt to present insufficiently developed claims as part of their effort to obtain discovery and the concomitant possibility that the superior court will rule on the merits of the underdeveloped claims, potentially subjecting the petition to successor or timeliness bar litigation.	The committees may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
			IV. SPECIFIC COMMENTS AND REQUESTS FOR CAPITALLY SENTENCED PETITIONERS Although the invitation to comment does not mention capitally sentenced petitioners or how the form and rules might affect their specific concerns, we ask the committees to consider the likelihood that capitally sentenced petitioners will use this form to address concerns specific to that population.	The committees will include an instruction at the top of form HC-001 stating that the form is intended for use by petitioners in habeas corpus proceedings who have not been sentenced to death.

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			When the committees sought input on amendments to HC-001 in 2024, one or more stakeholders asked that Form HC-001 be modified because of the possibility that capital sentenced people would use the form, jeopardizing merits review of claims raised in future habeas petitions. In the committees' published responses to the comments, the committees instructed that they did not need to address those concerns because HC-001 is not supposed to be used by capital sentenced petitioners. (See SPR24-028 Comments, <i>supra</i>, at p. 12.) Changes in the law, as well as in access to capital habeas counsel, lead us to urge the committees to make their response to this concern explicit in the instructions for using the form, particularly given the proposed changes to HC-001 form which appear to invite the presentation of non-RJA claims. First, since the committees adopted the 2024 version of HC-001, the California Supreme Court decided <i>People v. Wilson</i>, <i>supra</i>, 16 Cal.5th 874, 944, which held that capital sentenced petitioners may file limited RJA habeas petitions — even while their automatic appeals are pending — without incurring application of the Proposition 66 rules for capital habeas proceedings. The holding of <i>Wilson</i> therefore means that capital sentenced people may file what is in essence a non-capital habeas petition if the petition is limited to presenting only RJA claims. Form HC-001 should acknowledge the holding in <i>Wilson</i> and include language on the cover page stating that it is not meant to be used by capital sentenced petitioners. We also offer to work with the committees to create a form and instructions for <i>Wilson</i> petitions. Second, the expansion of Form HC-001 to provide a clearer roadmap for presenting RJA claims — with a section for non-RJA claims — makes it much more attractive to all habeas petitioners, capital or non-capital, to press all colorable claims (both RJA and non- RJA claims). Yet the California Supreme Court provided capital petitioners with clear direction in <i>Wilson</i> — that they should seek appointment of counsel to press their	

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			RJA claims and that other habeas claims should be raised by “full-scope habeas corpus counsel” when such counsel is appointed. The proposed Form HC-001, which suggests one should plead both types of claims therein, contradicts <i>Wilson’s</i> guidance for capitally sentenced people; at the same time, it increases the risk that capitally sentenced people will use the form to pursue their RJA and non-RJA habeas claims. Third, as of early 2024, capitally sentenced people are no longer housed only at San Quentin or on death row at Central California Women’s Facility. They have been transferred to CDCR institutions throughout the state and are integrated into units and programming with non-capitally sentenced people. This means they are interacting regularly with non-capitally sentenced individuals who will have access to HC-001 and who will be using it. This new reality increases the likelihood that people with death sentences will use HC-001 because of increased exposure and access to this pro per litigation tool. Fourth, in spite of the committees’ assessment in 2024 that Form HC-001 is not supposed to be used by capitally sentenced people, see SPR24-028 Comments, <i>supra</i>, at p. 12, nothing on Form HC-001 makes that limitation clear. Nor is there any guarantee that all capitally sentenced petitioners, many of whom have intellectual disabilities or cognitive impairments, and/or live with mental illness, will fill out the form in a way that will alert judges and court staff that they are capitally sentenced. As a result, it could be far too easy for a pro per capitally sentenced petitioner to file a Form HC-001 with premature and undeveloped non-RJA claims and have a superior court deny it on the merits without realizing the petitioner is capitally sentenced and affording the petitioner their statutory right to counsel. This, in turn, could end up triggering an argument from opposing counsel for a successor or timeliness bar when the capitally sentenced person’s statutory right to counsel is fulfilled and a more fulsome petition is filed, even if the	

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			petitioner has meritorious unpled claims that could prevent the state from executing them.	
			These concerns lead us to request that the committees create a separate habeas corpus form solely for capitally sentenced people to present their RJA-only claims, as authorized by <i>Wilson</i> .	Approving a new separate form for capitally sentenced petitioners to present Racial Justice Act claims is outside the scope of this proposal. The committees may consider whether to recommend approving such a form in the future as time and resources allow.
			The above-described simple safeguards to Form HC-001 could help steer capital litigants from improvidently filing non-RJA habeas claims and jeopardizing their statutory right to a full habeas investigation and petition.	
2.	California Lawyers Association, Litigation Section, Committee on Appellate Courts by Julia C. Shear Kushner, Chair, Committee on Appellate Courts, Litigation Section California Lawyers Association; Saul Bercovitch, Chief Governmental Affairs	NI	The Committee on Appellate Courts (CAC) of the California Lawyers Association's Litigation Section submits this response to the Invitation to Comment on W26-05. Established in 2018, the California Lawyers Association is a nonprofit, voluntary organization with approximately 44,000 members. It is dedicated to the professional advancement of attorneys practicing in the State of California. The CAC consists of over twenty experienced appellate practitioners and court staff, drawn from a wide range of practice areas. This proposal would amend the rules and some forms related to the Racial Justice Act (RJA). The CAC submits several comments that would make the form more understandable and usable for pro per litigants, practitioners and court staff alike.	Please see the committees' responses to specific suggestions below.

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

W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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	Commenter	Position	Comment	Committee Response
	Officer, California Lawyers Association		Clarification of When to Use HC-001 vs. CR-187 It appears that the HC-001 <i>Petition for Writ of Habeas Corpus</i> form is intended for use by those in custody and the CR-187 <i>Motion to Vacate a Conviction or Sentence</i> form is intended for use by those no longer in custody. The instructions do not disclose this. We recommend making clear in the instructions on both forms that filers should use HC-001 if they are in custody and use CR-187 if they are no longer in custody or on probation or parole. This will prevent people from filing the wrong form or possibly filing both forms simultaneously to seek relief.	The committees decline the suggestion. HC-001 asks about the petitioner's custody status in item 2, and CR-187, item 5 also indicates that the Moving Party is not in criminal custody.
			Urging Reconsideration of the Number of Copies of HC-001 Needed by the Supreme Court The instructions in HC-001 indicate that filers in the Supreme Court should file ten copies of the petition. The bottom of the HC-001 proposed form says, "Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and the Court of Appeal." Highlighting this ten paper copy requirement brings up the point that the Judicial Council should consider updating the paper filing rules for petitioners not represented by an attorney. While Rule of Court, rule 8.380(c) still requires the filing of ten copies of a HC-001 petition, CAC members who practice criminal appeals are aware that since COVID-19 and the advent of TrueFiling, the Supreme Court staff no longer desires submission of multiple copies of paper documents from pro per litigants. Furthermore, it can be a barrier to access to justice to require incarcerated clients to pay the cost to copy and mail numerous copies of legal documents.	Amending rule 8.380(c) is outside the scope of this proposal. The committees may consider whether to recommend reducing the number of copies required to be furnished to the Supreme Court and Court of Appeal in the future as time and resources allow.

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W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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	Commenter	Position	Comment	Committee Response
			Rules 4.511(d)(2) and 8.385(g)(1) The Invitation to Comment specifically asked whether Rules 4.511(d)(2) and 8.385(g)(1) should state that the general rule requiring appointment of counsel upon issuance of an order to show cause in traditional habeas proceedings applies in all cases including RJA proceedings. The CAC responds, “no.” According to the statute and caselaw, the standard for appointment of counsel in traditional habeas proceedings and RJA are not the same, so the rules should not say that they are. Traditionally, counsel is appointed for indigent defendants in habeas proceedings once the prima facie standard has been met and an order to show cause issues. (See <i>People v. Duvall</i> (1995) 9 Cal.4th 464, 474–475.) Under RJA, in contrast, a petitioner may be entitled to counsel before an order to show cause issues. (<i>McIntosh v. Superior Court</i> (2025) 110 Cal.App.5th 33, 46 [“The trial court . . . erred when it denied counsel on the ground that McIntosh failed to meet the prima facie showing that is required to obtain an OSC.”].)	The committees agree and will not modify the rules.
			The proposed rules should clearly show that the triggers for the appointment of counsel in a RJA claim are different than the triggers for appointing counsel in a traditional habeas proceeding. In the latest legislation concerning the RJA—the findings and declarations of Assembly Bill 1071—the Legislature lamented that “courts have imposed on RJA petitioners higher burdens than the Legislature intended to meet the thresholds to secure counsel and discovery. The RJA’s threshold to secure counsel is extremely low, and yet courts have denied counsel to litigants raising RJA claims far more than they have appointed counsel.” (Assem. Bill No. 1071 (2025–2026 Reg. Sess.) § 1(b).) In light of the historical failure of courts to properly appoint counsel when legally appropriate, CAC supports including the word “plausible” in the proposed amendments to the rules on pages 11–13 of the Invitation to Comment in order to have the rules match the lower standard in the current version of Penal Code section 1473 as updated with AB 1071.	The committees agree and will modify the rules to track the updated statutory language.

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W26-05

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			(See Pen. Code, § 1473, subd. (e)(5), as amended by Stats. 2025, ch. 721, § 3, eff. Jan. 1, 2026 [. . . the court shall appoint counsel if the petitioner cannot afford counsel and either the petition pleads a plausible allegation of a violation of subdivision (a) of Section 745 or . . .].) Proposed Rule 4.551(d)(1)(B): The petition pleads a plausible allegation of alleges facts that would establish a violation of section 745(a). This inquiry is limited to the facial sufficiency of the allegations of the petition alone. Proposed Rule 8.385(g)(2)(B): The petition pleads a plausible allegation of alleges facts that would establish a violation of section 745(a). This inquiry is limited to the facial sufficiency of the allegations of the petition alone.	
	Garrick Byers	NI	This is a technical comment on “Invitation to Comment W26-05” that proposes to amend Cal. Rules of Court, rules 4.551 and 8.385 and revise three related forms. On page 2 of W26-05, the third paragraph states that several listed amendments were made by Assembly Bill 1071 (Stats. 2025, ch. 721) (AB 1071; see Link A to the proposal.) This is only partly correct. AB 1071 is an important bill that did pass, and did contain the amendments listed. But AB 1071 was double-jointed with, and technically chaptered out by, Senate Bill 734 (Stats. 2025, ch. 784) (SB 734; see Link B to the proposal).	The committees appreciate the comment. The committees appreciate the comment and will note this in the Judicial Council report.

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W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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			See section 5, subdivisions (a), (b), and (c), of AB 1071; and section 6, subdivisions (a), (b), and (c), of SB 734. The California Legislative Information web site's "California Law" menu item shows this correctly at the entries for Penal Code section 745, 1473, and 1473.7. For each of these three Penal Code sections, at the bottom, in parenthesis, the most recent amendment is listed as having been made by SB 734 (and AB 1071 is, properly, not listed at all). See, Penal Code section 745, at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=745.&lawCode=PEN; see Penal Code section 1473 at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.&lawCode=PEN; and see Penal Code section 1473.7 at https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.7.&lawCode=PEN. (Each section last accessed on Jan. 7, 2026.)	
3.	Office of the State Public Defender by Galit Lipa, State Public Defender; Christina A. Spaulding, Chief Deputy State Public Defender; Caneel C. Fraser, Director, Indigent Defense Improvement Division; Brooke L. McCarthy, Racial Justice Act Attorney	NI	The Office of the State Public Defender (OSPD) submits these comments in response to the Invitation to Comment W26-05. Our comments focus on ensuring that the appropriate standards for appointment of counsel are communicated and increasing clarity in the areas of law that have recently changed through Assembly Bill 1071. Since the Racial Justice Act (RJA) was enacted in 2020, OSPD has provided numerous trainings on the RJA, filed several amicus briefs concerning the proper interpretation of the statute, and has continued to actively litigate RJA issues in our own cases. OSPD also actively tracks litigation statewide from trial courts through the California Supreme Court to ensure a thorough understanding of how litigation is unfolding and the barriers facing indigent defense providers, pro per petitioners and the courts.	Please see the committees' responses to specific suggestions below.

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			As a statewide appellate defense organization, OSPD has a particular interest in ensuring that the RJA is implemented broadly, as the Legislature intended, to eradicate racial disparities in the criminal legal system. (Stats. 2020, ch. 317, § 2, subd. (i).) OSPD is also uniquely situated to comment on the RJA’s appointment of counsel provision and standards since the Legislature has empowered the agency to request counsel for an indigent petitioner. (Stats. 202, ch. 739, § 3, subd. (e).) Therefore, our comments focus on references to and explanations of Penal Code¹ section 1473, subdivision (e)’s appointment of counsel provision and practical feedback regarding section 745, subdivision (d)’s disclosure provision in post-conviction cases. ¹ Undesignated statutory references are to the Penal Code. In the two years since the JCC last issued an invitation to comment on RJA habeas forms, (See Off. of the State Public Defender, Com. on Jud. Council of Cal. Invitation to Comment W24-01 (Jan. 19, 2024) <https://perma.cc/A3FT-SLV5> scores of potentially meritorious RJA petitions have been rejected, without counsel ever being appointed, because lower courts erroneously required petitioners to establish a prima facie case for counsel to be appointed. Countless hours of judicial time and resources have been wasted, particularly at the California Supreme Court, as pro per litigants sought relief by filing new petitions in higher courts, seeking appointment of counsel.² Pro per litigants have also been left in limbo filing petitions and discovery requests, and confusing the two, when their minimal allegations – without the evidentiary support they sought under subdivision (d) – were sufficient for counsel. ² OSPD consistently took the position that it was not practical or appropriate for it to review every pro per habeas petition to request counsel pursuant to section 1473, subdivision (e). Instead, we urged the courts to apply the RJA’s low standard for appointment of counsel to obviate the need for OSPD’s intervention.	

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			But most recently in <i>McIntosh v. Superior Court</i> (2025) 110 Cal.App.5th 33 (<i>McIntosh</i>), it was correctly established that an RJA petitioner need not establish a prima facie case to have counsel appointed. The Legislature also stepped in, by enacting AB 1071, to clarify that courts had been setting too high a bar for the appointment of counsel. The Legislature affirmed that statewide statistics demonstrating racial disparities are sufficient for the appointment of counsel and expressed concern that judicial misinterpretations of the RJA were resulting in its “silent evisceration.” (Stats. 2025, ch. 721, § 1, subd. (i).) Our recommendations below are intended to prevent further confusion and delay that thwarts the Legislature’s intent to confront the legacy of racial bias in California’s criminal legal system.	
			Appointment of Counsel <u>Recommendation #1</u> – OSPD recommends that proposed rules 4.551(d)(1)(B) and 8.385(g)(2)(B) are amended to read as follows: Rule 4.551(d)(1)(B) The petition ~~alleges facts that would establish~~ <u>pleads a plausible allegation of</u> a violation of section 745(a). This inquiry is limited to the facial sufficiency of the allegations of the petition alone. Rule 8.385(g)(2)(B) The petition ~~alleges facts that would establish~~ <u>pleads a plausible allegation of</u> a violation of section 745(a). This inquiry is limited to the facial sufficiency of the allegations of the petition alone. The proposed rules and court forms use outdated language that does not reflect the changes made in AB 1071. The above change would ensure	The committees agree and will modify the rules to track the updated statutory language.

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			that courts are relying on the most recent statutory language when determining whether to appoint counsel. We acknowledge that the Legislature relied on <i>McIntosh</i> when affirming that a prima facie showing is not required for an RJA petitioner to be appointed counsel. <i>McIntosh</i>, in explaining its holding, stated that a petitioner need only “allege[] facts that would establish a violation of the RJA.” (<i>McIntosh, supra</i>, 110 Cal.App.5th at p. 46.) This references language that the Legislature has since deleted from the statute. In AB 1071, the Legislature used different, less ambiguous language to underscore the minimal pleading requirement. Thus, <i>McIntosh</i> should not be relied on to explain the threshold showing for appointment of counsel.³ ³ <i>McIntosh</i> also explicitly confined its holding to whether a prima facie showing was required. (<i>McIntosh, supra</i>, 110 Cal.App.5th at p. 46.) The court did not explain what it would mean to allege facts that would establish a violation as required under the old statutory language. Rather, the forms should reflect the plain language of the statute which now requires counsel be appointed to any litigant who “pleads a plausible allegation of a violation of subdivision (a).” (Stats. 2025, ch. 721, § 3, subd. (e)(5).) This is notably different language from the prior statutory language considered in <i>McIntosh</i>.	
			<u>Recommendation #2</u> – OSPD recommends the following revisions to the Advisory Committee Comments for proposed rules 4.551(d)(1)(B) on page 12 and 8.385(g)(2)(B) on page 13: Subdivision (d). The standard set out in section (1)(B) is <u>to be construed as a minimal pleading requirement</u> consistent with ~~<i>McIntosh v. Superior Court</i> (2025) 110 Cal.App.5th 33, as~~	The committees agree with the suggested modification and will incorporate it into the advisory committee comments on the rules.

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			~~indicated in~~ the Legislature’s statement of intent in Assembly Bill 1071 (Stats. 2025, ch. 721). Subdivision (g). The standard set out in section (2)(B) is <u>to be construed as a minimal pleading requirement</u> 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). These revisions direct courts to the Legislature’s stated intent consistent with the statutory language adopted in the statute.	
			Post-Conviction Discovery (§ 745, subd. (d) & § 1054.9) <u>Recommendation #3</u> – OSPD recommends the Committee create a separate form for section 745, subdivision (d) and section 1054.9 discovery requests. Including section 745, subdivision (d) requests in the HC-001 form creates the impression that an individual needs to file the entirety of a petition to receive (d) disclosures. The statute is clear that a petition is not required. Section 1473, subdivision (e)(2) now states that a litigant “may file a motion for relevant evidence under subdivision (d) of Section 745 . . . in preparation to file a petition.” The inclusion of the discovery requests within HC-001 risks individuals facing successor bars when they would otherwise only be requesting evidence under subdivision (d). Under the current form, courts will be receiving requests for counsel, discovery, and a petition all at once, resulting in more orders than necessary when an individual is solely requesting discovery. Furthermore, the inclusion of subdivision (d) requests gives the impression that an individual needs to make such requests before being appointed counsel. This is an erroneous impression	The committees may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.

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	Commenter	Position	Comment	Committee Response
			when most pro per individuals will not need discovery to meet the low threshold for appointment of counsel. The RJA contemplates that counsel will be appointed upon this minimal showing and be able to assist with discovery and then amend the petition. To avoid unnecessary discovery litigation by pro per individuals and to ensure individuals do not face erroneous successor bars, OSPD recommends a separate form for post-conviction discovery requests. A separate form could also differentiate between subdivision (d) disclosures and post-conviction discovery pursuant to section 1054.9. Considering the rapid expansion of section 1054.9, it is likely that pro per individuals will begin using both of these post-conviction procedures to receive evidence in preparation to file their habeas petitions. However, the two statutes have different showings required, and neither requires the filing of a petition. At the very least, the Committee should include a notice in the instructions that pro per individuals <i>may</i> file a standalone (d) request before filing a HC-001 but that discovery prior to requesting counsel is not required by the statute.	
			Part C, Item 9 <u>Recommendation #4</u> – OSPD recommends Item 9 of Part C be modified to include a change in law as a justification for filing a subsequent RJA claim: 9) Are you raising this claim for the first time? ▫ Yes ▫ No	The committees decline to include a notice in the instructions because they may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow. The committees agree with the modification and will incorporate it into the form.

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W26-05

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	Commenter	Position	Comment	Committee Response
			If you are not raising this claim for the first time, are you raising it again because of a change in law? a. Yes, please list the statute or case law development: If you are not raising this claim for the first time~~no~~, are you raising it again because of new evidence that could not have been previously known to you? As the Committee is aware, the legal landscape of the RJA is changing rapidly. Many of the basic terms and thresholds in the statute have not been litigated and do not have a published appellate case to inform the trial courts. This would allow litigants to quickly identify for the court that a prior claim was adjudicated under now outdated or overruled law.	
			Concurrence Regarding Capital Concerns <u>Recommendation #5</u> – For the reasons stated in their comments, we agree with the counterproposal by the California Appellate Project-San Francisco (CAP) and the Habeas Corpus Resource Center (HCRC) that, because HC-001 was never intended to be used in capital cases, there should be separate form for capital sentenced individuals to file a standalone RJA petition pursuant to <i>People v. Wilson</i> (2024) 16 Cal.5th 874. We would welcome the opportunity to assist in developing such a form. We also agree with the suggestion that the committees, in conjunction with the superior courts, devise a system by which the state’s capital post-conviction agencies, including CAP, HCRC and/or OSPD, are notified when a capital sentenced petitioner files an RJA petition.	The committees may consider the request for notification to capital postconviction agencies in the future as time and resources allow.

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	Commenter	Position	Comment	Committee Response
			OSPD thanks the Committee for its work on this important topic and for its consideration of our comments. Please do not hesitate to contact us if there are any questions.	
4.	Orange County Bar Association by Shirin Forootan, President	A	<u>Q: Does the proposal appropriately address the stated purpose?</u> Yes.	The committees appreciate the comments.
			<u>Q: 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?</u> It would be helpful to list counsel.	The committees will modify rule 4.551(b)(2) to refer to petitioner's counsel.
			<u>Q: Should the forms incorporate Penal Code section 1054.9's provision on certain discovery materials sought by certain petitioners and moving parties?</u> No. Information sought by a Petitioner relevant to a RJA data claim is in the exclusive possession of the People.	The committees will not include requests for discovery under Penal Code section 1054.9 in form HC-001 but may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
			<u>Q: 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?</u> No. That language is unnecessary.	The committee agrees with the comment and have not included it in the recommended rules.

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5.	Orange County Public Defender by Adam Vining, Assistant Public Defender	N	Updates forms to comply with change in the law from AB 1071. 1) Amends Rule 4.551 re required showing and appointment of counsel for habeas in Superior Court 2) Amends Rule 8.385 re required showing and appointment of counsel in COA and CSC 3) Breaks pro-per habeas corpus petition (HC-001) into 3 parts. (A for all; B for non-RJA; C for RJA) a. Adds questions about previous attempts to obtain discovery/information. b. Adds language about serving implicated law enforcement 4) Modifications to CR-187 Petition to Vacate Conviction or Sentence (PC 1473.7) 5) Minor modifications to CR-188 Order on Motion to Vacate	No response needed.
			Q: Does the proposal appropriately address the stated purpose? No. The proposed HC-001 and CR-187 forms are not appropriate because they comingle a 745(a) claim with a 745(d) request to obtain the information needed to make a 745(a) prima facie showing. The form as proposed invites the paradoxical situation, which AB 1071 notes and intends to correct, where the court can deny the petition as insufficient on its face because the petitioner has not yet been provided the discovery needed to support the claim.	Please see responses below.
			The <i>other</i> RJA form being proposed in W26-07 (Juvenile Law: Update to Racial Justice Act Forms; JV-720), is more appropriate. It asks “are you asking the court to appoint an attorney to represent you” (p 1, item 2) and then gives an option to wait to request discovery until after an attorney is appointed (p 2, item 5(b).) At p. 2, item 4, it states “You are not expected to have access to all facts or evidence at this time. After the court	The committees agree and will modify item 6 of HC-001 to track form JV-720, item 2.

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	Commenter	Position	Comment	Committee Response
			appoints counsel or grants discovery, you will have an opportunity to amend this statement of facts.”	
			When a discovery request is made, HC-001 and CR-187 should instruct the court to appoint counsel and defer ruling on 745(a). Alternatively, the 745(d) discovery motion could be on a separate form. The form should also instruct that appointed counsel can amend the petition and discovery request.	The committees decline to modify the forms as suggested, as appointment of counsel is based on whether the petitioner or moving party meets the legal standards set out in Penal Code section 1473(e)(5) and <i>People v. Gutierrez</i> (2025) 113 Cal.App.5th 906. The committees may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
			The proposed subdivision (c)(2) of Rule 4.551 is incomplete. It instructs a court as to the “substantial likelihood” standard but fails to define that substantial likelihood “requires more than a mere possibility, but less than a standard of more likely than not.” (745(h)(2).)	The committees believe the amended rule is sufficient, as the substantial likelihood standard is defined in statute.
			The proposed subdivision (d)(1)(B) of Rule 4.551 is wrong . It says the standard for appointment of counsel is “alleges facts that would establish a violation of Section 745(a).” As stated in the Invitation to Comment at the bottom of page 2, counsel must be appointed if the petitioner “pleads a plausible allegation ” of 745(a). (see also 1473(e)(5).) As stated in the Invitation to Comment at the top of page 3 citing <i>McIntosh</i> , this is a minimal pleading requirement that is less than a prima facie showing. 4.551(d)(1)(B) should read: The petition pleads a plausible allegation of section 745(a).	The committees agree and will modify the rules to track the updated statutory language.

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			The proposed subdivision (d)(2) of Rule 8.385 is incomplete. It instructs a court as to the “substantial likelihood” standard but fails to define that substantial likelihood “requires more than a mere possibility, but less than a standard of more likely than not.” (745(h)(2).)	The committees believe the amended rule is sufficient, as the substantial likelihood standard is defined in statute.
			The proposed subdivision (g)(2)(B) of Rule 8.385 is wrong . It says the standard for appointment of counsel is “alleges facts that would establish a violation of Section 745(a).” As stated in the Invitation to Comment at the bottom of page 2, counsel must be appointed if the petitioner “pleads a plausible allegation ” of 745(a). (citing § 1473(e)(5).) As stated in the Invitation to Comment at the top of page 3 citing <i>McIntosh</i> , this is a minimal pleading requirement that is less than a prima facie showing. 8.385(g)(2)(B) should read: The petition pleads a plausible allegation of section 745(a).	The committees agree and will modify the rules to track the updated statutory language.
			Q: Should the forms incorporate Penal Code section 1054.9’s provisions on certain discovery materials sought by certain petitioners and moving parties? No. Information sought by a Petitioner relevant to a RJA data claim is in the exclusive possession of the People (or the court). Moreover, the RJA makes no reference to 1054.9. Nor does it impose any requirement “to obtain discovery materials from trial counsel.” (See <i>In re Montgomery</i> (2024) 104 Cal.App.5th 1062 at fn.1 (rev. granted 12/11/24) (distinguishing a section 745(d) request from a section 1054.9 request); contra <i>People v. Serrano</i> (2024) 106 Cal.App.5th 276.)	The committees will not include requests for discovery under Penal Code section 1054.9 in form HC-001 but may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
6.	Ricardo D. Garcia, Los Angeles County Public Defender	N	I am writing to provide comments on the proposed revisions to Rule 4.551 and forms HC-001, CR-187, and CR-188. While I appreciate the effort to implement the legislative changes required by AB 1071, I have several concerns regarding the proposed structure of the forms and the	

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	Commenter	Position	Comment	Committee Response
			potential for procedural barriers that may undermine the intent of the Racial Justice Act (RJA). Penal Code 1054.9 provision I strongly oppose the inclusion of Penal Code section 1054.9 provisions regarding discovery materials. The current standard for RJA discovery is already established under Penal Code section 745, subdivision (d), and through case law, such as <i>Young v. Superior Court</i> (2022) 79 Cal.App.5th 138, which requires a “plausible case” based on specific factors. Incorporating the more restrictive requirements of section 1054.9—such as asking whether a petitioner first attempted to obtain materials from trial counsel—risks giving the court too much discretion to deny requests. This contradicts the legislative findings in AB 1071, which aim to prevent the “silent evisceration” of the Act’s goals by ensuring broad access to relevant evidence. Including these provisions would create a procedural barrier that the Legislature never intended, potentially allowing courts to misconstrue the statute to the detriment of the petitioner.	The committees will not include requests for discovery under Penal Code section 1054.9 in form HC-001 but may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
			Necessity of Separating Discovery Motions from Habeas Petitions: The proposed revisions to form HC-001 keep discovery requests and habeas claims together on a single form. I believe these should be separate. AB 1071 and the amended Penal Code section 745, subdivision (d), explicitly clarify that a post-conviction client can file a discovery motion “in preparation for filing a petition for writ of habeas corpus.” By combining these two distinct legal actions into one form, the Council risks causing administrative confusion among the courts. Separation is necessary to reflect the petitioner’s right to obtain evidence before they are required to meet the pleading standards for a full habeas petition.	The committees will not include requests for discovery under Penal Code section 1054.9 in form HC-001 but may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.

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

W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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	Commenter	Position	Comment	Committee Response
			Irrelevance of Previous Counsel Status for Appointment of Counsel Proposed form HC-001 (Part C, Item 4a) asks if the petitioner was represented by court-appointed or private counsel in the original case. This question is irrelevant and should be removed. Under Penal Code section 1473, subdivision (e)(5), the court must appoint counsel if a petitioner pleads a “plausible allegation” of an RJA violation and is currently indigent. The determination for the appointment of counsel should be based solely on the petitioner’s financial status at the time the petition is filed and the “facial sufficiency of the allegations.” Inquiring about past representation may lead courts to make improper assumptions about a petitioner’s current ability to afford counsel, which has no bearing on their statutory right to RJA-related legal assistance. Thank you for your consideration of these comments as you work to ensure the RJA remains an effective tool for eradicating racial bias in the California justice system.	Item 4c is intended to assist courts by providing information on prior appointed counsel, not as a basis for granting or denying a current request for counsel. The committees recommend reordering item 4 so that item 4c is renumbered as item 4a, item 4a as item 4b, and item 4b as item 4c. Additionally, the committees will modify current items 4a and 4b as suggested.
7.	San Francisco Public Defender by Danielle Harris, Managing Attorney, The Freedom Project	N	Updates forms to comply with change in the law from AB 1071. 1. Amends Rule 4.551 re required showing and appointment of counsel for habeas in Superior Court 2. Amends Rule 8.385 re required showing and appointment of counsel in COA and CSC 3. Breaks pro-per habeas corpus petition (HC-001) into 3 parts. (A for all: B for non-RJA; C for RJA) • Adds questions about previous attempts to obtain discovery/information. • Adds language about serving implicated law enforcement	No response needed.

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Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

Commenter	Position	Comment	Committee Response
		4. Modifications to CR-187 Petition to Vacate Conviction or Sentence (PC 1473.7) 5. Minor modifications to CR-188 Order on Motion to Vacate	
		<u>Q: Does the proposal appropriately address the stated purpose?</u> No, for several reasons explained below. 1. The proposal wrongly blends PC 745 subdivisions (a) and (d). The proposed HC-001 and CR-187 forms are not appropriate because they comingle a Penal Code¹ section 745(a) claim with a 745(d) request to obtain discovery. The form as proposed invites the paradoxical situation - - which Assembly Bill 1071 notes and intends to correct -- where the court can deny the petition as insufficient on its face because the petitioner has not yet been provided the discovery needed to support the claim. <u>¹All statutory references are to the Penal Code.</u> The <i>other</i> RJA form being proposed in W26-07 (Juvenile Law: Update to Racial Justice Act Forms; JV-720) appropriately avoids this issue. It asks “are you asking the court to appoint an attorney to represent you” (p 1, item 2) and then gives an option to wait to request discovery until after an attorney is appointed (p 2, item 5(b).) At p.2, item 4, it states “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.” When a PC 745(d) discovery request is made, HC-001 and CR-187 should instruct the court to appoint counsel and defer ruling under 745(a). Alternatively, the 745(d) discovery motion could be on a separate form. Either form should also instruct that appointed counsel can amend the petition and discovery request.	The committees agree and will modify item 6 of HC-001 to model form JV-720. The committees decline to modify the forms as suggested, as appointment of counsel is based on whether the petitioner or moving party meets the legal standards set out in Penal Code

70

W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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	Commenter	Position	Comment	Committee Response
				section 1473(e)(5) and <i>People v. Gutierrez</i> (2025) 113 Cal.App.5th 906. The committees may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
			2. Rules 4.551 and 8.385 should define the RJA habeas standard, as distinct from the general habeas standard. Proposed Rule 4.551(c)(2) is incomplete. It instructs a court as to the “substantial likelihood” standard but fails to define that substantial likelihood “requires more than a mere possibility, but less than a standard of more likely than not.” (§ 745(h)(2).) Proposed subdivision Rule 8.385(d)(2) is similarly incomplete. It instructs a court as to the “substantial likelihood” standard but fails to define that substantial likelihood “requires more than a mere possibility, but less than a standard of more likely than not.” (§ 745(h)(2).)	The committees believe the amended rule is sufficient, as the substantial likelihood standard is defined in statute.
			3. Rule 4.551 and 8.385 references to the appointment of counsel standard must align with RJA case law. Proposed Rule 4.55 (d)(1)(B) of is wrong. It says the standard for appointment of counsel is “alleges facts that <i>would establish</i> ² a violation of Section 745(a).” As stated in the Invitation to Comment at the bottom of page 2, counsel must be appointed if the petitioner “pleads a plausible allegation” of 745(a). (See also 1473(e)(5).) As stated in the Invitation to Comment at the top of page 3 citing <i>McIntosh</i> , this is a minimal pleading requirement that is less than a prima facie showing. Rule 4.551(d)(1)(B)	The committees agree and will modify the rules to track the updated statutory language.

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

W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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	Commenter	Position	Comment	Committee Response
			should read: <u>The petition pleads a plausible allegation of a violation of section 745(a).</u> ²Italics added. Proposed Rule 8.385 (g)(2)(B) of is similarly wrong in saying the standard for appointment of counsel is “alleges facts that would establish a violation of Section 745(a).” For the same reason, under <i>McIntosh</i>, this is a minimal pleading requirement that is less than a prima facie showing. Rule 8.385(g)(2)(B) should read: <u>The petition pleads a plausible allegation of a violation of section 745(a).</u> Additionally, the first sentence to the Advisory Committee Comment is confusing as written. The new language should instead read: “<u>Except for claims raising a violation of Penal Code section 745(a) where a lesser appointment of counsel standard applies as addressed in subdivision (d)(1), . . .</u>”	The committees agree and will modify the rules to track the updated statutory language. The committees decline the modification because they believe the current language is clear.
			<u>Q: 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.</u> It would be helpful to notify and serve petitioner <i>and</i> counsel for petitioner with any informal response and attachments. Additionally, if an unrepresented petitioner has requested counsel and the court requests informal response, Rule 4.551(b) should specify that the court should appoint counsel at that time. Given limited access to mail in prison and complete inaccess to email notifications, it is unreasonable to expect an unrepresented, imprisoned petitioner to file a reply within 15 days of informal response. Indeed, prison mail makes it uncertain a	The committees will modify rule 4.551(b)(2) to refer to petitioner’s counsel. Specifying a time frame for the court to appoint counsel is beyond the scope of this proposal. The committees may consider this suggestion in the future as time and resources allow.

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W26-05

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	Commenter	Position	Comment	Committee Response
			petitioner will even receive the informal response within the 15-day period. At minimum, subdivision (d)(1) should state, “A court that requests informal briefing under subdivision (b)(1) of this Rule should consider simultaneous appointment of counsel.” And the Advisory Committee Comment should read: Subdivision (b). 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 <u>and should consider simultaneously appointing counsel for an unrepresented petitioner.</u>	The committees will modify the advisory committee comments to add: In addition, for claims under Penal Code section 745(a), the court should consider simultaneously appointing counsel for an unrepresented petitioner under the standards of section 1473(e)(5).
			<u>Q: Should the forms incorporate Penal Code section 1054.9’s provisions on certain discovery materials sought by certain petitioners and moving parties?</u> No. Information sought by a Petitioner relevant to a RJA data claim is in the exclusive possession of the People or the court. Moreover, the RJA makes no reference to 1054.9, nor does it impose any requirement “to obtain discovery materials from trial counsel.” (See <i>In re Montgomery</i> (2024) 104 Cal.App.5th 1062, n.1 (rev. granted 12/11/24) (distinguishing § 745(d) request from § 1054.9 request); contra <i>People v. Serrano</i> (2024) 106 Cal.App.5th 276.)	The committees will not include requests for discovery under Penal Code section 1054.9 in form HC-001 because they may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.
8.	Superior Court of Los Angeles County by Stephanie Kuo	AM	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California’s Invitation to Comment “W26-05 Criminal Procedure: Rule and Form Revisions Related to the	The committees appreciate the comments.

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W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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	Commenter	Position	Comment	Committee Response
			Racial Justice Act,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its stated purpose. The Court supports the notion that it would be helpful to refer petitioner’s counsel as an additional party to notify and serve with information and filings related to informal response in rule 4.551(b)(2). The Court also agrees that the form should incorporate Penal Code section 1054.9’s provision on certain discovery materials. The Court also agrees that rules 4.551(d)(2) and 8.385(g)(1) should 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. This aligns with legislative findings clarifying that appointment of counsel does not require a prima facie showing and should be treated as a minimal pleading requirement. As the Racial Justice Act pertains to misdemeanors, the proposed rule changes are expected to affect the Appellate Division, but not the modifications to the form. It is important to note that a different habeas form is utilized for misdemeanors. The proposal would not provide cost savings but would not incur significant costs for the Court.	The committees will modify rule 4.551(b)(2) to refer to petitioner’s counsel. The committees agree with the commenters who expressed a contrary opinion and thus will not include requests for discovery under Penal Code section 1054.9 in form HC-001 but may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow. The committees agree with the commenters who expressed a contrary opinion and thus decline to make this revision. No response needed. No response needed.

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

W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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	Commenter	Position	Comment	Committee Response
			Implementation would be minimal and two months is sufficient time for implementation. Management and judicial assistants would need to be trained on the changes. The Operations Division would also need to monitor the impact of the anticipated increase in workload and assess appropriate staffing resources.	No response needed.
			The proposal should work well for courts of different sizes.	No response needed.
9.	Superior Court of Orange County by Nevely Herrera, Operations Analyst I	AM	Does the proposal appropriately address the stated purpose? The proposal appropriately addresses the stated purpose, as indicated.	The committees appreciate the comments.
			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? Yes, it would be helpful. Adding petitioner's counsel as an additional party to notify and serve would prevent potential delays caused when counsel does not receive the informal response material. Recommend adding language "must be served on the petitioner and, if represented, petitioner's counsel."	The committees will modify rule 4.551(b)(2) to refer to petitioner's counsel.
			Should the forms incorporate Penal Code section 1054.9's provisions on certain discovery materials sought by certain petitioners and moving parties? Yes, AB 1036 amends PC 1054.9 to broaden the definition and expand access of discovery materials in a post-conviction proceeding. It would be beneficial to add a separate item to the forms for discovery materials as defined by provisions of 1054.9 and provide examples of said discovery items.	The committees agree with the commenters who expressed a contrary opinion and thus will not include requests for discovery under Penal Code section 1054.9 in form HC-001 but may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future as time and resources allow.

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

W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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	Commenter	Position	Comment	Committee Response
			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? Yes, given that there is a right to court appointed counsel, and it would potentially eliminate setting of a hearing to determine appointment of counsel.	The committees agree with the commenters who expressed a contrary opinion and thus decline to make this revision.
			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. Minimal. If approved, ambiguity would be removed which would hence improve document processing. Additionally, by including the general rule requiring appointment of counsel proposal would provide cost savings in not having to prepare of an unnecessary hearing.	No response needed.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Implementation would entail a review of any local form(s), procedures, and docket codes. Identified updates would be distributed to staff appropriately.	No response needed.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?	No response needed.

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	Commenter	Position	Comment	Committee Response
			Due to minimal anticipated impact, two months would be sufficient time for implementation.	
			How well would this proposal work in courts of different sizes? N/A	No response needed.
10.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: 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? A: It would be helpful to reference petitioner's counsel as an additional party to notify and serve with information and filings related to an informal response. Q: Should the forms incorporate Penal Code section 1054.9's provisions on certain discovery materials sought by certain petitioners and moving parties? A: Yes. Q: 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? A: Yes.	The committees appreciate the comments. The committees will modify rule 4.551(b)(2) to refer to petitioner's counsel. The committees agree with the commenters who expressed a contrary opinion and thus will not include requests for discovery under Penal Code section 1054.9 in form HC-001, but may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future, based on other comments received. The committees agree with the commenters who expressed a contrary opinion and thus decline to make this revision.

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	Commenter	Position	Comment	Committee Response
			Q: Would the proposal provide cost savings? If so, please quantify. A: No. Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Revising internal procedures and training judges and staff. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes. Q: How well would this proposal work in courts of different sizes? A: It appears that the proposal would work for courts of all sizes.	No response needed. No response needed. No response needed. No response needed.
11.	TCPJAC/CEAC Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	AM	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 (RJA) 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. The proposed rule changes and form changes meet their stated purpose. Specifically: • Rule 4.551 is amended as to habeas corpus proceedings in noncapital cases to implement changes from AB 1071, including:	The committees appreciate the comments.

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	Commenter	Position	Comment	Committee Response
			○ Adding the ability to issue an order to show cause when the petitioner has made a prima facie showing of a RJA claim; ○ Adding a provision to address appointment of counsel for RJA claims; ○ Adding a provision that states that in RJA claims, appointment of counsel is limited to the facial sufficiency of the allegations of the petition alone; and ○ Adding two advisory committee comments and removing another advisory comment based on statutory direction.	
			Rule 8.385 is amended as to petitions for a writ of habeas corpus filed in the Supreme Court or Court of Appeal to implement changes from AB 1071, including similar changes as to orders to show cause, the prima facie standard, appointment of counsel and advisory committee comments as discussed above.	No response needed.
			Form HC-001 (Petition for Writ of Habeas Corpus), which can be filed in a superior court, Court of Appeal, or the Supreme Court, is amended to: ○ Add an instruction to page 1 to incorporate service requirements of law enforcement in certain situations as required by SB 734; and ○ Reorganize HC-001 to clearly differentiate between RJA and other claims and make other changes consistent with legislation.	No response needed.
			Form CR 187 (Motion to Vacate Conviction or Sentence) and CR-188 (Order on Motion to Vacate Conviction or Sentence) modifies the form to be consistent with recent statutory changes and adds a citation to a recent appellate court decision regarding requesting counsel.	

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	Commenter	Position	Comment	Committee Response
			In response to the ITC's request for specific comments, JRS supports the notion that it would be helpful to refer petitioner's counsel as an additional party to notify and serve with information and filings related to informal response in rule 4.551(b)(2).	The committees will modify rule 4.551(b)(2) to refer to petitioner's counsel.
			JRS agrees that the form should incorporate Penal Code section 1054.9's provision on certain discovery materials.	The committees agree with the commenters who expressed a contrary opinion and thus will not include requests for discovery under Penal Code section 1054.9 in form HC-001, but may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future, based on other comments received.
			JRS also agrees that rules 4.551(d)(2) and 8.385(g)(1) should 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. This aligns with legislative findings clarifying that appointment of counsel does not require a prima facie showing and should be treated as a minimal pleading requirement.	The committees agree with the commenters who expressed a contrary opinion and thus decline to make this revision
			The proposal would not provide cost savings but would not incur significant costs for the trial courts. Implementation would be minimal and two months is sufficient time for implementation. The proposal should work well for courts of different sizes.	No response needed.

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

W26-05

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	Commenter	Position	Comment	Committee Response
12.	The Paper Prisons Initiative of UC Berkeley by Colleen Chien, Professor, Berkeley Law School; Alonzo Harvey, Paper Prisons Expert and Advisor to the Paper Prisons Initiative	NI	The Paper Prisons Initiative of UC Berkeley and based at Berkeley Law is a research initiative that uses data, research, and empathy to bridge the gap between eligibility and delivery of relief from the criminal justice system. We appreciate this opportunity to comment on Judicial Form W26-05, proposed by Hon. Allison Danner and Hon. Lisa Rodriguez. We provide the attached comment based on two capacities. First, our impacted expert advisor Alonzo Harvey has provided a testimony based on his own experiences being incarcerated and a leader in the formerly incarcerated student movement, about the merits of the form - in its simplicity, clarity and - and also the reality that the data to actually fill the form as part of a pattern of disparity of claim is generally glaringly unavailable to the pro se defendants who might use them, due to lack of access to the internet and other sources of information. His testimony calls for greater access to data resources like the Paper Prisons Racial Justice Act Tool so that pro se individuals may evaluate their claims and the court can determine whether counsel should be appointed. Please see Mr. Harvey's attached declaration, "The RJA Is a Lifeline But Only If People Inside Can Access the Tools to Use It." Second, we are the creators of the Paper Prisons Racial Justice Act Tool (rja.paperprisons.org), which provides summary data representing the raw numbers, rates per population, and disparity gaps by race of adults in the California criminal justice system using data provided by the California Department of Justice as well as by the Census Department. Access the Census data here. (See <i>Proving Actionable Racial Disparity Under the California Racial Justice Act</i>, 76 UC L. Journal 1 (2023); see also <i>The Paper Prisons Racial Justice Act Data Tool</i>, 29 Berkeley J. Crim. L. 29 (2024). and visit rja.paperprisons.org) In this capacity, we regularly interact with pro se defendants and their loved ones seeking to use our data to evaluate whether or not their case fits a broader pattern of racial disparity. Our correspondees range from the 18-year old daughter to lifers	The committees appreciate the comments. [Appendix A/Appendix B omitted from chart; they were considered in full by the committees.]

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	Commenter	Position	Comment	Committee Response
			who have “noone” (sic) still to help them in their cases, which they insist they are currently wrongfully incarcerated in connection with. (see attached presentation Appendix A: Chien Presentation to the Appellate Judicial Institute) While we did not have time to ask our correspondees for their opinion of the form, we note that three problems beset this population: (1) lack of understanding of the legal standard, (2) lack of understanding of data and how it applies in the legal context, and (3) lack of access to data. Your form makes considerable progress in advancing the first, we try to advance (3) through our tool. But (3) is difficult when there isn’t access to the internet and data archives within prisons and neither of us can accomplish (2). We in particular have been humbled that, despite our efforts, our correspondees still struggle to understand how data works and can be leveraged to determine the viability of their claims, in habeas cases, for freedom. So in the Appendix B: RJA Letters we provide examples of the letters we have received, to provide a glimpse of the people who most will benefit from your new form, but may still face access to justice obstacles in realizing the promise of the law, to a much lesser degree than litigants with resources. Lacking time to redact Appendix B we ask that you do not share this document beyond what is required; we will give you a redacted copy in time. The pictures we provide with permission, because our correspondees have asked us to share their stories more broadly in hopes that they will be able to access the law.	
			The RJA Is a Lifeline But Only If People Inside Can Access the Tools to Use It As a formerly incarcerated advocate and member of the Paper Prisons team, I’ve seen exactly where the justice system fails the people trapped inside it. I’ve worked on Racial Justice Act (RJA) teams, and one truth is clear: incarcerated individuals cannot fight racial bias in their cases without access to the very tools required to understand the law. Most	While technological access for individuals in custody is outside the Judicial Council’s rulemaking authority, the committees appreciate the comments.

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W26-05

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	Commenter	Position	Comment	Committee Response
			people inside do not have updated law books, working tablets, internet access, or guidance. Without these basic resources, even the strongest reforms become empty promises. When I talk about the RJA and why access to legal tools matters, I'm not speaking from theory, I'm speaking from lived experience. During my incarceration, I've sat in cells with men trying to fight for their lives with nothing but outdated books, broken systems, and pure determination. I've watched people struggle to challenge racial bias when the very tools they need are behind a wall they can't climb. I remember my cellmate, who was a lifer, was known throughout the prison as the "Johnny Cochran of the prison." Under his bunk, he kept thousands of legal documents stacked in boxes and folders because the prison library had no filing system. He built his own library by hand. He spent years sorting paperwork, researching cases, analyzing sentencing charts, and helping others. But brilliance doesn't replace access. No matter how dedicated he was, he was working in a system designed without the tools he needed. Imagine someone like him with access to the Paper Prisons' RJA Tool. Instead of sorting through mountains of paper, he could quickly search for statistical comparisons, identify disparities, and find patterns across cases. Instead of guessing what documents to request or how to frame a claim, he could follow guided prompts and build stronger arguments. The tool would narrow down information instantly, something that currently takes years inside. This is exactly why Paper Prisons' RJA Tool is so important. It helps people evaluate their potential RJA claims, compare their situations to known disparities, and understand what evidence they need to gather. It organizes information in a way that is clear, structured, and user-friendly,	

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

W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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

	Commenter	Position	Comment	Committee Response
			something rare in a legal system that often feels intentionally confusing. But here's the problem, people inside don't have access to it. Without internet access, updated libraries, or computers, a tool that could save someone decades of time becomes unreachable. That's why the new RJA Form itself is such a major breakthrough. It is simple, direct, and actually readable, designed for the reality that many incarcerated people read at a 6th–8th grade level and lack formal legal training. The form embeds the law directly into each question, allowing people to understand what they are claiming as they fill it out. Part C breaks down every type of RJA violation, from discriminatory remarks to harsher charging decisions to racial sentencing patterns, and then asks the petitioner to explain their situation in their own words. That structure is intentional. It gives people clarity and empowers even jailhouse lawyers to confidently guide others, almost like an attorney-client roadmap. But even the best-designed form can't overcome reality inside California prisons. Law libraries at places like Salinas Valley, Ironwood, and Centinela are outdated, disorganized, and lacking basic resources. Books are often missing, decades out of date, or scattered with no system at all. There's no access to statistics, no digital databases, and no updated case law. Yet the legal system expects incarcerated people to produce detailed evidence about racial disparities in charging and sentencing, something nearly impossible with broken libraries and no internet. If California is serious about rehabilitation and justice, it must allow incarcerated people access to this RJA Tool on tablets or computers in the law library. It should be as accessible as a dictionary. Giving people access to legal technology wouldn't only help individuals; it would make the entire system more fair and reduce wrongful or excessive sentences. It would help people understand their rights, speed up appeals, and give them real clarity.	

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W26-05**Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)**

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	Commenter	Position	Comment	Committee Response
			Right now, the RJA form and the RJA Tool represent hope, hope on paper, and hope on a screen. But hope means nothing without access. People inside deserve better than outdated books and broken systems. They deserve tools that match the promises of the law. They deserve the ability to compare cases, gather evidence, and file meaningful claims without spending years buried under paperwork. They deserve a justice system they can actually navigate, not one built to hold them back. The Racial Justice Act was created to correct racial inequities. The next step is making sure people inside have the technology and resources to actually use it. Until then, justice will continue to exist only in theory, not in practice.	
13.	University of San Francisco Racial Justice Clinic and Ella Baker Center for Human Rights by Belle Yan, Assistant Professor and Supervising Attorney, University of San Francisco Racial Justice Clinic; Morgan Zamora, Prison Advocacy Manager, Ella Baker Center for Human Rights	N	I. General Comment Several aspects of the proposed revisions—particularly those affecting appointment of counsel, pleading standards, and discovery under the Racial Justice Act (RJA)—do not adequately implement the Legislature’s intent and, in some instances, risk perpetuating barriers AB 1071 was expressly enacted to eliminate.	Please see the committees’ responses to specific suggestions below.
			II. Proposed HC-001, Part C, Item 4 (Appointment of Counsel) Does Not Appropriately Address the Stated Purpose The proposed amendments to HC-001, Part C, Item 4 are intended to assist courts in making indigency determinations for purposes of appointing counsel. However, the structure and phrasing of Item 4 introduce ambiguities that risk confusing petitioners and undermining the reliability of indigency determinations. As revised, HC-001, Part C, Item 4 asks: (a) Do you want appointed counsel? (b) If yes, can you afford to hire counsel? (c) Were you represented by appointed counsel in this case (at the trial court and/or on appeal)?	

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	Commenter	Position	Comment	Committee Response
			The nested conditional phrasing in subdivision (b) is unnecessary and potentially misleading. A self-represented petitioner could reasonably interpret the “If yes” construction to mean: “If you want appointed counsel, do you have some ability to contribute financially toward it?” This misinterpretation could lead petitioners to believe that requesting appointed counsel requires acknowledging partial financial capacity, thereby prompting inaccurate responses that do not reflect actual financial circumstances. This ambiguity could be eliminated through clearer language. Subdivision (a) should explicitly reference “appointed counsel at no cost to you,” and subdivision (b) should eliminate the conditional clause “If yes” and simply ask “Can you afford to hire and pay for your own attorney?” or employ declarative phrasing such as “I cannot afford to hire a private attorney.” The conditional clause serves no functional purpose and creates interpretive risk that undermines the form’s stated purpose. Subdivision (c)’s inquiry into prior appointed counsel serves no purpose as an indicator of present financial capacity. Prior representation—whether appointed or retained—may reflect circumstances that no longer exist, including temporary financial support, family assistance, or conditions from several years earlier. Because indigency determinations must rest on present ability to retain counsel, reliance on prior appointment of counsel as a proxy for current indigency is both under-inclusive and over-inclusive. Additionally, petitioners may reasonably construe this question as dispositive of their eligibility, which could result in petitioners incorrectly believing they are ineligible for appointed counsel based solely on prior representation. This risk is compounded by the form’s failure to provide any mechanism for petitioners to contextualize or explain changed circumstances, while inviting courts to give this factor significant weight when making indigency determinations.	

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W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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

	Commenter	Position	Comment	Committee Response
			Recommendation: HC-001, Part C, Item 4 should proceed in a linear and logically coherent manner: first determining whether appointed counsel is sought, then directly inquiring into present ability to afford counsel without conditional phrasing or nested questions. If the prior representation question in subdivision (c) is retained, the form should include (1) explicit language clarifying that prior representation is one non-determinative factor among many, and (2) adequate space for petitioners to explain material changes in their financial circumstances since prior representation. Absent such modifications, Item 4 creates substantial risk of undermining the accuracy and fairness of indigency determinations.	Item 4c is intended to assist courts by providing information on prior appointed counsel, not as a basis for granting or denying a current request for counsel. The committees recommend reordering item 4 so that item 4c is renumbered as item 4a, item 4a as item 4b, and item 4b as item 4c. Additionally, the committees will modify current items 4a and 4b as suggested.
			III. Proposed HC-001 and CR-187 Forms Inappropriately Commingle a § 745(a) Claim with a § 745(d) Request to Obtain Information Needed to Make a 745(a) Claim The proposed revisions to HC-001 and CR-187 improperly conflate a prima facie claim under Penal Code section 745(a) with a discovery request under section 745(d) that is necessary to develop such a claim. This structure creates a procedural contradiction: petitioners are required to plead facts sufficient to support a claim while simultaneously seeking access to the very information needed to do so. This framework invites the precise outcome AB 1071 sought to prevent—denial of claims as facially insufficient due to lack of discovery not yet provided. As the Legislature recognized, meaningful access to discovery is a prerequisite to developing and supporting potential RJA claims; otherwise, petitioners are placed in the untenable position of having claims rejected for want of inaccessible evidence. (AB 1071, subd. (b).)	

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W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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	Commenter	Position	Comment	Committee Response
			By contrast, proposed juvenile RJA form JV-720 (W26-07) adopts a more coherent structure. It expressly acknowledges that petitioners are not expected to possess all facts or evidence at the outset and contemplates amendment after counsel is appointed or discovery is granted. This approach better reflects the realities of RJA litigation. Recommendation: HC-001 and CR-187 should adopt a similar framework to proposed form W26-07. When discovery under section 745(d) is requested, the forms should instruct courts to appoint counsel and defer ruling on the sufficiency of a section 745(a) claim until discovery is provided. Alternatively, discovery requests should be addressed on a separate form. In all events, the forms should clearly state that appointed counsel may amend the petition and discovery request.	The committees agree, in part, and will modify item 6a of form HC-001 so that a petitioner may indicate that if they are not requesting discovery through the petition, they may request it after counsel is appointed if necessary. The committees decline to modify the forms as suggested, as appointment of counsel is based on whether the petitioner or moving party meets the legal standards set out in Penal Code section 1473(e)(5) and <i>People v. Gutierrez</i> (2025) 113 Cal.App.5th 906. The committees may consider developing a separate form for Racial Justice Act discovery requests under Penal Code sections 745(d) and 1054.9 in the future, and time and resources allow.
			IV. Proposed Rule 4.551(c)(2) and Proposed Rule 8.385(d)(2) Are Incomplete Proposed subdivisions 4.551(c)(2) and 8.385(d)(2) reference the “substantial likelihood” standard without defining it. Penal Code section	

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W26-05

Criminal Procedure: Rule and Form Revisions Related to the Racial Justice Act (Amend Cal. Rules of Court, rules 4.551 and 8.385; revise forms HC-001, CR-187, and CR-188)

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	Commenter	Position	Comment	Committee Response
			745(h)(2) expressly defines “substantial likelihood” as requiring more than a mere possibility but less than a “more likely than not” showing. Recommendation: Rule 4.551(c)(2) and Rule 8.385(d)(2) should include the 745(h)(2) statutory definition of “substantial likelihood” to ensure uniform application.	The committees believe the amended rule is sufficient, as the substantial likelihood standard is defined in statute.
			V. Rule 4.551(d)(1)(B) and Rule 8.385(g)(2)(B) State the Wrong Standard for Appointment of Counsel Proposed subdivisions 4.551(d)(1)(B) and 8.385(g)(2)(B) incorrectly state that appointment of counsel requires allegations that would <i>establish</i> a violation of section 745(a). As explained in the Invitation to Comment and reflected in Penal Code section 1473(e)(5), appointment of counsel is required where the petition pleads a plausible allegation of a section 745(a) violation—a minimal pleading standard that is less than a prima facie showing. (See <i>McIntosh v. Superior Court</i> (2025) 110 Cal.App.5th 33.) Recommendation: These provisions should be revised to state: “<i>The petition pleads a plausible allegation of section 745(a).</i>”	The committees agree and will modify the rules to track the updated statutory language.

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

Rules Committee Action Request Form

Rules Committee Meeting Date: 3/17/2026

Action requested: Recommend JC approval (has circulated for comment)

Title of proposal: Criminal Law: Advisements on the Felony Plea Form

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):
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

Annual agenda approved by Rules Committee on *(date)*: 10/16/2025
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.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) Implements law that is effective January 1, 2026.

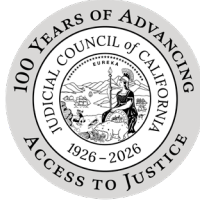
Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC staff

- ☒ EGG reviewed on *(date)*: 2/11/2026
- ☒ Office director (or designee) reviewed on *(date)*: 2/11/2026 by *(name)*: Francine Byrne and Kara Portnow

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)
Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.
Provide citations to code that mandates translation:
- **Website Content** (check all that apply)
☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)
☐ Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-073

For business meeting on April 24, 2026

Title

Criminal Law: Advisements on the Felony
Plea Form

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

Revise form CR-101

Date of Report

February 24, 2026

Recommended by

Criminal Law Advisory Committee
Hon. Lisa Rodriguez, Chair

Contact

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

Executive Summary

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 recommends amendments to the optional felony plea form to incorporate the verbatim immigration advisement and to clarify the advisement in cases involving sexually violent offenses.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective July 1, 2026, revise *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101) to incorporate recent statutory amendments on immigration advisements and update the existing advisement on sexually violent predator civil commitment proceedings.

The proposed revised form is attached at pages 6–13.

Relevant Previous Council Action

Form CR-101 was most recently revised effective July 1, 2025, to include two new advisements. Based on the Supreme Court’s decision in *In re Tellez* (2024) 17 Cal.5th 77, an advisement was added for defendants convicted of a sexually violent offense about the possibility of being referred to sexually violent predator civil commitment proceedings. The second advisement was added to implement a new statute under Proposition 36 requiring an advisement for defendants convicted of specified felony drug offenses about the possibility of being charged with murder if death results from illicitly manufacturing, distributing, selling, furnishing, or giving away drugs.¹

Analysis/Rationale

Since January 1, 1978, Penal Code section 1016.5² 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 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 that a defendant initials.³

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.⁴ To assist courts with providing the statutory verbatim advisement, the committee proposes adding a new court mandatory oral advisement section with the verbatim language of section 1016.5(a).

In addition to the immigration advisement, courts are required to advise a defendant when they could be subject to civil commitment as a sexually violent predator. Specifically, *In re Tellez* requires trial courts to advise a defendant—when pleading guilty or no contest to a sexually violent offense⁵ 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

¹ Health & Saf. Code, § 11369(b) & (c).

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

³ “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.”

⁴ Sen. Com. on Pub. Saf., Analysis of Sen. Bill 281 (2025–2026 Reg. Sess.) Mar. 25, 2025, p. 2.

⁵ As defined in Welfare and Institutions Code section 6600(a)(2) and (b).

whether you qualify for trial as a sexually violent predator, which could result in your being committed to a secure medical facility indefinitely.”⁶

To implement the advisement in *In re Tellez*, the Judicial Council approved revisions to form CR-101 effective July 1, 2025.⁷ 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.⁸ If this screening determines that the person potentially meets the criteria for a 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.⁹

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 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.

To implement these changes, the committee recommends the following revisions to form CR-101:

- Add a new court mandatory oral advisement section on page 8 with the verbatim statutory language from Penal Code section 1016.5(a); and
- Modify item 3h, Sexually Violent Predator Civil Commitment, on page 3 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.

Policy implications

The form implements new and updated legal requirements. Accordingly, the key policy implications are ensuring that council rules and forms correctly reflect the law. These revisions are therefore consistent with *The Strategic Plan for California’s Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

⁶ *In re Tellez*, *supra*, 17 Cal.5th at pp. 92–93.

⁷ 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>.

⁸ Welf. & Inst. Code, § 6601(b).

⁹ *Ibid.*

Comments

The proposal circulated for comment from December 5, 2025, to January 7, 2026. Five comments were received. Three commenters agreed with the proposal and two commenters, California Attorneys for Criminal Justice and the California Public Defenders Association, disagreed with the changes to the immigration advisement, which is discussed below. The committee appreciates the time taken by commenters to respond to this proposal. All comments received, and the committee's responses, are provided in the attached chart of comments at pages 14–21.

In the proposal that circulated for public comment, the committee modified existing item 3j, Immigration Consequences, to both reflect defendant's understanding of the immigration advisement and the verbatim statutory language of section 1016.5(a), as follows:

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.

California Attorneys for Criminal Justice and the California Public Defenders Association both commented that the immigration advisement should not include language about whether the defendant understood the advisement, since that is not part of the verbatim language of the statute. The concern is partly related to receipt of the “generic” immigration advisement under section 1016.5(a) being used to find that a defendant meaningfully understood the actual or potential adverse immigration consequences at the time of the plea for purposes of a motion to vacate a conviction or sentence under section 1473.7(a)(1).¹⁰

The commenters mistakenly believed that the current plea form did not already contain language about the defendant's understanding of the advisement, and that the statement in item 3j about the defendant's understanding was new. However, the current version of the advisement states that “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.”

The committee believes that a court must ascertain a defendant's understanding of items on the plea form and does not recommend removing language on this point. However, the committee acknowledges that the proposed modification's attempt to satisfy two distinct obligations in one item was potentially confusing. In response, the committee recommends separating the

¹⁰ Under section 1473.7(a)(1), a person who is no longer in criminal custody may file a motion to vacate a conviction or sentence due to 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.

obligations by keeping the current language of item 3j while adding a new court mandatory oral advisement section with the verbatim statutory language of section 1016.5(a).

Alternatives considered

The committee did not consider the alternative of not revising the form because it determined that implementing SB 281's requirements on the plea form was both necessary and helpful.

The committee considered including the mandatory oral advisement under section 1016.5(a) immediately before or after item 3j, so a court could address all immigration-related matters at once. However, the committee preferred to separate item 3j, which is intended to ascertain the defendant's understanding of the consequences of the plea, from the mandatory oral advisement by the court, as they serve different purposes.

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.

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. Expected costs include training, case management system updates, and the production of new forms.

Attachments and Links

1. Form CR-101, at pages 6–13
2. Chart of comments, at pages 14–21
3. Link A: Senate Bill 281 (Stats. 2025, ch. 666),
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 02/11/2025 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 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.

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:

COURT'S MANDATORY ORAL ADVISEMENT

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.

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)

W26-06**Criminal Law: Advisements on the Felony Plea Form** (Revise form CR-101)

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

	Commenter	Position	Comment	Committee Response
1.	California Attorneys for Criminal Justice by Heather M. Boxeth, Member, Board of Governors	N	The California Attorneys for Criminal Justice “CACJ” respectfully submits that, although the proposed change adds only the words “I understand,” that addition is not merely stylistic. An express, immigration-specific statement of understanding alters the legal character of the Penal Code section 1016.5 advisement. Section 1016.5 requires courts to deliver a standardized warning; it does not require courts to obtain a defendant’s acknowledgment of understanding regarding immigration consequences. By contrast, Penal Code section 1473.7 focuses on whether a defendant meaningfully understood or knowingly accepted those consequences. Because immigration consequences are highly fact-specific and fall outside the trial court’s role, requiring a defendant to affirm “understanding” on the plea form risks transforming a neutral statutory advisement into evidence of subjective comprehension. Appellate courts have repeatedly rejected that inference when based solely on receipt of the section 1016.5 warning. Adding an express affirmation of understanding invites renewed litigation over whether the plea form itself should defeat claims of lack of meaningful understanding, notwithstanding SB 281’s limited purpose and the established allocation of responsibilities between courts and defense counsel. For these reasons, the CACJ Legislative Committee respectfully urges that the form be	The committee appreciates the comment. An acknowledgement of the defendant’s understanding is incorporated into most items on form CR-101, including current item 3j. The committee believes that the court must ascertain a defendant’s understanding of items on the plea form and declines to remove existing language about a defendant’s understanding in item 3j. However, the committee will not modify item 3j and will instead add a new mandatory oral advisement section with the language of section 1016.5(a). It is the committee’s position that SB 281 does not prevent courts from ascertaining whether a defendant understands the generic advisement given by the court under section 1016.5 for purposes of taking the plea.

W26-06**Criminal Law: Advisements on the Felony Plea Form** (Revise form CR-101)

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

	Commenter	Position	Comment	Committee Response
			limited to the verbatim statutory advisement required by SB 281, without additional immigration-specific statements of understanding.	
2.	California Public Defenders Association and the CPDA Immigration Committee by Kate Chatfield, Executive Director	N	I. INTRODUCTION The Immigration Committee of the California Public Defenders Association is comprised of attorneys who work at the intersection of immigration and criminal law. We conduct legal trainings for attorneys across the State, participate in legislative advocacy, and assist public defenders and indigent defense counsel in their work representing noncitizen clients. This memorandum is submitted in opposition to the Judicial Council Criminal Law Advisory Committee's proposal to amend the Judicial Council plea form related to Penal Code section 1016.5. The proposed amendment exceeds the scope of Senate Bill 281, is redundant of existing language, and risks creating confusion and unnecessary litigation, contrary to both the Legislature's intent and established appellate authority. II. BACKGROUND: SENATE BILL 281 AND SECTION 1016.5 Senate Bill 281 made a single substantive change to Penal Code section 1016.5: it directed courts to administer the immigration advisement verbatim, using the statutory	The committee appreciates the comment.

W26-06

Criminal Law: Advisements on the Felony Plea Form (Revise form CR-101)

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

	Commenter	Position	Comment	Committee Response
			language that a conviction “may” result in adverse immigration consequences. As the committee correctly notes in its proposal, the Legislature’s purpose was to promote consistency across courts, particularly where some courts had improperly provided over-advisals by stating in every case that immigration consequences “will” occur, regardless of whether that statement was accurate. These over-advisals functioned to improperly foreclose future challenges to legally defective pleas by creating a misleading record of certainty where none existed. Importantly, the Judicial Council was already in compliance with this legislative directive. Prior efforts to amend the plea form in 2019 to warn of mandatory immigration consequences were rejected.¹ This reflects an understanding that section 1016.5 requires only a general, statutory warning—not a declaration of certainty or an individualized assessment of consequences. ¹See SPR19-16, p.3 (“However, the committee ultimately decided against making this change at this time, in part because the current form includes a declaration that the attorney advised the defendant of consequences of the plea, which would include immigration consequences.”), and SPR 21-06. III. THE PROPOSED AMENDMENT IS UNNECESSARY AND REDUNDANT	

W26-06**Criminal Law: Advisements on the Felony Plea Form** (Revise form CR-101)

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

	Commenter	Position	Comment	Committee Response
			The committee now proposes to add new language requiring an affirmative statement of understanding immediately prior to the section 1016.5 warning. This requirement is not mandated by SB 281 and is entirely redundant. Page 7 of the existing plea form already requires the defendant to affirm that they “<i>understand and agree with what is stated in each item that [they] have initialed</i>” before signing the form. Thus, defendants already attest to their understanding of the section 1016.5 advisement. Adding a second, specific statement of understanding serves no substantive purpose. IV. THE PROPOSED LANGUAGE RISKS CONFUSION AND INVITES LITIGATION More significantly, the proposed amendment is likely to generate confusion and increased litigation, particularly in the context of Penal Code section 1473.7. Section 1473.7 permits vacatur of a conviction where a defendant failed “<i>to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.</i>” For years, prosecutors have argued—and some courts have erroneously agreed—that receipt of the generic section 1016.5 warning conclusively establishes a defendant’s understanding of immigration consequences, thereby barring relief under section 1473.7.²	An acknowledgement of the defendant’s understanding is incorporated into most items on form CR-101, including current item 3j. The committee believes that the court must ascertain a defendant’s understanding of items on the plea form and declines to remove existing language about a defendant’s understanding in item 3j. However, the committee will not modify item 3j and will instead add a new mandatory oral advisement section with the language of section 1016.5(a).

W26-06**Criminal Law: Advisements on the Felony Plea Form (Revise form CR-101)**

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

	Commenter	Position	Comment	Committee Response
			²<i>See, e.g., People v. Rodriguez</i> (2021) 68 Cal.App.5th 301, 318-19 (prosecution argued that a 1473.7 motion should be denied because defendant had initialed the 1016.5 warning and defense counsel signed the declaration that they had reviewed the consequences to defendant); <i>People v. Olvera</i> (2018) 24 Cal.App.5th 1112, 1114-15 (trial court denied the section 1437.7 motion because the plea form language that they should “expressly assume that [their] plea . . . will, now or later, result in [their] deportation” was “pretty clear”). Although numerous appellate courts have rejected this argument—holding that section 1016.5 provides only a general warning and “<i>is not designed, nor does it operate, as a substitute for</i>”³ defense counsel’s advice—the proposed language is likely to revive these arguments. By adding an express statement of understanding to the plea form, the committee risks inviting renewed litigation over whether the form itself defeats a defendant’s claim that they failed to meaningfully understand the actual or potential immigration consequences of their plea. ³<i>See, e.g., People v. Lopez</i> (2021) 66 Cal.App.5th 561, 577 (citing <i>In re Hernandez</i> (2019) 33 Cal.App.5th 530, 545); <i>see also People v. Patterson</i> (2017) 2 Cal.5th 885, 898 (generic warning should not bar relief under section 1018). Such an outcome would be inconsistent with both legislative intent and settled appellate guidance.	It is the committee’s position that SB 281 does not prevent courts from ascertaining whether a defendant understands the generic advisement given by the court under section 1016.5 for purposes of taking the plea.

W26-06**Criminal Law: Advisements on the Felony Plea Form** (Revise form CR-101)

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

	Commenter	Position	Comment	Committee Response
			V. CONCLUSION The additional language proposed by the Judicial Council Criminal Law Advisory Committee does not advance compliance with either the letter or the spirit of Senate Bill 281. Instead, it is unnecessary, duplicative, and likely to create confusion and unintended litigation. For these reasons, we respectfully urge the committee to make no changes to the Judicial Council plea form with respect to Penal Code section 1016.5.	
3.	Orange County Bar Association by Shirin Forootan, President	A	Both proposals appropriately address the stated purposes as they are based on specific statutory provisions.	The committee appreciates the comment.
4.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's Invitation to Comment, "W26-06 Criminal Law: Advisements on the Felony Plea Form," the Superior Court of California, County of Los Angeles (Court), agrees with the proposal. The proposal will not provide cost savings. It will require the Court to update its forms and create specific case management system codes to reflect that the advisements have been given. The Court already has an immigration	The committee appreciates the comment. No response needed.

W26-06**Criminal Law: Advisements on the Felony Plea Form** (Revise form CR-101)

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

	Commenter	Position	Comment	Committee Response
			advisements case management system code. A code for the civil commitment as a sexually violent predator would have to be created. Two months should be sufficient time to implement the proposal, including training and updating the case management system. The proposal should work well in courts of different sizes. The only difference may be the number of people that would need to be trained. All Criminal management would need to be made aware and all judicial assistants covering in Criminal courtrooms would need to be trained, which is several hundred employees for the Superior Court of Los Angeles County. However, the needed training would not be significant.	No response needed.
5.	Superior Court of Orange County by Nevely Herrera, Operations Analyst I	A	In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following: <i>Does the proposal appropriately address the stated purpose?</i> The proposal appropriately addresses the stated purpose, as indicated. The advisory committee also seeks comments from courts on the following cost and implementation matters: <i>Would the proposal provide cost savings? If so, please quantify.</i> No. Orange County Superior Court utilizes a local form for felony pleas that contains language consistent with proposed changes	The committee appreciates the comment. No response needed.

W26-06**Criminal Law: Advisements on the Felony Plea Form** (Revise form CR-101)

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

	Commenter	Position	Comment	Committee Response
			in this proposal as to immigration advisement. <i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> N/A. Orange County Superior Court’s local form for felony pleas contains language consistent with proposed immigration advisement. Additionally, as to the advisement for cases involving sexually violent offenses, the prosecutor currently provides the court with addendum that incorporates advisement proposed. <i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Due to minimal anticipated impact, two months would be sufficient time for implementation. <i>How well would this proposal work in courts of different sizes?</i> N/A	No response needed. No response needed. No response needed.

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Recommend JC approval (has circulated for comment)

Title of proposal: Juvenile Law: Update to Racial Justice Act Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

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

Annual agenda approved by Rules Committee on *(date)*: October 16, 2025; Amended January 7, 2026

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.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) These form revisions are being recommended in the Winter Cycle because AB 1071 took 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.)

Information for JC staff

☒ EGG reviewed on *(date)*: 02/09/26

☒ Office director (or designee) reviewed on *(date)*: 03/02/26 by *(name)*: Audrey Fancy

Complete the following for all JC reports recommending forms:

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

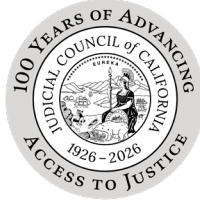
Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☐ Changes or additions to self-help website are needed.



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-067

For business meeting on April 24–25, 2026

Title

Juvenile Law: Update to Racial Justice Act
Forms

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

Revise forms JV-720 and JV-720-INFO

Date of Report

February 17, 2026

Recommended 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

Assembly Bill 1071 ((Kalra); Stats. 2025, ch. 464) requires counsel for represented applicants alleging a violation of the Racial Justice Act by a law enforcement officer to serve a copy of the petition on the law enforcement agency that employed the officer. The Family and Juvenile Law Advisory Committee recommends revising two forms to memorialize this requirement and to make clarifying nonsubstantive changes.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2026, revise *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) to incorporate the service requirement for counsel of represented applicants mandated by AB 1071 and to improve clarity and readability.

The proposed revised forms are attached at pages 7–11.

Relevant Previous Council Action

The Judicial Council approved the original version of forms JV-720 and JV-720-INFO, effective January 1, 2026, to provide applicants with a means to allege a violation of the Racial Justice Act in juvenile delinquency cases.

Analysis/Rationale

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 (see Link A) and amended sections 1473 and 1473.7 (see Links B and C), enables individuals to file claims for relief based on violations of its provisions. (§ 745(a)(1)–(4).) 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 file a claim regardless of when their judgment became final. (§ 745(j)(2).) Individuals with a juvenile case that resulted in a commitment to the Division of Juvenile Justice² may now also file a claim, regardless of when the judgment or disposition became final. (§ 745(j)(5).) Section 745 was additionally 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 and its amendments in juvenile cases, the Family and Juvenile Law Advisory Committee recommended five new forms, including forms JV-720 and JV-720-INFO, for optional use for claims in juvenile court under the act. These forms were approved by the Judicial Council and became effective on January 1, 2026.³

¹ Unless otherwise specified, all further statutory references are to the Penal Code.

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.

Service requirement

AB 1071, also effective January 1, 2026, imposes a mandatory service requirement in cases in which a represented applicant alleges a violation of the act 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), as amended, 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 readability,⁴ the Family and Juvenile Law Advisory Committee recommends revisions to two forms for optional use: *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).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.)”

In addition to new item 4c, the committee identified concerns about the process for seeking relief being confusing to nonattorneys. To address those concerns, the committee proposes minor revisions to three items to improve clarity and readability:

- For items 2 and 6, rephrasing them to pose yes/no questions; and

⁴ 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.

⁵ Because other amendments made by AB 1071, including provisions related to discovery motions, remedies, and habeas corpus rules, do not impact other existing juvenile Racial Justice Act forms, the committee does not propose any revisions to them. There are also no corresponding rules of court associated with the juvenile Racial Justice Act forms.

- 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 address the new service requirements of AB 1071, the committee proposes including information 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 of “Who can file a request under the RJA?” to “Who can file a request under the RJA in juvenile court?”
- 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.

Policy implications

The proposed revision will ensure that forms JV-720 and JV-720-INFO accurately provide notice of the new service requirement. The policy choices have been made by the Legislature.

Comments

This proposal circulated for public comment from December 5, 2025, to January 7, 2026, during the regular winter 2026 invitation-to-comment cycle. Comments were received from Judge Steven Ipson of the Superior Court of Los Angeles County, the Orange County Bar Association, the Superior Court of Los Angeles County, the Superior Court of Orange County, the Superior Court of San Diego County, and the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee Joint Rules Subcommittee.

⁶ In addition to adding this information to form JV-720, similar language in the current version of form JV-720-INFO would be deleted.

Of the six comments received, five agreed with the proposal as currently drafted. The other commenter agreed with the proposal if modified. That commenter, as well as two commenters who agreed with the proposal, provided input on the retention of the existing step-by-step instructions for completing form JV-720 currently contained on form JV-720-INFO. Although the committee felt that recommending retention was unnecessary because of the self-explanatory design of form JV-720, it nevertheless decided to ask for specific comment on the issue. After reviewing the comments, the committee continued to support recommending deleting the instructions as extraneous. In the committee's view, the instructions on the current version of the information sheet convey essentially the same information as the proposed application form does. In addition, the proposed changes not only make the application form easier to use, but also add information about serving the completed form missing from the current information sheet.

A chart of the comments submitted and the committee's responses is attached at pages 12–19.

Alternatives considered

The committee considered taking no action but rejected this option because without the proposed revision, forms JV-720 and JV-720-INFO 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, the committee considered adding information about the service requirement implemented by AB 1071 to the instructions. 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

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.

Commenters have suggested that implementation of the revised forms will require (1) updating macros, event codes, and forms in case management systems; (2) providing training and communication to judicial officers and court staff; (3) revising current procedures; (4) creating local packets; and (5) preparing for new service requirements for self-represented litigants.⁸

Attachments and Links

1. Forms JV-720 and JV-720-INFO, at pages 7–11
2. Chart of comments, at pages 12–19
3. Link A: Pen. Code, § 745,
leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=745&lawCode=PEN
4. Link B: Pen. Code, § 1473,
leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.&lawCode=PEN
5. Link A: Pen. Code, § 1473.7,
leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1473.7.&lawCode=PEN

⁸ As discussed above, the service requirement at issue applies only to represented litigants, not to self-represented ones.

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:
Instructions—Read Carefully - Use this form if you are going or went to court because you allegedly committed an offense when you were under the age of 18 and you believe your case was affected by discrimination on the basis of race, ethnicity, or national origin. - For more information about the Racial Justice Act and how to 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:

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:

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 for which you will need the interpreter.)*

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.

W26-07**Juvenile Law: Update to Racial Justice Act Forms** (revise forms JV-720 and JV-720-INFO)

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

	Commenter	Position	Comment	Committee Response
1.	Hon. Steven Ipson Superior Court of California, County of Los Angeles	AM	I think the instructions on the JV-720-INFO should remain but otherwise agree with the proposed changes. Some people feel more comfortable with instructions.	The committee appreciates this comment but recommends removing the step-by-step instructions on JV-720-INFO because the design of JV-720, a plain language form, is intended to provide the explanation needed. As an example, the second step-by-step instruction recommended to be removed from JV-720-INFO instructs the user to “[c]heck the box in item 2 if you are asking the court to appoint an attorney to represent you.” However, the committee feels that item 2 on the revised JV-720 is self-explanatory because it is titled “Appointment of counsel” and asks the user to answer yes or no to the question “[a]re you asking the court to appoint an attorney to represent you?” Similarly, the fifth instruction recommended to be removed states “[c]heck the box in item 4b if you believe the RJA was violated because of something a judge said or did, and fill in the name of the judge if you know it. If so a different judge will hear your request.” The corresponding item on the revised JV-720, however, asks the user to answer yes or no to the question “[a]re you asking for this request based on something a judge, did, said or wrote?” If the answer is yes, the user is instructed to “write the judge’s name below.” A yes answer includes the following note: “a different judge will hear this request” and instructs the user to fill in the judge’s name.

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

W26-07**Juvenile Law: Update to Racial Justice Act Forms** (revise forms JV-720 and JV-720-INFO)

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

	Commenter	Position	Comment	Committee Response
2.	Orange County Bar Association by Shirin Forootan, President	A	Does the proposal appropriately address the stated purpose? Yes. 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? Yes.	No response necessary. The committee appreciates this comment but recommends against retaining the existing step-by-step instructions on JV-720-INFO. Please see the committee's response above to the comment of Judge Ipson.
3.	Superior Court of California, County of Los Angeles by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's Invitation to Comment, "W26-07 Juvenile Law: Update to Racial Justice Act Forms," the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and its ability to appropriately address its stated purpose. The Court agrees that removing the existing step-by-step instructions for completing form JV-720 (first column on page 2 of form JV-720-INFO) is preferable to retaining them. Although the Court does not see any cost	No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback. The committee appreciates this comment and agrees that "removing the existing step-by-step instructions for completing form JV-720 . . . is preferable to retaining them." No response required. The committee appreciates

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

W26-07**Juvenile Law: Update to Racial Justice Act Forms** (revise forms JV-720 and JV-720-INFO)

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

	Commenter	Position	Comment	Committee Response
			savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: Training for staff. Updating macros, event codes, and forms in the case management system. Lastly, the Court agrees that two months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation and that this proposal would work well in courts of different sizes.	the feedback. No response required. The committee appreciates the feedback.
4.	Superior Court of California, County of Orange	A	• <u>Does the proposal appropriately address the stated purpose?</u> Yes, the proposal appropriately addresses the stated purpose. • <u>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?</u> Yes, retaining the existing step-by-step instructions provides specific guidance that helps users. Alongside the revised form, these instructions will enhance clarity, accessibility, reduce confusion, and ensure consistency for self-represented litigants.	No response required. The committee appreciates the feedback. The committee appreciates this comment but recommends against retaining the existing step-by-step instructions on JV-720-INFO. Please see specific committee response above.

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

W26-07**Juvenile Law: Update to Racial Justice Act Forms** (revise forms JV-720 and JV-720-INFO)

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

Commenter	Position	Comment	Committee Response
		The advisory committee also seeks comments from courts on the following cost and implementation matters: • <u>Would the proposal provide cost savings? If so, please quantify.</u> No, the proposal does not appear to provide cost savings. • <u>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</u> Implementation will require providing communication to judicial officers and court staff, revising current procedures, and updating the case management system. • <u>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> Yes, two months would provide sufficient time for implementation in Orange County. • <u>How well would this proposal work in courts of different sizes?</u> Our court is a large court, and this could work for	No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback. No response required. The committee appreciates

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

W26-07**Juvenile Law: Update to Racial Justice Act Forms** (revise forms JV-720 and JV-720-INFO)

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	Commenter	Position	Comment	Committee Response
			Orange County.	the feedback.
5.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	Specific Comments Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Would retaining any of the existing step-by-step instructions on how to fill out form JV-720 (first column on page 2 of from JV-720-INFO) be preferable to removing them? A: No. Q: Would the proposal provide cost savings? If so, please quantify. A: No. Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Creating local packets, training judges and staff, and preparing for new service requirements for self-represented litigants. Q: Would two months from Judicial Council approval of this proposal until its effective date	No response required. The committee appreciates the feedback. The committee appreciates this comment but chose not to recommend retaining the existing step-by-step instructions on JV-720-INFO as the design of JV-720 is intended to be self-explanatory. Please see the committee's response above to the comment of Judge Ipson. No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback.

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

W26-07**Juvenile Law: Update to Racial Justice Act Forms** (revise forms JV-720 and JV-720-INFO)

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

	Commenter	Position	Comment	Committee Response
			provide sufficient time for implementation? A: Yes. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes. No additional Comments.	No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback.
6.	Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee Joint Rules Subcommittee (JRS)	A	JRS Position: Agree with proposed changes The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: • Impact on existing automated systems ○ Case management systems may have to be updated to accept the modified form and instruction sheet. • Results in additional training, which requires the commitment of staff time and court resources. ○ Staff will have to be trained on the new documents. ○ Importantly, the proposed documents make minor revisions to previously approved forms. The need for staff training should be minimal.	No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback.

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

W26-07**Juvenile Law: Update to Racial Justice Act Forms** (revise forms JV-720 and JV-720-INFO)

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

	Commenter	Position	Comment	Committee Response
			Specific Proposal Questions and Responses 1. Does the proposal appropriately address the stated purpose? a. The proposed form revisions appear appropriate and reflect the stated purpose of the forms and amended Penal Code section 745. 2. 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? a. The proposed instructions read well. Both the old instructions and the new ones read fine. 3. Would the proposal provide cost savings? If so, please quantify? a. No. 4. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? a. Since these form revisions are small updates to previously approved forms, the impact should be very minimal. 5. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? a. Yes.	No response required. The committee appreciates the feedback. The committee appreciates this comment but recommends against retaining the existing step-by-step instructions on JV-720-INFO. Please see specific committee response above. No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback. No response required. The committee appreciates the feedback.

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

W26-07**Juvenile Law: Update to Racial Justice Act Forms** (revise forms JV-720 and JV-720-INFO)

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

	Commenter	Position	Comment	Committee Response
			6. How well would this proposal work in courts of different sizes? a. This proposal should work in all courts.	the feedback. No response required. The committee appreciates the feedback.

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

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Recommend JC approval (has circulated for comment)

Title of proposal: Mental Health Law: Implementation of CARE Act Legislation

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

Amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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

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.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) This proposal is urgently needed to implement changes made by Senate Bill 27, which went into effect January 1, 2026. The advisory committee requests the proposal materials 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.)

Information for JC staff

☒ EGG reviewed on (date): February 10, 2026

☒ Office director (or designee) reviewed on (date): February 13, 2026 by (name): Audrey Fancy

Complete the following for all JC reports recommending forms:

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

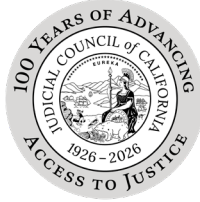
Proposal includes forms that: ☒ staff requests be translated, ☐ are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☒ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☒ Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on April 24, 2026

Title

Mental Health Law: Implementation of
CARE Act Legislation

Report Type

Action Required

Effective Date

July 1, 2026

Date of Report

March 3, 2026

Contact

Tyler Shill, 415-865-7568

Tyler.Shill@jud.ca.gov

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, title 7, division
2, chapter 2, article 2; amend Cal. Rules of
Court, rules 7.2221, 7.2223, 7.2230, and
7.2235; 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

Recommended by

Probate and Mental Health Advisory
Committee
Hon. Jayne Chong-Soon Lee, Chair

Executive Summary

To implement recently enacted legislation regarding the Community Assistance, Recovery, and Empowerment (CARE) Act, the Probate and Mental Health Advisory Committee recommends amending a heading of an article of the California Rules of Court, amending four 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 changes to eligibility criteria and processes for initiating proceedings. The committee recommends making these changes to rules and forms to conform with SB 27. The committee also recommends minor changes to improve form usability and clarity and maintain rule consistency.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective July 1, 2026:

1. Amend the heading of article 2 of chapter 2 of division 2 of title 7 of the California Rules of Court to reflect recent form name changes and to maintain consistency with related CARE Act rules;
2. Amend California Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235 to conform with SB 27's intracourt referral process granting the CARE Act court authority to deem certain referrals to be petitions;
3. Repeal California Rules of Court, rule 7.2225 to avoid inconsistency with revised rule 7.2221 and reflect changes from SB 27 to the way CARE Act proceedings can commence;
4. 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 to implement SB 27's intracourt referral process; and
5. 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 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) to incorporate the expanded eligibility criteria introduced by SB 27 and to increase the ease of use of the forms.

The proposed amended and repealed rules and new and revised forms are attached at pages 11–40.

Relevant Previous Council Action

The Judicial Council has considered rules of court and forms related to the CARE Act in each of the last three years. At its May 12, 2023, meeting,¹ the Judicial Council approved an initial recommendation for rules and forms to implement the CARE Act. This recommendation included the adoption of 11 rules of court, amendment of 1 rule, adoption of eight forms, and approval of five forms. Those rules of court and forms became effective on September 1, 2023.

¹ Judicial Council of Cal., Advisory Com. Rep., *Mental Health Law: Community Assistance, Recovery, and Empowerment Act* (Apr. 5, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=11916930&GUID=CC7CB44F-5975-489C-9159-9627D77EFC45>.

In 2024² and 2025³, the Judicial Council approved three recommendations revising rules, forms, and standards to implement legislative changes to the CARE Act and to make technical changes⁴ to the CARE Act rules and forms.

Analysis/Rationale

The CARE Act took effect on January 1, 2023. The act created a new pathway to deliver mental health treatment and support services to persons with schizophrenia or other psychotic disorders by authorizing certain qualifying individuals to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan. By December 2, 2024, all counties and courts implemented the CARE Act.⁵

On October 10, 2025, Governor Gavin Newsom signed into law Senate Bill 27 (Stats. 2025, ch. 528). SB 27 amends the CARE Act, effective January 1, 2026, to revise referral procedures, expand eligibility criteria, provide key definitions, and clarify court processes. Specifically, SB 27:

- Expands how individuals could be referred to CARE proceedings by including new provisions for misdemeanor incompetent to stand trial (MIST) and felony incompetent to stand trial (FIST) referrals and by establishing a procedure for the referring court to refer directly to the CARE Act court;
- Broadens the eligibility criteria for the CARE Act by expanding the qualifying diagnoses to include bipolar I disorder with psychotic features, except psychosis related to current intoxication;
- Clarifies several aspects of court procedure for CARE Act proceedings including eligibility hearings, progress hearings, and the confidentiality of documents shared with the MIST court; and
- Revises procedures for tribal notice, graduation, and data reporting.

² Judicial Council of Cal., Advisory Com. Rep., *Mental Health Law: CARE Act Rule Amendments and Form Revisions* (Mar. 27, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=12871000&GUID=DA967F26-56F7-4FD4-842F-A1FB4357D794>.

³ Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: Additional CARE Act Legislation* (Mar. 28, 2025), <https://jcc.legistar.com/View.ashx?M=F&ID=14013400&GUID=2D719FF9-EA38-4CC9-B47A-C96EC9A06731>.

⁴ Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: Miscellaneous Technical Changes to CARE Act Rule and Adoption, CARE Act, and Sheriff Service Forms* (Oct. 2, 2025), <https://jcc.legistar.com/View.ashx?M=F&ID=14844627&GUID=ADC9B423-A3DC-4B91-96D3-8E7E8B7EAF31>.

⁵ Welf. & Inst. Code, § 5970.5(b). Unless otherwise noted, all further statutory references are to the Welfare and Institutions Code.

Intracourt referral process

SB 27 grants the CARE Act court discretion to treat a referral from assisted outpatient treatment, mental health conservatorship, MIST proceedings, and FIST proceedings as a petition, if both of the following conditions are met:

1. The referral contains all information required to be included in a CARE process petition under section 5975.
2. The information included in the referral makes a prima facie showing that the respondent is, or may be, a person described in section 5972.⁶

If the CARE Act court elects to consider a referral to be a petition, it must notify the referring court that the referral has been accepted as a petition for CARE Act proceedings.⁷ Alternatively, if the CARE Act court does not elect to consider a referral to be a petition, the CARE Act court must order the “appropriate petitioner candidate” to do the following within 14 court days:

1. Complete an investigation to determine whether to file a petition; and
2. Notify the referring court whether it intends to file a CARE Act petition on behalf of the referred individual.⁸

The committee recommends amending three existing rules and adopting two optional forms to implement this new referral process. First, the committee recommends updating the ways that CARE Act proceedings may begin as outlined in rule 7.2221(a) to account for instances where the CARE Act court accepts a referral as a petition. Adding referrals deemed to be petitions within “Alternative petitions to being CARE Act proceedings” ensures that the rule accounts for all three ways that CARE Act proceedings can begin and clarifies who may file or submit the required document to begin the proceeding. Additionally, the committee recommends amending rules 7.2230 and 7.2235 to reflect this change to rule 7.2221(a). 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 rules 7.2230 and 7.2235 reference. For this reason, the committee recommends amending these rules to instead reference the “petition.”

Finally, the committee recommends adopting forms CARE-125 and CARE-126 to provide optional forms for both the referring court and the receiving CARE Act court to implement this intracourt referral process. The committee recommends adopting form CARE-125 as a form the referring court can complete to initiate a referral under section 5978. This form prompts the

⁶ Section 5978(b).

⁷ Section 5978(c).

⁸ Section 5978(d). If the appropriate petitioner candidate notifies the CARE Act court that it requires additional time to complete its investigation under section 5978(d)(1), the CARE Act court may grant an extension of up to 30 court days (§ 5978(e)).

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 it would be appropriate to treat the referral as a petition. If the referring court believes that both conditions are met that would allow for the referral to be treated as a petition, the judicial officer completing the form would check item 3 and provide information necessary for the CARE Act court to make its determination. The form also provides an opportunity for the referring court to provide any information that may eventually assist the county behavioral health agency in locating or connecting with the individual.

The committee recommends adopting form CARE-126 as an optional form allowing the receiving CARE Act court to document its decision whether to treat a referral from another court as a petition under section 5978. This form supports 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 reviewing a referral made under section 5978, the CARE Act court may use form CARE-126 to indicate whether the court accepts the referral as a petition or does not accept the referral as a petition by checking either item 1 or item 2, respectively. If the CARE Act court does not accept the referral as a petition, item 2 allows the court to order the appropriate petitioner candidate to begin its investigation, as required by section 5978(d).

The committee recommends adopting forms CARE-125 and CARE-126 as optional forms rather than mandatory forms. The committee evaluated the benefits of each option and concluded that the optional use of forms CARE-125 and CARE-126 strikes the appropriate balance between promoting standardization and preserving court flexibility. The committee believes that allowing courts to choose whether to use these forms or develop their own local forms provides flexibility that is essential for effective implementation and efficiency, as reflected by the fact that courts and judges unanimously supported optional use.

Expanded eligibility

SB 27 expands CARE Act eligibility to include “bipolar I disorder with psychotic features, except psychosis related to current intoxication” as a qualifying diagnosis. The committee recommends revising four forms to incorporate this new qualifying diagnosis.

The committee recommends revising the two information sheets, forms CARE-050-INFO and CARE-060-INFO, to add this qualifying diagnosis.

The committee also recommends revising item 7 of forms CARE-100 and CARE-101, and the corresponding item 9 on form CARE-102, to include bipolar I disorder with psychotic features, except psychosis related to current intoxication, as an eligible diagnosis.

Updated definitions

SB 27 provides a definition for one key term and updates the definition of another. First, SB 27 adds a new definition for “clinically stabilized in ongoing voluntary treatment.” This means both of the following:

1. The person's condition is stable and not deteriorating.
2. The person is currently engaged in treatment and managing symptoms through medication or other therapeutic interventions. Enrollment in treatment alone shall not be considered clinically stabilized in ongoing voluntary treatment.⁹

In response, the committee recommends updating the definition of “clinically stabilized in ongoing voluntary treatment” to items 7 of forms CARE-050-INFO, CARE-100, and CARE-101, and to item 9(c) of form CARE-102.

Second, SB 27 expands the definition of “licensed behavioral health professional” to include nurse practitioners and physician assistants for the limited purpose of completing an affidavit stating that the respondent meets the diagnostic criteria to be eligible for CARE Act proceedings.¹⁰ The committee therefore recommends revising form CARE-101 to include nurse practitioners and physician assistants in the list of licensed behavioral health professionals who may fill out the form identified in items 3(a)(6) and 3(a)(7), respectively. The committee also notes that no corresponding change to form CARE-102 is appropriate because SB 27 limits this expanded definition to the affidavit requirement only. SB 27 did not amend the definition of “licensed behavioral health professional” for any other purpose of the CARE Act, including the list of eligible petitioners under section 5974(e).

Consistency across rules and forms

In addition to revisions based on SB 27, the committee also recommends amending one article heading and two rules and revising three forms to improve overall effectiveness and maintain consistency across CARE Act rules and forms.

First, the committee recommends replacing “commencement” with “beginning” in the article 2 heading and replacing “commence” with “begin” in rules 7.2221 and 7.2223. This change reflects the recent form name change to form CARE-100 and promotes consistency across all CARE Act rules and forms.

Additionally, the committee recommends revising forms CARE-101 and CARE-102 to include consistent structure for the individual completing the form to provide information regarding their license status and number. The revised structure, reflected in both forms, allows the licensed behavioral health professional to indicate whether they have been granted a waiver of licensure in a narrative field rather than checking a box for a possible waiver status. The forms would also provide a narrative field for the individual to provide their license number, if applicable. This structure reduces the page length of each form and ensures that the forms are consistent with each other.

⁹ Section 5971(d).

¹⁰ Section 5975(d)(1).

Finally, the committee recommends minor formatting changes to form footers and checkboxes, for consistency with current form drafting practices.

Policy implications

To the extent this proposal has policy implications, they can be attributed to the legislation that the changes derive from. The recommended rules and forms will implement and facilitate those legislative policies. Additionally, the changes to the rules and forms that do not derive directly from SB 27 were made based on a combination of stakeholder feedback and the committee's review of the rules and forms. These changes were made to improve the readability, ease of use, and overall effectiveness of the forms.

Comments

The proposal was circulated for comment from December 5, 2025, to January 7, 2026, in the winter 2026 invitation-to-comment cycle. The proposal was provided directly to several key stakeholders, including courts, public defender and county counsel offices, and state and county agencies, as well as recipients on the Judicial Council CARE Act, mental health, and Equal Access court email distribution lists. The proposal was also circulated to email distribution lists administered by contractors for both the California Health and Human Services Agency and the Department of Health Care Services that include county behavioral health agencies. The committee received comments from 17 commenters, including four county agencies, four professional associations, four individuals, two superior courts, one superior court judge, one state agency, and one consulting firm for a state agency. Of these 17 comments, 6 agreed with the proposal, 7 agreed with the proposal if modified, and 4 did not indicate their position.

All comments and the committee's responses are provided in the attached chart of comments at pages 41–73.

Forms CARE-125 and CARE-126

The committee specifically sought comments regarding four aspects of the proposed optional forms, forms CARE-125 and CARE-126.

First, the committee asked commenters whether optional use of forms CARE-125 and CARE-126 strikes an appropriate balance between system consistency and court flexibility. The County Behavioral Health Directors Association (CBHDA) submitted the only comment in support of the mandatory use of these forms, emphasizing that counties often receive incomplete referrals and that making forms CARE-125 and CARE-126 mandatory would promote standardization and reduce inefficiencies by limiting investigations to cases with sufficient information. The committee concluded, however, that these interests were outweighed by the courts' need for flexibility to adapt referral procedures and forms to local systems and resources. With respect to standardization, the committee also notes that section 5978(b) already proves a statewide baseline by specifying the framework that judicial officers must use when determining whether to treat a referral as a petition.

The committee also sought comments on whether CARE-126 should be split into two forms, with one form to be used when a referral is treated as a petition and the other form to be used when the referral is not treated as a petition. The committee recommends maintaining form CARE-126 as a single form after commenters unanimously preferred one single form.

Additionally, the committee sought feedback on whether the two different case number fields on the referral forms were necessary. The committee recommends keeping both case number fields after receiving support for this structure from commenters. The committee believes that keeping both case number fields promotes effective referral procedures.

Finally, the committee asked commenters whether forms CARE-125 and CARE-126 were sufficient to support the referral process on their own, or whether additional rules or guidance would be helpful. The committee received a comment from California Health and Human Services suggesting item 3 of form CARE-125 be restructured to request the referring court to check a box corresponding to each of the eligibility criteria identified in section 5972 to certify that the referred individual meets the criteria to participate in the CARE process. In response, the committee revised the form to provide the eligibility criteria listed in section 5972 in a note following item 3. The committee prefers to maintain the current structure of one single checkbox for this item to avoid adding unnecessary steps and to simplify the form.

San Diego County Behavioral Health Services recommended revising the structure of form CARE-125 to replace the narrative fields with checkboxes. The committee recommends using narrative boxes for this form because judicial officers have expressed a preference for narrative responses over checkboxes in this form, which allows for greater clarity and additional information where appropriate.

The committee also received multiple comments questioning whether it is appropriate for a judicial officer to fill out a form like form CARE-125. One commenter specifically stated that the forms “appear to place undue responsibility on the judiciary to assess clinical suitability, which could lead to inappropriate referrals.” The committee notes that this proposal implements changes to the CARE Act made by SB 27. Forms CARE-125 and CARE-126 closely reflect the statutory structure of section 5978(b), which dictates when the CARE Act court may exercise its discretion to consider a referral to be a petition.

Form revisions

California Health and Human Services commented that items 7 of forms CARE-100 and CARE-101, and item 9 in form CARE-102, should be revised to include checkboxes to indicate whether the respondent has a diagnosis of either (1) schizophrenia spectrum or other psychotic disorder in the same class or (2) bipolar I disorder with psychotic features. While the committee understands that checkboxes for these items would assist data collection procedures, the committee does not recommend using checkboxes for these items because this structure would add unnecessary length to the forms. The committee is also concerned that adding checkboxes could confuse petitioners who mistakenly assume that both diagnoses are required or increases the risk that a petitioner mistakenly indicates the wrong diagnosis or no diagnosis.

The committee also received multiple comments suggesting additional minor revisions to six CARE Act forms. Any form changes not directly addressed in the preceding sections are included in the chart of comments at pages 41–73.

Policy recommendations and operational concerns

The invitation to comment received various comments that suggested policy recommendations that are outside the scope of this proposal and the purview of the Judicial Council. Commenters expressed opinions regarding the voluntary nature of the CARE Act, county resource allocation issues, family involvement in the process, the appropriateness of the intracourt referral process, allowable communication between the CARE Act court and a non-referring court that has concurrent jurisdiction over a respondent, and other critical issues related to the CARE Act. The committee appreciates these comments but notes that the scope of this proposal is limited to implementing statutory changes from Senate Bill 27 through revisions to court rules and forms.

Alternatives considered

The committee did not consider taking no action. To implement SB 27, the committee determined that changes to rules and forms would be needed to ensure that these materials are consistent with the law, such as the inclusion of bipolar I disorder with psychotic features as an eligible diagnosis. The committee also determined that adopting forms CARE-125 and CARE-126, would be helpful to facilitate the implementation of the intracourt referral process provided by SB 27.

As described above, the committee considered recommending forms CARE-125 and CARE-126 as mandatory forms. The committee also considered revising form CARE-125 to replace narrative fields with checkbox fields. Finally, the committee considered referring to both “the petition packet” and “a written court referral that began proceedings” instead of generally referencing “the petition” throughout the rules and forms.

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. However, these impacts are the result of new legislation. Additionally, while the new optional forms may require courts to train judicial officers or court staff on using the forms, they may also reduce costs by providing courts with forms they can use rather than developing their own.

Courts and judicial officers generally reported that implementation costs will likely include revising internal processes and providing training for judicial officers and court staff regarding referral procedures. San Diego County Behavioral Health Services also noted that the CARE Act court’s ability to treat referrals as petitions may increase costs if court hearings are held for referred individuals “who do not meet eligibility criteria or who are not interested in services.” Finally, a superior court judge noted that the “changes in the law” increase the population that the CARE Act may serve, which consequently may lead to an increase in petitions.

The committee recognizes these fiscal and operational impacts and believes that they are unavoidable due to the procedural and substantive changes in the CARE Act made by SB 27.

Attachments and Links

1. Cal. Rules of Court, title 7, division 2, chapter 2, article 2; Cal. Rules of Court, rules 7.2221, 7.2223, 7.2225, 7.2230, and 7.2235, at pages 11–13
2. Forms CARE-050-INFO, CARE-060-INFO, CARE-100, CARE-101, CARE-102, CARE-125, and CARE-126, at pages 14–40
3. Chart of comments, at pages 41–73
4. Link A: Sen. Bill 27 (Stats. 2025, ch. 528),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB27

Rules 7.2221, 7.2223, 7.2230, and 7.2235 and the Heading of Article 2 of Chapter 2 of Division 2 of Title 7 of the California Rules of Court are amended and rule 7.2225 is repealed, effective July 1, 2026, to read:

Title 7. Probate Rules and Mental Health Rules

Division 2. Mental Health Rules

Chapter 2. CARE Act Rules

Article 2. ~~Commencement~~ Beginning 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(d), 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)~~

(a) ~~Persons who may file petition~~

~~Any person identified in section 5974 may file a petition to begin CARE Act proceedings. If a petition is based on a referral authorized by section 5978, only the person designated in that section may file the petition.~~

Rule 7.2230. Counsel for respondent (§§ 5976(c), 5977(a)(3)(A), (a)(5)(C) & (b)(1))

(a) * * *

(b) Copy of petition

On appointment, the court must provide to counsel a copy of the petition ~~packet to appointed counsel.~~

(c) * * *

Rule 7.2235. Notice of proceedings (§§ 5977–5977.3, 5979)

(a) Notice of order for report to augment petition (§ 5977(a)(3) & (4))

(1–3) * * *

(4) Notice to the respondent and the respondent’s counsel must also include a copy of the petition ~~packet filed to begin the proceedings~~ and *Information for Respondents—About the CARE Act* (form CARE-060-INFO).

(5) * * *

(b) Notice of initial appearance (§ 5977(a)(3)(A), (a)(5)(C))

(1–2) * * *

1 (3) *Notice to respondent*

2
3 (A) * * *

4
5 (B) Notice to the respondent must include copies of the following:

6
7 (i) The petition ~~packet filed to begin the proceedings;~~

8
9 (ii-iv) * * *

10
11 (4) *Notice to respondent's counsel*

12
13 (A) * * *

14
15 (B) Notice to the respondent's counsel must include copies of the
16 following:

17
18 (i) The petition ~~packet filed to begin the proceedings;~~ and

19
20 (ii) Any report ordered under section 5977(a)(3).

21
22 (5) * * *

23
24 (c-e) * * *

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 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
Be currently experiencing a serious mental disorder that (item 7b): • 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.	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. 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.	If caused by a chronic, prolonged, or recurrent mental disorder: • 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). Poor hygiene or being unhoused alone is not sufficient. • 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.
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.	Describe why you believe the respondent is not being adequately supported in a voluntary treatment program such that their condition and symptoms are stable. Enrollment in treatment alone is not enough to be considered clinically stabilized in ongoing voluntary treatment.	• 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.
At least one of the following must be true (item 7d):		
The respondent is unlikely to survive safely in the community without supervision and the respondent’s condition is substantially deteriorating (item 7d(1)). OR (see next page)	Indicate recent instances where the respondent has needed supervision to survive in the community due to confusion or impaired insight. Describe how the respondent’s ability to think clearly, communicate, or participate in regular activities has been getting worse recently.	• 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. <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.	- 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: - 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: 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.	- 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 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 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>.

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, to be eligible, *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 **whom** 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 **are** 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	

7. To the best of my knowledge, the respondent meets each of the requirements below:

- ☐ Check here if all the information requested in items 7a through 7f is included in form CARE-101. If it is, you can skip the rest of this question, if you choose. Otherwise, explain below.

Note: Some details you enter in items 7a through 7f may overlap. If you notice you're repeating yourself, you can say that you already gave the information and mention where you said it before.

- a. The respondent has a diagnosis as defined in the current *Diagnostic and Statistical Manual of Mental Disorders* of schizophrenia spectrum disorder or another psychotic disorder in the same class, or bipolar I disorder with psychotic features, except psychosis related to current intoxication. (Explain below):

- b. The respondent is currently experiencing a serious mental disorder, as defined in Welfare and Institutions Code section 5600.3(b)(2), because the disorder:

- (1) Is severe in degree and persistent in duration;
- (2) May cause, or has caused, behavior that interferes substantially with the respondent's primary activities of daily living; **and**
- (3) May result, or has resulted, in the respondent's inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period.

(Describe the seriousness, length, and effects of the respondent's mental disorder below):

- c. The 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.

(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):



CARE-100

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 <i>(name)</i> :	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

CARE ACT PROCEEDINGS FOR (name):	CASE NUMBER:
RESPONDENT	

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.
(Enter respondent's county of residence, if you know it):
 - (1) ☐ The respondent is currently 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. I (*complete a or b; date of most recent examination or attempt must be no more than 60 days before the filing of the petition*):
- a. ☐ Examined the respondent on (*date*): _____.
 - b. ☐ Attempted to examine the respondent on (*include all dates*): _____, but was unsuccessful because the respondent would not submit to an examination.
(Describe in detail each attempt you made to examine the respondent, the nature of the respondent's lack of cooperation, and any other factors that prevented you from examining the respondent):
7. It is my professional opinion that the respondent meets the criteria to be eligible for CARE Act proceedings. My opinion is based on (*check all that apply*):
- a. ☐ The results of my examination of the respondent.
 - b. ☐ The results of an examination of the respondent by another licensed behavioral health professional.
(name):
(address):
(phone number): _____ *(email address):*
(license number): _____ *(profession):*
 - c. ☐ Other sources of information described ☐ below ☐ in Attachment 7.
8. Facts and opinions supporting my opinion that the respondent meets each of the criteria in Welfare and Institutions Code section 5972 are provided (*check one*):
- a. ☐ In item 9. (*If you need more space for any of item 9, attach additional pages as Attachment 9a, Attachment 9b, etc.*)
 - b. ☐ In an attached declaration labeled "Attachment 9." (*Skip item 9, and go to item 10.*)
9. It is my professional opinion that the respondent meets each of the requirements below in items 9a to 9f.
- a. The respondent has a diagnosis as defined in the current *Diagnostic and Statistical Manual of Mental Disorders* of schizophrenia spectrum disorder or another psychotic disorder in the same class, or bipolar I disorder with psychotic features, except psychosis related to current intoxication. (*Explain below*):
 - b. The respondent is currently experiencing a serious mental disorder, as defined in Welfare and Institutions Code section 5600.3(b)(2), because the disorder:
 - (1) Is severe in degree and persistent in duration;
 - (2) May cause, or has caused, behavior that interferes substantially with the respondent's primary activities of daily living; **and**
 - (3) May result, or has resulted, in the respondent's inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period.*(Describe the seriousness, length, and effects of the respondent's mental disorder below):*



1. I am referring _____ court proceeding to the CARE Act court.

(name of referred individual) from another
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. ☐ This referral contains all of the information required to be included in a petition under Welfare and Institutions Code section 5975, and 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.*)

- (1) The person is 18 years of age or older.
- (2) The person is currently experiencing a serious mental disorder, as defined in Welfare and Institutions Code section 5600.3(b)(2), and has a diagnosis as defined in the current *Diagnostic and Statistical Manual of Mental Disorders* of schizophrenia spectrum disorder or another psychotic disorder in the same class, or bipolar I disorder with psychotic features, except psychosis related to current intoxication.
- (3) The person is not clinically stabilized in ongoing voluntary treatment. A person is clinically stabilized in ongoing voluntary 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.
- (4) The person is either (1) unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating or (2) in need of services and supports to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or others.
- (5) Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure the person's recovery and stability.
- (6) It is likely that the person will benefit from participation in a CARE plan or CARE agreement.

CARE ACT PROCEEDINGS FOR <i>(name)</i> :	CASE NUMBER:

4. ☐ I am attaching reports or records relevant to the individual's CARE Act eligibility. The individual, or their attorney, has waived confidentiality of the attached reports or records.
5. The individual's contact information is:
(telephone number, if any):
(email address, if any):
(residential address or last known location, if any):
6. **OPTIONAL:** Information that may assist the county behavioral health agency in connecting with the individual (e.g., common locations, other people they interact with), along with any other details that could be relevant to potential CARE Act proceedings (e.g., expected release date, preferred contact method(s)) includes:

7. Number of pages attached: _____

Date:

Judicial Officer

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 22626 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> :		
☐ RULING OR ☐ ORDER ON COURT REFERRAL TO CARE ACT COURT		CASE NUMBER: REFERRING COURT: CARE ACT COURT <i>(if applicable)</i> :

The court has read and reviewed the written referral from a court under 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 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. A copy of the written referral is attached to this order. 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

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
1.	Alameda Health System, Outpatient Behavioral Health by Alicia Caldwell, LCSW	A	I'm commenting on the proposed CARE Act rule and form changes, particularly those related to beginning CARE Act proceedings by referral and the court's discretion to treat referrals as petitions. I work in AHS's behavioral health department that serves clients with significant and ongoing needs, and I want to share how closely these changes are tied to the availability of stable, public behavioral health services. The CARE Act relies on clinicians who know clients over time, can make careful referrals, complete declarations, and stay involved once a case begins. When that continuity is disrupted, the burden doesn't go away — it tends to show up later in emergency settings, inpatient units, or through the courts. As Alameda Health System intends to close their entire Outpatient Behavioral Health Department within the next 60 days, any current or perspective client who would have been receiving care in the partial hospitalization program, intensive outpatient program, behavioral health outpatient program, or after care program will be without services. That reality makes the practical impact of these rule changes feel very immediate, and raises questions about how CARE Act processes will be carried out if local clinical capacity is reduced at the same time. My hope is that the County will consider CARE Act implementation and service availability together. How well these policies work in practice depends on whether the systems expected to carry them out are still in place.	The committee appreciates this comment and recognizes that the CARE Act is one component of the broader mental health system. This proposal is intended to implement statutory requirements through court rules and forms, rather than address broader service delivery or resource issues. While the committee cannot modify the proposal to address these county-specific operational concerns, it acknowledges that CARE Act procedures and available resources will vary depending on local factors. In addition, decisions regarding the availability of local resources fall beyond the scope of these rules and forms.

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

W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
			Thank you for the opportunity to comment and for considering how these changes affect real world care! At the bottom it asks if I'm commenting on behalf of an organization... While this comment is spurred by personal motivation, it also comes from serving our clients, clinical experience, and working within our community.	
2.	California Health and Human Services Agency by Austin Dickman, Senior Policy Analyst	AM	CARE-100 and CARE-101 Q7a and CARE-102 Q9a To support county data collection and reports, suggest revising to: The respondent has a diagnosis as defined in the current Diagnostic and Statistical Manual of Mental Disorders of (check each that applies and explain below): ○ Schizophrenia spectrum or other psychotic disorder in the same class ○ Bipolar I disorder with psychotic features Additional Information: [free text space]:	While the committee appreciates the intent to support county data collection and reporting, it does not recommend modifying the proposal in response. The current structure of the forms already allows petitioners to include diagnostic information that counties can use for data collection without requiring additional checkboxes. The committee is concerned that adding checkboxes could confuse petitioners who mistakenly assume that both diagnoses are required. Adding checkboxes also increases the risk that a petitioner mistakenly indicates the wrong diagnosis or no diagnosis, which would likely delay proceedings. Finally, the suggested structure and language would lengthen the forms, which the committee aims to keep as concise and short as possible.
			CARE-125 Q3	The committee appreciates this commenter's suggestion and has revised the form in a

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W26-08

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

	Commenter	Position	Comment	Committee Response
			Suggest revising to include prompts to guide the referring court to provide information for the receiving court and county behavioral health: 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 (provide any additional information below): [checkboxes] ○ Respondent has a diagnosis of: ○ Schizophrenia spectrum or other psychotic disorder in the same class ○ Bipolar I disorder with psychotic features ○ The respondent is currently experiencing a serious mental disorder, as defined in Welfare and Institutions Code section 5600.3(b)(2) ○ The respondent is not clinically stabilized in on-going voluntary treatment. ○ Choose one or both of the following: ○ The respondent is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating. ○ The person is in need of services and supports in order to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or others, as defined in Section 5150. ○ Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure the person's recovery and stability. ○ It is likely that the person will benefit from participation in a CARE plan or CARE agreement.	similar manner. Item 3 of form CARE-125 has been revised to include a note providing the eligibility criteria listed in Welfare and Institutions Code section 5972.

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

W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
			Please provide any additional information about the above [free text space]:	
			Q7 Suggest revising to match CARE-100 to best guide county behavioral health in locating the respondent: 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):	The committee appreciates this comment and has revised item 7 of form CARE-125 to prompt judicial officers to provide any information about the respondent's residence, location, known associates, or general whereabouts that could assist county behavioral health in locating and connecting with the individual. The committee considered including the exact instructions from form CARE-100, but determined that they would not be appropriate for form CARE-125, as judicial officers are unlikely to have details such as a post office box or a description of where the respondent lives but may have other helpful information.
3.	California State Association of Psychiatrists ("CSAP") by Dr. Aaron Meyer	NI	CSAP represents more than three thousand psychiatrists in California who are members of the American Psychiatric Association. From the perspective of psychiatric physicians, CSAP believes that the proposed modifications to rules and forms effectively support the objectives of SB 27. The changes are clearly presented and appropriately balance the need for administrative efficiency with the practical demands placed on clinical practitioners and the judiciary under the new legislation. CSAP supports the implementation of these changes, including the expansion of CARE Court eligibility and the clarification of initiation processes and forms. This will encourage greater	The committee appreciates this comment and the California State Association of Psychiatrists' support during CARE Act implementation.

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W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
			engagement among practitioners with CARE Court, thereby enabling more Californians suffering from serious mental illness to access necessary resources and guidance. CSAP is grateful for the opportunity to review and comment on the proposals. Our Association looks forward to continuing its involvement and providing support during further implementation stages, with the shared goal of improving the quality of life for those most severely affected by serious mental illness in California.	
4.	County Behavioral Health Directors Association by Diana Luna, Deputy Director of Budget Advocacy	NI	<i>Note: Commenter submitted comments via Microsoft Word comment feature. This comment was made on Page 4 of the Invitation to Comment, in reference to form CARE-125:</i> CBHDA requests this form be required to standardize the quality of referrals received and ensure consistency with referrals across criminal and civil courts. Mandatory use of this form would also address current inconsistencies in what level of information is provided in the referrals.	The committee appreciates this comment and recognizes the value of standardizing processes to promote consistency. However, the committee recommends that forms CARE-125 and CARE-126 be optional. The committee must balance the benefits of standardization with the need for courts to maintain flexibility in their processes. The committee recognizes that the use of mandatory forms often promotes consistency in practices and furthers the efficiency of data collection and reporting. Alternatively, allowing courts to choose whether to use these optional forms or develop their own local forms supports adaptability to local practices and systems. The committee also notes that comments from courts and judicial officers were unanimous in supporting optional use of these forms. Additionally, the committee believes that Welfare and

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W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
				Institutions Code section 5978(b) provides a base level of standardization by specifying the criteria judicial officers must use when determining whether to accept a referral as a petition. Ultimately, the committee concluded that, for this process, optional forms strike the appropriate balance by offering tools for standardization while preserving flexibility for courts to develop their own local forms.
			If the Judicial Council does not make this mandatory, CBHDA would appreciate further understanding of how the courts will determine the completeness of the referrals received across criminal and civil courts.	The committee notes that the completeness of a referral does not depend on whether the form is mandatory or optional. Here, making forms CARE-125 and CARE-126 mandatory would not guarantee that all referrals include sufficient information. Regardless of whether the referral is made on Judicial Council form or another document, the receiving CARE Act court determines the “completeness” of the referral under Welfare and Institutions Code section 5978. The Judicial Council provides ongoing support to courts and judicial officers through live and on-demand training, informational resources, and technical assistance to ensure compliance with these requirements.

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

W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
			<i>This comment was made on Page 4 of the Invitation to Comment, in reference to form CARE-126:</i> Same comment above. CBHDA recommends this form be required to standardize the quality of referrals received.	For the same reasons provided above regarding form CARE-125, the committee recommends form CARE-126 be an optional form.
			<i>This comment was made on Page 6 of the Invitation to Comment, in reference to form CARE-101 Item 3:</i> CBHDA recommends keeping the checkboxes. A narrative format could be more burdensome to explain a provider's waived status and there does not seem to be enough benefit.	The committee does not recommend modifying the form in response to this comment. In weighing the interest in reducing the burden on providers completing form CARE-101 against the overall conciseness and effectiveness of forms, the committee determined that the current narrative approach is preferable. The form version circulated for comment consolidates what were previously four subparts in the currently operative version of CARE-101, Item 3b, into a single subpart. Maintaining this approach reduces unnecessary length of the form and makes the form easier for courts to review.
			<i>This comment was made on Page 7 of the Invitation to Comment, in reference to discussion regarding form CARE-125:</i> CBHDA is concerned that while the committee is made up of lawyers and judges, it did not include any significant representation by county behavioral health agencies, and other practitioners responsible for applying the information contained in a referral to begin the CARE process.	The committee notes that the composition and function of all Judicial Council advisory committees are set forth in the California Rules of Court. (See rule 10.31.) The Probate and Mental Health Advisory Committee is comprised of between 12 and 18 members, several of which are not lawyers or judges. (See rule 10.44.)

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

W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
				The comment period is intended to solicit feedback from various stakeholders and gain perspectives that may differ from those of the committee. This proposal was provided directly to state and county agencies and was circulated through email distribution lists administered by contractors for both the California Health and Human Services Agency and the Department of Health Care Services that include county behavioral health agencies. As a result, the committee received comments from three county behavioral health agencies, in addition to this association.
			To date, counties typically receive very little data in referrals, particularly those from criminal courts. CBHDA urges the Judicial Council to reconsider this recommendation and instead require the use of this as a mandatory form. This will ensure a more standardized implementation of the law across criminal and civil courts, and ensure that counties' time is spent only on those cases where sufficient information has been provided to County BH.	Please see discussion above regarding the committee's recommendation that forms CARE-125 and CARE-126 be optional forms.
			<i>This comment was made on Page 14 of the Invitation to Comment, in reference to form CARE-050 Item 7:</i> CBHDA recommends adding this language to align with statute. Proposed language: "as defined in the most current version of the Diagnostic and Statistical Manual of Mental Disorders."	The committee does not recommend modifying form CARE-050-INFO in response to this comment. The "Requirements" column refers to the <i>Diagnostic and Statistical Manual of Mental Disorders</i> , consistent with the statutory language. Adding the same phrase to the "Explanations" or "Examples" columns

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W26-08

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				would be repetitive and unnecessary given the chart's purpose, which is to provide statutory language once and then expand on that definition. Maintaining the current structure ensures the chart remains clear and concise for petitioners.
			CBHDA cautions against a definition of "difficulty with self-care" that solely speaks to the conditions of homelessness or poverty. Instead, we recommend adding: "unhygienic/uninhabitable living conditions or behaviors which are so severe and significant to contribute to an unsafe physical environment. Poor hygiene alone and/or being unhoused is not sufficient."	The committee agrees in part with this comment and has made conforming changes to form CARE-050. The committee recognizes that the definition of "difficulty with self-care" should not exclusively speak to conditions of homelessness or poverty, and it agrees that the examples provided can be revised to improve the definition. However, the committee does not agree that difficulties with bathing, grooming, obtaining and eating food, using the restroom, or any of the other examples listed are exclusive to homelessness or poverty. The committee has revised the definition to clarify that poor hygiene or being unhoused alone is not sufficient.
			<i>This comment was made on Page 32 of the Invitation to Comment, in reference to form CARE-102 Item 1:</i> Seems like this could be misleading and subjective if based on perception. Would recommend instead to require this to be noted as "unknown."	The committee does not recommend modifying the proposal in response to this comment. Welfare and Institutions Code section 5972(a) requires that an individual be at least 18 years or older to be eligible for the CARE Act. A judicial officer needs age information to determine eligibility for the CARE Act. The form instructs the petitioner

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				to provide the approximate age to account for situations in which the petitioner might not have exact age information. The committee also notes that CARE-100 has similar language.
			<i>This comment was made on Page 32 of the Invitation to Comment, in reference to form CARE-102 Item 2:</i> Same comments as above. CBHDA recommends keeping the checkboxes rather than a narrative format response.	For the same reasons provided above regarding checkboxes on CARE-101, the committee does not recommend modifying the proposal in response.
			<i>This comment was made on Page 38 of the Invitation to Comment, in reference to form CARE-125 Item 8:</i> CBHDA recommends this information be required if known.	The committee does not recommend modifying form CARE-125 in response. This information is not required by statute, and this item is intended to provide space for additional information that is specific to the respondent but not contemplated by previous items.
5.	County of Sacramento Behavioral Health by Michael Nevans, Mental Health Program Coordinator	AM	Please add a field for the respondent's date of birth to the CARE-102 form.	The committee agrees with the need for this field and notes that it was included in the version of form CARE-102 circulated for comment. The respondent's date of birth appears in Item 1 of form CARE-102, as reflected in the yellow-highlighted language on page 32 of the Invitation to Comment.
			It would also be helpful if the form clearly stated that the CARE-102 is intended for current service providers and that supporting	The committee does not recommend modifying the form in response. Form CARE-102 is intended for use by individuals

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			documentation (e.g., relevant medical records demonstrating how CARE criteria are believed to be met) should be attached.	both eligible to file a petition under section 5974(e) and eligible to file an affidavit in support under section 5975(d)(1). The law does not require that the filer be a current service provider for the respondent. Regarding supporting documentation, the committee believes the form provides sufficient direction. The instructions for Items 6, 7, 8 and 9 state that supporting information or documentation must be included in the petition or attached to the petition. Items 7 and 9 both prompt the petitioner to include attachments if they need more space to provide the required information.
			As County BHS, we have received CARE-102 petitions that do not include medical records and have several fields left blank. Without a date of birth, we are unable to reliably verify the client in our EHR or other records, and without medical records we are unable to complete a robust investigation in a timely manner.	Please see the comment above regarding the inclusion of the respondent's date of birth on form CARE-102.
6.	County of Sacramento County Counsel by Andrew Crouse, Deputy County Counsel	A	No comment submitted other than position on proposal.	The committee appreciates County of Sacramento County Counsel's position on the proposal.
7.	County of San Diego Behavioral Health Services by Urmi Patel, Deputy Director	NI	1. Does the proposal appropriately address the stated purpose? Yes, the proposal aligns with the stated purpose and reflects thoughtful consideration of the CARE process and its integration into existing systems.	The committee appreciates this comment.

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			2. Does the optional use of forms CARE-125 & CARE-126 strike an appropriate balance between system consistency and court flexibility? While the intent behind these forms is commendable, particularly in encouraging judicial screening of appropriate CARE candidates, the practical application may be challenging. Judges may not have the capacity to complete detailed forms or conduct the necessary screening. The process appears to rely heavily on a party to provide this information. That said, the forms do offer a valuable mechanism for communication between criminal and civil courts. A more feasible approach may be to have the Public Defender's Office complete a standardized screening form to support judicial decision-making.	The committee appreciates the comment and notes that this proposal implements the referral process provided for in Senate Bill 27, in which a judicial officer from a referring court directly refers an individual to the CARE Act court. The CARE Act court, then, determines whether the referral provides sufficient information (if so, it could be treated as a petition). If the referring court does not provide sufficient information, referrals will be directed to the appropriate petitioner candidate, similar to the process prior to SB 27.
			3. Should form CARE-126 be split into two forms for different referral outcomes? A single form is preferable. Simplicity is key, and having one form that allows the judge to indicate whether a referral meets prima facie criteria or is denied would streamline the process and reduce confusion.	The committee appreciates this comment and recommends that form CARE-126 remain one form.
			4. 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? Yes, this inclusion is appropriate and supports coordination between jurisdictions.	The committee appreciates this comment.

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			5. Are forms CARE-125 and CARE-126 sufficient to support the referral process on their own, or would additional rules or guidance be helpful? While forms CARE-125 and CARE-126 provide a foundational structure for initiating referrals, additional guidance and refinement would significantly enhance their utility and effectiveness. Specifically: Proof of Diagnosis: Including a requirement for documentation from a qualified provider, such as a physician, clinic, or hospital, would strengthen the referral process, particularly in cases where mental health records are not readily accessible. This would help ensure that referrals are based on verified clinical information.	The committee does not recommend modifying the form to require specific documentation of a diagnosis, as such documentation is not legally required under section 5978 and so it would be inappropriate to require it in the form. In order to be deemed a petition, section 5978(b)(1) requires that referral, in order to be deemed a petition, contain all the information required to be included in a petition pursuant section 5975. Section 5975 does not require documentation of a particular diagnosis, but rather “facts that support the petitioner’s assertion that the respondent meets the CARE criteria in Section 5972.” Section 5972(b) requires that the person has a qualifying diagnosis, among other criteria. Documentation from a qualified provider is one option for the petitioner to support the assertion (see section 5975(d)(1)), but it is not required. Section 5978(b)(2), similarly, requires that a referral include information making a prima facie showing that the person is, or may be, a person described in section 5972, in order to be deemed a petition. However, if specific documentation is available, the court has the ability to include it as an attachment to CARE-125.
			Form Design Improvements: The current format relies heavily on narrative responses, which may be impractical for judicial	The committee does not recommend modifying the form in response to this

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			officers who often operate under time constraints. Incorporating structured elements such as checkboxes and standardized fields would streamline completion and reduce variability in responses. Simplifying the forms would also promote consistency and usability across jurisdictions.	comment. In evaluating the design and usability of forms, the committee considers who completes and reviews each form. Here, forms CARE-125 and CARE-126 are completed by a referring court and reviewed by the receiving court. Judicial officers consistently expressed a preference for narrative responses over checkboxes in this form because the narrative format allows for greater clarity and additional information where appropriate. While the committee recognizes the goal of promoting consistency and usability, the current design reflects the needs and expectations of the primary users of these forms.
			Judicial Role Limitations: It is important to recognize that judges are not licensed mental health clinicians and may not possess the expertise required to determine whether CARE is the least restrictive and most appropriate treatment option for a given individual. The current forms appear to place undue responsibility on the judiciary to assess clinical suitability, which could lead to inappropriate referrals.	The committee notes that these forms closely reflect the statutory structure of Welfare and Institutions Code section 5978(b), which specifies when the CARE Act court may decide to consider a referral to be a petition. The committee also notes that under current law, courts are making the same determinations for CARE Act petitions , which can be filed by individuals who are not licensed mental health clinicians. For those petitions, if a court finds that respondent is or may be a person described in section 5972, the court will order the county behavioral health agency to investigate.

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				With respect to judicial officers' ability to determine whether CARE is appropriate, the committee notes that judicial officers already make determinations on whether CARE is the least restrictive option for CARE responses as part of their eligibility findings. The Judicial Council provides ongoing support to courts and judicial officers through live and on-demand training, informational resources, and technical assistance to ensure compliance with these requirements.
			Impact of Skipping Investigations: The proposed process bypasses the critical investigation phase, which is essential for assessing the Respondent's readiness and appropriateness for CARE. Without this step, there is a risk of scheduling unnecessary hearings for individuals who may not meet eligibility criteria or who are not interested in participating. This could result in inefficient use of court resources and potentially undermine the effectiveness of the CARE program.	The committee notes that the process reflects the changes to the CARE Act made by Senate Bill 27. The referral process in section 5978 will include an investigation. If the referral is deemed to be a petition, it will be a petition from a person other than the county behavioral health agency director or their designee, so the CARE Act court will order the county behavioral health agency to investigate. If the referral is not deemed to be a petition, the CARE Act court will order the appropriate petitioner candidate to do an assessment of the referred individual.
			Differentiating Mental Health Conditions: The forms do not adequately address the complexity of distinguishing between various mental health conditions, such as differentiating substance-induced psychosis from other qualifying diagnoses.	The committee appreciates this comment but does not recommend modifying the proposal in response. The committee agrees that clinical input is essential and notes that the

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			This further underscores the need for clinical input and structured screening prior to judicial referral.	procedures provide for that input. Please see response above.
			In summary, while the forms are a step in the right direction, their current structure and reliance on judicial input without adequate clinical support may hinder their effectiveness. Additional guidance, streamlined formatting, and a more collaborative approach to screening and referral would better support the goals of the CARE program.	The committee appreciates this comment.
			6. Would the proposal provide cost savings? If so, please quantify. The proposal presents both cost-saving and cost-increasing implications. Eliminating the investigation phase and treating referrals as internal petitions may reduce initial processing time. However, this shift could increase costs by necessitating court hearings for individuals who may not meet eligibility criteria or who are not interested in services. The absence of a rapport-building phase may also impact the effectiveness of CARE Agreements, potentially leading to fewer successful outcomes.	The committee appreciates the comment. Regarding investigations, please see responses above to questions #2 and #6.
			7. What would the implementation requirements be for courts? Implementation would require: If CARE 125 form is to be completed by Judges, then further training on the CARE Act Program, mental health diagnoses, and community treatment programs would be beneficial. Expected hours of training are difficult to calculate at this time. If the Public Defender's Office completes a referral form, then clinical staff training on the screening process (at least one formal presentation of 1-2 hours and ongoing consultations) will be needed.	The committee notes that the Judicial Council provides ongoing support to courts and judicial officers through live and on-demand training, informational resources, and technical assistance to ensure compliance with these requirements.

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			8. Would two months from Judicial Council approval until the effective date provide sufficient time for implementation? No, two months is likely insufficient. Based on prior legislative rollouts, a longer lead time, potentially six months to one year, would be more realistic to ensure adequate training, stakeholder engagement, and adoption of new procedures.	The committee appreciates this comment and acknowledges that revising court rules and forms impacts various stakeholders, but it does not recommend a delayed implementation because section 5978 is already in effect.
			9. How well would this proposal work in courts of different sizes? The effectiveness of this proposal may vary depending on the size and capacity of the court system. Larger court systems typically have access to a broader range of resources and personnel, which allows for greater flexibility in implementing new processes. These courts are more likely to have established partnerships with external entities, such as the Public Defender's Office, which can assist in managing referrals. Given their vested interest in connecting defendants to appropriate mental health treatment and potentially mitigating sentencing outcomes, the Public Defender's Office may be well-positioned to take on a screening role. This delegation could alleviate the burden on judicial officers and streamline the referral process. Smaller judicial systems, while potentially facing limitations in staffing and infrastructure, may benefit from closer interagency collaboration and more streamlined communication channels. These courts often have stronger relationships with local service providers and may be more agile in sharing records and coordinating care. However, they may require additional support and guidance to implement the proposed changes effectively, particularly if they lack dedicated behavioral health personnel or technological infrastructure.	The committee appreciates the comment.

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			In both settings, tailored implementation strategies and training will be essential to ensure consistency and efficacy. Flexibility in how referrals are managed, whether through judicial officers, public defenders, or other designated parties, will be key to adapting the proposal to diverse court environments.	
			In summary, while the new CARE 125 & 126 forms are a step in the right direction, their current structure and reliance on judicial input without adequate clinical support may hinder their effectiveness. Additional guidance, streamlined formatting, and a more collaborative approach to screening and referral would better support the goals of the CARE program.	Please see responses above.
8.	Denise Darling Clinical Social Worker Department of State Hospitals Patton	AM	Please add a section for the respondents' birthdate on the CARE 102 form.	The committee agrees with the need for this field and notes that it was included in the version of form CARE-102 circulated for comment. The respondent's date of birth appears in Item 1 of form CARE-102, as reflected in the yellow-highlighted language on page 32 of the Invitation to Comment.
9.	Carolyn Evans Fresno, CA	AM	The CARE Act will never achieve its purpose until treatment, including medication, becomes mandatory. Voluntary treatment does not work for the most severely impaired. People with anosognosia do not realize that they are sick, so are not willing to accept the help that they need. For a time they may participate in a program but in the long run, few will continue with treatment. Similar programs, such as Assisted Outpatient Treatment, have had limited success for the same reason. I have been a member and participant in NAMI and have advocated for individuals with SMI for 20 years. I have been a member of my county's Behavioral Health Board for 15 years. I have seen it all. Despite	The committee appreciates this comment but does not recommend modifying the proposal in response. The committee notes that concerns regarding the nature of the CARE Act are appropriately addressed to the Legislature.

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			the increase in programs and efforts by service providers, I have seen few improvements in the successful treatment of our most seriously mentally ill. Voluntary treatment does not work. Laws need to change so that individuals have a chance at a somewhat normal life with mandated treatment.	
10.	Suzanne Arlene Fidler, MD, JD, FACP, CPHRM Physician, Attorney Irvine, CA	AM	I. Context: Family Experience and Public Reporting Recent statewide reporting has documented a pattern of family disappointment with CARE Court implementation: high expectations paired with limited follow-through, inconsistent county engagement, and a process that is difficult for both families and respondents to navigate. While the proposed changes reflect thoughtful procedural refinement, they do not meaningfully address the core concerns raised by families across California. II. Acknowledgment of Positive Changes I recognize and appreciate several constructive elements of the proposal: • Expanded eligibility to include bipolar I disorder with psychotic features. • Clarification that “clinically stabilized in ongoing voluntary treatment” requires both stability and meaningful engagement.	The committee appreciates the comment and notes that this proposal is intended to implement statutory changes from Senate Bill 27 through revisions to court rules and forms. The committee appreciates the challenges counties, families, and other stakeholders have experienced during CARE Act implementation. However, these concerns are beyond the limited scope of this rules and forms proposal. The committee encourages continued collaboration among stakeholders to address broader policy issues and notes that recommendations regarding systemic changes are most appropriately addressed to the Legislature. The committee appreciates the comment and notes that the proposal reflects the changes to the CARE Act made by Senate Bill 27 and are intended to provide clarity and consistency for the referral process outlined in that legislation. Comments regarding the overall purpose of the CARE Act are most appropriately addressed to the Legislature.

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			• Streamlined court-to-court referral mechanisms intended to reduce delays. • Improved clarity and consistency in rules and forms. These changes are directionally helpful. However, they remain largely administrative and do not address how CARE Court functions in practice for those most affected.	
			III. Anosognosia and the Reality of Psychosis Many CARE Court respondents suffer from anosognosia, a well-documented neurological symptom of psychotic illness characterized by a lack of insight into one's condition. This is not denial or noncompliance—it is part of the illness itself. They refuse treatment because they cannot understand that they are ill. Moreover, respondents often cannot meaningfully comprehend court paperwork or legal explanations, and experience the CARE Court process as confusing, frightening, and intimidating, particularly during acute psychosis. This process can ruin fragile relationships with their family members who try desperately to get the respondents the help they need, yet cannot due to the very condition they qualify for to participate in CARE Court. This is the fundamental problem that is not being addressed. It cannot be solved with a court process that is designed to provide the judiciary with full discretion yet excludes input from family members, non-CARE Court clinicians, and other experts. These conditions can be life-threatening, but the power to intervene is stripped from those who are most knowledgeable, caring, and engaged. The proposal does not meaningfully account for this reality. Instead, it relies on procedural safeguards that assume a level of comprehension and engagement that many respondents, by definition, do not possess at the time CARE Court is initiated.	Please see previous response.

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			IV. Families as the Missing Evidence-Based Component Evidence-based care for serious mental illness consistently recognizes families as the primary safety net when systems fail, the people most familiar with baseline functioning and early warning signs, the first to notice deterioration or crisis, and the only consistent presence across hospitalizations, incarcerations, and system handoffs. Yet CARE Court—and these proposed changes—continue to marginalize families. Family members are relied upon to initiate proceedings but are quickly replaced as petitioners. Ongoing notice and participation remain discretionary. There is no presumption that families are partners in care, despite their central role in real-world outcomes. This disconnect between evidence-based practice and CARE Court design is a fundamental flaw that these amendments do not correct. Furthermore, when a crisis does occur, it is the family member who must act, make instantaneously and critical decisions, and has no means to contact the CARE Court team. Has anyone read the 7-part series of CalMatters that was just published?	Please see previous responses.
			V. Resource Allocation: Process Over People Families are also troubled by how much CARE Court appears to consume resources that do not directly benefit the respondent. Multiple hearings, extensive court staffing, repeated filings and reviews, and legal and administrative overhead divert resources away from housing, treatment access, and sustained support. From a family perspective, CARE Court often feels like a system that expends significant public resources around the respondent rather than on the respondent.	Please see previous responses.

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			VI. Expansion of Judicial Power Without Oversight These proposed changes effectively increase judicial discretion without adding accountability. Courts may now treat referrals as petitions, consolidating gatekeeping authority. Decisions to dismiss or proceed remain discretionary, even when failures stem from lack of services rather than lack of need. Optional forms document decisions but do not provide standards, review mechanisms, or public outcome reporting. Public reporting has highlighted wide variation in CARE Court outcomes across counties, which this proposal does not address.	The committee notes that SB 27 revised Welfare and Institutions Code section 5978(b) to grant the CARE Act court the discretion to treat a referral made under section 5978 as a petition, if certain requirements are met. The judicial discretion involved in the new intracourt referral process flows directly from section 5978(b) rather than these forms. The committee also notes that forms, whether optional or mandatory, do not provide additional accountability.
			VII. What Families Are Asking For Families are not asking for less structure or fewer protections. They are asking for alignment with clinical reality and evidence-based care, including: 1. Presumptive family inclusion, with exclusion requiring specific findings. 2. Clear recognition of anosognosia in CARE Court procedures and expectations. 3. Service-first standards ensuring care availability before court escalation. 4. Outcome transparency, including reasons for dismissal and delays. 5. Resource prioritization that directs funding toward housing, treatment, and crisis response rather than administrative process. Meanwhile, it is not the courts who are outside on cold, rainy nights helping people running away in an attempt to escape the paranoid delusions they cannot stop, confused, vulnerable, and losing the basic human dignity they deserve to retain.	The committee notes that specific recommendations regarding systemic changes are most appropriately addressed to the Legislature.

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	Commenter	Position	Comment	Committee Response
			That burden falls almost entirely on families, if they are fortunate to know where their loved one has run to, outreach workers, and community members who intervene in real time, often without resources or support.	
			VIII. Conclusion These proposed changes refine CARE Court mechanics but do not resolve the fundamental issues families and respondents experience daily. CARE Court remains a process-heavy system that often overwhelms people who cannot comprehend it, sidelines those who know them best, and expends resources without reliably delivering care. Until families are treated as essential partners, anosognosia is meaningfully accounted for, and services—not procedures—are prioritized, CARE Court will continue to fall short of its stated goals.	Please see previous responses.
11.	Health Management Associates by Laura Collins, Managing Principal	NI	Overall, we are supportive of the proposed actions , particularly a standardized referral form referring courts may use for individuals who may benefit from CARE. We have a few comments and questions we would like to raise for the Committee's consideration.	The committee appreciates Health Management Associates' position on the proposal.
			The proposal amends rule 7-2230 to include “written court referral that began the proceedings” in the information that would be provided to respondent's counsel upon appointment. This is the alternative to providing the “petition packet”, in instances in which a referral is deemed a petition. This caused us to think about whether similar language would be helpful elsewhere in the rules or on the forms. Specifically:	The committee agrees with this comment and has revised the rules in a similar manner. To improve the clarity and consistency of the rules, the committee recommends removing the word “packet” throughout the rules so that the rules simply reference “the petition.” Proposed rule 7.2221(a) identifies the three options for a petition to begin CARE Act

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Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
			(1) Is there a need to include the same language related to “written court referral” in Rule 7.2235 (Notice of Proceedings)?	proceedings, including “a written referral under section 5978 if the CARE Act court deems the referral to be a petition.” Therefore, any reference to “the petition” would include a written referral deemed to be a petition.
			(2) Is it contemplated that if the CARE court deems a court referral to be a petition, a copy of the referral would be provided to the county behavioral health agency, as a petition would be? If so, would it make sense for Form 105 to include language to that affect as currently 105 only mentions a copy of the petition packet?	The committee appreciates this concern but does not recommend modifying form CARE-105 in response. Form CARE-105 requires the court to provide “[a] copy of the petition.” As described in the preceding response, a referral deemed to be a petition is a petition (under rule 7.2221(a)). Thus, the existing language in CARE-105 will require the court to provide a copy of a referral that is deemed to be a petition.
			(3) If the CARE court does not deem a court referral to be a petition and orders county behavioral health to investigate, would behavioral health be given a copy of the referral? Should Form 126 include a prompt that the referral is attached to the order?	The committee agrees with this comment and has modified form CARE-126 accordingly.
12.	Hon. Melissa O’Connell Superior Court of Contra Costa County	A	Does the proposal appropriately address the stated purpose?	The committee appreciates this comment.
			Yes, thank you for the thoughtful considerations regarding implementation of SB 27.	
			Does optional use of forms CARE-125 and CARE-126 strike an appropriate balance between system consistency and court flexibility?	The committee appreciates this comment and recommends that the forms CARE-125 and CARE-126 be optional. Please see the response to Comment 4, above, regarding the

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W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
			Yes. Having a sample referral form will encourage consistency amongst the referring courts and also invites the justice partners to create their own internal policies to address the confidentiality of the proceedings so that critical information can be shared by the referring court.	optional use of forms CARE-125 and CARE-126.
			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? Two forms for one decision point might be confusing. Logistically, in our county, the clerk's office sends the applicable orders to the CARE court judge. One form with two order options would be preferred.	The committee appreciates this comment and recommends that form CARE-126 remain one form.
			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? Yes.	The committee appreciates the comment.
			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? The explanations laid out in support of the proposal appear to be sufficient.	The committee appreciates this comment but does not recommend modifying the proposal in response. The concerns raised involve the scope of permissible intracourt communication under Welfare and Institutions Code section 5978.2. Statutory issues cannot be resolved through a rules or forms proposal unless the relevant statutory

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W26-08

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	Commenter	Position	Comment	Committee Response
			However, a concern that still exists is communication between courts, specifically if a CARE case is not “referred” by one of the enumerated departments but at some juncture the individual ends up in an adjacent court where treatment options and goals are also a priority. The communications statute (W&I Code section 5978.2) only permits communication between “referring courts” and the CARE court. Important information can be lost regarding one’s access to continuous support and treatment if they are being “stepped down” from a more restrictive court to CARE court but the case was not initiated through the court referral process. For example, a Respondent may be in CARE proceedings initiated by a petitioner other than through court referral and subsequently end up in LPS proceedings. Under the current language of the communications statute, if CARE proceedings are still pending, the LPS court could not share information such as court dates in LPS and whether there’s been an indication that the Public Guardian will be moving to dismiss LPS proceedings. The dismissal is a point in time in which it would be critical for CARE teams to re-engage the Respondent so there are no gaps in care as they transition off more restrictive placement and care (i.e. LPS or from a custodial setting) into independent community living. This like housing would be critical at that time as a person transitioning from a secured housing placement would not be able to stay there as soon as the conservatorship is dismissed and they would therefore need assistance in obtaining safe housing. Because the CARE case did not come from a referral, information is not able to be shared between the courts. This is very nuanced and the privacy interests of the Respondent are significant, but at least in instances where the individual is	language is revised. The committee notes that recommendations to address perceived statutory gaps are most appropriately directed to the Legislature.

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W26-08

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	Commenter	Position	Comment	Committee Response
			being stepped back down to CARE court, it would be beneficial to have discussions around additional considerations as to how to bridge the communication gaps between departments in these situations so that CARE participants do not lose access to resources and support.	
			Would the proposal provide cost savings? If so, please quantify. In consultation with our county Court Operations Manager II, specifically assigned to civil and probate and who is responsible establishing the CARE court infrastructure: The new CARE-125 and -126 would only require establishing a new code in our system. We also anticipate adding the language from the CARE-126 order into our existing prima facie order and order for CARE Act report when the court has accepted the referral as a petition. These changes are not anticipated to be cost or time prohibitive. The direct petition process might result in an increase in the number of cases and as a result likely to expend more court budget for resources for CARE participants but this would not result in more expenses for court processes. Our administration agrees with the flexibility to create our own local forms, taking guidance from the Judicial Council forms. Training of staff and judicial officers regarding referrals to CARE is anticipated to be a small undertaking, requiring at most a half-day session of training.	The committee appreciates this response.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the response.

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

W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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	Commenter	Position	Comment	Committee Response
			The implementation requirements would involve training the criminal mental health judge, the LPS judge and CARE court judge as well as these judges' courtroom clerks, the processing clerks, and the clerk's office staff. The modifications and revising processes would require minimal changes and minimal time as our court's CARE court infrastructure is already in place. Our notification system to the court and justice partners would only involve adding new codes and updating existing orders.	
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? According to our county Court Operations Manager II, two months is plenty of time.	The committee appreciates the response.
			How well would this proposal work in courts of different sizes? We are a mid-size county; we do anticipate these proposals would result in a larger number of petitions which could obviously then have a larger impact on Behavioral Health's resources. Regardless of county size, the changes in the law have the potential to increase the number of petitions and the number of community members we get to serve, achieving the perceived goals of the legislation.	The committee appreciates the response.
13.	Joint Rules Subcommittee, Trial Court Presiding Judge Advisory Committee/Court Executive Advisory Committee	AM	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: Significant fiscal impact	The committee appreciates this information.

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W26-08

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

	Commenter	Position	Comment	Committee Response
	by Corey Rada, Senior Analyst		○ The proposal will require increased staff time, including training. • Impact on existing automated systems. ○ The proposal will require technology changes. • Results in additional training, which requires the commitment of staff time and court resources. • Increases staff workload.	
			The JRS also notes the following: The proposed rules revisions and the revised and additional forms seem appropriate. The proposed rules and form revisions are essential to conform to the amendments to the Welfare & Institutions Code affecting CARE Court and referrals to CARE Court. It makes sense that the forms be optional and that trial courts are free to adopt their own forms as needed. The impacts on trial court funding and operations are unavoidable in light of SB 27 changes.	The committee appreciates the comment.
			Suggested Modifications Form Care-126: The court has read and reviewed the written referral from a court as provides for in pursuant to Welfare and Institutions Code section 5978.	The committee agrees with this comment and has revised the form in a similar manner. Form CARE-126 has been revised to read as follows: “The court has read and reviewed the written referral from a court under Welfare and Institutions Code section 5978.”
14.	Orange County Bar Association	A	No comment submitted other than position on proposal.	The committee appreciates the comment.

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

W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
	by Shirin Footan, President			
15.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California’s Invitation to Comment, “W26-08 Mental Health Law: Implementation of CARE Act Legislation,” the Superior Court of California, County of Los Angeles (Court), agrees with the proposal. The proposed rule changes and forms adequately address the legislative changes to the CARE Act.	The committee appreciates the comment.
			The Court agrees that the optional use of forms CARE-125 and CARE-126 are appropriate. Making these forms optional allows courts that find them useful to adopt them while preserving flexibility for jurisdictions like LA County that already have efficient referral processes through the Department of Mental Health (DMH). This approach avoids imposing unnecessary administrative burdens. Form CARE-126 should not be split as it would cause confusion and is unnecessary.	The committee appreciates this comment and recommends forms CARE-125 and CARE-126 remain optional and that CARE-126 remain a single form.
			Requiring a CARE Court case number before completing the referral would necessitate coordination with the clerk’s office, delaying the referral process.	The committee acknowledges that requiring a CARE Act court case number on a referral may affect courts differently depending on local procedures. However, the CARE Act court case number will be provided by the CARE Act court, and the referring court will not need to complete prior to completing the referral. Form CARE-125 notes that the CARE Act court case number only needs to

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W26-08

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

	Commenter	Position	Comment	Committee Response
				be provided if applicable Accordingly, the committee does not recommend modifying the form in response.
			The proposed court referral forms would not provide cost savings.	The committee appreciates the information.
			Additionally, these forms would not work in LA County. Given the large number of applicable cases, referrals will continue to be made to DMH.	The committee appreciates this comment.
			Two months should be sufficient time for implementation of the proposal.	The committee appreciates the response.
			Smaller courts may find the forms helpful for standardized referrals. For larger courts with established processes, this proposal may not work.	The committee appreciates the response.
16.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	Q: Does the proposal appropriately address the stated purpose? A: Yes.	The committee appreciates this comment.
			Q: Does optional use of forms CARE-125 and CARE-126 strike an appropriate balance between system consistency and court flexibility? A: Yes, the preference is that CARE-125 and CARE-126 remain optional forms.	The committee appreciates this comment and recommends forms CARE-125 and CARE-126 be optional.
			Q: 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? A: CARE-126 should remain one form.	The committee appreciates this comment and recommends that form CARE-126 be one form.

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W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
			Q: 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? A: Yes, space should be included for both case numbers.	The committee appreciates the response.
			Q: 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? A: The CARE-125 and CARE-126 forms are sufficient on their own.	The committee appreciates the response.
			Q: Would the proposal provide cost savings? If so, please quantify. A: No.	The committee appreciates the response.
			Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Revising internal procedures and training judges and staff.	The committee appreciates the response.
			Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	The committee appreciates the response.
			Q: How well would this proposal work in courts of different sizes?	The committee appreciates the response.

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

W26-08

Mental Health Law: Implementation of CARE Act Legislation (amend Cal. Rules of Court, title 7, division 2, chapter 2, article 2; amend Cal. Rules of Court, rules 7.2221, 7.2223, 7.2230, and 7.2235; 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)

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

	Commenter	Position	Comment	Committee Response
			A: It appears that the proposal would work for courts of all sizes.	
17.	Sadie Symens	AM	CARE-100 is the form non-behavioral health professionals are directed to use in submitting a CARE Court petition. Question 7 on the form requires such petitioners to, upon penalty of perjury, attest that the respondent, among other things, has a diagnosis of schizophrenia spectrum disorder or another psychotic disorder in the same class. By nature of the class of petitioners submitting this form, they cannot attest to a medical diagnosis. I noticed that the revision to the form effective July 1, 2025 does include the qualifier “to the best of my knowledge,” but I still believe it is inappropriate to require non-licensed health professionals to make an attestation as to a medical diagnosis (rather than their own observations.) That diagnosis is more appropriately established at later stages of the proceedings, by a duly qualified licensed health professional.	The committee appreciates this comment but does not recommend modifying the language of form CARE-100 in response because the form reflects statutory requirements. Form CARE-100 is a mandatory form for the CARE process petition. As specified in Welfare and Institutions Code section 5975, the petition must contain (among other information) facts supporting the petitioner’s assertion that the respondent meets the CARE criteria in section 5972. Section 5972(b), in turn, requires that the person have a qualifying diagnosis to qualify for the CARE process. Therefore, form CARE-100 asks the petitioner to assert to the best of their personal knowledge that the respondent has a qualifying diagnosis, as required by section 5972.

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

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Recommend JC approval (has circulated for comment)

Title of proposal: Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires (Implementation of Assembly Bill 1899)

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

Amend Cal. Rules of Court, rules 2.1002, 2.1006, and 2.1008; revise forms JURY-001 and JURY-002; adopt Cal. Standards of Judicial Administration, 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

Annual agenda approved by Rules Committee on *(date)*: n/a

Project description from annual agenda: Agenda approved by Executive and Planning Committee November 18, 2025.

Develop Standard of Judicial Administration and Rules and Forms Revisions to Implement Assembly Bill 1899 (Stats. 2024, Ch. 812) (Juror Questionnaires)

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) 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.)

Information for JC staff

☒ EGG reviewed on *(date)*: 2/5/2026

☒ Office director (or designee) reviewed on *(date)*: 2/4/2026 & 2/25/2026 by *(name)*: Anna Maves (CFCC) & James Barolo (Legal Services)

Complete the following for all JC reports recommending forms:

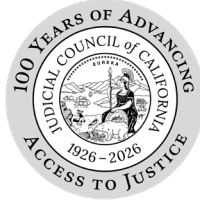
- **Form Translations** (check all that apply)

Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.
Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☐ Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-078

For business meeting on April 24, 2026

Title

Access and Fairness: Gender Inclusivity of
Juror Identification and Juror Questionnaires
(Implementation of Assembly Bill 1899)

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 2.1002,
2.1006, and 2.1008; revise forms JURY-001
and JURY-002; adopt Cal. Standards of
Judicial Administration, standard 10.22;
amend standards 3.25 and 4.30

Date of Report

March 2, 2026

Contact

Kristin Burford, 916-263-2989

kristin.burford@jud.ca.gov

Cristina Resendiz-Johnson, 415-865-4318

cristina.resendiz-johnson@jud.ca.gov

Recommended by

Advisory Committee on Providing Access
and Fairness

Hon. Kevin C. Brazile, Cochair

Hon. Victor A. Rodriguez, Cochair

Executive Summary

The Advisory Committee on Providing Access and Fairness recommends adoption of a new standard of judicial administration to ensure gender inclusivity in 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 recommended new standard, the committee also recommends conforming changes to three rules of court, two forms, and two standards of judicial administration; these materials currently use language directed to jurors that is not gender inclusive. In addition, the committee recommends minor changes to conform to style guidelines and to improve accuracy, consistency, clarity, and usability of the materials.

Recommendation

The Advisory Committee on Providing Access and Fairness recommends that the Judicial Council, effective July 1, 2026:

1. Adopt California Standards of Judicial Administration, standard 10.22;
2. Amend California Rules of Court, rules 2.1002, 2.1006, and 2.1008;
3. Revise forms JURY-001 and JURY-002; and
4. Amend California Standards of Judicial Administration, standards 3.25 and 4.30.

The text of the amended rules, the revised forms, and the new and amended standards are attached at pages 9–43.

Relevant Previous Council Action

This report recommends adoption of a new standard “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,” as directed by AB 1899.¹ The Judicial Council does not have an existing rule or standard that specifically focuses on gender inclusivity of juror identification and questionnaires. However, the Judicial Council has taken previous actions to address gender inclusivity of court materials and practices more broadly. More information on those actions is provided in the “Background” section of this report, below.

This report also recommends conforming changes to rules, forms, and standards. Those changes are technical in nature, so the history of those provisions is not included here.

Analysis/Rationale

Background

The Judicial Council has previously adopted rules and standards related to gender-specific language and prevention of bias (on several characteristics, including gender).

Rules on gender-neutral language

Effective January 1, 1991, the Judicial Council adopted rule 989, which requires the use of gender-neutral language in jury instructions, as well as local court rules, forms, and documents.² Effective January 1, 2007, the Judicial Council reorganized the rules and relocated the substance of former rule 989 into two rules: rule 2.1058 (which requires jury instructions to be drafted using gender-neutral language) and rule 10.612 (which requires courts to “use gender-neutral language in all new local rules, forms, and documents and must review and revise those now in use to ensure that they are written in gender-neutral language.”³ Those rules remain in effect and have been unchanged since 2007.

¹ Code Civ. Proc., § 205(e), as added by AB 1899 (Stats. 2024, ch. 812), § 12.

² See *Minutes of Nov. 16, 1990, Judicial Council meeting*, p. 38.

³ See Judicial Council of Cal., Staff Rep., *Reorganization of the California Rules of Court* (June 15, 2006), pp. 17, 34, 52, 93; Title 2, p. 109; Title 10, p. 94; *Minutes of June 30, 2006, Judicial Council meeting*, p. 10.

Gender-neutral drafting practices

As of 2017, California law provides for a nonbinary gender marker on state identification documents (the Gender Recognition Act).⁴ In 2018 the Legislature adopted a resolution to direct state agencies to use gender-neutral drafting in their materials.⁵

In response to the 2017 Gender Recognition Act, and guided by the dedicated efforts of the Advisory Committee on Providing Access and Fairness on improving the gender inclusivity of court materials, Judicial Council advisory committees have recommended form revisions to remove gender identity questions when those questions are not legally required and to make the language more inclusive when the information is required.⁶

Standard on duty to prevent bias

Effective January 1, 1987, the Judicial Council added section 1 to the standards of judicial administration.⁷ Section 1 set forth the duty of a judge to “refrain from and prevent conduct exhibiting gender or other bias in the courtroom.”⁸ That section has been revised over the years and was renumbered as standard 10.20, effective January 1, 2007.⁹ Standard 10.20(b)(1) specifies, in part, that “each court, its judicial officers, and its employees should refrain from engaging in conduct and should take action to prevent others from engaging in conduct that exhibits bias” and identifies certain classifications, including gender, on which bias may be based. In addition, that paragraph states “[t]he court, judicial officers, and court employees may consider such classifications only if necessary or relevant to the proper exercise of their adjudicatory or administrative functions.”

⁴ 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.

⁵ Assem. Con. Res. No. 260 (Low; Stats. 2018, res. ch. 190), leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180ACR260.

⁶ For example, the Appellate Advisory Committee recommended an omnibus proposal to revise forms used for appellate proceedings. 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 #14 on the Annual Agenda for the Family and Juvenile Law Advisory Committee (2025–2026), courts.ca.gov/system/files/file/famjuv-annual_1.pdf.

⁷ *Minutes of Dec. 6, 1986, Judicial Council meeting*, p. 7.

⁸ See Judicial Council of Cal., Court Mgmt. Committee, *Proposals on Gender Bias in the Court System* (Dec. 6, 1986), Tab 24; *Minutes of Dec. 6, 1986, Judicial Council meeting*, pp. 6–7.

⁹ See Judicial Council of Cal., Staff Rep., *Reorganization of the California Rules of Court* (June 15, 2006), Standards of Judicial Administration, pp. 81–83; *Minutes of June 30, 2006, Judicial Council meeting*, p. 10.

The committee considered standard 10.20 as it undertook work to implement AB 1899. The language of existing standard 10.20 served as a model for the committee's work on the new standard.

Implementation of AB 1899

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.

Consistent with the directive of AB 1899, the committee recommends adoption of standard 10.22. In addition, to achieve consistency with the new standard, the committee recommends conforming revisions of certain Judicial Council rules, forms, and standards.

New standard of judicial administration

Standard 10.22 would be located near existing standards on preventing bias (10.20) and nondiscrimination in appointments (10.21). This new standard would be named "Gender-inclusive practices for juror identification and juror questionnaires," and 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 the 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

The committee also recommends updates to three rules, two optional forms, and two existing standards to ensure that those materials are consistent with the new standard. Specifically, the committee recommends:

- Amending rules 2.1002, 2.1006, and 2.1008 to replace gender-specific language used to refer to jurors with gender-neutral language;

- Revising 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
- Amending 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 recommended 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.” The committee recommends amending 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 committee recommends amending the rule to replace a gender-specific term with 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 committee recommends amending 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 refer to other individuals related to the juror using gender-specific terms.¹⁰ The committee recommends removing the question asking the juror to specify the sex of their children, and revising gender-specific language. 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).

¹⁰ The Judicial Council initially adopted the *Juror Questionnaire for Civil Cases*, effective July 1, 1993. See *Minutes of April 29, 1993, Judicial Council meeting*, p. 6. The form was amended, effective January 1, 2004, to better address issues of domestic partnership and sexual orientation. See Judicial Council of Cal., Rep. of Access and Fairness Advisory Committee, *Examination of Prospective Jurors (amend Cal. Stds. Jud. Admin., §§ 8, 8.5; revise form MC-001)* (Oct. 21, 2003); *Minutes of October 21, 2003, Judicial Council meeting*, p. 26.

The Judicial Council adopted the *Juror Questionnaire for Criminal Cases*, effective January 1, 2006. See *Minutes of November 4, 2005, Judicial Council meeting*, p. 16.

Both questionnaire forms were subsequently renumbered to JURY-001 and JURY-002, effective September 1, 2018. See *Minutes of May 24, 2018, Judicial Council meeting*, pp. 7, 15-17, jcc.legistar.com/View.ashx?M=M&ID=559783&GUID=1C4B0F75-3F17-4F8A-9712-034640BB460C.

Standards

Standards 3.25 and 4.30 relate to voir dire in civil and criminal cases, respectively. Each standard contains a lengthy script of questions for a judge to ask of prospective jurors in the courtroom. The scripts use gender-specific pronouns or honorifics to refer to jurors. The recommended amendments replace that language with gender-neutral phrasing.

Additional revisions

In the course of this work, the committee identified other language in these materials that would benefit from updates, minor revisions, or corrections. The additional changes are described below.

Updated bias question

The scripts in standards 3.25 and 4.30 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 recommends 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 recommends changes to remove and replace gender-specific language referring to someone other than the juror (e.g., the judge, an attorney) in the Judicial Council materials included in this report. 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 recommends assorted minor updates to improve consistency between the materials,¹¹ replace or remove potentially confusing language,¹² reflect current drafting practices,¹³ ensure references are up to date,¹⁴ and make corrections.¹⁵

¹¹ For example, the committee recommends 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 current standard 4.30(b)(22), which would not be amended by this report).

¹² For example, the committee recommends 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.

¹³ For example, the committee recommends removing use of “as to” in standard 4.30(b)(27)(B) and recommends changing the text from all capitals to sentence case and updating the form footers on forms JURY-001 and JURY-002.

¹⁴ For example, the committee recommends correcting the *CALCRIM* citation in item 1.35 on form JURY-002.

¹⁵ For example, the committee recommends minor corrections to the language in standard 3.25(f) that describes the circumstances under which jurors may be asked certain types of questions.

Policy implications

This recommendation, which implements AB 1899, is consistent with and will advance Goal I, identified in the *Judicial Branch Strategic Plan*, of Access, Fairness, Diversity, and Inclusion.

Comments

The proposal circulated for public comment from December 5, 2025, to January 7, 2026. The proposal received four comments: two from superior courts, one from a bar association, and one from the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Three commenters agreed with the proposal, and one agreed if modified.

JRS suggested a modification that would expand the scope of the proposal. JRS suggested that the advisory committee consider proposing an alternative new standard of judicial administration “that both covers the categories required by AB 1899 (2024) and applies broadly to all court materials, practices, etc.” While the advisory committee recognizes the value in addressing bias and inclusivity issues broadly, the advisory committee believes that it is important to move forward with the proposed standard to promptly respond to AB 1899’s directive and provide clear direction to improve the gender inclusivity of the juror selection and service process.¹⁶ The advisory committee notes that the Judicial Council, the committee, and the Center for Judicial Education Resources have been working on addressing gender and bias-related issues over time, and the advisory committee anticipates that work continuing in earnest. The committee will consider the need for additional guidance or standards related to gender inclusivity in the courts going forward and welcomes further suggestions to that end.

A chart with the full text of the comments received and the committee’s responses is attached on pages 44–47.

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. Following JRS’s comment, the committee considered whether to postpone this proposal and instead undertake work on a standard that addresses gender inclusivity in the courts more broadly. The committee decided not to postpone its recommendations to a future rulemaking cycle. Doing so would delay the recommended standard (and the improvements in gender inclusivity it provides) by a year or more (given the need to ensure that a broader standard, which could apply to many more individuals who interact with the courts, including counsel, court staff, witnesses, parties, jurors, or others, is given due consideration and courts are given sufficient time to make the necessary implementing changes). As indicated above, the committee recommends moving forward with the proposed new standard at this time to comply with statutory mandate and to advance gender inclusivity in the juror selection and service process. Going forward, the committee will consider the need for further work on gender inclusivity in the courts.

¹⁶ See Assembly Floor Analysis of Assembly Bill 1899 (Aug. 28, 2024), p. 1.

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 new standard. In crafting the recommended updates and revisions, the committee strove for accuracy, simplicity, and consistency.

Fiscal and Operational Impacts

The committee anticipates that its recommendation 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. The comments from superior courts noted that materials would need to be updated, including changes to local forms, jury materials, and local web content. However, both courts noted that the necessary updates could be implemented within two months.

Attachments and Links

1. Cal. Rules of Court, rules 2.1002, 2.1006, and 2.1008, at pages 9–10
2. Forms JURY-001 and JURY-002, at pages 11–33
3. Cal. Standards of Judicial Administration, standards 3.25, 4.30, and 10.22, at pages 34–43
4. Chart of comments, at pages 44–47
5. 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 are 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.~~ on 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 jury commissioner, ~~in his or~~
22 ~~her discretion, may~~ has discretion to establish a longer 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 college (Major): _____
☐ Some high school	☐ College graduate (Major): _____
☐ High school graduate	☐ Postgraduate study (Field): _____
☐ Other (<i>please explain</i>): _____ _____ _____	☐ 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*):

☐ Excessive	☐ Occasionally too low	☐ Other (<i>specify</i>): _____
☐ Often too large	☐ Often too low	
☐ About right	☐ 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	
☐	☐	Any court in the state of California
☐	☐	Attorney, law firm, or law office
☐	☐	Claims adjustment, evaluation, review, settlement, or investigation
☐	☐	Accident investigation or law enforcement
☐	☐	Disability, health, life, casualty, or accidental injury benefits or programs
☐	☐	Economics, actuarial, or investments
☐	☐	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 is adopted, and standards 3.25 and 4.30 are 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) Occupations;

24
25 (H) Occupational histories; and

26
27 (I) 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 pre-~~ voir ~~dire~~ conference required by rule 4.200. Excusing jurors based on questionnaire answers alone is generally not advisable.

1 (1)–(2) * * *

2
3 (3) *At this point the court may wish to submit any juror questionnaire that has*
4 *been developed to assist in voir dire. The court should remind panel members*
5 *that their answers on the questionnaire are given under penalty of perjury. In*
6 *addition, if a questionnaire is used, the court and counsel may wish to*
7 *question individual prospective jurors further based on their responses to*
8 *particular questions, and a procedure for doing so should be established at*
9 *the pre-voir dire conference. Therefore, it may not be necessary to ask all of*
10 *the prospective jurors questions 5 through 25 that follow, although the text*
11 *may assist the court with following up with individual jurors about answers*
12 *given on the questionnaire.*

13
14 *To the entire jury panel:*

15
16 I am now going to question the prospective jurors who are seated in the jury
17 box concerning their qualifications to serve as jurors in this case. All the
18 remaining members of this jury panel, however, should pay close attention to
19 my questions, making note of the answers you would give if these questions
20 were put to you personally. If and when any other member of this panel is
21 called to the jury box, ~~he or she~~ the member will be asked to answer these
22 questions.
23

24 (4)–(5) * * *

25
26 (6) ~~Ladies and gentlemen~~ Members of the jury: This is a criminal case entitled
27 The People of the State of California v. _____. The (defendant
28 is)(defendants are) seated _____.
29

30 (A) ~~(Mr.)(Ms.)~~ (Name of defendant), please stand and face the prospective
31 jurors in the jury box and in the audience seats. *(Defendant complies.)*
32 Is there any member of the jury panel who is acquainted with the
33 defendant or who may have heard ~~(his)(her)~~ the name (name of
34 defendant) before today? If your answer is yes, please raise your hand.
35

36
37 (B) The defendant, _____, is represented by ~~(his)(her)~~ an attorney,
38 _____, who is seated _____. ~~(Mr.)(Ms.)~~ (Name of defense
39 attorney), would you please stand? Is there any member of the jury
40 panel who knows or who has seen ~~(Mr.)(Ms.)~~ _____ (name of
41 defense attorney) before today?
42

(C) *(If there is more than one defendant, repeat (a) and (b) for each codefendant.)*

(7) The People are represented by _____, Deputy District Attorney, who is seated _____. ~~(Mr.)(Ms.)~~ (Name of district attorney), would you please stand? Is there any member of the jury panel who knows or who has seen ~~(Mr.)(Ms.)~~ _____ (name of district attorney) before today?

(8) The defendant is charged by an (information)(indictment) filed by the district attorney with having committed the crime of _____, in violation of section _____ of the _____ Code, _____ Code section _____, it being alleged that on or about _____ in the County of _____, the defendant did *(describe the offense)*. To (this charge)(these charges) the defendant has pleaded not guilty, and the jury will have to decide whether the defendant's guilt has been proved beyond a reasonable doubt. Having heard the charge(s) that (has)(have) been filed against the defendant, is there any member of the jury panel who feels ~~that he or she cannot~~ unable to give this defendant a fair trial because of the nature of the charge(s) ~~against (him)(her)~~?

(9)–(12) * * *

(13) How many of you have served previously as jurors in a criminal case?

To each person whose hand is raised:

(A) ~~(Mr.)(Ms.)~~ _____ ~~(or Juror (Name or Juror ID number))~~, you indicated you have been a juror in a criminal case. What were the charges in that case? *(Response.)*

(B) Do you feel you can put aside whatever you heard in that case and decide this case on the evidence to be presented and the law as I will state it to you? *(Response.)*

(14) May I see the hands of those jurors who have served on civil cases, but who have never served on a criminal case? *(Response.)* You must understand that there are substantial differences in the rules applicable to the trial of criminal cases from those applicable to the trial of civil cases. This is particularly true respecting the burden of proof that is placed on the People. In a civil case we say that the plaintiff must prove ~~(his)(her)~~ the case by a preponderance of the evidence. In a criminal case, the defendant is presumed to be innocent, and ~~before (he)(she) may be found guilty for the jury to make a finding of guilt,~~ the People must prove ~~(his)(her)~~ the defendant's guilt beyond a reasonable doubt. If the jury has a reasonable doubt, the defendant must be acquitted.

Will each of you be able to set aside the instructions that you received in your previous cases and try this case on the instructions given by me in this case?

- (15) The fact that the defendant is in court for trial, or ~~that charges have been made against (him)(her)~~ has been charged, is no evidence ~~whatever whatsoever~~ of ~~(his)(her)~~ guilt. The jurors are to consider only evidence properly received in the courtroom in determining whether the defendant's guilt has been proved beyond a reasonable doubt. The defendant has entered a plea of "not guilty," which is a complete denial, making it necessary for the People, acting through the district attorney, to prove beyond a reasonable doubt the case against the defendant. If the evidence does not convince you of the truth of the charges beyond a reasonable doubt, the defendant is entitled to a verdict of not guilty.

In the following questions I will be using the terms "relative," "close friend," and "anyone with whom you have a significant personal relationship." The term "anyone with whom you have a significant personal relationship" means a current or former spouse, domestic partner, life partner, ~~former spouse~~, or anyone with whom you have an influential or intimate relationship that you would characterize as important.

(16)–(19) * * *

(20) *When appropriate:*

~~It may appear that~~ The background or experiences of one or more of the parties, attorneys, or witnesses come from a particular national, racial, or religious group (or may have a lifestyle different from your own). may appear to be different from yours related to their [ethnicity, religion, age, gender, gender expression, gender identity, national origin, disability, race, sexual orientation, socioeconomic status, or other personal characteristic]. Would this in any way affect your judgment or the weight and credibility you would give to their testimony or arguments?

(21)–(26) * * *

(27) *If a new prospective juror is seated, the court should ask ~~him or her~~: that juror:*

(A) Have you heard my questions to the other prospective jurors?

(B) Have any of the questions I have asked raised any doubt in your mind ~~as to~~ about whether you could be a fair and impartial juror in this case?

(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) * * *

Title 10. Standards for Judicial Administration

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 gender-specific 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

1 significant personal relationship) when such information is not necessary or
2 relevant to the proper exercise of the court’s adjudicatory or administrative
3 functions.
4

- 5 (4) When the court seeks information about the gender of a juror or an associated
6 individual to properly carry out its adjudicatory or administrative functions,
7 the court should allow the juror to indicate their gender identity or gender
8 expression, as applicable. To assist a juror who has privacy concerns with
9 disclosing such information, the court should, whenever possible, either
10 specify that responding to a question about gender is optional or provide a
11 “decline to state” option.
12

13 (A) When a question about gender provides multiple responses to choose
14 from, the question should allow for multiple options to be selected
15 (e.g., “select all that apply”).
16

17 (B) When a question about gender provides multiple options to choose
18 from (e.g., man, nonbinary, woman), including a write-in response
19 option, the accompanying text for the write-in option, if included,
20 should use phrases like “prefer to self-identify” or “identify as” and
21 avoid phrases like “other” or “none of the above.”

W26-09

Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires (Implementation of Assembly Bill 1899) (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)

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

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Shirin Forootan, President	A	The proposal appropriately meets the stated purpose.	The committee appreciates the comment.
2.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee.	No response needed.
			In response to the Judicial Council of California's Invitation to Comment, "W26-09 Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires (Implementation of Assembly Bill 1899)," the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and agrees that the language for jurors is gender inclusive.	The committee appreciates the comment.
			The proposal would not provide cost savings. The Court would need to update its forms and its website, in coordination with its Operations, Court Technology Services, and Judicial & Executive Support Divisions during regular business hours. The Court's Juror Services team identified four forms and 28 references on its website that would need to be updated. To implement the proposal, the Court would not need to extensively train staff. It would need to revise its processes and procedures but would not need to change docket codes in its case management system.	The committee appreciates the information.

W26-09

Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires (Implementation of Assembly Bill 1899) (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)

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

	Commenter	Position	Comment	Committee Response
			Two months should be sufficient to implement the proposal. The Court has already identified all areas that need to be updated and is ready to implement them when required.	The committee appreciates the information.
3.	Superior Court of Orange County by Nevely Herrera	A	Does the proposal appropriately address the stated purpose? The proposal appropriately addresses the stated purpose, as indicated.	The committee appreciates the comment.
			Would the proposal provide cost savings? If so, please quantify. N/A	No response needed.
			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? Proposed language changes are largely descriptive. Implementation would be limited to minor updates to existing scripts and jury orientation materials. Updates can be incorporated within existing processes and resources.	The committee appreciates the information.
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Due to minimal anticipated impact, two months would be sufficient time for implementation.	The committee appreciates the information.

W26-09

Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires (Implementation of Assembly Bill 1899) (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)

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

	Commenter	Position	Comment	Committee Response
			How well would this proposal work in courts of different sizes? Would the proposal provide cost savings? If so, please quantify. N/A	No response needed.
4.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee (JRS))	AM	The JRS notes that the proposal is required to conform to a change of law.	No response needed.
			The JRS also notes the following impact to court operations: • Impact on existing automated systems. • Requires development of local rules or forms. These categories of impact are checked to recognize that implementation of these changes may require courts to update existing gendered language, both within jury management system interfaces and various documents and forms used for jurors. Such updates may take time and resources, depending on the extent to which they are needed, due to the need to draft changes, work with jury management system vendors, put local rule and form changes out for public comment, replace any physical documents currently in circulation, etc.	The committee appreciates the information.
			Suggested modification(s): The proposed changes to everything other than the newly proposed standard of judicial administration are appropriate and well-drafted. While there is nothing explicitly wrong with the newly proposed standard of judicial administration, the adoption of a standard of judicial administration about gender inclusivity that is only about juror identification and juror	The committee thanks JRS for this suggestion and raising the broader issue of improving gender inclusivity throughout the courts. However, the suggestion to address additional court materials is beyond the scope of the proposal that circulated for comment. The committee agrees that gender inclusivity (and inclusivity more generally) in the courts has been and should continue to be a

W26-09

Access and Fairness: Gender Inclusivity of Juror Identification and Juror Questionnaires (Implementation of Assembly Bill 1899) (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)

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

	Commenter	Position	Comment	Committee Response
			questionnaires begs the question of why it would be limited to those categories. Although this is a legislatively driven change, AB 1899 (2024) does not require the adopted standard be limited to those categories. The ITC report suggests the Advisory Committee on Providing Access and Fairness did not consider the alternative of proposing a new standard of judicial administration on gender inclusivity that both covers the categories required by AB 1899 (2024) and applies broadly to all court materials, practices, etc. The Joint Rules Subcommittee recommends that an alternative be developed and proposed instead of moving forward with the adoption of the new standard as currently proposed, so as to better reflect the Judicial Council's commitment to gender inclusivity and avoid the potential perception that the Judicial Council will only address gender inclusivity as required by law. As AB 1899 (2024) does not require the adoption of the new standard by a specific date, there should not be an issue with delaying implementation of the new standard, if more time is needed to develop modified language to make this change.	priority for the Judicial Council, consistent with the Judicial Council's goal of Access, Fairness, Diversity, and Inclusion in its strategic plan. However, the committee is concerned about delaying the gender inclusivity benefits for jurors offered by the proposed standard for an indefinite amount of time to allow for the development of a broader standard. In addition, the committee recognizes the importance of responding to and addressing more focused concerns about inclusivity as they arise. Given the demonstrated legislative concern, reflected in AB 1899, of ensuring the gender inclusivity of juror identification and juror questionnaires specifically, the committee recommends moving forward with the proposed standard to address those issues. The committee affirms its commitment and continued attention to improving inclusivity throughout the courts and welcomes further suggestions on issues related to access, fairness, diversity, and inclusion in the courts. The committee will consider the need for additional guidance or standards related to gender inclusivity in the courts, as time and resources permit, going forward.

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Recommend JC approval (has circulated for comment)

Title of proposal: Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

Adopt Cal. Rules of Court, rule 10.440

Committee or other entity submitting the proposal:

Trial Court Presiding Judges Advisory Committee; Court Executives Advisory Committee

Staff contact (name, phone, and email):

Jessica Devencenzi, 916-263-1374, jessica.devencenzi@jud.ca.gov

Annual agenda approved by Rules Committee on (date): n/a

Project description from annual agenda:

Annual agenda approved by Rules Committee on (date): n/a

Project description from annual agenda: The committees' annual agendas were approved by the Executive and Planning Committee on November 18, 2025. For both agendas, ongoing Item 2 indicates that: The Joint Rules Subcommittee [of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee] will develop a California Rule of Court governing trial court data collection related to law enforcement activity conducted on property of court facilities by entities other than court security. This rule is intended to be transparent, consistent, and implementable across all courts.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) To assist the judicial branch in a more consistent and timely understanding of the statewide impact of civil arrests in court facilities, proposed rule 10.440 would require courts to begin reporting specified information to the Judicial Council in June 2026. Accordingly, the effective date of the rule would be May 1, 2026, to allow courts sufficient time to fulfill their obligations under the rule. To have timely reporting in June and a May effective date, this rule is being proposed out-of-cycle. The comment period ran from December 19, 2025 to January 9, 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.)

Information for JC staff

☒ EGG reviewed on (date): 1/28/26

☒ Office director (or designee) reviewed on (date): 1/29/26, 2/17/26 by (name): Jessica Devencenzi

Complete the following for all JC reports recommending forms:

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

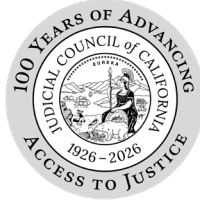
Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☐ Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.:

For business meeting on April 24, 2026

Title

Judicial Branch Administration: Rule for
Reporting Civil Arrests in Court Facilities

Report Type

Action Required

Effective Date

May 1, 2026

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 10.440

Date of Report

February 23, 2026

Recommended by

Trial Court Presiding Judges Advisory
Committee

Hon. Patricia L. Kelly, Chair

Court Executives Advisory Committee

Ms. Kate Bieker, Chair

Contact

Jessica Devencenzi, 916-263-1374

Jessica.Devencenzi@jud.ca.gov

Saskia Kim, 916-643-6951

Saskia.Kim@jud.ca.gov

Executive Summary

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend adopting a rule of court requiring reporting of civil arrests in superior court facilities, as defined. The recommended rule will help ensure consistent and coordinated statewide collection and reporting of data. The collected data is intended to help the judicial branch better understand the statewide impact that civil arrests in court facilities have on courts and access to justice, while also promoting public trust and confidence through transparency.

Recommendation

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend that the Judicial Council adopt California Rules of Court, rule 10.440, effective May 1, 2026, to govern the reporting of civil arrests in superior court facilities.

The recommended rule is attached at pages 8–9.

Relevant Previous Council Action

The Judicial Council has taken no previous action concerning reporting civil arrests in superior court facilities.

Analysis/Rationale

Background

Civil arrests in court facilities can significantly impact superior court operations and administration, public perception, and access to justice. In fact, California law prohibits civil arrests inside a courthouse; this prohibition does not apply to arrests made pursuant to a valid judicial warrant.¹ However, no consistent, statewide approach exists for tracking or reporting civil arrests, should they occur. This gap limits the judicial branch's understanding of the scope and impact of civil arrests in court facilities and its ability to respond effectively to court or community concerns.

Other states that also prohibit civil arrests in courts² have recognized the importance of collecting and reporting data about these arrests. For example, both New York and Washington have data collection requirements.³ Each state requires reporting when law enforcement enters a courthouse or court facility to take an individual into custody. New York requires that court security personnel file an "Unusual Occurrence Report" in these instances,⁴ and Washington requires that the governmental entity responsible for court security collect and report information on civil arrests on a monthly basis to its Administrative Office of the Courts.⁵ The following information must be reported in Washington: (1) name and agency of the law enforcement officer, (2) date and time of the occurrence, (3) specific law enforcement purpose, and

¹ Civ. Code, § 43.54.

Additionally, on January 6, 2026, Senator Eloise Gómez Reyes (D-Colton) introduced Senate Bill 873 to address immigration enforcement efforts in courthouses. While the bill currently does not contain substantive language, the author has indicated that the bill "will provide legal assurances that Californians are safe from immigration agents in and around the grounds of a courthouse." Office of Eloise Reyes, "Senator Reyes Working to Kick ICE Out of Courts, news release, January 6, 2026, <https://sd29.senate.ca.gov/news/senator-reyes-working-kick-ice-out-courts>.

² New York (N.Y. Civ. Rights Law § 28(1)); Washington (Wash. Rev. Code Ann. § 2.28.330).

³ New York State Unified Court System, Hon. Joseph A. Zayas, Chief Administrative Judge, "Protocols Governing Activities in Courthouses by Law Enforcement Agencies," memorandum, February 6, 2025, <https://legalaidnyc.org/wp-content/uploads/2025/02/ProtocolGoverningLawEnforcementActivities.pdf>; Wash. Rev. Code Ann. § 2.28.320 (see also Washington State, Substitute House Bill 2567 (Laws of 2020, ch. 37, § 4), <https://lawfilesexxt.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/2567-S.SL.pdf?q=20220203102234>).

⁴ See footnote 3, *supra*, New York State Unified Court System.

⁵ Wash. Rev. Code Ann. § 2.28.320(1).

(4) proposed law enforcement action to be taken.⁶ In addition, Washington requires that its Administrative Office of the Courts publish a quarterly report of the information collected.⁷

Recommended rule

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend adoption of rule 10.440, developed by their Joint Rules Subcommittee, to provide for a consistent, statewide approach to reporting data to the Judicial Council on civil arrests in superior court facilities. The recommended rule aims to increase transparency, as well as assist the judicial branch in assessing impacts on access to justice and courts.

Subdivision (a), Definitions

Subdivision (a) of the recommended rule defines two terms used in the rule. First, the rule defines “civil arrest” to include an arrest of, or a communicated intent to arrest, an individual for an alleged violation of civil law. It does not include arrests for an alleged violation of criminal law or for civil contempt. Second, the rule incorporates an existing definition of “court facilities” from Government Code section 70301(d), which is part of the Trial Court Facilities Act of 2002. Referencing this existing definition is intended to maintain clarity and consistency within the law, and to assist courts in defining the scope of the reporting requirements. For example, as defined, a “court facility” includes the courthouse building as well as the grounds appurtenant to that building and parking areas for court users. Because civil arrests taking place in these areas may affect individuals’ access to the courts and justice, it is important for the judicial branch to be aware of these occurrences.

Subdivision (b), Reporting to the Judicial Council

Subdivision (b) of the recommended rule specifies the data elements, if known, that courts must report to the Judicial Council. The phrase “if known” is intended to clarify that courts are only expected to report information that they become aware of. The rule does not require them to seek out or request this information from law enforcement officers conducting a civil arrest in a court facility. Furthermore, the rule anticipates that any information reported to the council will be submitted after the occurrence of a civil arrest. The subdivision also includes a provision allowing the Judicial Council’s Administrative Director to determine that additional information is necessary to evaluate the impact of civil arrests in court facilities, which courts would then need to provide.

Subdivision (b) also specifies that the information must be reported to the council, in a form, manner, and frequency determined by, and on dates specified by, the Administrative Director so that all information submissions are consistent and easily aggregated on a statewide basis. The rule will take effect May 1, 2026, and courts are to begin reporting to the Judicial Council in June 2026.

⁶ *Ibid.*

⁷ Wash. Rev. Code Ann. § 2.28.320(2). See “Quarterly Reports of Law Enforcement Action at Courthouses,” courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.qrtlyReports.

Subdivision (c), Personal identifying information of targeted individual

To protect individuals' privacy and safeguard sensitive data, subdivision (c) of recommended rule 10.440 specifies that courts must not include the identity, or other personal identifying information, of an individual who is the target of a civil arrest in the reports submitted to the council.

Advisory Committee Comment

The recommended rule contains two advisory committee comments intended to clarify two aspects of the rule. First, the committees recommend a comment explaining that it is anticipated that the Judicial Council may compile and publish in periodic reports the information collected under this rule, in accordance with applicable data publication policy. Transparency of this kind helps build public trust by demonstrating the judicial branch's commitment to openness and integrity. Second, because some courts may employ an "Administrative Director," to avoid confusion the committees recommend a comment stating that the term "Administrative Director" as used in the rule refers specifically to the Administrative Director of the Courts appointed by the Judicial Council.

Policy implications

Adopting the recommended rule requiring trial courts to report specified information concerning civil arrests occurring in court facilities will assist the judicial branch in assessing the impacts on courts and access to justice of civil arrests in court facilities.

This recommendation is, therefore, consistent with the judicial branch's goals of Access, Fairness, Diversity, and Inclusion and Quality of Justice and Service to the Public.

Comments

This proposal was circulated for comment from December 19, 2025, to January 9, 2026, as part of a special invitation-to-comment cycle. The proposal received nine comments from the following: the California Partnership to End Domestic Violence; the County of Santa Clara; the Legal Aid Association of California; the superior courts of Los Angeles County, Mendocino County, Orange County, and Riverside County; the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee; and the Western Center on Law and Poverty. Two commenters agreed with the proposal, two agreed with the proposal if modified, and five did not state a position.

A chart with the full text of the comments received and the advisory committees' responses is attached at pages 10–52. The principal comments and the advisory committees' responses are summarized below.

Scope of the recommended rule

Several commenters suggested changes that would broaden the scope of the rule. For example, the California Partnership to End Domestic Violence suggested that the rule should be expanded to require courts to report incidents of "checkpoints" near courthouses. And both the Legal Aid Association of California and the Western Center on Law and Poverty raised concerns that

Government Code section 70301(d) of the Trial Court Facilities Act of 2002, referenced in the rule, contains the term “appurtenant,” which is undefined.

The committees are not recommending changes to the rule in response to these comments. The committees included the cross-reference to the definition of “court facility” in the Trial Court Facilities Act in order to incorporate a broad definition of what is considered a court facility and to provide clarity and consistency with existing law. In addition to a courthouse, this includes court parking lots and the sidewalks or other grounds outside of a courthouse. The committees are concerned that requiring courts to report incidents occurring on property that may not be included in the definition of “court facility,” such as “checkpoints,” as suggested, is not feasible for courts, would lead to inconsistent reporting, and would create unnecessary administrative demands.

Definition of “civil arrest”

Commenters raised concerns about the definition of “civil arrest” in the recommended rule. For example, the County of Santa Clara asked whether the rule would apply to non-immigration civil arrests, such as those under a writ of body attachment, and whether any forms of arrest for contempt of court, “such as arrests arising under the superior court’s inherent power to punish contempt,” fall within its scope. In response, the committees revised subdivision (a)(1) to clarify that civil arrest, under the rule, does not include arrests for “an alleged violation of criminal law, or for contempt.”

In addition, the Legal Aid Association of California and the Western Center on Law and Poverty commented that limiting data collection to civil arrests fails to capture the full impact of law enforcement activity on court access. The organizations recommended expanding the rule to include other interactions involving law enforcement and cited policies in Washington and New York that require court security personnel to report observable conduct, such as surveillance and questioning. The committees considered these suggestions but concluded that the changes would significantly broaden the scope of the rule. The committees instead recommend that the rule be consistent with Civil Code section 43.54 on this issue. Additionally, under the rule, courts may work with their court security personnel on the required reporting but are not required to do so.

“If known” standard

Recommended rule 10.440 requires courts to report information on civil arrests in court facilities “if known,” meaning courts are only expected to report information that they become aware of. The County of Santa Clara, the Legal Aid Association of California, and the Western Center on Law and Poverty suggested that the rule be broadened to require courts to actively collect and verify information, establish mechanisms for the public to report directly to courts, and adopt practices from Washington and New York, where court security personnel document law enforcement activity. The Superior Court of Los Angeles County, on the other hand, requested that the rule be amended to include language from the invitation to comment stating that nothing in the rule requires courts to seek out or request information from law enforcement officers conducting a civil arrest. Similarly, the Superior Court of Riverside County requested

clarification on whether information from external sources, such as social media or media inquiries, should be included.

The committees considered but ultimately did not recommend changes in response to these comments. The rule includes the “if known” standard to minimize administrative burdens on courts and to avoid situations that could place court personnel in direct conflict with law enforcement officers conducting civil arrests. At the same time, the rule intentionally does not specify the sources from which courts may obtain information, thereby granting courts maximum flexibility.

Subdivision (b)(8) as circulated

As circulated for comment, subdivision (b)(8) would have required courts to report information concerning the subject matter of the court proceeding attended by the targeted individual and their role in the proceeding. In order to assist the committees in identifying potential privacy and confidentiality concerns, the committees included the following question in the invitation to comment: “Would courts’ reporting information about the subject matter of the court proceeding that the individual targeted for civil arrest was attending or their role in the proceeding (subdivision (b)(8)) potentially reveal the individual’s identity or other personal identifying information about the individual?”

In response to this question, the committees received comments from two courts, the County of Santa Clara, the Joint Rules Subcommittee, the Legal Aid Association of California, and the Western Center on Law and Poverty. The commenters expressed privacy and confidentiality concerns regarding the reporting requirement, suggesting that the identity of the individual targeted for civil arrest could be revealed by providing enough contextual information for identification to occur. For example, in courthouses with only one or two courtrooms or specialized courts, there may be just a few cases on calendar, and the identity of the targeted individual could be revealed. The committees recognize these concerns and, as a result, recommend that subdivision (b)(8) as circulated not be included in the proposed rule.

Subdivision (c)

In addition to the concerns raised regarding subdivision (b)(8) as circulated, several commenters raised concerns about the potential identification of individuals targeted for civil arrest with respect to subdivision (c). Both the Legal Aid Association and the Western Center on Law and Poverty made comments on this issue, and the County of Santa Clara suggested that language be added to the rule directing courts not to provide information “if the submission of such information could reveal the identity of the target of the arrest.” While the committees appreciate the commenter’s suggestion and understand the concern, the committees believe that the revision suggested is overly broad and could inadvertently negatively impact reporting to the Judicial Council because courts might choose not to report information out of an abundance of caution. As a result, the committees do not recommend that the rule be amended as suggested but have made other revisions to subdivision (c) to help address the concern and provide clarity. That subdivision has been revised to read: “Information reported under (b) must not include the

identity, or other personal identifying information, of any individual who was a target for civil arrest.”

Alternatives considered

The advisory committees considered recommending no action but ultimately determined that the recommended rule is warranted because it would help bring consistency throughout the judicial branch to the reporting of civil arrest information. This will help the judicial branch better assess impacts on courts and access to justice because of civil arrests in superior court facilities. In addition, as discussed above, the committees considered several alternatives for language in the rule in response to the public comments.

Fiscal and Operational Impacts

The data reporting required by rule 10.440 will require some personnel time for superior courts to collect and submit the specified information to the Judicial Council on a regular basis, provided that the information is known to the court. Nothing in the rule requires courts to create a specific mechanism for data collection, such as entry or sign-in logs, although some courts might decide that such a log is a sufficient method for recordkeeping. Adopting the rule will also likely require communication with, and training for, court staff or other personnel, including court security.

The committees received comments from two courts and the Joint Rules Subcommittee in response to questions posed in the invitation to comment regarding the fiscal and operational impacts of the recommended rule. Although the commenters reported a possible need for additional procedures such as data-gathering revisions, clear communication and coordination (particularly with court security personnel who may be more likely to become aware of the required information), or training concerning the rule, no commenter reported substantial fiscal or operational burdens as a result of the recommendation.

Attachments and Links

1. Cal. Rules of Court, rule 10.440, at pages 8–9
2. Chart of comments, at pages 10–52

Rule 10.440 of the California Rules of Court is adopted, effective May 1, 2026, to read:

Title 10. Judicial Administration Rules

Division 2. Administration of the Judicial Branch

Chapter 6. Court Technology, Information, and Automation

Rule 10.440. Reporting civil arrests in court facilities

(a) Definitions

As used in this rule, the following definitions apply:

- (1) “Civil arrest” means the arrest of, or a communicated intent to arrest, an individual for an alleged violation of civil law. It does not include an arrest for an alleged violation of criminal law, or for contempt.
- (2) “Court facility” has the same meaning as that provided in Government Code section 70301(d).

(b) Reporting to the Judicial Council

Beginning June 2026, each superior court must report to the Judicial Council, in a form, manner, and frequency determined by, and on dates specified by, the Administrative Director, the following information relating to any civil arrest in a court facility, if known:

- (1) The date, time, and location of each civil arrest;
- (2) Whether the civil arrest resulted in an individual being taken into custody;
- (3) The name of the agency conducting the civil arrest;
- (4) Whether law enforcement officers conducting the civil arrest were in uniform or plain clothes;
- (5) Whether law enforcement officers conducting the civil arrest presented government-issued law enforcement identification;
- (6) Whether law enforcement officers conducting the civil arrest presented a warrant;
- (7) If a warrant was presented, the type of warrant; and

1 (8) Any other information, as determined by the Administrative Director,
2 necessary to evaluate the impact of civil arrests in court facilities.

3
4 **(c) Personal identifying information of targeted individual**

5
6 Information reported under (b) must not include the identity, or other personal
7 identifying information, of any individual who was a target for civil arrest.

8
9 **Advisory Committee Comment**

10
11 It is anticipated that the Judicial Council may compile and publish in periodic reports the
12 information collected under this rule, in accordance with applicable data publication policy.

13
14 **Subdivision (b).** “Administrative Director” refers to the Administrative Director of the Courts
15 appointed by the Judicial Council. (See Cal. Rules of Court, rule 10.80(a).)

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
1.	California Partnership to End Domestic Violence by Christopher Negri	AM	On behalf of the California Partnership to End Domestic Violence, I would like to provide the following feedback. While the proposed rule is well-intentioned and overall positive, it does not provide guidelines regarding the duty of court personnel to report instances of arrests on courthouse grounds (and associated facilities) or to whom such reports should be made. The rule should state that any person working at a California courthouse has an affirmative duty to report any arrest on courthouse grounds that comes to their attention. The rule should require every courthouse to designate a specific member of the court's administrative team to receive such reports and share that information with the Judicial Council Administrative Director according to an established reporting schedule.	The committees appreciate these suggestions; however, the committees do not recommend the commenter's suggested changes to proposed rule 10.440. Because superior courts have different needs and staffing levels, it is preferable to allow individual courts to determine the best way to record the information required under the rule. In addition, the committees note that, under existing law, court personnel do not currently have a "duty . . . to report instances of arrests on courthouse grounds (and associated facilities)" as stated in the comment. Moreover, the committees note that the recommended rule does not create such a duty. Finally, the committees point out that the recommended rule requires superior courts to report the specified information "in a form, manner, and frequency determined by, and on dates specified by, the Administrative Director."

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			Additionally, the rule should require courts to inform the public that they collect and track information regarding arrests at the courthouse and its associated facilities, as well as to whom such information may be reported. Without notice to the public or outreach efforts, this is likely to have little impact on the chilling effect that we have seen over the past year on those who need services and protections from the court.	The committees appreciate these suggestions; however, they are beyond the scope of issues presented in this invitation to comment. The committees will consider these suggestions as time and resources permit. The committees also note that, as stated in one of the recommended advisory committee comments, it is anticipated that the Judicial Council may publish periodic reports of the information collected.
			Finally, the rule does not address the practice of setting up “checkpoints” near courthouses to discourage non-citizens seeking justice from visiting the courts. We would favor seeing the rule expanded to include incidents of checkpoints near courthouses, as we know such practices negatively impact access to the courts and justice.	The committees appreciate these suggestions; however, the committees do not recommend the commenter’s suggested changes to the rule. The rule cross references the Trial Court Facilities Act of 2002 to incorporate a broad definition of what is considered a “court facility” in order to provide clarity and consistency. In addition to a courthouse, this includes court parking lots and the sidewalks or other grounds outside of a courthouse. The committees believe that the suggestion to require courts to report incidents occurring on property that is beyond what is included in the definition of “court facility” is not feasible for courts, would lead to inconsistent reporting, and create unnecessary administrative demands.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

2.	County of Santa Clara by Hannah Godbey, Deputy County Counsel	NI	The County of Santa Clara submits this public comment in response to proposed California Rules of Court, Rule 10.440, presented for comment on December 29, 2025 by the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. The Committees' Invitation to Comment correctly observes that "[c]ivil arrests in court facilities can significantly impact superior court operations and administration, public perception, and access to justice." Indeed, as County of Santa Clara District Attorney Jeffrey Rosen explained in a sworn declaration he recently submitted in federal litigation seeking to protect policies limiting the use of local resources to assist with federal immigration enforcement, the "pursuit of justice" through the investigation and prosecution of criminal cases "is improved when people do not fear that their participation in a criminal prosecution will lead to deportation or other adverse immigration consequences." County of Santa Clara Sheriff Robert Jonsen has similarly explained in another such sworn declaration that his office "cannot effectively solve crimes without the willing participation of victims and witnesses, so when some community members fear working with us, the entire community's safety suffers." Civil immigration arrests in court facilities undermine the pursuit of justice and public safety by making victims and witnesses reticent to come forward and report a crime or participate in a prosecution—either as a victim or a witness. With this context in mind, and in light of the County of Santa Clara's longstanding commitment to fostering a relationship of trust, respect, and open communication between County government and the immigrant community, the County respectfully submits the following comments, which draw upon the extensive experience of attorneys from its Office of the County Counsel, who work in partnership with the staff of the County's Office of the District Attorney, Office of the Public Defender, Office of the	No response required.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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	Commenter	Position	Comment	Committee Response
			Sheriff, and Office of Immigrant Relations, among other County departments and agencies.	
			Definition of Civil Arrest. Proposed Rule 10.440, subdivision (a)(1) defines civil arrest as “the arrest of, or an expressed intent to arrest, an individual for an alleged violation of civil law. It does not include an arrest for an alleged violation of criminal law, or for contempt under title 5 of part 3 of the Code of Civil Procedure.” The County would welcome clarification regarding whether Rule 10.440 would require superior courts to report information related to non-immigration civil arrests, such as arrests made in a court facility pursuant to a writ of body attachment. Additionally, clarification would be welcome regarding whether any forms of arrest for contempt of court—such as arrests arising under the superior court’s inherent power to punish contempt—fall within the scope of the Rule, or if the Judicial Council understands the Rule to exclude all arrests for contempt of court.	The committees appreciate the need for clarification identified in this comment and have revised subdivision (a)(1) of the recommended rule so that the second sentence of that subdivision now reads: “It does not include an arrest for an alleged violation of law, or for contempt.”

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

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			Reporting Information “If Known.” Proposed Rule 10.440, subdivision (b) specifies a list of information related to civil arrests in court facilities that, “if known,” must be reported to the Judicial Council. The Committees’ Invitation to Comment clarifies that “[t]he phrase ‘if known’ is intended to clarify that courts are only expected to report information that they become aware of. They are not required to seek out or request this information from law enforcement officers conducting a civil arrest in a court facility. Furthermore, the rule anticipates that any information reported to the council will be submitted after the occurrence of a civil arrest.” The County would welcome clarification regarding whether Rule 10.440 contemplates superior court staff seeking to verify information that is brought to their attention. In the County’s experience, not all reports regarding immigration enforcement activities can be verified (and in some cases reports are based on a misunderstanding or a misidentification of other law enforcement activity). To avoid inadvertently increasing community anxiety by creating the impression of an uptick in immigration enforcement activity, Rule 10.440 could be amended to require a disclosure regarding whether the reporting court undertook any efforts to verify the information and, if so, whether the information could be verified. The County also commends the Committees’ recognition that data must be submitted <i>after</i> the occurrence of a civil arrest.	The committees appreciate these suggestions; however, the committees do not recommend the commenter’s suggested changes to the rule. The recommended rule does not require verification, and the committees do not recommend adding such a requirement or mandating a disclosure regarding verification, which could impose significant administrative demands on courts and potentially place court staff in conflict with law enforcement officers conducting the civil arrest.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

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			<i>Personal Identifying Information.</i> Proposed Rule 10.440, subdivision (c) provides that “[i]nformation reported under (b) must not include personal identifying information of any individual who was a target for civil arrest.” The Committees’ Invitation to Comment also indicates a special interest in public comments focused on whether “reporting information about the subject matter of the court proceeding that the individual targeted for civil arrest was attending or their role in the proceeding (subdivision (b)(8)) [could] potentially reveal the individual’s identity,” as well as public comments focused on how well the overall proposal would work “in courts of different sizes.” For courthouses with only one or two courtrooms (including courthouses in smaller counties and smaller satellite courthouses in larger and midsize counties), disclosure of the time, date, and location of a civil arrest—even on their own, but especially in combination with the information discussed in subdivision (b)(8)—would risk revealing the identity of the target of the arrest. Even for larger courthouses, if the disclosed location information includes details such as the specific courtroom number, disclosure could reveal the identity of the target of the arrest, in some instances (again, especially if combined with the information discussed in subdivision (b)(8)).	The committees appreciate the commenter’s response to the question in the invitation to comment concerning subdivision (b)(8) as circulated. The committees received a number of comments expressing privacy and confidentiality concerns with this subdivision. The committees recognize these concerns and, as a result, recommend that subdivision (b)(8) as circulated for comment not be included in the rule.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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			Clarification would be welcome regarding whether superior courts must ensure, before submitting any of the information contemplated by proposed Rule 10.440, subdivision (b), that a given piece of information—considered on its own and in combination with any other submitted information—will not reveal the identity of the target of the civil arrest. For example, proposed Rule 10.440, subdivision (c) could be rephrased to provide that courts “shall not” submit information contemplated in subdivision (b), even if the information “is known” if the submission of such information could reveal the identity of the target of the arrest. In addition, proposed Rule 10.440, subdivision (c), or the Advisory Committee Comment to the Rule, could clarify that superior courts should take account of the number of courtrooms at a facility and the number of cases on a courtroom’s docket before disclosing such information, and must consider the number of parties and witnesses in attendance at the courthouse before disclosing such information.	The committees appreciate the commenter’s suggestion and understand the concern. However, the committees are concerned that the revision suggested is overly broad and could inadvertently negatively impact reporting to the Judicial Council because courts might choose not to report information out of an abundance of caution. As a result, the committees do not recommend the revision suggested in this comment but have proposed other revisions to subdivision (c) to help address the concern and provide clarity. In addition, the committees note that subdivision (b)(8) as circulated has not been included in the recommended rule, which should help reduce the risk of identification occurring.
			The County respectfully submits these comments to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee and thanks the Committees for the opportunity to be heard on this important matter.	No response required.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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3.	Legal Aid Association of California by Lorin Kiline, Director of Advocacy, and Zachary Newman, Directing Attorney	NI	LAAC supports the stated purpose of the proposal and appreciates the Judicial Council’s efforts to address this serious and urgent issue. The goal articulated by the Council—to better understand the statewide impact that civil arrests in court facilities have on courts, while also promoting public trust and confidence through transparency—is a necessary and commendable one. While the proposal moves in the right direction, some adjustments are needed to ensure the rule meaningfully serves that purpose. As described in this comment, the Judicial Council could adopt the Attorney General’s model policies issued in December 2024 on a statewide basis. While some courts have adopted these policies, others have not, resulting in inconsistency and confusion for court users, advocates, and court staff. Additionally, the Attorney General’s framework is substantively stronger because it does not narrowly limit court protections to “civil arrests” or situations involving expressed intent to arrest, addressing a broader range of law enforcement conduct. Ultimately, collecting data alone is not sufficient; immediate action alongside data collection is necessary to prevent ongoing harm.	The committees appreciate the comment but note that it is beyond the scope of this proposal. Moreover, Government Code section 7284.8 already requires courts to implement the Attorney General’s <i>Model Policies to Assist California’s Superior Courts in Responding to Immigration Issues</i> or an equivalent policy. Accordingly, the committees do not recommend revising the rule to require the Judicial Council to adopt the Attorney General’s policy.
			LAAC is the statewide membership association of over 100 public interest law nonprofits that provide free civil legal services to low-income people and communities throughout California. LAAC member organizations provide legal assistance on a broad array of substantive issues, ranging from general poverty law to civil rights to immigration, and serve a wide range of low-income and vulnerable populations. LAAC is California’s unified voice for legal services and a zealous advocate advancing the needs of the clients of legal services on a statewide level regarding funding and access to justice. Because we work directly with legal aid attorneys and advocates on the ground, we understand the importance of any improvements in court rules or procedures.	No response required.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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			The Rule Seeks to Address a Significant Problem: Chilling Access to the Courts The problem this rule seeks to address is severe, widespread, and already well-documented: Fear of civil arrest in and around courthouses fundamentally disrupts an individual's ability to go to court and, thereby, undermines access to justice. People are not avoiding court simply because arrests occur inside courtrooms. Individuals are being arrested outside courthouses, including on courthouse grounds and nearby areas, making it even harder for people to access the court as necessary. Even when arrests do not occur, people are routinely subjected to harassment, intimidation, and surveillance by law enforcement officers present for the purpose of making civil arrests. The cumulative effect is profound, resulting in court users choosing not to appear at hearings out of fear, even when doing so means forfeiting fundamental rights or access to just results in a case. In housing cases, for example, tenants are defaulting on evictions rather than risking coming to court, even if they have valid claims or defenses. Ultimately, this results in avoidable displacement, loss of housing, and cascading harm to families and communities. The problem, though, goes way beyond housing. When people are too afraid to access the courts, the justice system fails in its most basic function of giving people the ability to rectify wrongs and seek access to justice.	The committees appreciate the information.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

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		A	Data Collection is Sufficient, But Needs to Go Further, Immediately In this context, we are grateful to the Council for taking this issue seriously and for working to address it. We commend the Council's recognition that transparency and data collection are essential to restoring public trust and confidence in the courts. But data collection is necessary, not sufficient: While data collection is important, more must be done now. Data collection will not, by itself, address the problem: Civil arrests at courthouses are already well-documented at both the federal and state levels as having a chilling effect on court participation. A significant amount of information about the scope and urgency of this problem already exists through court observations, advocacy organizations, and direct service providers. The magnitude of the harm is apparent even without additional data. If people are being arrested or intimidated today—and as a result are avoiding the courts today—waiting six months or longer for data to be reported before taking further action will result in substantial and irreparable harm. This is an urgent problem that demands immediate action. Therefore, the rule should be structured to both (a) gather information and (b) prompt immediate institutional responsibility to make an impact now.	The committees appreciate the information.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

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			Specific Comments on the Proposed Rule Text <i>i. Subdivision (a): Definitions</i> <u>Civil Arrests</u>: Limiting data collection to “civil arrests” as defined in the rule fails to capture the full scope of the problem. Many of the most harmful interactions never result in an “arrest” as contained in this definition, and yet they still deter court access. Harassment, intimidation, surveillance, and questioning by law enforcement officers can be just as effective at chilling court participation as an actual arrest. Thus, counting arrests alone does not sufficiently advance the stated goal of understanding the statewide impact on courts: Consequently, we recommend that the rule require collection of at least two categories of data. This would include civil arrests as well as another category, such as “other interactions or incidents involving law enforcement present for the purpose of making civil arrests that do not result in an arrest.” By including this secondary aspect of the problem, this distinction would allow the Judicial Council to better understand how law enforcement presence affects court access, even when arrests are not made. The precise contours of the second category can be refined, but excluding these interactions altogether will severely understate the problem. This helps effectuate the Council’s goals of understanding the full scope of the problem of impeding court access. Accordingly, focusing on intent or arrests alone is insufficient; the definition should encompass ICE presence and interactions that deter court participation. Unlike narrower approaches, the Attorney General’s framework extends protections beyond “civil arrests” or expressed intent to arrest, covering a wider range of law enforcement conduct.	The committees note the commenter’s suggestion to expand the scope of the rule to also include “other interactions or incidents involving law enforcement present for the purpose of making civil arrests that do not result in an arrest.” The committees acknowledge this suggestion; however, the committees do not recommend the commenter’s suggested changes to the rule. In drafting the rule, the committees considered whether to include similar language and decided not to include the language because it lacked sufficient clarity to be implementable. The committees instead recommend that the rule be consistent with Civil Code section 43.54, on this issue.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

		<u>Court Facility</u>: We also urge the Council to provide greater clarity regarding what areas are included in “grounds appurtenant” to a courthouse building. We understand that Civil Code Section 662, in summary, defines an appurtenance as something incidental to or used with the land for its benefit, which could include walkways, surrounding grounds, and easements. And, because the Court Facilities Act of 2002 does not define “appurtenance,” this definition could be the best reference. In practice, this could cover the land parcels courts own and operate, plus any associated easements; however, one way of determining this is from property deeds, which is impractical. The Judicial Council should clearly designate which grounds are considered appurtenant to court facilities and clarify that areas routinely used by the court and public to access courthouses are included. Without this clarity, ambiguity could skew the data. Ultimately, given that arrests and intimidation frequently occur outside courthouse doors, ambiguity in this definition risks inconsistent reporting and undercounting. While we do not have a specific proposal to amend this definition, we believe further clarification and delineation would help ensure uniform application across counties and court facilities.	The committees appreciate these suggestions; however, the committees do not recommend the commenter’s suggested changes to the rule. In order to maintain consistency with existing law, the committees recommend cross-referencing the existing statutory definition contained in Government Code section 70301(d) of the Trial Court Facilities Act of 2002.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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			<i>ii. Subdivision (b): Reporting</i> With respect to the specific data points called for, setting aside anonymity concerns which will be discussed below, these data points seem like they would be useful in evaluating the problem. This would include: • Knowing the subject matter of the proceeding the person was attending could be helpful in crafting new policy or managing fears of clients. • Knowing whether the officer was in plain clothes and whether they showed a warrant would be helpful to demonstrate harassment and intimidation. The most significant flaw in the rule is the repeated limitation that information need only be reported “if known,” combined with the statement in the explanatory memo that courts are not required to seek out or request information from law enforcement officers conducting a civil arrest. If courts have no obligation to seek out this information, the rule lacks any meaningful enforcement mechanism. In practice, this means that reporting will likely depend on voluntary disclosures by the very officers whose conduct is at issue. It is unrealistic to expect comprehensive or reliable data under that framework. We recommend that the rule be strengthened by: • Creating an affirmative obligation on courts to seek out relevant information when an incident occurs;	The committees appreciate these suggestions; however, the committees do not recommend the commenter’s suggested changes to the rule. First, the recommended rule does not require courts to affirmatively seek information, and the committees do not recommend adding such a requirement, which could impose significant administrative demands on courts and potentially place court staff in conflict with law enforcement officers conducting the civil arrest. Second, the rule does not specify the sources from which courts may receive information, which could include members of the public. Requiring courts to implement a specific reporting mechanism, as suggested by the commenter, could, however, result in significant costs and strain court resources. Finally, the committees note that both the New York and Washington statutes referenced by the commenter place requirements on court <i>security</i> personnel to make reports. The committees also note that, in California, court security services are governed primarily by statute and individual memorandums of

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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			- Establishing a mechanism for court users, advocates, or observers to report incidents, particularly those that do not result in an arrest; and - Drawing from the approaches used in other states, such as Washington and New York, where court security personnel are responsible for reporting when law enforcement enters court facilities. These approaches would be an improvement over a system that relies entirely on passive receipt of information. In sum, the “if known” standard is inadequate and could distort the data. We recommend designating court staff to record any ICE presence in and around court facilities, like New York’s incident reporting system, and California could adopt a similar approach.	understanding. Therefore, this proposal neither mandates courts to work with their court security personnel on the required reporting, nor does it limit their ability to do so.
			<i>iii. Subdivision (c): Personal identifying information</i> We share concerns about anonymity and potential re-identification. Even if names are excluded, combining data points such as case type, date, time, and location could allow someone to identify an individual by reviewing public dockets. This concern is especially acute given the vulnerability of the affected population. While this information is valuable, collecting personal identifiers—including immigration status—poses serious risks. We recommend that courts avoid collecting such data, allow pseudonyms, and aggregate information in reports. Additional safeguards are needed to protect the dataset from public disclosure through PRA requests. We encourage the Council to consult directly with legal services providers and impacted communities to ensure that reporting requirements do not inadvertently expose individuals to further risk.	The committees appreciate the comment and recognize the expressed concerns. As a result, the committees recommend revisions to the rule to help address the concern and provide clarity. For example, proposed subdivision (c) has been revised to read: “Information reported under (b) must not include the identity or other personal identifying information of any individual who was a target for civil arrest.” In addition, the committees received a number of comments in response to the question in the invitation to comment concerning subdivision (b)(8) as circulated. These comments expressed

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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				privacy and confidentiality concerns with that subdivision. The committees recognize these concerns and, as a result, recommend that subdivision (b)(8) as circulated not be included in the rule.
			Conclusion LAAC appreciates your Committees' and the Council's attention to this critical issue and its efforts to address the serious harms caused by civil arrests and related law enforcement activity in and around court facilities. We are grateful for the opportunity to provide these comments and welcome further engagement. Please do not hesitate to contact us with any questions or concerns as the Council continues its work on this.	No response required.
4.	Superior Court of Los Angeles County by Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles, and do not represent or promote the viewpoint of any particular officer or employee. In response to the Judicial Council of California's Invitation to Comment, "SP25-05 Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities," the Superior Court of California, County of Los Angeles (Court), agrees with the proposal and provides the following specific comments responsive to the request.	No response required.
			Q: Does the proposal appropriately address the stated purpose? A: Yes, the proposal seems to address the goal of documenting civil arrests in court facilities as defined by Government Code section 70301(d). The committees should be aware that there may be a lack of accuracy in the reporting. The reported information will only be based on what can be observed by Court staff or Court Security, i.e.	The committees appreciate the information.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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			the subject of interest (SOI) and for what court matter the SOI was at court. The ITC indicates the intent of the proposed CRC under subsection (b) – Reporting, does not require a court to seek out information; however, reporting based on court or security personnel observation only may result in incomplete or erroneous information. The Court is not always informed when a civil arrest occurs in a court facility, on the grounds appurtenant to the building, or in court facility parking lots. The law enforcement agencies carrying out civil arrests in court facilities do not consistently cooperate or provide transparency regarding their enforcement actions.	
			Q: Would courts’ reporting information about the subject matter of the court proceeding that the individual targeted for civil arrest was attending or their role in the proceeding (subdivision (b)(8)) potentially reveal the individual’s identity or other personal identifying information about the individual? A: Yes, unless a case is confidential, personal identifying information (PII) may be obtainable through public access tools the court provides. Researching the case being heard and its connection to the arrest could potentially reveal the identity of the arrested individual. Additionally, while the ITC indicates courts would only be required to report information “if known,” it further states it would not require a court to inquire with law enforcement officials to compile information; the assumption stated in the ITC should be added to the CRC. Consequently, we recommend under subdivision (b) adding section (10) and the following statement: Nothing in this CRC shall require a court to seek out or request this information from law enforcement officers conducting a civil arrest in a court facility or from case records.	The committees appreciate the comment. The committees received a number of comments in response to the question in the invitation to comment concerning subdivision (b)(8) as circulated. These comments expressed similar privacy and confidentiality concerns with this subdivision. The committees recognize these concerns and, as a result, recommend that subdivision (b)(8) as circulated not be included in the rule. With respect to the proposed new language from the invitation to comment, the committees do not recommend the suggested change. The committees have determined that the recommended rule is sufficiently clear without the additional language.

SP25-05**Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities** (adopt Cal. Rules of Court, rule 10.440)

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			Q: What would the implementation requirements be for courts, for example, training staff or other personnel (please identify position and expected hours of training) and revising processes and procedures (please describe)? A: The proposal necessitates training court staff and clear communication with the LA County Sheriff's Department (LASD) regarding reporting requirements and the designated recipients of these incident reports for the Court. The proposal allows the Administrative Director of the JCC, subdivision (b) Reporting, to specify the information to be reported and allows the Administrative Director to determine whether any additional information is necessary to evaluate the impact of civil arrests. These requirements will impose administrative requirements and modifications to current procedures to accommodate data gathering requirements of the JCC. The Court would have to ensure its reporting from each of its 36 courthouses is consistent and aggregated to meet JCC reporting requirements. An application and database would be required to collect and store incidents for reporting purposes.	The committees appreciate the information.
			Q: How well would this proposal work in courts of different sizes? A: The proposal would work in courts of different sizes, but the impact largely depends on the administrative reporting requirements and elements to be captured. In addition, data management capacities vary by court, as do relationships between local, state, and federal agencies and local Court Security entities which may also impact the extent to which data is shared or able to be obtained. In a large court system like the Superior Court of Los Angeles County, ensuring consistent identification and reporting of civil	The committees appreciate the information.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

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			arrests is challenging. While it's straightforward to report arrests at the courthouse, adjacent areas pose verification difficulties. Currently, local, state, and federal agencies do not provide specifics on civil arrests which have complicated our current tracking efforts and would be an ongoing challenge.	
5.	Superior Court of Mendocino County by Kim Turner, Court Executive Officer	A	Since JCC has identified the data elements that it wants to collect, it would be helpful if JCC could develop a fillable form that could be submitted by each court when a civil arrest occurs.	The committees appreciate this comment and agree that a fillable form as described by the commenter would be helpful for courts as well as Judicial Council staff compiling the required information. As a result, the committees support the development of such a form.
6.	Superior Court of Orange County by David Yamasaki, Court Executive Officer	NI	In response to the email below seeking comments regarding proposed rule changes, one of our observations related to reporting arrests or possible arrests is that we may not know what an agent might actually do. Specifically, there are occasions where an agent may seek information regarding a case that has been filed or possibly upcoming hearings and it's not entirely clear if an arrest will be made. In this instance, it would be difficult to comply with subdivision (a). Within the spirit of the reporting requirement, it seems appropriate to strike the second portion of this subdivision which limits reporting to an immediate arrest.	The committees recognize that courts may find it challenging to discern the intent of law enforcement officers. As a result, the recommended rule defines "civil arrest" to include an arrest as well as those situations where law enforcement communicates its intent to arrest an individual. This language is intended to avoid ambiguity by including a clear, observable action or statement indicating the intent to arrest an individual. The rule also provides that courts are only expected to report information that they become aware of by including the phrase, "if known." The committees are not recommending the revision suggested in this comment but are recommending other revisions to subdivision (a)(1) to address similar

SP25-05**Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities** (adopt Cal. Rules of Court, rule 10.440)

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				concerns and to provide clarity. The first sentence of that proposed subdivision as revised will read: “‘Civil arrest’ means the arrest of, or a communicated intent to arrest, an individual for an alleged violation of civil law.”
7.	Superior Court of Riverside County by Sarah Hodgson, Chief Deputy of Legal Services/General Counsel	NI	General Comment: <i>Subdivision (b) numbers 5-7 may be confusing as phrased: is the question whether government issued IDs and warrants were presented to a court employee or to the person subject to civil arrest? Responding court would likely interpret the broad phrasing of this subsection in conjunction with the “if known” language to seek any information re: government issued IDs and/or warrants being presented to anyone.</i> Does the proposal appropriately address the stated purpose? <i>Yes. There is a risk to the accuracy of the data being compiled. Many civil arrests are not known or witnessed by court staff, particularly if they occur in areas outside a courthouse but within the definition of a court facility (e.g. parking areas), or outside of regular business hours. The stated purpose of the proposed rule is to assess impacts on access to justice, but the rules aren't clear that courts should only report the arrests that occur within a court facility's operating hours.</i> <i>Regarding data accuracy, it may be helpful to clarify whether the “if known” language includes information about arrests that are only brought to the court’s attention through other means (e.g. social media and/or media inquiries) rather than court staff/court</i>	The committees appreciate the comment and are not recommending revisions to the rule because the committees determined that the language is sufficiently clear. Under the “if known” standard, a court must report whether a government identification or warrant was presented to anyone. The committees appreciate the comment and do not recommend revisions to the rule. The rule intentionally avoids specifying the sources of information, allowing courts the greatest possible flexibility.

SP25-05**Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities** (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			<i>security's own awareness? Clarity on this will help appropriately develop training and implementation procedures.</i> Would courts' reporting information about the subject matter of the court proceeding that the individual targeted for civil arrest was attending or their role in the proceeding (subdivision (b)(8)) potentially reveal the individual's identity or other personal identifying information about the individual? <i>It is possible, under proposed rule 10.440(b)(8), that the subject matter could lead to the identification of the person that was arrested. It will depend on the specificity of the subject matter being reported. To reduce the likelihood of revealing an individual's identity, perhaps the individual's role in the case is unnecessary to meet the stated goal of the proposed rule.</i> What would the implementation requirements be for courts—for example, training staff or other personnel (please identify position and expected hours of training) and revising processes and procedures (please describe)? <i>Implementation requirements would include developing a reporting process, preparation of training materials and forms, and data collection. Courts would also need to determine the format of the report, who to designate as the recipient of all such reports that will compile the data for disclosure.</i> <i>Training would include all court staff responsible for reporting civil arrests on courthouse property (which is likely all court staff) and court security.</i> <i>Implementation would require at least 40 hours to develop a system of reporting and tracking information, as well as training</i>	The committees appreciate the comment. The committees received a number of comments in response to the question in the invitation to comment concerning subdivision (b)(8) as circulated. These comments expressed similar privacy and confidentiality concerns with this subdivision. The committees recognize these concerns and, as a result, recommend that subdivision (b)(8) as circulated not be included in the rule. The committees appreciate the information.

SP25-05**Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities** (adopt Cal. Rules of Court, rule 10.440)

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			<i>information for staff and court security. Training all staff would take additional time, and depending upon the number of arrests/reports per month, additional time would be spent compiling and reporting the known information.</i>	
			How well would this proposal work in courts of different sizes? <i>Large courts with multiple court facilities will require a higher level of coordination for data reporting and collection, but with training and clear reporting guidelines, it should work well, with the caveats discussed above re: data accuracy and completeness.</i>	The committees appreciate the information.
8.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee (JRS))	AM	The JRS notes that the proposal should be implemented because collecting and reporting this data will help the Judicial Branch measure and demonstrate the impact of civil arrests in court facilities on access to justice. The JRS also notes the following impact to court operations: • Results in additional training, which requires the commitment of staff time and court resources. • Increases court staff workload ○ The proposed rule would create extra work for court staff to complete the mandated reporting, which would include necessary coordination and training with court security personnel as they often become aware of more of the requested information than court personnel. That coordination may be difficult for courts who have court security personnel that are not cooperative in this area. New procedures and internal reporting mechanisms may also need to be developed or formalized by courts to comply with the mandated reporting. These impacts are, however, outweighed by the important purposes served by mandated reporting in this area. • Impact on court security	No response required. The committees appreciate the information.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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	Commenter	Position	Comment	Committee Response
			Suggested modification(s) and comments: The ITC requests specific comments responding to the following question: Would courts' reporting information about the subject matter of the court proceeding that the individual targeted for civil arrest was attending or their role in the proceeding (subdivision (b)(8)) potentially reveal the individual's identity or other personal identifying information about the individual? The language in subdivision (b)(8) is as follows: The subject matter of the court proceeding that the individual targeted for civil arrest was attending and their role in the proceeding (e.g., witness, party); and The JRS believes the inclusion of these two metrics, especially coupled with the reporting of the date, time, and location of each civil arrest pursuant to subdivision (b)(1) of the rule, creates an increased potential to reveal the identity of the individual targeted for civil arrest by providing enough contextual information for such identification to occur. That potential may be significantly greater depending on the specifics reported, such as in instances in which someone visits the court for an appointment or hearing that is only for them, and instances in which someone attends a court calendar with few cases on calendar. When civil arrests occur in court facilities, court personnel and other individuals that witness or become aware of the arrests often learn of information that either identifies or can be used to identify the targeted individuals. Court personnel take efforts in such instances to not document or share any of that information so that identity of the targeted individuals is protected, which is a core goal	The committees appreciate the comment. The committees received a number of comments in response to the question in the invitation to comment concerning subdivision (b)(8) as circulated. These comments expressed similar privacy and confidentiality concerns with this subdivision. The committees recognize these concerns and, as a result, recommend subdivision (b)(8) as circulated not be included in the rule.

SP25-05**Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities** (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			of this proposed rule as outlined by subdivision (c). Creating a requirement to document and report these metrics, which were specifically not included by the JRS when developing the rule, works directly against that goal and the efforts of courts to protect the identity of individuals targeted for civil arrests. Accordingly, the JRS proposes that the proposed rule be modified by removing subdivision (b)(8). The JRS understands the potential benefits of collecting information about why individuals targeted for civil arrest visited a court facility, but believes those potential benefits are outweighed by the need to protect the identity of these individuals. If the Judicial Council's Rules Committee disagrees and decides to keep subdivision (b)(8), the JRS believes the language should be modified to the following: For non-confidential court services only, the case type and type of the court service that the individual targeted for civil arrest was visiting the court facility for, and their role (e.g., witness, party); and The above alternative language is proposed because of three issues with the currently proposed language. The first is that it only covers court proceedings and not all purposes for which an individual targeted for civil arrest may visit a court facility, such as to visit the clerk's office, self-help center, or other court services. The second is that the term "subject matter" is open to interpretation as including varying levels of specificity and likely to result in inconsistent levels of information being reported. If that term is maintained, it would be prudent to define it in subdivision (a) of the proposed rule. The third is that the currently proposed language would include reporting information that violates the current standard for confidential court cases, such as juvenile cases. Court personnel are not supposed to even acknowledge the existence of a	

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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	Commenter	Position	Comment	Committee Response
			confidential case or any individual's involvement in such a case to anyone that is not a party to the case or that has not been granted access to the case's information by a judicial order. Documenting and reporting information about a confidential case would violate that standard, even without the inclusion of specifically identifying information. Further, it may result in the provision of enough contextual information to identify individuals that are a party to a confidential court case, therefore violating their legal right to confidentiality.	
9.	Western Center on Law and Poverty By Tina Rosales-Torres, Esq., Policy advocate	NI	The Western Center on Law and Poverty (Western Center) submits these comments in support of the Judicial Council's Proposed Rule for Reporting Civil Arrests in Court Facilities, SP25-05, (Proposed Rule).[1] [1] Judicial Council of Cal., Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities Notice of Proposed Rulemaking, SP25-05 (proposed Dec. 2025) (to be codified at Cal. Rules of Court, Rule 10.440).	No response required.
			As California's oldest legal services organization, Western Center protects the rights of low-income residents, Black, Indigenous, and Brown communities, people with disabilities, and other protected groups through litigation, policy advocacy, technical legal assistance, and legal training. Our clients rely on California's courts to navigate critical aspects of their lives including securing support for themselves and their families, seeking protection from violence, avoiding homelessness, asserting consumer rights, participating as witnesses, and accessing justice free from discrimination.	No response required.
			While we support data collection as a tool for transparency, data collection and analysis alone are insufficient to protect access to justice. California courts have an independent constitutional and statutory duty to maintain safe, neutral, and accessible forums for	The committees appreciate the comments; please see detailed responses below.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			all court users. Federal immigration enforcement in and near courthouses targeting Latino and other communities undermines this duty, chilling participation in legal proceedings, delaying cases, and eroding public trust in the judiciary. Therefore, we recommend the following: • Immediate adoption of the <u>California Attorney General's model policies</u> (or equivalent) to ensure safe access to court facilities and prevent chilling effects. • Expand the definition of "civil arrest" to include all federal enforcement activity that interferes with court access, not only completed arrests or expressed intent to arrests. • Further define "court facility" to include all areas functionally used to enter, exit, or participate in court proceedings, including walkways, grounds, and easements under court control. • Proactively gather information by requiring courts to collect information on federal enforcement activity even when no arrest occurs and establish a reporting mechanism for court users to provide reports on federal enforcement activity. • Protect individuals' privacy by prohibiting the collection of personal identifying information, including immigration status, and permit the use of pseudonyms; ensure all reported data is aggregated and anonymized to prevent re-identification. • Establish immediate judicial notification protocols to notify the presiding judges or designees of enforcement activity in real time and document court responses to maintain accountability.	

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

		I. DATA COLLECTION MUST BE ACCOMPANIED BY POLICIES TO SATISFY THE COURT’S AFFIRMATIVE DUTY TO PROTECT EQUAL ACCESS TO JUSTICE. A. The Judiciary Has an Independent, Affirmative Duty to Prevent Interference with Court Access. The Judicial Council states that the purpose of the Proposed Rule is to establish consistent statewide reporting of civil arrests occurring in court facilities, based on the recognition that such arrests affect court administration, access to justice, and public confidence in the judiciary. [2] That purpose aligns with but is significantly narrower than the judiciary’s constitutional and statutory obligation to ensure that courts remain safe, neutral, and accessible forums for all court users. State courts possess the constitutional and statutory authority and the affirmative duty to regulate conduct within court facilities to ensure the orderly administration of justice, protect participation in judicial proceedings, maintain courthouse safety, and prevent interference with court operations. [3] California law generally prohibits civil arrests in courthouses, absent a judicial warrant, and authorizes judges to regulate activity within court facilities. [4] California further requires courts to adopt model policies by the California Attorney General to limit state and local participation in federal immigration enforcement in state courthouses. [5] In December 2024, the California Attorney General issued guidance and model policies to protect public access to courts.[6] Despite the statutory requirement that these policies or similar policies must be adopted immediately, Judicial Council is waiting for data to understand the scope of the public access issue. Waiting for data before implementing protective policies risks delaying court operations, deterring litigants and witnesses, and	The committees appreciate the commenter’s suggestion but note that it is beyond the scope of this rule proposal. Moreover, Government Code section 7284.8 already requires courts to implement the Attorney General’s <i>Model Policies to Assist California’s Superior Courts in Responding to Immigration Issues</i>. Accordingly, the committees do not recommend revising the rule to require courts to adopt the Attorney General’s policy.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			undermining public trust in the judiciary. Courts must exercise real-time authority and adopt proactive policies to prevent case delays, witness nonappearance, and systemic prejudice. Reporting alone will also not resolve the courts' failure to adopt proactive policies. While reporting promotes transparency, it cannot substitute for the judiciary's affirmative obligation under SB 54. Where interference is known or foreseeable, courts must act immediately. We recommend Judicial Council require all courts to publicly adopt the California Attorney General's model policies or similar policies including, establishing procedures to immediately notify the presiding judge of designee of any federal law enforcement activity. To ensure transparency, we recommend each court document their response and proactive public safety measures. [2] <i>Supra</i> note 1 at 1-2. [3] U.S. Const. art. VI, § 1 (preserving judicial power to courts); Cal. Code Civ. Proc., § 128; see also <i>Walker v. Superior Court</i> (1991) 53 Cal.3d 257, 266 ("We have often recognized the "inherent powers of the court ... to insure the orderly administration of justice"). [4] <i>See</i> Cal. Civ. Code § 43.54. <i>See also</i> Cal. Code of Civ. Proc. § 177(a)-(e). [5] Cal. Gov. Code § 7284.8.(a) states that courts must adopt the CA AG model policy unless the court has a policy that is more restrictive or equivalent to the model policy. The Counties of Alameda, El Dorado, Kern, Napa, Sacramento, Santa Barbara, Mono, and Contra Costa have publicly adopted the CAAG's model policy or an equivalent policy.	

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

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			[6] See generally California Attorney General, <i>Securing Equal Access to Justice For All: Guidance and Model Policies to Assist California's Superior Courts in Responding to Immigration Issues</i> (December 2024) available at https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/court.pdf.	
			B. Federal Law Enforcement Activity at Courthouses has a Chilling Effect that is Well-Documented and Requires Immediate Policy Changes. Judicial Council asserts that data is needed to “assist the judicial branch in assessing impacts on access to justice and courts.” [7] However, many of the harms the Proposed Rule now seeks to document have been well known and documented since at least 2017. [8] Courts, federal authorities, and state leaders have recognized that civil immigration arrests at courthouses negatively impact access to justice. The data exists, and this moment demands action. The federal government and ICE have long acknowledged that civil immigration enforcement in and near courthouses chills participation in judicial proceedings. [9] The previous Trump administration prohibited arrests of witnesses, family members, and others present for court proceedings absent special circumstances involving threats to public safety. [10] ICE directives from 2018 and 2021 directed officers to generally avoid enforcement actions in courthouses dedicated to noncriminal proceedings, noting that such actions “chill[] access to justice and impair[] the fair administration of justice”. [11] In 2025, these directives were rescinded and replaced with guidance allowing arrests based solely on anticipated presence in court facilities. [12]	Please refer to the committees’ response immediately above.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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			California leaders have repeatedly emphasized this chilling effect. In 2018, Chief Justice Tani Cantil-Sakauye warned: I am deeply concerned about reports from some of our trial courts that immigration agents appear to be <i>stalking</i> undocumented immigrants in our courthouses to make arrests. Crime victims, victims of sexual abuse and domestic violence, witnesses to crimes who are aiding law enforcement, limited-English speakers, unrepresented litigants, and children and families all come to our courts seeking justice and due process of law. [13] Similarly, the current California Supreme Court Chief Justice Patricia Guerrero stated: Making courthouses a focus of immigration enforcement hinders, rather than helps, the administration of justice by deterring witnesses and victims from coming forward and discouraging individuals from asserting their rights. [14] Empirical studies further confirm these concerns. A nationwide ACLU survey of immigrant survivors of domestic violence and sexual assault found that 78% feared contacting police, 75% feared coming to court, and 43% dropped cases due to fear of immigration enforcement. [15] Recent 2025 reports from Riverside and Fresno counties indicate that victims and witnesses avoid reporting crimes or testifying because of fear of deportation. [16] Daily enforcement actions, including arrests of individuals attending scheduled court proceedings or accompanying litigants, have created a climate of fear throughout California communities.	

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

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			Despite this overwhelming evidence, current proposals focus on data collection rather than immediate protection. Data alone cannot ensure orderly proceedings or safeguard litigants' rights. We recommend that the court immediately adopt model policies to protect access to courts, in addition to collecting data. [7] Judicial Council of Cal., <i>supra</i> note 1, at 1-2. [8] <i>See</i> Appendix A for a list of documented arrests by ICE at California state courthouses since 2017. [9] Message from Philip T. Miller, ICE's Assistant Director for Field Operations, on "Enforcement Actions at or Near Courthouses" (Mar. 19, 2014), reaffirmed in Message from Philip T. Miller, ICE's Assistant Director for Field Operations. Guidance Update: Enforcement Actions at or Near Courthouses" (Jan. 26, 2015) (limiting civil arrests in and around courthouses only to noncitizens who posed a danger to national security or a serious risk to public safety, including individuals engaged in terrorism, convicted of violent felonies, or subject to outstanding criminal warrants due to the negative impact in accessing courts). U.S. Immigration and Customs Enforcement, Directive No. 11072.1, "Civil Immigration Enforcement Inside Court-houses," (Jan. 10, 2018) (instructing officers to avoid enforcement actions in courthouses due to the chilling effect on courts). <i>See also</i> U.S. Immigration and Customs Enforcement, FAQ on Sensitive Locations and Courthouse Arrests, last updated January 31, 2018. [10] Exec. Order No. 13,768, 82 Fed. Reg. 8799, 8800 (Jan. 25, 2017), ICE Directive No. 11072.1, hereinafter Directive No. 11072.1 <i>supra</i> note 7.	

SP25-05**Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities** (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			[11] Directive No. 11072.1, <i>supra</i> note 7. Memorandum from Tae Johnson, Acting Director of ICE & Troy Miller, Acting Comm’r of U.S. Customs and Border Protection, on “Civil Immigration Enforcement Actions in or near Courthouses” (Apr. 27, 2021) at 5-6. [12] <i>See</i> ICE Policy No. 11072.3, Memorandum from Caleb Vitello, Acting ICE Director, on “Interim Guidance: Civil Immigration Enforcement Actions in or near Courthouses” (Jan. 21, 2025) [Interim Guidance]; ICE Policy No. 11072.4, ICE Memorandum from Todd M. Lyons, Acting ICE Director, on “Civil Immigration Enforcement Actions in or Near Courthouses” (May 27, 2025) [Final Guidance], ICE Policy No. 11072.3. [13] Letter from Chief Justice Tani Cantil-Sakauye to Attorney General Sessions and Secretary Kelly (March 16, 2017) (emphasis added). [14] Cathal Connelly, <i>California Chief Justice Issues Statement on Immigration Enforcement at California Courthouses</i>, California Courts Newsroom (July 31, 2025) at https://newsroom.courts.ca.gov/news/california-chief-justice-issues-statement-immigration-enforcement-california-courthouses. [15] https://www.aclu.org/freezing-out-justice. [16] Meg Anderson <i>Some Legal Experts Say ICE in Criminal Courts Means a Slower Path to Justice</i>, NPR, August 8, 2025 at https://www.npr.org/2025/08/08/nx-s1-5496530/legal-experts-ice-criminal-courts-a-slower-path-to-justice.	

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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		II. THE DEFINITION OF CIVIL ARRESTS MUST ENCOMPASS ALL FEDERAL ACTIVITIES THAT SEEK TO CHILL ACCESS TO COURTS AND COURT FACILITIES MUST BE CLEARLY DEFINED. A. Subdivision (a) Civil Arrests Must Be Expanded to Include All Federal Activities that Chill Access to Courts. The Proposed Rule narrowly defines “civil arrests” as an arrest of, or “expressed intent to arrest,” an individual for an alleged violation of civil law, excluding contempt or arrests for violations of criminal law. [17] Judicial Council provides no explanation for this narrow definition or for relying on the undefined term “expressed intent to arrest.” As drafted, the definition undermines the Proposed Rule’s stated purpose which is to understand how federal law enforcement activity in and around courthouses chill public participation, disrupts court operations, and erodes public trust in the judiciary. A definition that is limited to completed arrests or expressed intent to arrest fails to capture the real-world ways federal enforcement interferes with court access. To ensure accurate data and meaningful oversight, the Proposed Rule must adopt a functional, effects-based definition reflecting the judiciary’s constitutional obligation to preserve access to justice and maintain courts as safe, neutral forums. California judges have the authority to “prohibit activities that threaten access to state courthouses and court proceedings, and to prohibit interruption of judicial administration, including protecting the privilege from civil arrest at courthouses and court proceedings.” [18] Historically, the common law “privilege from arrest” shields litigants, witnesses, and court participants from arrest while attending, traveling to, or waiting for court proceedings. [19] This privilege serves two objectives: protecting individuals’ right to access justice without fear of arrest, and	The committees appreciate the commenter’s suggestion, however revising the proposed rule as suggested would significantly broaden the scope of the rule. The committees drafted the rule to be consistent with Civil Code section 43.54 on this issue and do not recommend broadening it as suggested. The committees also note that both the New York and Washington statutes referenced by the commenter place requirements on court <i>security</i> personnel to make reports. In California, court security services are governed primarily by statute and individual memorandums of understanding. Therefore, this proposal neither mandates courts to work with their court security personnel on the required reporting, nor does it limit their ability to do so.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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	Commenter	Position	Comment	Committee Response
			safeguarding the sanctity of the court as an institution, ensuring judges can conduct proceedings without physical interference. [20] Critically, harms from federal civil enforcement arise before a completed arrest occurs. Individuals are deterred from accessing and utilizing courthouses when federal civil enforcement agents monitor, surveil, or position themselves in court facilities or their functional equivalents. Recently, federal civil enforcement agents have used plain clothed officers, refused to provide identification to court personnel, and engaged in intimidation tactics such as stalking people outside courthouses. [21] California Attorney General model policies and other states' policies recognize this and cover detention and all activities that interrupt judicial administration, not just completed arrests. [22] Other states' policies demonstrate how reporting can and should include non-arrest conduct. Washington's Courts Open to All Act defines law enforcement action to include observation of court proceedings, investigations, and questioning. [23] New York's Unified Court System protocols similarly require reporting of observable law enforcement conduct, including surveillance or observation of court proceedings. [24] These laws acknowledge that actions short of physical arrest can chill participation in courts and interfere with judicial administration. A definition that hinges on completed arrests or expressed intent creates perverse incentives for federal civil enforcement agencies to engage in surveillance or intimidation that chills participation while avoiding reportable conduct. Data will be skewed if it does not account for these tactics undermining the Proposed Rule's purpose. Courts cannot protect access to justice or control their facilities if reporting is so narrowly defined.	

SP25-05**Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities** (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			We therefore recommend that the court expand subdivision (a) to cover all federal activities that may chill access to courts, not just completed arrests or expressed intent. [17] <i>Supra</i> note at 1. [18] Code. Civ. Pro. § 177(e). [19] William Blackstone, <i>Commentaries</i>, Book III, ch. 19, p. 289 (Nineteenth-century American treatise writers understood this privilege to have been widely accepted in the American colonies and tacitly adopted by the states that incorporated the English common law, including California); <i>Sampson v. Graves</i> (1924) 203 NYS 729, 730); <i>Hale v. Wharton</i> (1896) 73 F. 739, 740. [20] Christopher Lasch, <i>A Common Law Privilege to Protect State and Local Courts During the Crimmigration Crisis</i>, 127 Yale L. J. F. 410, 423-431. [21] <i>See</i> Appendix A. [22] <i>Supra</i> note 5 at 8. [23] Wash. Rev. Code Ann. § 2.28.320, <i>See also</i> Washington State, Substitute House Bill 2567, Chapter 37, Laws of 2020, Sec. 4. [24] New York (NY CLS Civ R § 28 (1).	

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

		B. The Definition of “Court Facility” Must Be Clarified to Include All Areas That Are Functionally Used by the Public to Participate in Judicial Proceedings. We support the use of Government Code Section 70301(d) to define court facilities. For litigants and witnesses, the approach to the courthouse is inseparable from the court experience. Federal civil enforcement activity in appurtenant or adjacent areas to court facilities produces the same functional chilling effect as arrests within the courthouse building. However, the term “appurtenant to” is ambiguous and can create confusion when collecting data. [25] Civil Code Section 662 defines an appurtenance to land as a “thing deemed to be incidental to, or used in connection with, the land for its benefit.” This could include walkways, grounds surrounding the courthouse, parking areas, and easements that run with the land. However, ambiguity around what is appurtenant to the courthouse facility could allow federal civil enforcement agencies to strategically relocate activity to evade oversight. Several states have recognized the need to extend protections beyond the courthouse building itself. New York bars ICE from arresting individuals at or near courthouses without a judge-signed warrant, a restriction upheld by a federal judge as a valid exercise of state authority to protect court access. [26] Illinois legislation prohibits federal civil immigration arrests in the vicinity of courthouses, including a 1,000-foot buffer zone outside courthouse buildings including sidewalks, parking areas, and entryways. [27] The Chief Judge of the Circuit Court of Cook County, Illinois, issued an order prohibiting federal civil immigration arrests of any party, witness, or potential witness inside and around courthouses, including parking lots, surrounding sidewalks, and entryways. [28] Washington prohibits federal civil arrests inside or near state court facilities which include adjacent property such as sidewalks and parking areas. [29] The Oregon Supreme Court bars federal civil immigration arrests in courthouses and their vicinity including	The committees appreciate these suggestions; however, the committees do not recommend the suggested changes to the rule. The rule cross references the Trial Court Facilities Act of 2002 to incorporate a broad definition of what is considered a “court facility” in order to provide clarity and consistency. In addition to a courthouse, this includes court parking lots and the sidewalks or other grounds outside of a courthouse. The committees believe that the suggestion to require courts to report incidents occurring on property that is beyond what is included in the definition of “court facility” is not feasible for courts, would lead to inconsistent reporting, and create unnecessary administrative demands.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			parking lots, sidewalks, and entryways.[30] These state laws and court orders make clear that limiting ‘court facility’ to the building interior and an undefined area appurtenant to the facility could leave critical public spaces unprotected, allowing federal enforcement activity to chill participation in judicial proceedings. To prevent this harm and ensure meaningful oversight, the Rule must clearly define court facilities to encompass all areas routinely used by the public to access, exit, or participate in court proceedings. [25] Gov Code Section 70301(d)(8). [26] N.Y. Civ. Rights Law § 28. <i>United States v. State of New York</i> (N.D.N.Y 1:25-CV-744) 11/15/2025. [27] Illinois HB 1312, 104th Gen. Assemb. (Ill. 2025) (enacted). [28] Circ. Court Cook Cnty General Order No. 2025-10 <i>Common Law Privilege Against Civil Arrests for People Attending Court</i> (eff. 10/15/2025). [29] <i>Supra</i> note 22 hereinafter SHB 2567. [30] Oregon Chief Justice Rule Limiting Courthouse Arrests (11/14/2019) available at https://www.courts.oregon.gov/news/Lists/ArticleNews/Attachments/1101/acd3fb79befadf4982b20ceba127ffd0-Media-Release-New-UTCR-Limiting-Civil-Arrests-in-Court-Facilities-effective-2019-11-14.pdf?utm_source=chatgpt.com.	

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

		III. COURTS MUST BE REQUIRED TO AFFIRMATIVELY SEEK OUT INFORMATION REGARDING FEDERAL CIVIL ENFORCEMENT ACTIVITIES IN AND AROUND COURT FACILITIES. The Proposed Rule limits data collection to federal civil arrests that are already known to local courts and does not require courts to actively seek information from federal law enforcement or court participants. This passive approach will produce incomplete and skewed data. To accurately assess the impact of federal civil enforcement on access to judicial proceedings, the Judicial Council should require local courts to dedicate staff to actively collect information on all federal civil law enforcement activity in and around court facilities, even if no arrest occurs. This will allow for the collection of a broader dataset to better evaluate impacts of federal law enforcement presence in courts. Courts should also provide a mechanism for court users to report incidents directly, including those that did not result in an arrest. California’s Attorney General, for example, has created a public reporting website that collects information such as incident details, courthouse location, date, time, and supporting photo or video evidence. [31] Similarly, New York requires court personnel to file an Unusual Occurrence Report (UCS 101) to document law enforcement activity in and around court facilities. [32] Affirmative data collection and standardized reporting is feasible and necessary to understand the chilling effects of enforcement activity. We recommend that Judicial Council require courts to affirmatively collect information regarding federal civil enforcement activities in and around courthouses and establish a mechanism for the public to report such conduct. [31] Report Misconduct By Federal Agents to the California Attorney General available at https://oag.ca.gov/reportmisconduct.	The committees appreciate these suggestions; however, the committees do not recommend revising the rule to require courts to seek out information. First, the recommended rule does not require courts to affirmatively seek information, and the committees do not recommend adding such a requirement, which could impose significant administrative demands on courts and potentially place court staff in conflict with law enforcement officers conducting the civil arrest. Second, the rule does not specify the sources from which courts may receive information, which could include members of the public. Requiring courts to implement a specific reporting mechanism, as suggested by the commenter, however, could result in significant costs and strain court resources. Finally, the committees note that the New York statute referenced by the commenter places requirements on court <i>security</i> personnel (not court personnel) to make reports by filing an Unusual Occurrence Report. The committees also note that, in California, court security services are governed primarily by statute and individual memorandums of

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			[32] New York State Unified Court System, Hon. Joseph A. Zayas, Chief Administrative Judge, “Protocols Governing Activities in Courthouses by Law Enforcement Agencies,” Feb. 6, 2025, https://legalaidsnyc.org/wpcontent/uploads/2025/02/ProtocolGoverningLawEnforcementActivities.pdf.	understanding. Therefore, this proposal neither mandates courts to work with their court security personnel on the required reporting, nor does it limit their ability to do so.
			IV. COURTS MUST ENSURE THAT ALL DATA THAT IS COLLECTED AND REPORTED DOES NOT VIOLATE INDIVIDUALS’ PRIVACY. Subdivision (b)(8) of the Proposed Rule requires courts to report the subject matter of the proceeding and the individual’s role in that proceeding. While this information may be useful in assessing the impact of federal civil enforcement activity, it also raises significant privacy concerns. Even without names, granular data regarding case type, participant role, courthouse location, and timing can enable re-identification—particularly in small, rural, or specialized courts. The risk of identification may itself deter litigants, witnesses, and observers from appearing in court, directly undermining the Proposed Rule’s purpose of safeguarding access to justice. We support subdivision (c) of the Proposed Rule, which appropriately prohibits the inclusion of personal identifying information about individuals who are the subject of federal civil law enforcement activity. Consistent with the Attorney General’s guidance, courts should also refrain from collecting any personal identifying information, including immigration status, and should encourage the use of anonymized identifiers or pseudonyms where internal tracking is necessary. [33] These safeguards are essential to ensure that data collection does not itself create a chilling effect on court participation.	The committees appreciate the comment. The committees received a number of comments in response to the question in the invitation to comment concerning subdivision (b)(8) as circulated. These comments expressed similar privacy and confidentiality concerns with this subdivision. The committees recognize these concerns and, as a result, recommend subdivision (b)(8) as circulated not be included in the rule. The committees do not recommend the revision to subdivision (c) suggested in this comment but have proposed other revisions to that subdivision to help address the concern and provide clarity. Subdivision (c) has been revised to read: “Information reported under (b) must not include the identity or other personal identifying information of any individual who was a target for civil arrest.”

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			We therefore urge the Judicial Council to adopt privacy-protective limitations on data collection and reporting. Courts should report only generalized case type and participant role and should aggregate this information to ensure anonymity. [33] <i>See generally Supra</i> note 5.	
			IV. CONCLUSION California’s courts serve as essential gateways to justice for millions of residents, particularly low-income communities, immigrants, and survivors of violence. When federal civil enforcement activity in or around court facilities deters participation in judicial proceedings, it undermines individual rights and the integrity and functioning of the judicial system itself. The Proposed Rule appropriately recognizes that civil arrests at courthouses affect access to justice and public confidence in the judiciary. However, as detailed above, data collection alone cannot satisfy the judiciary’s independent constitutional and statutory obligation to maintain courts as safe, neutral, and accessible forums. The chilling effects of federal civil immigration enforcement at courthouses are well-documented, foreseeable, and ongoing. Where such interference is known or predictable, courts must act affirmatively and immediately. By adopting the recommendations outlined in these comments, expanding the definition of reportable federal civil enforcement activity, clarifying courthouse boundaries, requiring proactive and standardized reporting, protecting individual privacy, and mandating the immediate adoption of Attorney General model policies, the Judicial Council can ensure that the Proposed Rule meaningfully advances its stated purpose. These steps will	The committees appreciate the information. Please see more detailed responses above.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			improve transparency, safeguard equal access to justice, preserve judicial independence, and reaffirm public trust in California's courts. Western Center respectfully urges the Judicial Council to strengthen the Proposed Rule accordingly and looks forward to further collaboration.	
			APPENDIX A: Documented Incidents of Arrests in and Around Courthouses (2017-2025) <u>2025</u> <u>September 2025</u> • Alameda County Superior Court (Oakland): ICE arrested a man as he was leaving a court hearing inside the courthouse. (https://oaklandside.org/2025/09/23/ice-arrest-inside-oakland-courthouse-blasted-by-public-defender-other-leaders/). <u>August 2025</u> • Sacramento County Superior Court: ICE agents entered a courtroom during an arraignment and arrested an undocumented individual, removing him from the courtroom mid-proceeding. (https://www.sacbee.com/opinion/editorials/article217518585.html). • Fresno County Superior Court: At least 22 individuals were arrested by ICE inside or around the courthouse from January 2025-August 2025. (https://capitolweekly.net/ice-raids-in-our-courts-must-stop-now/)	The committees appreciate the information.

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			<u>July 2025</u> • Butte County Superior Court (Oroville): ICE agents arrived with a list of names and photographs and arrested six individuals who were waiting in public areas in and in front of the courthouse. Court officials reported receiving no cooperation or information from ICE following the arrest. (https://www.actionnewsnow.com/news/butte-county-superior-court-issues-statement-after-ice-raid-at-oroville-courthouse/article_ac809bd3-45af-4b1c-b186-ed6e0479df54.html) <u>June 2025</u> • Los Angeles County Superior Court, Airport Courthouse: Federal immigration agents stalked two women in courthouse hallways and arrested them immediately after they appeared for their scheduled court proceedings. The women were handcuffed, placed into unmarked vehicles, and removed without advance notice to the court. (The LA Times ICE Arrests at Los Angeles Courthouses Met with Alarm available at (https://www.latimes.com/california/story/2025-06-25/ice-arrests-los-angeles-courthouse)) <u>2020</u> • February 18, 2020 – Sonoma County Superior Court (Santa Rosa): ICE agents arrested at least three individuals in the hallways of the courthouse,. (https://apnews.com/general-news-56303dd4fea7b23d9375c1400d997364).. • Late February–Early March 2020 – Santa Clara County Courthouses (San Jose, Palo Alto, and surrounding	

SP25-05

Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			areas): ICE agents arrested at least four individuals outside or immediately adjacent to Santa Clara County courthouses over a period of several weeks. Arrests occurred as individuals were entering or leaving court for scheduled proceedings, including arrests near the San Jose Hall of Justice and Palo Alto courthouse. Advocates and local officials reported that these arrests occurred without judicial warrants. (<i>The Guardian, ICE arrests immigrants at California courthouses despite sanctuary laws</i>, Mar. 13, 2020). 2018 <u>July 2018</u> • Fresno County Superior Court: Over several weeks, plain clothed ICE agents began arresting individuals in court hallways. A client of the Fresno County Public Defender was taken into ICE custody while waiting for his case to be called. The presiding judge learned of the arrest only after it occurred and ordered an investigation. The individual was removed from the United States the following day. (https://www.fresnobee.com/news/local/crime/article215404565.html). <u>June 2018</u> • San Francisco County Superior Court: ICE officers in plain clothes arrested an individual inside criminal court. <u>March 2018</u> • Solano County Superior Court: Plain-clothes ICE entered a courtroom and photographed a criminal defendant and his	

SP25-05**Judicial Branch Administration: Rule for Reporting Civil Arrests in Court Facilities** (adopt Cal. Rules of Court, rule 10.440)

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

	Commenter	Position	Comment	Committee Response
			family members. ICE later arrested the defendant. (Communication from Lesli Caldwell, Public Defender, Solano County.) <u>2017</u> <u>September 2017</u> • Stanislaus County Superior Court (Modesto): Three plain-clothes ICE agents arrested a man while waiting for him near the metal detectors at the courthouse entrance. (https://www.modbee.com/news/local/crime/article172944781.html) <u>March 2017</u> Los Angeles County Superior Court (Pasadena): Four ICE agents arrested an individual inside the courthouse. (https://www.cnn.com/2017/03/17/us/immigration-ice-courthouse-arrests/) Contra Costa County Superior Court (Family Court): ICE arrested a man when he appeared in family court to seek visitation rights with his children. Agents were waiting for him upon arrival at the courthouse. (Communication from Jeff Adachi, Public Defender, City and County of San Francisco.)	

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Submit to JC (without circulating for comment)

Title of proposal: Appellate Procedure: Increased File-Size Limit for Electronic Filings

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):
amend rule 8.74

Committee or other entity submitting the proposal:
Appellate Advisory Committee

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

Annual agenda approved by Rules Committee on *(date)*: October 16, 2025

Project description from annual agenda: Currently, rule 8.74(a)(5) limits the size of an electronic filing in the Court of Appeal to 25 megabytes. This limitation was included when the Courts of Appeal accepted such filings via email. It has been suggested that with full implementation of e-filing in the Courts of Appeal, this limitation is no longer necessary. This change was suggested by the Executive Officer of one of the Courts of Appeal.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) This project was deferred from the 2025–2026 cycle due to financial constraints and technological limitations. Since then, the Courts of Appeal have secured funding and Judicial Council Information Technology have worked with a vendor to increase the file-size limit to 100 megabytes on July 1, 2026, pending approval of this rule change. This rule change conforms to the increased technological capacity for e-filing at Courts of Appeal. As this amendment is a minor change unlikely to create controversy, it is within the Judicial Council's capacity to adopt without circulation under rule 10.22(d)(2).

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.)

Information for JC staff

☒ EGG reviewed on *(date)*: January 23, 2026

☒ Office director (or designee) reviewed on *(date)*: February 13, 2026 by *(name)*: James Barolo

Complete the following for all JC reports recommending forms:

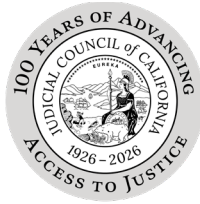
- **Form Translations** (check all that apply)

Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.
Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☐ Changes or additions to self-help website are needed.



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-055

For business meeting on April 24, 2026

Title

Appellate Procedure: Increased File-Size
Limit for Electronic Filings

Report Type

Action Required

Effective Date

July 1, 2026

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 8.74

Date of Report

February 17, 2026

Recommended by

Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Contact

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

Executive Summary

Rule 8.74 of the California Rules of Court currently limits the file size for electronic filings in the Courts of Appeal to 25 megabytes. When adopted, this limit corresponded to the file size limitation of the e-filing program used by the Courts of Appeal. The Courts of Appeal and Judicial Council Information Technology have worked with a vendor to transition to a file-size limit of 100 megabytes for the e-filing program. Because rule 8.74 currently contains a 25-megabyte file-size limit, the Appellate Advisory Committee recommends amending the rule to accept 100-megabyte files.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective July 1, 2026, amend California Rules of Court, rule 8.74 to change the file-size limit in the rule from 25 megabytes to instead 100 megabytes. This change reflects an increase in the Courts of Appeal's technological capacity for e-filings.

The proposed revised rule is attached at page 3.

Relevant Previous Council Action

Effective January 1, 2020, rule 8.74 was amended to impose a statewide file-size limit of 25 megabytes on electronic filings for Courts of Appeal.¹

Analysis/Rationale

California Rules of Court, rule 8.74(a)(5) currently requires: “An electronic filing may not be larger than 25 megabytes.” The Appellate Advisory Committee recommended in 2019 that the statewide rule incorporate that size limit largely because the local rules of each district of the Courts of Appeal included a file-size limit of 25 megabytes.

Recently, the Courts of Appeal and the Judicial Council’s office for Information Technology have worked with a vendor to increase the file-size capacity for electronic filings to 100 megabytes. Because rule 8.74 was intended to reflect courts’ technological capability and this capability has increased, the committee recommends amending the rule to reflect this increase.

Policy implications

The proposed rule amendment updates a file-size limit on electronic filings to reflect the increased technological capability of the Courts of Appeal. Accordingly, the key policy implication for this amendment is further improving the technological infrastructure for electronic filing to better serve the public and courts.

Comments

Public comments were not solicited for this proposal because the Rules Committee determined that the recommendation is within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered

The committee considered taking no action on the rule but decided to recommend an amendment because a larger file-size limit would be beneficial to litigants and the courts.

Fiscal and Operational Impacts

Increasing the e-filing file-size limit to 100 megabytes would result in a one-time cost of \$25,000 and an additional \$27,000 increase in costs annually from the Appellate Court Trust Fund. Funds have already been allocated for this purpose.

Attachments and Links

1. Cal. Rules of Court, rule 8.74, at page 3

¹ Judicial Council of Cal., Advisory Com. Rep., *Appellate Procedure: Uniform Formatting Rules for Electronic Documents* (Sept. 24, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7678679&GUID=BA41150A-83D2-4D23-988A-67CF69E727BB>. In 2019, none of the commenters on that proposed amendment to rule 8.74 indicated that the 25-megabyte limit was unworkable or regularly compromised their electronic filings.

Rule 8.74 of the California Rules of Court is amended, effective July 1, 2026, to read:

Title 8. Appellate Rules

Division 1. Rules Relating to the Supreme Court and Courts of Appeal

Chapter 1. General Provisions

Article 5. E-filing

Rule 8.74. Format of electronic documents

(a) Formatting requirements applicable to all electronic documents

(1)–(4) * * *

(5) *Size and multiple files:* An electronic filing may not be larger than 25100 megabytes. This rule does not change the limitations on word count or number of pages otherwise established by the California Rules of Court for documents filed in the court. Although certain provisions in the California Rules of Court require volumes of no more than 300 pages (see, e.g., rules 8.124(d)(1), 8.144(b)(6), 8.144(g)), an electronic filing may exceed 300 pages so long as its individual components comply with the 300-page volume requirement and the electronic filing does not exceed 25100 megabytes. If a document exceeds the 25100-megabyte file-size limitation, the electronic filer must submit the document in more than one file, with each file 25100 megabytes or less. The first file must include a master chronological and alphabetical index stating the contents for all files. Each file must have a cover page stating (a) the file number for that file and the total number of files for that document, (b) the volumes contained in that file, and (c) the page numbers contained in that file. (For example: File 2 of 4, Volumes 3–4, pp. 301–499.) In addition, each file must be paginated consecutively across all files in the document, including the cover pages for each file. (For example, if the first file ends on page 300, the cover of the second file must be page 301.) If a multiple-file document is submitted to the court in both electronic form and paper form, the cover pages for each file must be included in the paper documents.

(6)–(9) * * *

(b)–(d) * * *

Rules Committee Action Request Form

Rules Committee Meeting Date: March 17, 2026

Action requested: Submit to JC (without circulating for comment)

Title of proposal: Rules and Forms: Miscellaneous Technical Changes

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

Amend Cal. Rules of Court, rule 2.571, 2.1010, 5.605, 5.710, 5.715, 5.720, and 5.812; revise forms ADOPT-220, DV-105, DV-300, EM-115, FL-341, FL-355, FL-720, JV-415, UD-100, WG-010/EJ-175, and WV-120-INFO

Committee or other entity submitting the proposal:

Judicial Council staff

Staff contact (name, phone, and email):

Kristin Burford, 916-263-2989, kristin.burford@jud.ca.gov

Eric Long, 415-865-7691, eric.long@jud.ca.gov

Annual agenda approved by Rules Committee on *(date)*: n/a

Project description from annual agenda: n/a

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) Proposed changes would take effect July 1, 2026. These changes are needed to correct minor errors in the rules and forms, which could otherwise cause confusion.

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.) This proposal was not circulated for public comment because it is noncontroversial, involves technical revisions, and is therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Information for JC staff

☒ EGG reviewed on *(date)*: 03/2/2026

☒ Office director (or designee) reviewed on *(date)*: 02/27/2026 by *(name)*: James Barolo

Complete the following for all JC reports recommending forms:

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

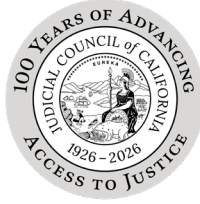
Proposal includes forms that: ☐ staff requests be translated, ☐ are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

☐ New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

☐ Changes or additions to self-help website are needed.



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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-077

For business meeting on April 24, 2026

Title

Rules and Forms: Miscellaneous Technical Changes

Report Type

Action Required

Effective Date

July 1, 2026

Date of Report

March 3, 2026

Contact

Kristin Burford, 916-263-2989
kristin.burford@jud.ca.gov

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 2.571, 2.1010, 5.605, 5.710, 5.715, 5.720, and 5.812; revise forms ADOPT-220, DV-105, DV-300, EM-115, FL-341, FL-355, FL-720, JV-415, UD-100, WG-010/EJ-175, and WV-120-INFO

Recommended by

Judicial Council staff
Michael Etchepare, General Counsel
Legal Services

Eric Long, 415-865-7691
eric.long@jud.ca.gov

Executive Summary

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms, as well as minor changes needed to conform to changes in law or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure that the rules and forms conform to law and to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommend that the council, effective July 1, 2026:

1. Amend rules 2.571, 2.1010, 5.605, 5.710, 5.715, 5.720, and 5.812 to update cross-references to Judicial Council forms, other rules, and code sections;
2. Revise *Adoption of Indian Child* (form ADOPT-220) to correct the title on page 1;

3. Revise *Request for Child Custody and Visitation Orders* (form DV-105) at item 13 to replace “visits” with “exchanges”;
4. Revise *Request to Change or End Restraining Order* (form DV-300) at item 4 to correct the attachment number;
5. Revise *Emancipation of Minor—Income and Expense Declaration* (form EM-115) to reinsert a dash in the title that had been inadvertently deleted;
6. Revise *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) at item 7 to refer to the optional attachment form and at items 9 and 10 correct the title of a form used as an attachment;
7. Revise *Stipulation and Order for Custody and/or Visitation (Parenting Time)* (form FL-355) at item 5 of the court’s findings and orders to correct a typographical error and in the footer on the second page to correct the form number;
8. Revise *Notice of Revocation of Joint Petition* (form FL-720) to correct the title of forms referenced in the instructions box on page 1 and item 1;
9. Revise *Findings and Orders After Dispositional Hearing* (form JV-415) at item 2 to correct the heading by replacing “Jurisdictional hearing” with “Dispositional hearing,” at items 3 and 7 to restructure the items so that checkboxes precede the text, and at item 9 to replace gender-specific language;
10. Revise *Complaint—Unlawful Detainer* (form UD-100) in item 11 to correct a form title and in items 15, 18, 20g, and 20h to correct the cross-references and attachment numbers;
11. Revise *Notice of Hearing on Claim of Exemption (Wage Garnishment—Enforcement of Judgment)* (form WG-010/EJ-175) to correct the form name in the form header; and
12. Revise *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO) to correct a typographical error by deleting the word “private” as a modifier to “workplace violence restraining orders.”

In addition, minor technical revisions have been made to the forms to reflect current drafting practices. These include, for example, changing the layout of the information in the form footer; correcting punctuation and capitalization; and standardizing the format of webpage addresses, citations to forms and code sections, and text below signature lines.

The text of the amended rules and revised forms are attached at pages 4–40.

Relevant Previous Council Action

The Judicial Council has acted on these rules and forms previously. This proposal addresses minor corrections of items that were inadvertently or incorrectly included in the prior action.

Analysis/Rationale

The changes to these rules and forms are technical in nature and necessary to correct inadvertent errors or incorrect references. They are needed to ensure that the rules and forms are correct and conform to the law.

Policy implications

There are no policy implications to this proposal.

Comments

Public comments were not solicited for this proposal because the recommendation is within the Judicial Council's purview to approve without circulation.

Alternatives considered

None.

Fiscal and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Cal. Rules of Court, rules 2.571, 2.1010, 5.605, 5.710, 5.715, 5.720, and 5.812, at pages 4–6
2. Forms ADOPT-220, DV-105, DV-300, EM-115, FL-341, FL-355, FL-720, JV-415, UD-100, WG-010/EJ-175, and WV-120-INFO, at pages 7–40

Rules 2.571, 2.1010, 5.605, 5.710, 5.715, 5.720, and 5.812 of the California Rules of Court are amended, effective July 1, 2026, to read:

Rule 2.571. Procedures for filing records under seal in a False Claims Act case

(a)–(b) * * *

(c) Special cover sheet omitting names of the parties

In a False Claims Act case, the complaint and every other paper filed while the case is under seal must have a completed *Confidential Cover Sheet—False Claims Action* (form ~~MC-060~~ CM-011) affixed to the first page.

(d)–(e) * * *

Rule 2.1010. Juror motion to set aside sanctions imposed by default

(a)–(b) * * *

(c) Judicial Council form may be used

A motion to set aside sanctions imposed by default may be made by completing and filing *Juror’s Motion to Set Aside Sanctions and Order* (form ~~MC-070~~ JURY-010).

(d)–(g) * * *

Rule 5.605. Emancipation of minors

(a) Petition

A petition for declaration of emancipation of a minor must be submitted on *Petition for Declaration of Emancipation of Minor, Order Prescribing Notice, Declaration of Emancipation, and Order Denying Petition* (form ~~MC-300~~ EM-100). Only the minor may petition the court for emancipation, and the petition may be filed in the county in which the minor can provide a verifiable residence address. The petitioner must complete and attach to the petition *Emancipation of Minor—Income and Expense Declaration* (form ~~MC-306~~ EM-115).

(b)–(g) * * *

Rule 5.710. Six-month review hearing

(a) Determinations and conduct of hearing (§§ 364, 366, 366.1, 366.21)

At the hearing, the court and all parties must comply with all relevant requirements and procedures in rule 5.708, General review hearing requirements. The court must make all appropriate findings and orders specified in rule 5.708 and proceed under section 366.21(e) and (g), and as follows:

(1) *Order return of the child or find that return would be detrimental*

If the child is returned, the court may order the termination of dependency jurisdiction or order continued dependency services and set a review hearing within 6 months.

(2) *Place with noncustodial parent*

If the court has previously placed or at this hearing places the child with a noncustodial parent, the court must follow the procedures in rule ~~5.708(g)~~ 5.708(h) and section 361.2.

(3)–(4) * * *

(b) * * *

Rule 5.715. Twelve-month permanency hearing

(a) * * *

(b) Determinations and conduct of hearing (§§ 309(e), 361.5, 366, 366.1, 366.21)

At the hearing, the court and all parties must comply with all relevant requirements and procedures in rule 5.708, General review hearing requirements. The court must make all appropriate findings and orders specified in rule 5.708 and proceed under section 366.21(f) and (g), and as follows:

(1) The requirements in rule ~~5.708(e)~~ 5.708(c) must be followed in entering a reasonable services finding.

(2) If the court has previously placed or at this hearing places the child with a noncustodial parent, the court must follow the procedures in rule ~~5.708(g)~~ 5.708(h) and section 361.2.

(3)–(5) * * *

1 **Rule 5.720. Eighteen-month permanency review hearing**

2
3 **(a) Determinations and conduct of hearing (§§ 309(e), 361.5, 366.22)**

4
5 At the hearing the court and all parties must comply with all relevant requirements
6 and procedures in rule 5.708, General review hearing requirements. The court must
7 make all appropriate findings and orders specified in rule 5.708, and proceed under
8 section 366.22 and as follows:

9
10 (1) If the court has previously placed or at this hearing places the child with a
11 noncustodial parent, the court must follow the procedures in rule ~~5.708(g)~~
12 5.708(h) and section 361.2.

13
14 (2)–(4) * * *

15
16 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**
17 **child in foster care and for status review or dispositional hearing for child**
18 **approaching majority (§§ 450, 451, 727.2(i)–(j), 778)**

19
20 **(a)–(c) * * ***

21
22 **(d) Findings**

23
24 (1) * * *

25
26 (2) At the review hearing held on behalf of a child approaching majority
27 described in (a)(1) and any hearing under (a)(2) or (a)(3) held on behalf of a
28 child more than 17 years, 5 months old and less than 18 years of age, in
29 addition to complying with all other statutory and rule requirements
30 applicable to the hearing, the court must make the following findings in the
31 written documentation of the hearing:

32
33 (A)–(H) * * *

34
35 (I) Whether all the information, documents, and services in ~~sections 391(e)~~
36 section 391(h) were provided to the child, and whether the barriers to
37 providing any missing information, documents, or services can be
38 overcome by the date the child attains 18 years of age; and

39
40 (J) * * *

41
42 **(e)–(f) * * ***

This form is attached to **form** ADOPT-200 (*Adoption Request*).

DRAFT
Not approved by
the Judicial Council

1 Your name (adopting parent):

a. _____

b. _____

Relationship to child: _____

Address (*skip this if you have a lawyer*):

Street: _____

City: _____ State: _____ Zip: _____

Telephone number: _____

Lawyer (*if any*) (*name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

Federal law says the state courts must send a copy of all adoption orders for an Indian child to the Secretary of the Interior within 30 days. The state court must also send the following information. *Please complete the rest of the form.*

2 Indian child's name: _____

Date of birth: _____ Age: _____

3 Indian child's tribe (or tribe child is eligible for): _____

Enrollment #: _____ ☐ Check here if you do not know.
☐ Check here if tribe does not have an enrollment number.

4 Indian child's biological mother (*name*): _____

Street address: _____

City: _____ State: _____ Zip: _____

☐ Check here if you do not know.

☐ The biological mother attaches her request that her identity remain confidential.

5 Indian child's biological father (*name*): _____

Street address: _____

City: _____ State: _____ Zip: _____

☐ Check here if you do not know.

☐ The biological father attaches his request that his identity remain confidential.



Your name: _____

Case Number: _____

- 6 Indian child's biological Indian grandmothers (*names; include maiden names if you know them*):

☐ Check here if you do not know.

- 7 Indian child's biological Indian grandfathers (*names*):

☐ Check here if you do not know.

- 8 Name of any agency with information about this adoption:

- 9 Other people with information about the Indian child's ancestry:

	Name	Relationship to Child
a.	_____	_____
b.	_____	_____
c.	_____	_____

- 10 Parental rights (*check all that apply*):

- a. ☐ A court ended parental rights on (*date*): _____
- b. ☐ Parental rights were modified under a tribal customary adoption order on (*date*): _____
- c. ☐ Parents voluntarily agreed in writing to end their parental rights.
- (1) ☐ Form ADOPT-225 (*Parent of Indian Child Agrees to End Parental Rights*) will be recorded in front of a judge and filed with the court before the adoption hearing on (*date*): _____
- (2) ☐ Form ADOPT-225 was recorded in front of a judge and is attached to form ADOPT-200 (*Adoption Request*).
- (3) ☐ Form ADOPT-225 was signed at least 10 days after the birth date of the Indian child.
- d. ☐ A judge has certified that he or she fully explained the terms and consequences of the parents' agreement to end parental rights and that the parents understood.
- (1) ☐ This certificate was filed with the court on (*date*): _____; OR
- (2) ☐ This certificate is attached to form ADOPT-200 or will be filed before the adoption hearing.

- 11 Note: The court will notify the American Indian tribe of the child's adoption.

DV-105**Request for Child Custody and Visitation Orders**

Case Number: _____

Instructions: Use this form to request orders for children you have with the person in (2). For more information on the orders you can request, read form [DV-105-INFO](#), *Asking for Child Custody and Visitation Orders*.

This form is attached to form DV-100.

1 Your Information

Name: _____

Relationship to children: ☐ Parent ☐ Legal guardian ☐ Other (describe): _____**2 Person You Want Protection From**

Name: _____

Relationship to children: ☐ Parent ☐ Legal guardian ☐ Other (describe): _____**3 Children Under 18 Years Old** (For children you have with the person in (2), list from oldest to youngest.)

a. Name: _____	Date of birth: _____
b. Name: _____	Date of birth: _____
c. Name: _____	Date of birth: _____
d. Name: _____	Date of birth: _____

☐ (Check here if you need more space. Write "DV-105, Children" at the top and attach it to this form.)

4 City and State Where Children Lived (If you do not complete this section, the judge may not be able to make custody and visitation orders.)

a. Have all the children listed in (3) lived together for the last five years?

☐ No (If no, complete form DV-105(A). Do not complete the section below.)

☐ Yes (If yes, complete the section below.)

b. List where the children have lived for the last five years. Start with their current location.

Dates (month/year)		City and State (include tribal land, if applies)	Children lived with (check all that apply):		
From:	To present		Me	Person in (2)	Other (relationship to child)
From: _____	To present	_____	☐	☐	☐ _____
			☐ Check here if this address is private (confidential). List the state only.		
From: _____	Until: _____	_____	☐	☐	☐ _____
From: _____	Until: _____	_____	☐	☐	☐ _____
From: _____	Until: _____	_____	☐	☐	☐ _____
From: _____	Until: _____	_____	☐	☐	☐ _____

This is not a Court Order.

5 History of Court Cases Involving Your Children

a. Do you know about any other case involving any child listed in ③?

☐ No☐ Yes *(If yes, complete the section below):*

(Check all that apply. List where the case was filed (city, state, or tribe), year it was filed, and case number, if known.)

☐ Custody _____☐ Divorce _____☐ Juvenile Court *(child welfare, juvenile justice)* _____☐ Guardianship _____☐ Criminal _____☐ Other *(example: child support case)* _____

b. Is there a current order for custody or visitation in effect?

☐ No☐ Yes *(If yes, complete the section below):*What did the judge order? *(Examples: who has custody of the children and what the visitation schedule is)*

(Attach a copy of the order, if you have one.)

Why do you want to change the order?

c. If there is another parent or legal guardian besides you and the person in ②, list their information below.

Name: _____ ☐ Parent ☐ Legal guardian**This is not a Court Order.**

Orders a Judge Can Make to Protect Your Children

To ask for orders to protect your children, answer the questions below.

6 Do you want to limit where the person in 2 can travel with your children?

☐ No

☐ Yes (If yes, complete the section below):

I ask the judge to order that the person in 2 must have written permission from me, or a court order, to take the children outside:

☐ The county of (list): _____

☐ California

☐ Other places (list): _____

7 Do you want the person in 2 to have access to the children's records or information?

☐ Yes

☐ No (If no, complete the section below):

a. I ask the judge to order that the person in 2 **not** access or have access to the records or information for:

☐ All the children listed in 3.

☐ Only the children listed here (names): _____

b. For the following records or information (check all that apply):

☐ Medical, dental, and mental health

☐ School and daycare

☐ Extracurricular activity, including summer camps and sports teams

☐ Child's employment (including volunteer and unpaid positions)

☐ Other (describe): _____

(If the judge makes this order, providers will not be able to release the protected information to the person in 2.)

8 Do you believe the person in 2 might abduct (kidnap) your children?

☐ No

☐ Yes (To ask for orders to help prevent abduction, you must complete form [DV-108](#), Request for Orders to Prevent Child Abduction, and attach it to this form.)

This is not a Court Order.



Child Custody

You can ask a judge to make custody orders for your children. There are two types of custody in California: legal and physical custody. For both types of custody, parents can share custody (joint) or one parent can have full custody (sole).

- **Legal custody** means the person who makes decisions about the child's health, education, and welfare.
- **Physical custody** means the person who the child regularly lives with.

Any orders made by the judge now will last until your court date (about three weeks away). On your court date, the judge can change or extend the orders.

9 Do you want the judge to make child custody orders?

- ☐ No
- ☐ Yes (If yes, complete the section below):

Legal Custody (check one):

- ☐ Sole to me
- ☐ Sole to person in (2)
- ☐ Jointly (shared) by me and person in (2)
- ☐ Other (describe):

Physical Custody (check one):

- ☐ Sole to me
- ☐ Sole to person in (2)
- ☐ Jointly (shared) by me and person in (2)
- ☐ Other (describe):

Visitation (Parenting Time) with Children

Visitation (parenting time) is the time each parent spends with the child. If a parent does not get custody, that parent can have visits, if a judge believes it is safe and in the child's best interest. Visitation orders a judge can make include:

- No visits
- Virtual or in-person visits
- Visits supervised (monitored) by a third party
- Visits not supervised

Any orders made by the judge now will last until your court date (about three weeks away). On your court date, the judge can change or extend the orders. Answer the questions below to tell the judge what parenting time you want the person in (2) to have until your court date.

10 Do you want the person in (2) to have visits (parenting time) with the children?

- ☐ No, I ask the judge to order no visits for the person in (2) (Stop here. You have finished completing this form.)
- ☐ Yes (Go to (11).)
- ☐ Yes, but only virtual visits (Go to (11).)

11 Do you want visits with the children to be supervised (monitored) by a third party?

(To learn about supervised visitations, go to selfhelp.courts.ca.gov/guide-supervised-visitation.)

- ☐ Yes (Go to (12).)
- ☐ No (Go to (13).)

This is not a Court Order.



12 Details of Supervised (Monitored) Visitsa. **Who do you want to supervise the visits?** (Check one):(1) ☐ Professional (list name, if known): _____Professional fees paid by: Me _____ % Person in **(2)** _____ % Other: _____ %(2) ☐ Nonprofessional, like a trusted relative or friend(Name): _____ ☐ Check here if the person has agreed to supervise visits.b. **Location of visits** (check one): ☐ In person at a safe location ☐ Virtual visit (not in person)☐ Other (describe): _____c. **How often and how long should the visits be?** (Check one):☐ Once a week, for (number of hours): _____☐ Twice a week, for (number of hours): _____ each visit.☐ Other (describe): _____☐ Check here if you want to use the chart listed below for a schedule. _____

Plan for Supervised Visits		Virtual visit with person in (2)	Person to bring children to and from visit (or make available for virtual visit)	Location of drop-off/pick-up
	Time			
Monday	Start: _____ End, if applies: _____	☐		
Tuesday	Start: _____ End, if applies: _____	☐		
Wednesday	Start: _____ End, if applies: _____	☐		
Thursday	Start: _____ End, if applies: _____	☐		
Friday	Start: _____ End, if applies: _____	☐		
Saturday	Start: _____ End, if applies: _____	☐		
Sunday	Start: _____ End, if applies: _____	☐		

Follow the plan listed above (check one):
☐ Every week ☐ Every other week ☐ Other _____

Start date for visits (month, day, year): _____

! (If you completed **(12)**, you are done completing this form. Do not complete **(13)**.)**This is not a Court Order.**

13 Details of Unsupervised Visits

- a. If the judge allows the person in ② to have unsupervised visits with your children, you will have to tell the judge how you want to handle drop-off and pick-up of the children, also called exchanges.

Do you want exchanges to be supervised by a third party?

☐ No ☐ Yes (If yes, do you want a professional or nonprofessional to supervise? Check 1 or 2.)

(1) ☐ Professional (list name, if known): _____
 Professional fees paid by: Me _____ % Person in ② _____ % Other: _____ %

(2) ☐ Nonprofessional, like a trusted relative or friend
 (Name): _____ ☐ Check here if the person has agreed to supervise exchanges.

b. Parenting time you want the person in ② to have with the children.

(1) Location of visits (check one): ☐ In person at a safe location ☐ Virtual visit (not in person)
☐ Other (describe): _____

(2) Give details including when visits will happen, how often the visits should be, and who will be responsible for transporting the children. (Use the lines or chart below):

Plan for Unsupervised Visits		Virtual visit with person in ②	Person to bring children to and from visit (or make available for virtual visit)	Location of drop-off/pick-up
	Time			
Monday	Start:	☐		
	End, if applies:			
Tuesday	Start:	☐		
	End, if applies:			
Wednesday	Start:	☐		
	End, if applies:			
Thursday	Start:	☐		
	End, if applies:			
Friday	Start:	☐		
	End, if applies:			
Saturday	Start:	☐		
	End, if applies:			
Sunday	Start:	☐		
	End, if applies:			

Follow the schedule listed above (check one):
☐ Every week ☐ Every other week ☐ Other _____

Start date for visits (month, day, year): _____

This is not a Court Order.

DRAFT
Not approved by
the Judicial Council**Instructions**

Use this form to ask a judge to change or end a domestic violence restraining order (form DV-130) that is still in effect (not expired). You can also use this form to ask to change or end a juvenile restraining order (form JV-255) based on domestic violence, if the juvenile case has been closed. For more information on this process, read form [DV-300-INFO](#), *How Do I Ask to Change or End a Domestic Violence Restraining Order?* Do not use this form to ask to change or end orders made in a separate family law case (a case with a different case number than your restraining order). For more information, read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 Your Information**

a. Name: _____

b. Who are you in this case? (Check one):

☐ Protected person ☐ Restrained person

c. Is this your first request to change or end the restraining order?

☐ Yes ☐ No (How many times have you made a request?): _____d. **!** Address where you can receive court papers

(This address will be used by the court and the other party to send you official court dates, orders, and papers. You may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

e. **!** Your contact information (optional)

(The court could use this information to contact you. If you don't want the other party to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Email Address: _____ Fax: _____

f. Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About Your Case

a. The other party in this case is (full name): _____

b. The current order expires on (date): _____

(Attach a copy of the current restraining order (form DV-130, DV-330, DV-730, or JV-255).)

This is not a Court Order.

3

- a. ☐ I ask the judge to end all the orders granted in the restraining order (form DV-130, DV-330, or JV-255).
- b. ☐ I ask the judge to change or end some of the orders in the restraining order (form DV-130, DV-330, or JV-255).

(If you checked b, complete section below)

(1) Describe the changes that you want the judge to make to the restraining order

(For example, you can identify the order by name (stay-away order) and say "I ask for the stay-away order to be changed to ...")

[illegible]

(2) Do you want the judge to change orders for child custody or visitation?

- ☐ Does not apply to my case. I do not have a child with the other party in this case.
- ☐ No.
- ☐ Yes. (If yes, you must complete form [DV-305](#) and attach it to this form.)

This is not a Court Order.

3 b. (3) **Do you want to add people to, or remove people from, the restraining order?**
(listed on form DV-130, item **3**, or JV-255, item **3**)

☐ No

☐ Yes (complete section below)

<u>Full name</u>	<u>Age</u>	<u>Relationship to you</u>	<u>Lives with you?</u>	<u>Request to:</u>
_____	_____	_____	☐ Yes ☐ No	☐ Add ☐ Remove
_____	_____	_____	☐ Yes ☐ No	☐ Add ☐ Remove
_____	_____	_____	☐ Yes ☐ No	☐ Add ☐ Remove
_____	_____	_____	☐ Yes ☐ No	☐ Add ☐ Remove

☐ Check this box if you need to list more people. Use a separate piece of paper and write "DV-300, Other Protected people" at the top. Turn it in with this form.

Explain why the people listed above should be added or removed.

(4) Do you want the judge to change the restraining order immediately?

(Usually, a judge makes a decision at a court hearing, when both sides have a chance to speak and give evidence. In some situations, a judge may make orders immediately (1) if you are the protected party and temporary orders are needed for more protection, (2) to prevent immediate harm to a child in this case, or (3) if there is an immediate risk that a child in this case will be taken out of California. If you are the restrained party, the judge cannot end or change the restraining order before the protected party has been properly served with this request and there has been a court hearing on your request.)

☐ No.

☐ Yes. (If yes, complete section below.)

Describe the orders you are asking the judge to make immediately.

Explain why you need orders immediately.

This is not a Court Order.



4

[illegible]

☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 4, Reasons for Request” for a title.

5

(Usually, the judge will give you about three weeks to serve the other party with your request. If you need more time to serve the other party, the judge may be able to give you more time.)

6

I ask that the other party pay for some or all of my lawyer's fees and costs.

7

a. How many additional pages are you attaching to this five-page form? _____

b. Which forms are you attaching to this order? (*Check at least one*):

☐ DV-130 ☐ DV-330 ☐ DV-730 ☐ JV-255 ☐ Other: _____

This is not a Court Order.

8 Your Signature

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

Date: _____

Type or print your name



Sign your name

9 Your Lawyer's Signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- After you complete this form, complete items 1 and 2 of form [DV-310](#), *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*.
- File this form and form DV-310 with the court clerk. **You must do this before your restraining order expires.**
- Once you get your forms back from the court, follow the judge's orders on how to serve the other side (look at form DV-310, item 5). Have an adult (not you or anyone protected by the restraining order) serve the other side with a copy of your forms. You can also ask the sheriff to personally serve the papers, and they will do this for free. See form SER-001, *Request for Sheriff to Serve Court Papers*. Learn more about service at selfhelp.courts.ca.gov/DV-restraining-order/change-end/serve-request.
- After the other side has been served, have the person who served your papers complete a form and file the completed form with the court:
 - If the papers were personally served, have your server complete form [DV-200](#), *Proof of Personal Service*.
 - If the papers were served by mail, have your server complete form [DV-250](#), *Proof of Service by Mail*.
- If you are asking to change child support or spousal support, you must also complete form [FL-150](#), *Income and Expense Declaration*. If you are only asking for child support, you may be eligible to fill out a simpler form, [FL-155](#), *Financial Statement (Simplified)*. Read form [DV-570](#) to see if you are eligible. Before your court date, turn in your completed form to the court and serve a copy on the other party.

This is not a Court Order.

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 2026-03-03 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
IN THE MATTER OF (name): Petitioner, a minor			
EMANCIPATION OF MINOR—INCOME AND EXPENSE DECLARATION		CASE NUMBER:	

1. My name and address are:

My telephone number is:

I have been living at this address since:

I live there with (name and relationship of all persons, including children):

2. My date of birth is:

3. a. ☐ I am attending school (name of school and grade):

b. ☐ I am not attending school. The highest year of education I have completed is:

4. My occupation is:

5. a. ☐ I am employed. My place of employment is (name and address):

I started work there on (date):

b. ☐ I am not employed at the present time. I last worked from (starting month and year):

to (ending month and year):

My gross monthly earnings were: \$

6. a. ☐ I am not receiving welfare or AFDC and I do not intend to apply for welfare or AFDC.

b. ☐ I am receiving welfare or AFDC. Monthly amount received: \$

c. ☐ I have applied for welfare or AFDC.

d. ☐ I intend to apply for welfare or AFDC.



IN THE MATTER OF *(name)*:

CASE NUMBER:

7. The average of my gross monthly earnings is:

Amount

- a. ☐ Salary and wages, including bonuses and overtime \$
- b. ☐ Money received from parents or other adults assisting me \$
(name and relationship):
- c. ☐ Other *(specify source and amount):* \$

8. I have the following assets:

Value

- a. ☐ Cash \$
- b. ☐ Checking account \$
- c. ☐ Savings account \$
- d. ☐ Stocks, bonds \$
- e. ☐ Vehicle *(year, make, model):* \$
- f. ☐ Other *(specify):* \$

9. My monthly expenses are:

Amount

- a. ☐ Rent or ☐ Mortgage \$
- b. ☐ Food \$
- c. ☐ Clothing \$
- d. ☐ Phone and utilities \$
- e. ☐ Vehicle \$
- (1) Loan payments \$
- (2) Maintenance \$

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

Date:

Type or Print Name_____
Signature of Petitioner

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO ☐ **Findings and Order After Hearing** (form FL-340) ☐ **Judgment** (form FL-180) ☐ **Judgment** (form FL-250)
☐ **Stipulation and Order for Custody and/or Visitation (Parenting Time)** (form FL-355)
☐ **Other** (specify):

- Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, §§ 3400–3465).
- Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
- Country of habitual residence.** The country of habitual residence of the child or children in this case is
☐ the United States ☐ Other (specify):
- Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
- ☐ **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. (*Child Abduction Prevention Order Attachment* (form [FL-341\(B\)](#)) is attached and must be obeyed.)
- ☐ The court refers the parties to child custody mediation or child custody recommending counseling as follows:

- ☐ **Child custody.** Custody of the minor children of the parties is awarded as follows:

a. <u>Child's Name</u>	<u>Birth Date</u>	Legal custody to: (person who decides about the child's health, education, and welfare)	Physical custody to: (person the child regularly lives with)

- ☐ Joint legal custody of the child or children will be exercised as specified in the following order:
☐ [Attachment 7b](#) (form [MC-025](#) may be used for this purpose)
☐ *Joint Legal Custody Attachment* (form FL-341(E))
- ☐ **Child custody and visitation (parenting time) involving allegations of a history of abuse or substance abuse**
 - Allegations have been raised in form FL-311, other documents filed in the court, or in a court hearing that
 - ☐ Petitioner ☐ Respondent ☐ Other parent/party is (or are) alleged to have a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to.
 - ☐ Petitioner ☐ Respondent ☐ Other parent/party is (or are) alleged to have the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.
 - ☐ The court does NOT grant sole or joint custody of the minor children to:
☐ Petitioner ☐ Respondent ☐ Other parent/party
 - ☐
 - Even though there are allegations of a history of abuse or substance abuse, the court GRANTS sole or joint custody of the minor child as set out in item 7.
 - As required by Family Code section 3011(a)(5)(A), the court's reasons for making the orders:
 - ☐ Are in writing and filed separately (form [FL-351](#) may be used for this purpose).
 - ☐ Were recorded as follows: ☐ In a minute order ☐ By a court reporter
☐ Other (specify):
 - The court finds that the order is in the best interests of the child, protects the safety of the parties and the child, and is specific as to time, day, place, and manner of transfer (exchange) of the child as Family Code sections 3011(a)(5)(A) and 6323(c) require.

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

9. ☐ **Visitation (parenting time)**
- a. ☐ Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)
- b. ☐ See the attached _____-page document
- c. ☐ No visitation (parenting time)
- d. ☐ The visitation (parenting time) will be supervised as specified in the attached *Supervised Visitation (Parenting Time) and Exchanges Order (FL-341(A))*.
- e. ☐ Visitation (parenting time) for the ☐ petitioner ☐ respondent ☐ other (name):
 will be in person, by virtual visitation (not in person), and/or other ways as specified below:

(1) ☐ **In person**, as follows

(a) ☐ **Weekends starting (date):**

(Note: The first weekend of the month is the first weekend with a Saturday.)

Weekend	Day(s)	Times	Start of (or After) School (if applicable)
☐ 1st	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
☐ 2nd	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
☐ 3rd	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
☐ 4th	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
☐ 5th	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after

- (i) ☐ The parties will alternate the fifth weekends, with the ☐ petitioner ☐ respondent ☐ other parent/party having the initial fifth weekend, starting (date):

- (ii) ☐ The ☐ petitioner ☐ respondent ☐ other parent/party will have the fifth weekend in ☐ odd ☐ even numbered months.

(b) ☐ **Alternate weekends starting (date):**

from _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after
 to _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after

(c) ☐ **Weekdays starting (date):**

from _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after
 to _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after

- (d) ☐ **Other visitation (parenting time) days and restrictions are** ☐ listed in [Attachment 9e\(1\)\(d\)](#)
 (form [MC-025](#) may be used for this purpose) ☐ as follows:

(2) ☐ **Virtual visitation**, as follows:

THIS IS A COURT ORDER.



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

9. e. (3) ☐ **Other ways visitation can happen** that are in the best interests of the child are as follows:

10. ☐ **Supervised visitation (parenting time)**

Until ☐ further order of the court ☐ other (*specify*):

☐ petitioner ☐ respondent ☐ other parent/party (*name*):

will have supervised visitation (parenting time) with the minor children according to the attached *Supervised Visitation (Parenting Time) and Exchanges Order* (form [FL-341\(A\)](#)).

11. ☐ **Transportation for visitation (parenting time) and place of exchange**

a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles, and must have child restraint devices properly installed, as required by law.

b. ☐ Transportation **to** begin the visits will be provided by the ☐ petitioner ☐ respondent
☐ other (*specify*):

c. ☐ Transportation **from** the visits will be provided by the ☐ petitioner ☐ respondent
☐ other (*specify*):

d. ☐ The exchange point at the beginning of the visit will be at (*address*):

e. ☐ The exchange point at the end of the visit will be at (*address*):

f. ☐ During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).

g. ☐ Other (*specify*):

12. ☐ **Travel with children.** The ☐ petitioner ☐ respondent ☐ other parent/party (*name*):
must have written permission from the other parent or a court order to take the children out of

a. ☐ The state of California.

b. ☐ The following counties (*specify*):

c. ☐ Other places (*specify*):

THIS IS A COURT ORDER.



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

13. ☐ **Holiday schedule.** The children will spend holiday time as listed ☐ below ☐ in the attached schedule.
(Children's Holiday Schedule Attachment (form [FL-341\(C\)](#)) may be used for this purpose.)
14. ☐ **Additional custody provisions.** The parties will follow the additional custody provisions listed ☐ below ☐ in the attached schedule. *(Additional Provisions—Physical Custody Attachment (form [FL-341\(D\)](#)) may be used for this purpose.)*
15. **Access to children's records.** Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.
16. ☐ **Other (specify):**

The parties signing this stipulation agree that:

- ▶

Signature of Attorney for Respondent

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

Date: _____ _____ Type or Print Name		_____ Signature of Other Parent/Party
Date: _____ _____ Type or Print Name		_____ Signature of Attorney for Other Parent/Party

FINDINGS AND ORDERS

THE COURT FINDS:

1. This court has jurisdiction over the minor children because California is the children's home state.
2. The habitual residence of the children is the United States of America.
3. The parties have been advised that any violation of this order may result in civil or criminal penalties, or both.
4. The court finds that this order is in the best interests of the child or children listed in the parties' agreement.
5. ☐ Even though there are allegations in this case of a history of abuse or substance abuse by a party or parties, the court orders sole custody, joint custody, or unsupervised visitation (parenting time) to a party or parties with an alleged history of abuse or substance abuse, as provided in the parties' stipulation.
 - a. As required by Family Code section 3011(a)(5)(A), the court's reasons for making the orders (*check all that apply*):
 - (1) ☐ Are in writing and filed separately. (Form [FL-351](#) may be used for this purpose.)
 - (2) ☐ Were recorded as follows (*specify*):

☐ In a minute order
 ☐ By a court reporter
 ☐ Other (*specify*): _____
 - b. The court finds that the order is in the best interests of the child and is specific as to time, day, place, and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.
6. The court adopts the parties' agreement regarding child custody and/or visitation (parenting time) as the order of the court, as specified in the attached:

☐ Document dated (*specify*): _____ and consisting of (*number*): _____ pages or ☐ forms: _____
☐ [Form FL-341](#)
☐ [Form FL-341\(A\)](#)
☐ [Form FL-341\(B\)](#)
☐ [Form FL-341\(C\)](#)
☐ [Form FL-341\(D\)](#)
☐ [Form FL-341\(E\)](#)
7. ☐ Other orders:

Date: _____		_____ Judicial Officer

Stipulations and Family Code section 3044

Where past abuse has been found or alleged, the court must not sign a stipulation in which the parties state that Family Code section 3044 does not apply. When there has been a finding of domestic violence in the last five years, the court must not sign a stipulation in which the parties agree that the presumptions have been rebutted. The court must independently determine the best interest of the child in these cases.

Clerk stamps date here when form is filed.

Use this form if:

- You filed *Joint Petition—Marriage or Domestic Partnership* (form [FL-700](#)) to begin this case;
- You want to revoke your joint petition and move this case to a different dissolution or legal separation process; and
- The court has not yet entered a *Judgment* (form [FL-180](#)) in this case.

For more information, read the notices in ② of this form and see *Information Sheet for Joint Petition for Dissolution or Legal Separation* (form [FL-700-INFO](#)).

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

① Your Information

a. Your Name:

b. Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name:

c. Your Address (If you have a lawyer, give your lawyer's information; If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead):

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email Address: _____

d. Your role in this case (check one):

☐ **Petitioner** (Check here if you were *Petitioner 1* on *Joint Petition—Marriage or Domestic Partnership* (form *FL-700*). You must file an amended *Petition—Marriage/Domestic Partnership* (form [FL-100](#)) at the same time as this form.)

☐ **Respondent** (Check here if you were *Petitioner 2* on *Joint Petition—Marriage or Domestic Partnership* (form *FL-700*). You must file an amended *Response —Marriage/Domestic Partnership* (form [FL-120](#)) at the same time as this form.)



2 Notice to *(other party's name):* _____

- a. The person in ① has revoked *Joint Petition—Marriage or Domestic Partnership* (form [FL-700](#)) that you filed together. Revoking the joint petition does not dismiss (close) the case or revoke your general appearance. The person in ① has now moved your case to a different process, where each of you must file a separate petition or response and either of you may ask for orders of the court without the agreement of the other.
- b. **You have 30 calendar days** after the amended *Petition—Marriage/Domestic Partnership* (form [FL-100](#)) or amended *Response—Marriage/Domestic Partnership* (form [FL-120](#)) is served on you to file an amended *Response—Marriage/Domestic Partnership* (form FL-120) (if you were Petitioner 2) or an amended *Petition—Marriage/Domestic Partnership* (form FL-100) (if you were Petitioner 1).
- c. The restraining orders listed on *Summons—Joint Petition* (form [FL-710](#)) are still active. Both you and the other party must read and follow the orders on that form.
- d. The court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and lawyers' fees and costs.
- e. Petitioner 1 is now the Petitioner in this case, and Petitioner 2 is now the Respondent in this case.
- f. If you have questions about your rights, you should find help immediately. You may contact a lawyer. Get help finding a lawyer at LawHelpCA (lawhelpca.org) or by contacting your local county bar association. Free legal information is also available at your local self-help center. To find your local center, go to courts.ca.gov/find-my-court.

3 Your Signature

Date: _____

Name of Party or Lawyer_____
Signature of Party or Lawyer

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 Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DISPOSITIONAL HEARING (Welf. & Inst. Code, § 361 et seq.)	CASE NUMBER:

1. This matter came before the court on the
☐ original petition ☐ subsequent petition ☐ supplemental petition ☐ other (specify):
 filed on (date):

2. **Dispositional hearing**

a. Date:	e. Court reporter (name):
b. Department:	f. Bailiff (name):
c. Judicial officer (name):	g. Interpreter (name and language):
d. Court clerk (name):	

h. <u>Party (name):</u>	Present	Attorney (name):	Present	Appointed today
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (specify):	☐		☐	☐

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
- (2) Other (name):
- (3) Other (name):

3. **The court has read and considered and admits into evidence the following:**

- a. ☐ Report of social worker dated:
- (1) ☐ For the purposes of establishing a guardianship, the report of the social worker includes an assessment as specified in Welfare and Institutions Code sections 360(a), 361.5(g).
- (2) ☐ In the case of an Indian child, the report of the social worker includes
- (a) Evidence that the agency (check one):
- (i) ☐ Has provided affirmative, active, thorough, and timely efforts to prevent the breakup of the Indian family and make it possible for the child to return home.
- (ii) ☐ Has not provided affirmative, active, thorough, and timely efforts to prevent the breakup of the Indian family and make it possible for the child to return home.



CHILD'S NAME:	CASE NUMBER:

3. a. (2) (b) Evidence that the agency efforts were (check one):

- (i) ☐ Successful
(ii) ☐ Unsuccessful

(c) An assessment in consultation with the Indian child's tribe, as required under Welfare and Institutions Code section 358.1(j), whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.

- b. ☐ Report of CASA volunteer dated:
c. ☐ Case plan dated:
d. ☐ Other (specify):
e. ☐ Other (specify):
f. ☐ Testimony of qualified expert witness under the Indian Child Welfare Act

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

4. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
b. ☐ For child 10 years of age or older who is not present: The child was properly notified under Welfare and Institutions Code section 349(d) of their right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
5. ☐ A Court Appointed Special Advocate is appointed for the child.

6. Parentage

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
b. ☐ The clerk of the court is ordered to provide the notice required by Welfare and Institutions Code section 316.2 to
(1) alleged parent (name):
(2) alleged parent (name):
(3) alleged parent (name):

7. ICWA inquiry

- a. ☐ The court finds that the social worker or probation officer has asked the child, if old enough, and their parents or legal guardians, and the following relatives: _____, whether there is information that provides reason to know the child is an Indian child.
b. ☐ The court, on the record, has asked the child, if old enough, and their parents or legal guardians, all participants in the proceedings, and the following relatives: _____, whether there is information indicating the child is an Indian child.
c. ☐ The parties were instructed to inform the court if they receive any information indicating that the child is an Indian child.
d. ☐ The court finds that:
(1) ☐ There is no reason to know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
(2) ☐ There is reason to know that the child is an Indian child and:
(a) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes of which the child may be a member or citizen or eligible for membership or citizenship to verify the child's status;
(b) notice has been provided as required by law; and
(c) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
e. ☐ The court finds that the child is an Indian child and the Indian Child Welfare Act applies. The child is a member or citizen of, or eligible for membership or citizenship and a biological child of a tribal member or citizen, of the following tribe:



CHILD'S NAME:

CASE NUMBER:

Advisements and waivers**8. The court informed and advised the**

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (*specify*):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

9. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on **one's** own behalf.

10. ☐ Sibling group

The child and the child's siblings listed below form a sibling group in which at least one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time.

Sibling (name):

- a.
b.
c.
d.
e.
f.

11. Disposition is ordered as stated in (check appropriate box and attach indicated form):

- a. ☐ *Dispositional Attachment: Dismissal of Petition With or Without Informal Supervision (Welf. & Inst. Code, § 360(b))* (form JV-416), which is attached and incorporated by reference.
- b. ☐ *Dispositional Attachment: In-Home Placement With Formal Supervision (Welf. & Inst. Code, § 361)* (form JV-417), which is attached and incorporated by reference.
- c. ☐ *Dispositional Attachment: Appointment of Guardian (Welf. & Inst. Code, § 360(a))* (form JV-418), which is attached and incorporated by reference.
- d. ☐ *Dispositional Attachment: Removal From Custodial Parent—Placement With Previously Noncustodial Parent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-420), which is attached and incorporated by reference.
- e. ☐ *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-421), which is attached and incorporated by reference.

12. The child's rights under **Welfare and Institutions Code section 388** and the procedure for bringing a petition under **Welfare and Institutions Code section 388**, including the availability of appropriate and necessary forms, were provided to the child as follows:

- a. ☐ Child under the age of 12 years, through the child's attorney of record or guardian ad litem
- b. ☐ Child 12 years of age or older who was present at the hearing, on the record and in writing by handing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)
- c. ☐ Child 12 years of age or older who was not present at the hearing, in writing by mailing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)



CHILD'S NAME:	CASE NUMBER:

13. ☐ **Contact with the child is ordered as stated in** (check appropriate boxes and attach indicated forms):

- a. ☐ Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).
b. ☐ Visitation Attachment: Sibling (form JV-401).
c. ☐ Visitation Attachment: Grandparent (form JV-402).

14. The child's medical, dental, mental health, and educational information required by Welfare and Institutions Code section 16010 was provided by the ☐ mother ☐ biological father ☐ legal guardian ☐ presumed father
☐ alleged father ☐ Indian custodian ☐ other (specify):

15. **All prior orders not in conflict with this order remain in full force and effect.**

16. ☐ **Other findings and orders**

- a. ☐ See attached.
b. ☐ (Specify):

17. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:

- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
b. ☐ Six-month permanency hearing (Welf. & Inst. Code, § 366.21(e))
c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a *Welfare and Institutions Code section 366.3 status review hearing within six months.*)

Hearing date:	Time:	Dept:	Room:

- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
e. ☐ Other (specify):

18. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

19. Number of pages attached: _____

Date: _____
Judicial Officer

For Your Information

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

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 03/03/2026 NOT APPROVED BY COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT: ☐ DOES 1 TO	
COMPLAINT—UNLAWFUL DETAINER* ☐ COMPLAINT ☐ AMENDED COMPLAINT (Amendment Number):	CASE NUMBER:
Jurisdiction (check all that apply): ☐ ACTION IS A LIMITED CIVIL CASE (amount demanded does not exceed \$35,000) Amount demanded ☐ does not exceed \$10,000 ☐ exceeds \$10,000 ☐ ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$35,000) ☐ ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply): ☐ from unlawful detainer to general unlimited civil (possession not in issue). ☐ from limited to unlimited. ☐ from unlawful detainer to general limited civil (possession not in issue). ☐ from unlimited to limited.	

1. PLAINTIFF (name each):

alleges causes of action against DEFENDANT (name each):

2. a. Plaintiff is
- (1) ☐ an individual over the age of 18 years.
 - (2) ☐ a public agency.
 - (3) ☐ other (specify):
 - (4) ☐ a partnership.
 - (5) ☐ a corporation.
- b. ☐ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):
3. a. The venue is the court named above because defendant named above is in possession of the premises located at (street address, apartment number, city, zip code, and county):
- b. The premises in 3a are (check one):
- (1) ☐ within the city limits of (name of city):
 - (2) ☐ within the unincorporated area of (name of county):
- c. The premises in 3a were constructed in (approximate year):
4. Plaintiff's interest in the premises is ☐ as owner ☐ other (specify):
5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

*** NOTE:** Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).



PLAINTIFF: DEFENDANT:	CASE NUMBER:

6. a. On or about *(date)*:
defendant *(name each)*:

- (1) agreed to rent the premises as a ☐ month-to-month tenancy ☐ other tenancy *(specify)*:
 (2) agreed to pay rent of \$ _____ payable ☐ monthly ☐ other *(specify frequency)*:
 (3) agreed to pay rent on the ☐ first of the month ☐ other day *(specify)*:

- b. This ☐ written ☐ oral agreement was made with
 (1) ☐ plaintiff. (3) ☐ plaintiff's predecessor in interest.
 (2) ☐ plaintiff's agent. (4) ☐ Other *(specify)*:

- c. ☐ The defendants not named in item 6a are
 (1) ☐ subtenants.
 (2) ☐ assignees.
 (3) ☐ Other *(specify)*:

- d. ☐ The agreement was later changed as follows *(specify)*:

- e. ☐ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. *(Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)*
 f. ☐ *(For residential property)* A copy of the written agreement is **not** attached because *(specify reason)*:
 (1) ☐ the written agreement is not in the possession of the landlord or the landlord's employees or agents.
 (2) ☐ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. The tenancy described in item 6 *(check 7a or 7b)*:

- a. ☐ is **not** subject to the Tenant Protection Act of 2019 (Civ. Code, § 1946.2). The specific subpart supporting why tenancy is exempt is *(specify)*:
 b. ☐ is subject to the Tenant Protection Act of 2019.

8. *(Complete only if item 7b is checked. Check all applicable boxes.)*

- a. ☐ The tenancy was terminated for at-fault just cause (Civ. Code, § 1946.2(b)(1)).
 b. ☐ The tenancy was terminated for no-fault just cause (Civ. Code, § 1946.2(b)(2)) and the plaintiff *(check one)*:
 (1) ☐ waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$ _____.
 (2) ☐ provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$ _____ to *(name each defendant and amount given to each)*:

- c. ☐ Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.

9. a. ☐ Defendant *(name each)*:

was served the following notice on the same date and in the same manner:

- (1) ☐ 3-day notice to pay rent or quit (6) ☐ 3-day notice to perform covenants or quit
 (2) ☐ 30-day notice to quit *(not applicable if item 7b checked)*
 (3) ☐ 60-day notice to quit (7) ☐ 3-day notice to quit under Civil Code, § 1946.2(c). Prior
 (4) ☐ 3-day notice to quit required notice to perform covenants served *(date)*:
 (5) ☐ 30-day notice to vacate under the (8) ☐ Other *(specify)*:
 federal CARES Act (15 U.S.C. § 9058(c))



PLAINTIFF: DEFENDANT:	CASE NUMBER:

9. b. (1) On *(date)*: the period stated in the notice checked in 9a expired at the end of the day.
 (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. ☐ The notice included an election of forfeiture.
- e. ☐ A copy of the notice is attached and labeled Exhibit 2. *(Required for residential property. (Code Civ. Proc., § 1166.) When Civil Code section 1946.2(c) applies and two notices are required, provide copies of both.)*
- f. ☐ One or more defendants were served (1) with the prior required notice under Civil Code section 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. *(Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.)*
10. a. ☐ The notice in item 9a was served on the defendant named in item 9a as follows:
- (1) ☐ By personally handing a copy to defendant on *(date)*:
- (2) ☐ By leaving a copy with *(name or description)*:
 a person of suitable age and discretion, on *(date)*: at defendant's
☐ residence ☐ business AND mailing a copy to defendant at defendant's place of residence
 on *(date)*: because defendant cannot be found at defendant's residence or usual place of business.
- (3) ☐ By posting a copy on the premises on *(date)*:
☐ AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises
 on *(date)*:
☐ because defendant's residence and usual place of business cannot be ascertained OR
☐ because no person of suitable age or discretion can be found there.
- (4) ☐ *(Not for 3-day notice; see Civil Code section 1946 before using.)* By sending a copy by certified or registered mail addressed to defendant on *(date)*:
- (5) ☐ *(Not for residential tenancies; see Civil Code section 1953 before using.)* In the manner specified in a written commercial lease between the parties
- b. ☐ *(Name)*:
 was served on behalf of all defendants who signed a joint written rental agreement.
- c. ☐ Information about service of notice on the defendants alleged in item 9f is stated in Attachment 10c.
- d. ☐ Proof of service of the notice in item 9a is attached and labeled Exhibit 3.
11. ☐ **Statements regarding rental assistance** *(Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must complete items 11a–d and, if later seeking a default judgment, will also need to file Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120).)*
- a. Plaintiff ☐ has received ☐ has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.
- b. Plaintiff ☐ has received ☐ has not received rental assistance or other financial compensation from any other source for rent accruing *after* the date of the notice underlying the complaint.
- c. Plaintiff ☐ has ☐ does not have any pending applications for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.
- d. Plaintiff ☐ has ☐ does not have any pending applications for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint.
12. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
13. ☐ At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$
14. ☐ The fair rental value of the premises is \$ per day.
15. ☐ Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). *(State specific facts supporting a claim up to \$600 in Attachment 15.)*



PLAINTIFF: DEFENDANT:	CASE NUMBER:

16. ☐ A written agreement between the parties provides for attorney fees.
17. ☐ Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

18. ☐ Other allegations are stated in Attachment 18.

19. Plaintiff accepts the jurisdictional limit, if any, of the court.

20. PLAINTIFF REQUESTS

a. Possession of the premises.	f. ☐ Damages in the amount of waived rent or relocation assistance as stated in item 8: \$
b. Costs incurred in this proceeding:	g. ☐ Damages at the rate stated in item 14 from date: for each day that defendants remain in possession through entry of judgment.
c. ☐ Past-due rent of \$	h. ☐ Statutory damages up to \$600 for the conduct alleged in item 15.
d. ☐ Reasonable attorney fees.	i. ☐ Other (specify):
e. ☐ Forfeiture of the agreement.	

21. ☐ Pages attached (specify number of pages):

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

22. (Complete in all cases.) An unlawful detainer assistant ☐ did not ☐ did for compensation give advice or assistance with this form. (If declarant has received **any** help or advice for pay from an unlawful detainer assistant, complete a–f.)

a. Assistant's name:	c. Telephone no.:
b. Street address, city, and zip code:	d. County of registration:
	e. Registration no.:
	f. Expires on (date):

Date:

_____		_____
Type or Print Name		Signature of Plaintiff or Attorney

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____		_____
Type or Print Name		Signature of Plaintiff

38

WV-120-INFO**How Can I Respond to a Petition for Workplace Violence Restraining Orders?****What is a workplace violence restraining order?**

It is a court order that prohibits you from doing certain things and going certain places.

What does the order do?

The court can order you to:

- Not contact people who are protected by the order.
- Stay away from people protected by the order and their home, workplace, and other places.
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. 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).

For more information about the items you would not be allowed to have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a workplace violence restraining order?

An employer or collective bargaining representative can ask for an order on behalf of an employee who has suffered harassment, violence, or a credible threat of violence at the workplace, or members of their household or other employees.

I've been served with a petition for workplace violence restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [WV-120, Response to Petition for Workplace Violence Restraining Orders](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/rules-forms/find-your-court-forms. You also may be able to find them at your local courthouse or county law library.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form WV-120 to the person named in item 1 of the petition form WV-100 (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail for you must fill out form [WV-250, Proof of Service of Response by Mail](#). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I go to the court hearing?

Yes. You should go to court on the date listed on form WV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

WV-109 Notice of Court Hearing		Clerk stamps date here when form is filed.
1 Petitioner (Employer or Collective Bargaining Representative) a. Name: _____ Lawyer for Petitioner (if any for this case): Name: _____ State Bar No.: _____ Firm Name: _____ b. Address (If you have a lawyer, give your lawyer's information.): Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ Email Address: _____		Fill in court name and street address: Superior Court of California, County of _____ Fill in case number: Case Number: _____
2 Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence Full Name: _____		
3 Respondent (Person From Whom Protection Is Sought) Full Name: _____ The court will complete the rest of this form.		
4 Notice of Hearing A court hearing is scheduled on the request for restraining orders against the respondent: Hearing Date: _____ Date: _____ Time: _____ Dept.: _____ Room: _____ Name and address of court if different from above: _____ _____ _____		
To the person in ③: • If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order. • If you do not attend the hearing, the judge may still grant the restraining order that could last up to three years. After you receive a copy of the order, you could be arrested if you violate the order.		

Judicial Council of California, courts.ca.gov
 Rev. January 1, 2026, Mandatory Form
 Code Civ. Proc., §§ 527.8, 527.9
 Approved by DOJ

Notice of Court Hearing
 (Workplace Violence Prevention)

WV-109, Page 1 of 3
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How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to three years.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the people to be protected at the court hearing?

Yes. Assume that the people to be protected will attend the hearing. Do not talk to them unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) for this.

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 form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to [selfhelp.courts.ca.gov/request-interpreter](#).

Information about the process is also available online.

See [selfhelp.courts.ca.gov/WV-restraining-order](#).

For help in your area, contact:

[Local information may be inserted.]

What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work. Before permission can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to [selfhelp.courts.ca.gov/respond-to-WV-restraining-order/obey-firearms-orders/exception](#), or see Code of Civil Procedure section 527.9(f).

What if I need to have body armor?

If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with the chief of police or sheriff and use the body armor (see Penal Code section 31360(c)).

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the employer would have to file a request with the court to cancel the order.

What if I have a disability?

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